



## DESCHUTES COUNTY MARIJUANA PROGRAM OVERVIEW

- 2014** Deschutes County voted in support of Ballot Measure 91 with 51.6 percent vote. However, rural/unincorporated county residents voted 54.6 percent against Ballot Measure 91.
- 2015-2016** The County developed TPM (time, place, and manner) regulations per HB 3400 to encourage then-medical marijuana grow sites to convert to the recreational program to mitigate adverse impacts (odor, lighting, etc.), and to allow this emerging industry in the County. The TPM regulations also addressed the County's unique rural land use patterns, zoning, small parcels, lack of vegetation (natural buffers), and more. The County created a Marijuana Advisory Committee consisting of marijuana growers and representatives, rural residents, and others to help develop TPM regulations. During this process, the County temporarily prohibited (opted out) of allowing the six categories of state licensed or registered marijuana businesses in the unincorporated area.
- 2016** The Board of County Commissioners (Board) adopted the TPM regulations, rescinded the opt-out ordinance, and agreed to evaluate the new program after one year. The regulations were not appealed to LUBA. At the time, Deschutes County was the easternmost county in Oregon to opt in to the recreational marijuana program. After the initial TPM regulations were implemented, a marijuana grower brought a declaratory judgment action in circuit court. That case was voluntarily dismissed by the grower because the TPM regulations are land use regulations, and thereby not within the circuit court's jurisdiction to review. Later, aggrieved neighbors also appealed the approval of a marijuana production greenhouse to LUBA. LUBA affirmed Deschutes County's interpretation and application of the TPM regulations in that case.
- 2017-2018** The County conducted and completed an evaluation of its marijuana program in the spring of 2018. The evaluation encompassed data analyses, outreach to public agencies (OLCC, OWRD, ODA, OHA, and the Deschutes County Sheriff and Code Enforcement), industry and rural resident focus groups, an online survey, and public hearings.
- 2018** At the end of the evaluation period, the Board initiated amendments to the County's marijuana land use regulations, including conducting public hearings. The Board adopted the amendments in November 2018, which are currently under appeal to LUBA.

### Overview of Amended Deschutes County Time, Place, Manner (TPM) Regulations

- **Clarified requirements** for odor mitigation
- **Increased requirements** for water usage documentation
- **Increased annual reporting** requirements/inspections
- **Increased public notifications** to nearby neighbors
- **Increased time to appeal** decisions
- **Increased separation distances** and added additional categories
- **Additional changes** apply to the MUA-10 Zone, Setback Distances, Lighting
- **Clarified/reduced requirements** for noise mitigation

### Recreational Marijuana Applications: September 2016 – February 22, 2019

- 49 production approvals. 90% approved.
- 7 processing approvals. 88% approved.
- 3 wholesaling approvals. 100% approved.
- 2 retail approvals. 67% approved.
- 7 denials
- 8 pending

For more information: [www.deschutes.org/marijuana](http://www.deschutes.org/marijuana)