



Wasco County Planning Department
"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

WASCO COUNTY PLANNING COMMISSION AGENDA SUPPLEMENTAL PACKET (COMMENTS)

FOR

Hearing Date: December 16, 2015

Hearing Time: 3:00 pm

**Hearing Location: Columbia Gorge Discovery Center,
Lower Level Classroom
5000 Discovery Drive
The Dalles, Oregon 97058**

Action Item(s):

LEGISLATIVE HEARING:

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.



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MEMORANDUM TABLE OF CONTENTS

Date: December 15, 2015
To: Wasco County Planning Commission
From: Wasco County Planning Office
Subject: Supplemental Submittal for Hearing dated December 16, 2015

LEGISLATIVE HEARING: - COMMENTS RECEIVED

PLALEG-15-11-0001

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Comments Received Prior to December 15, 2015

	<u>Page</u>
Ronilee Francis	P 2-1
Taylor Farms and Nurseries	P 2-2
John Pearson & Olen Christianson	P 2-10
Owen Papworth	P 2-12
Lane Magill, Chief Deputy Wasco County Sheriffs Office	P 2-14
Debby Jones, Wasco County Prevention Specialist, Youthink	P 2-16
Lisa Gambee, Wasco County Clerk	P 2-19



WASCO County

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APPE
City's
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Trees)

IT WAS TAKEN off
Land LAST Time

it WAS Voted Down

Thank you

WASCO COUNTY
PLANNING DEPA
2705 EAST 2ND S
THE DALLES, OR

RECEIVED INTO RECORD

12/11/15
DATE BY

FIRST-CLASS MAIL
15
\$00.485
ZIP 97058
041L11247147

FRANCIS RONILEE

Copy Planning Co.

RECEIVED INTO RECORD
12/14/15
DATE _____ By _____

TAYLOR FARMS AND NURSERIES 2016 GROW SITE PROJECTIONS

FUNDING

The funding for this operation has come from a group of individuals looking to take advantage of this opportunity – to help people & to make money while doing so. Many investors are from Wisconsin, where CFO Rachel Rykal is from. Rachel presented the business plan to each investor that is on board without compromising her values & the company's values. The legal operating agreement lays out equality of investors – everyone bought in at the set purchase price to get their points & there was no room to get something for nothing, so to speak. Venture capitalists & similar individuals have been rejected from the opportunity to invest in this operation to ensure our business plan doesn't change so the rich can become richer. The majority of the investors purchased just .5% or 1% - these are "real" individuals hoping to make a difference through the opportunity in an industry that is lacking an approach such as ours.

REVENUE

Our revenue is projected based on the Tier 2 canopy limits for indoor/outdoor growth. Outdoor plants will be harvested for oil processing & we will have a number of strands, based on demand, within the indoor buildings for sale of both flower & oil processed from a portion of the indoor harvest.

EXPENSES

LEGAL

- Industry attorney – Matthew Goldberg with Emerge Law Group in downtown Portland, \$300/hour
- Corporate attorney – Melissa Turczyn with Michael Best & Friederich, a nationwide law firm, based in Madison, WI, \$400/hour

LICENSING

Our industry attorney is working with us through the licensing process.

FINANCIAL

- Consulting/Industry CPA – William Leonard, CPA in downtown Portland, previously worked with the IRS prior to opening his own practice & switching to primarily the cannabis industry about 10 years ago, charges for only tax preparation for the company.
- Employer payroll taxes are calculated based on actual salary estimates & an estimated tax rate of 12.65%
- Solutions In Balance is CFO, Rachel Rykal's, small business in Wisconsin that provides small business bookkeeping & payroll support. Her company will be running payroll for all employees, filing/paying payroll taxes, filing/distributing W-2's, etc...

INSURANCE

- Oregon Trail Insurance in The Dalles is in the process of quoting Taylor Farms and Nurseries for insurance now. Insurance within the projection spreadsheet is all

estimated at this point. Workers Comp was calculated for the company's officer's & admin assistant at 1% & the onsite employees at 10% of annual projected pay.

- Health insurance is in the works for our full time employees, but is estimated at the price of \$1200/quarter for each employee.

BUSINESS DEVELOPMENT

- Companies for marketing materials, website, graphic design, etc will be determined based on quotes, turnaround time, recommendations & more to ensure our quality in presentation.

