



Board of County Commissioners

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April 12, 2017

The Honorable Ginny Burdick and Ann Lininger, Co-Chairs
Joint Committee on Marijuana Regulation
900 Court St. NE, S-407
Salem, Oregon 97301

Re: SB 1057 / Dash-11 Amendments

Deschutes County Board of County Commissioners (Board) was alerted late yesterday afternoon of a spirited discussion that led to Dash-11 Amendments to SB 1057. Unfortunately, the Board did not receive any prior notice that marijuana land use concepts would be discussed at the hearing, including the Dash-11 Amendment targeted at Deschutes County's marijuana regulations.

We respectfully request an opportunity to engage in this discussion and identify and clarify to this Committee the inaccuracies presented at yesterday's hearing.

Inaccuracies.

- Deschutes County is **not** requiring sprinklers in greenhouses. One applicant coordinated with the Redmond Fire District on water source requirements for her proposed greenhouse. The Redmond Fire District offered to reduce the water source requirements if this applicant voluntarily elected to install sprinklers. The County's Building Safety Division recommended this applicant coordinate with the State Fire Marshall to address the water source requirements because sprinklers appear to be an excessive requirement for the proposed use of the greenhouse.
- The Deschutes County Community Development Department **has not, does not, and will not** make building plans available to the public for marijuana or any other buildings as stated at the hearing. As Sen. Prozanski stated, this is a clear violation of state law. Deschutes County protects building plans as intellectual property (i.e., architectural designs).
- Other testimony claimed that Deschutes County has only approved 11 marijuana applications out of over 1900 marijuana grow sites in the county. As of January 2017, the Oregon Health Authority indicates there are 1322 medical marijuana grow sites in all of Deschutes County. However, it is unknown how many of the grow sites are located in city limits and how many are located in the rural county due to confidentiality laws. Last year, an attorney representing several Deschutes County medical marijuana growers anticipated the County would only receive 25-35 total applications for recreational marijuana production.

- To date, the County has approved administratively (without public hearings):
 - 10 marijuana production applications;
 - 2 marijuana processing applications; and
 - 1 marijuana wholesale application.

- In addition, the following applications are pending:
 - 18 recreational marijuana production applications;
 - 2 retail applications; and
 - 1 processing application.

These numbers are consistent or exceed the number of applications the attorney anticipated the County might receive.

Collaborative Process to develop Time, Place and Manner (TPM) Regulations.

- The County engaged in an extensive, thoughtful, and comprehensive public process over approximately 10 months to develop and ultimately adopt marijuana land use standards unique to our arid, rural environment. The process included:
 - 8 public hearings before the Board and Planning Commission;
 - 7 Marijuana Advisory Committee¹ (MAC) meetings at which public comments were accepted; and
 - Staffed by a professional facilitator.

The regulations were not appealed.

- During the Board’s adoption of the marijuana land use ordinances, it recognized that this new regulatory program would need to be evaluated and updated to determine if it is working as intended, and to address changing circumstances, interpretative matters, and amendments to State law. The Board welcomes input from industry representatives and rural residents on this important issue.

Reasonable, Balanced TPM Regulations and Population Growth.

- The Board considered and balanced extensive public comments, committee recommendations, and state law (HB 3400 and SB 1598) in formulating the final package of regulations. The adopted standards provide a carefully crafted compromise to support this emerging industry, a federally controlled substance, and protect the high quality of rural life through regulations to mitigate sight, sound, smell, water, waste disposal, and more. The regulations do **not** prohibit or effectively eliminate marijuana businesses or grow sites in the EFU or Multiple Use Agricultural-10 zones.

- **Some industry representatives requested regulatory flexibility in mitigating off-site impacts (i.e., odor control) rather than establishing “one-size fits all” standards.** The Board responded by adopting discretionary regulations intended to provide such flexibility.

- In addition, Deschutes County embraces Goal 1 of the Oregon Statewide Planning Program to involve citizens in the process to develop and adopt regulations, and to implement regulations during site

¹ The MAC consisted of marijuana industry representatives and rural residents.

specific review processes. It is important to note that those testifying before the Committee yesterday participated on the MAC and throughout the process to develop and adopt the County's regulations.

- **Deschutes County's TPM regulations are modeled after and very similar to Clackamas and Lane Counties' regulations.** The only difference is the added flexibility described above.
- The Board has a responsibility to represent the interests of all Deschutes County residents. Measure 91, legalizing marijuana personal possession, personal manufacture and sale of marijuana barely passed in Deschutes County by a vote of 51% to 49%. Disaggregating the vote, it was widely rejected in the rural county. At the same time, Deschutes County continues to be the fastest growing county in Oregon. Last year's population forecast from Portland State University's Population and Research Center, showed that rural Deschutes County grew at a higher average annual growth rate than the City of Bend, 5.2% to 2.7%. The county's rural population is 61,475, one of the highest in Oregon, outside the Portland metro area.
- As discussed above, the County's regulations support this emerging industry while honoring the expectations and values of our large and growing rural population, many residing in close proximity to Exclusive Farm Use zones and marijuana production operations and proposals.

The Board looks forward to discussing our program with the Joint Committee on Marijuana Regulation.

Sincerely,

DESCHUTES COUNTY BOARD OF COMMISSIONERS



Tammy Baney
Chair

c: Members of the Joint Committee on Marijuana Regulation
Senators Ted Ferrioli, Tim Knopp, and Dennis Linthicum
Representatives Knute Buehler, John Huffman, Mike McLane, and Gene Whisnant