



MARIJUANA PRODUCTION

Deschutes County has adopted standards for establishing a marijuana production operation in unincorporated Deschutes County to mitigate associated impacts and maintain compatibility with surrounding uses.

These standards do not ensure compliance with federal or State regulations. Furthermore, new laws may be adopted by the State legislature, the Oregon Health Authority (OHA) and the Oregon Liquor Control Commission (OLCC) that may restrict the location and operating characteristics of all marijuana facilities, including grow sites. It is the owner's responsibility to ensure compliance with any other applicable law.



When Do These Standards Apply?

Deschutes County Code defines "**Marijuana Production**" as:

The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a "person designated to produce marijuana by a registry identification cardholder.

Based on this definition and adopted regulations, the standards summarized here apply to all marijuana production operations.

When Do These Standards Not Apply?

These standards **DO NOT** apply if you are:

1. Growing medical marijuana only for yourself; and
2. Growing medical marijuana at your own residence where there are 12 or fewer mature plants; and
3. You are not transferring product to an OHA processing site or dispensary. (OAR 333-008-0630)
4. Up to 4 plants per residence for recreational use.

Standard for Marijuana Production Operations

ZONING

Marijuana production is allowed in the following zones:

EFU	Exclusive Farm Use
RI	Rural Industrial (only near Deschutes Junction)
MUA-10	Multiple Use Agriculture

Marijuana Production is a permitted use in the EFU zone and a conditional use in the RI and MUA-10 zones.

LIMITATION ON LICENSE/GROW SITE PER PARCEL.

No more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA) registered medical marijuana grow site shall be allowed per legal parcel or lot.

MINIMUM LOT AREA

5 Acres in the EFU and MUA-10 zones.

INDOOR PRODUCTION

- In the **MUA-10** zone, marijuana production shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
- In the **EFU** zone, marijuana production shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
- **In all zones, marijuana production is prohibited in any outdoor area.**

MAXIMUM BUILDING FLOOR AREA

In the **MUA-10** zone, the maximum building floor area used for all activities associated with marijuana production on the subject property shall be:

- **2,500 square feet** on parcels from **5-10 acres**.
- **5,000 square feet** on parcels **+10 acres**.

SEPARATION DISTANCES

The use shall be located a **minimum of 1000 feet** from all of the following:

- A public, private, or parochial elementary or secondary school including any parking lot and property used by the school.
- A licensed child care center or licensed preschool including any parking lot and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures.
- A youth activity center.
- National monuments and state parks.

All distances shall be measured from the lot line of the affected properties to the closest point of the buildings and land area occupied by the operation.

LIGHTING

- Shall not be visible outside the building from **7:00 p.m. to 7:00 a.m.**
- Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
- Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.

ODOR

- The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
- An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
- The odor control system shall:
 1. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or
 2. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by 1. Above.
- The system shall be maintained in working order and shall be in use.

NOISE

- Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions **shall not exceed 30 dB(A)** measured at any property line between **10:00 p.m. and 7:00 a.m.**
- Intermittent noise for accepted farming practices is permitted.

SCREENING AND FENCING

The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production:

- Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
- Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
- Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
- The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.

UTILITY VERIFICATION

A statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided.

WATER

The applicant shall provide to Deschutes County Community Development Department:

1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department;
2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
3. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.

SECURITY CAMERAS

If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OHA.

SECURE WASTE DISPOSAL

Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OHA Person Responsible for the Grow Site (PRMG).

ACCESS

Marijuana production **over 5,000 square feet** of canopy area for mature marijuana plants shall comply with the following standards.

- Have frontage on and legal direct access from a constructed public, county, or state road; or
- Have access from a private road or easement serving only the subject property.
- If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement.

ANNUAL REPORTING

An annual report shall be submitted to the Community Development Department, including the applicable fee, and a fully executed Consent to Inspect Premises form that includes:

- Documentation demonstrating compliance with the:
 1. Land use decision and permits.
 2. Fire, health, safety, waste water, and building codes and laws.
 3. State of Oregon licensing requirements.
- Other information as may be reasonably required to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
- Marijuana Control Plan to be established and maintained by the Community Development Department.
- Conditions of Approval Agreement to be established and maintained by the Community Development Department.

Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance shall serve as acknowledgement that the otherwise allowed use is not in compliance and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.

MAXIMUM MATURE PLANT CANOPY SIZE

In the **EFU** zone, the maximum canopy area for mature marijuana plants shall be:

- **2,500 square feet** on parcels **5-10 acres**.
- **5,000 square feet** on parcels **10-20 acres**. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
 1. The marijuana production operation was lawfully established prior to January 1, 2015; and
 2. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
- **10,000 square feet** on parcels **20-40 acres**.
- **20,000 square feet** on parcels **40-60 acres**.
- **40,000 square feet** on parcels **+60 acres**.

ON SITE RESIDENCY

In the **MUA-10 zone**, a minimum of one of the following shall reside in a dwelling unit on the subject property:

1. An owner of the subject property; or
2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property; or
3. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

SETBACKS

The following setbacks apply to all marijuana production areas and buildings:

- **100 feet** from lot lines.
- **300 feet** from an off-site dwelling.

Exception: Reductions to these setback requirements may be granted provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

Do I Need Land Use Approval?

Yes, land use approval is required prior to initiating the use. If located in the:

- **EFU**, an **Administrative Determination** application is required.
- **RI and MUA-10 zones**, a **Conditional Use Permit** application is required.

You need to submit the correct fee and application materials in order for your application to be deemed complete. Incomplete applications will not be accepted by the Planning Division until the missing material is provided.

Application Fee: Application forms and fee schedule are available online at: www.deschutes.org/cd



Application Materials:

1. Completed application form.
2. A copy of the deed showing current ownership of the property.
3. Written statement and other documentation that shows how all of the applicable standards will be met.
4. Plot Plan:
 - Property boundaries
 - Road access
 - Setbacks
 - Location and size of existing and proposed buildings, septic system, well, exterior lighting and other improvements
 - Special topographic features, including rivers, streams, or rimrock
 - North arrow, scale

Where can I get more information?

Web Address: www.deschutes.org/marijuana

Main Office: Deschutes County Community Development Department
P.O. Box 6005, 117 NW Lafayette Ave.
Bend, OR 97708-6005

send all mail to the Main Office P.O. Box.

Main Phone:	541-388-6575
Planning Division:	541-388-6560
Building Safety:	541-388-6574
Environmental Soils:	541-388-6519



To request this information in an alternate format, please call (541) 617-4747 or send email to ken.harms@deschutes.org.



Para solicitar esta información en un formato alternativo, llame al (541) 617-4747 o envíe un correo electrónico a ken.harms@deschutes.org.