PAYROLL

OFFICERS

- Chief Executive Officer, Linda Taylor – lived in The Dalles for many years & her two children graduated from TDHS. She also ran a ballet school with no charge for her students' instruction. She still has a 17-acre farm on Cherry Heights Rd. Linda will be in charge of keeping the operation & its employees running like a well-oiled machine while remaining in compliance with all state/OLCC rules/regulations for the industry. She will be the main contact for insurance & the Wasco County planning commission/OLCC with any changes or updates.
- Chief Financial Officer, Rachel Rykal – from Wisconsin with an accounting major. Rachel will be taking care of the official books for the business using Generally Accepted Accounting Procedures, process payroll & keep detailed personnel files, authorize PO's/payments, handle distributions to investors & other financial tasks. William Leonard, CPA will prepare all company taxes.
- Chief Business Development Officer/Sales Executive, Jeremy Endres – from Wisconsin with a background in sales & management in the restaurant/bar industry. He is in charge of all sales contracts, overseeing branding/packaging of our products, marketing materials & other sales/marketing tasks. He will also focus on business development through creating positive PR for our company, the industry & the area through our thorough practices as a business in this industry.

ONSITE, FULL TIME STAFF

- Head of Operations, Enest (Eric) Smith – lives in Hood River & owns a contracting company in The Dalles. He will be the onsite boss to oversee every aspect of the operation & all managers will report directly to him.
- Processing Manager, Scott Boyeson – currently lives in Wisconsin, but will be moving to the property in the beginning of the year. He will oversee the processing of all products into extracts & concentrates. He has many industry contacts, including the manufacturers of Infinity Super Critical CO2 Extraction Machines.
- Farm Manager, Sean Kearney – has lived in Hood River for three years, but is originally from Humboldt, CA. He will oversee the planting of seeds/clones, decide which strands need which nutrients, keep growing conditions ideal for the plants & monitor the health of each plant. He has extensive experience in growing on a large scale.
- Growth Manager, Kyle Wylie – currently lives in Wisconsin, but will be moving to the property in June after he finishes next semester in Nursing School. He will join the farm manager, Sean, in his tasks in monitoring growth & ensure the highest quality

in all products that are linked to the company. He also has vast knowledge in processing oil & will assist the processing manager, Scott, during times of plant influx, post-harvests.

- Compliance Manager, Grant Dettmering – currently lives in Washington, but will be relocating to The Dalles in the beginning of the year. He has 14 months of experience in the legal industry in Washington & has worked everything from retail assistant manager to growing to inventory. His latest project was as an independent contractor to create a custom bar code system for inventory to take an operation from non-compliant to compliant with inventory regulations.
- Administrative Assistant will be hired for Grant to assist in record keeping mid-year & we will be hiring local for this position.

PART TIME STAFF

All part time staff will be hired local & paid fair, livable wages to show them their worth to the company & to reduce employee turnover. As canopy limits change, we anticipate hiring more full & part time staff.

GREENHOUSES

Construction will be led by Eric (head of operations) & he will subcontract in help as needed. Construction costs will include getting a gravel road through the property, grading land, pouring concrete & assembly/improvements to the greenhouse itself.

SECURITY MEASURES

- Fencing will be in compliance with OLCC rules/regulations for the perimeter of the property & to fully surround & block all outdoor plant growth. We will be using a local fence company for this & will continue to do so as long as quality is proven with their first project with us. Trees will be planted around the perimeter to further distract from any view there may be of any buildings.
- Security systems are a crucial part of this operation for us to remain in compliance at all times. Company buildings will have cameras monitoring every inch indoors at all times, highlighting entrances/exits. The outsides of buildings will have entrances/exits/windows with cameras monitoring/recording at all times as well. We will have key pads to restrict access to approved employees to various areas, buildings or parts of buildings. The entrance to the property itself will have extensive monitoring so we know at all times who is coming/going from the property & will further ensure that minors will at no point be able to get on site. Entire-lot security cameras will be put up so we can survey the entire property at all times. Motion sensors will be put in to alarm us if there is any unauthorized movement occurring at times when the operation is supposed to be closed. We are getting quotes from a couple companies that will have the OLCC rules/regulations prior to installation of any security measures. Appropriate locks/vaults/safes will be in any area where required – transportation, within processing lab freezer, office, drying room.

OPERATIONAL

Eric, head of operations, will be handling all of this with local companies. We will be trucking in soil to allow us to grow organic plants.

PROCESSING

Scott, processing manager, will be handling all of the build-out of the processing lab, is working with an architect, engineer (Kennison Engineering) and fire spec expert to ensure full compliance with OLCC requirements for the lab. He will have professional grade freezers to work in & to store product. All safety & fire safety requirements will be met & are already reviewed to ensure they are accounted for.

BUILDINGS

Eric, head of operations, will be overseeing & subcontracting all necessary help for existing & future buildings for the operation.

UTILITIES

All local companies will supply our utilities & we will ensure the electricity company is prepared to supply for our demand needs for our LED lights within the greenhouses. We have plans for a generator if our electric demand needs exceed the company's ability to supply.

PRODUCT COMPLIANCE

Grant, compliance manager, will oversee all of this to ensure that not only are we in compliance with the OLCC, but that the companies we work with are reputable, compliant companies as well. He will have authority to pull in other managers to assist with testing, processing, packaging or transportation if their specified expertise is needed.

ADMINISTRATIVE

- Office equipment/supplies will be purchased from local stores
- Travel is based on the company Officers travel to/from the site from their home base. Jeremy, CDO/Sales Executive, will be traveling state-wide to gain & maintain customers.
- Charitable Contributions will be made at a national level. Per the spreadsheet projections, our first operational year of profit will allow us to plan to donate a quarter percent to national organizations. \$11 million estimated profit in 2016 allows us to project \$27,500 to be donated at a national level & increase as the industry stabilizes & our future in Oregon starts becoming more clear.
- Wasco County Outreach has been budgeted to help various organizations within Wasco County. Per the spreadsheet projections, our first operational year of profit will allow us to plan to donate three-quarters of a percent to local/county organizations. \$11 million estimated profit in 2016 allows us to project \$82,500 to be donated at the local level & increase as the industry stabilizes & our future in Wasco County starts becoming more clear.
 - o We plan to sponsor programs that will educate youth on the consequences of premature cannabis use. Educating the youth on the importance of waiting until their minds & bodies have fully developed is pertinent. With the legalization of marijuana, we want to be sure they understand that even though it is true that marijuana can have health advantages, there are also consequences to using marijuana before their mind/body is developed fully. We also will ensure the program provides education of the danger of driving under the influence of marijuana.

- To further help the youth make healthy, educated choices, we will be contributing money to Wasco County Schools. Ideas have been tossed around to provide technology based resource centers in the libraries of schools, supply funds to expand or update athletic programs and after-school programs to keep kids active & engaged in positive environments with positive leaders. We will solidify plans once revenue begins to come in & we are able to meet directly with school officials to see exactly what is needed most in each school district.
- We want to remove the stigma that some still hold to this industry & show the county, state & industry that we are taking a different approach to this than most companies. This is not a 'let's help the rich get richer' type of business structure. We want our values to shine through to every generation. We will be looking into various organizations in the county like the Rotary Clubs, assistance programs for the disabled, elderly or struggling individuals, veteran support, poverty-stricken, etc to see how we can benefit everyone in this county. We value health & happiness, we value our employees, we value the community surrounding us & we value those organizations that share our values. The investors behind this project have been aware of these values since before they chose to invest.
- Miscellaneous expenses have been thrown in each month to cover any unexpected office-type expense. We will be purchasing a vehicle for our sales executive to use while traveling to clients & we will be purchasing this vehicle locally.

TAYLOR FARMS AND NURSERIES
GROW SITE PROJECTIONS

	1/1/2016	2/1/2016	3/1/2016	4/1/2016	5/1/2016	6/1/2016	7/1/2016	8/1/2016	9/1/2016	10/1/2016	11/1/2016	12/1/2016
Seedlings:	0	400-1	0	0	0	0	0	0	0	0	0	0
Greenhouse \$2500 p/lb	0	0	0	0	0	0	0	0	0	0	0	0
Outside \$2000 p/lb	0	0	0	0	0	0	0	0	0	0	0	0
Trin \$1000 p/lb	0	0	0	0	0	0	0	0	0	0	0	0
ODS \$675 p/lb	0	0	0	0	2000	0	0	0	4000	0	2000	0
REVENUE												
Revenue	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
Power/cost	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
ODS	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00	\$ 4,350.00
TOTAL	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00
EXPENSES												
LEGAL												
Walt Goldberg, Industry Attorney	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
Welliss Turcyn, Corporate Attorney	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
LICENSING												
Tier 2 Processor	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00	\$ 4,750.00
Non-refundable Renewal Fees	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
FINANCIAL												
Compiling - Industry CPA/Bookkeeper	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59	\$ 9,080.59
Employer Payroll Taxes	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
Payroll Expense Solutions In Balance	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67	\$ 1,666.67
INSURANCE												
Business Liability	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25	\$ 5,108.25
Processing Liability	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67
Workers Comp	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33	\$ 833.33
Unhirable	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00
Unemployment	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67	\$ 416.67
Auto	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00
Property	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
Health	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00
BUSINESS DEVELOPMENT												
Marketing	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Website	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
Client Expense Account	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
OTHERS												
CEO, Linda Taylor	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
CEO, Rachel Ryall	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
CEO/Sales Exec, Jeremy Engles	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00	\$ 4,150.00
ON SITE, FULL TIME STAFF												
Head of Operations, Eric Smith	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Processing Manager, Scott Boyeson	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Farm Manager, Sean Kearney	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Growth Manager, Kyle Wylie	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33
Compliance Manager, Grant Detmeling	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33	\$ 4,333.33
Administrative Assistant (TBD for Grant)	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
PART TIME STAFF												
Resident Manager, Billy Taylor	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
10-20 Farm Workers \$86k/yr	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Security \$46,000	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Misc Contractors	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00



Angie Brewer <angieb@co.wasco.or.us>

Wasco County resident testimony re: draft ordinance pertaining to cannabis

1 message

Olen <oc@dozico.com>

Thu, Dec 3, 2015 at 12:16 PM

To: angieb@co.wasco.or.us, John Pearson <mosierhighlands@gmail.com>, Michael Pearson <jmichael313@gmail.com>

Hello Angle,

Great to see you yesterday at the commissioner meeting. I wanted to echo our thanks for all the time and energy you and your team have put into creating a time, manner, and place ordinance for Wasco County.

There a a lot of people who will benefit from a non-prohibitive approach to HB 3400 and Measure 91. If we can learn anything from Colorado, it's that putting the money from cannabis sales into the hands of local government through taxation is vastly more beneficial to society than leaving it exclusively in the hands of those involved in the black market.

John and I have reviewed the proposed draft ordinance and wanted to take this opportunity to formally present our thoughts and concerns on the matter.

Our situation

We are located on 1,300 acres on a remote property with no immediate neighbors. We are in a F2-80 zone. In addition to timber production, the property has been used for agricultural purposes for roughly 115 years; illustrating the historic mixed use of the property.

None of the previous agricultural or forest activities have been sufficient to support the cost of this property. Previous and current owners have had to engage in other business activities to sustain the ranch. With the emergence of this new industry, we can see that the opportunity to support the ranch from agricultural actives has finally arrived.

We have a few existing structures on the property which have been used for medical cannabis production. They are as follows:

1. 4,500 sq. ft. barn
2. 1,800 sq. ft. shop building
3. 3,600 sq. ft. greenhouse

In light of the draft ordinance, we are concerned about being able to continue using the greenhouse for cannabis production.

The greenhouse is within 75 ft. of the neighboring parcel, which is a large forest parcel. As the draft ordinance is currently written, this pre-existing structure would not conform to the 200 ft rule and would result in the loss of a \$100,000 in investment capital and impede a large number of patients' access to their medical product.

Because of the following facts regarding the neighboring property, we do not see how continued use of the greenhouse for cannabis production would affect any neighbors:

- The nearest neighboring parcel to the north is 423 acres. It doesn't have any roads, utilities, or easy access to build any structures near this lot line. The neighboring property also has restrictive forest zoning which would make it ill-suited for building near our lot line.
- To the east, the nearest residence is roughly 3 miles.
- To the south is thousands of acres of timberland.
- To the west is also thousands of acres of timberland.
- Because of these facts, it seems clear that remote location of this greenhouse will not affect any

P 2-10

neighbors through continued cannabis production.

Our requested changes to the draft

We request that the county allow an exception to the 200 ft. restriction placed on structures used for the production of cannabis in either (1) Forest Zones, (2) or creates a process to allow exceptions to the restriction on a case-by-case basis.

We understand that Production is allowed in forest zoning. According to the OLCC Business Readiness Guide, we can see that Production is defined as the "Ability to plant, cultivate, grow, harvest, and dry marijuana." Question: is Wasco County using the same definitions to as the state for the terms Producer, Processor, Wholesaler, and Retailer?

We are also requesting that in addition to producing, the ability to process and wholesale be added to the Forest Zones. The details of this request are listed below:

Processing:

As the draft is currently written in Chapter 3, Section 3.120 C 3, Pages 2-3, and Section 3.120 D 7, Pages 4-5 we will be unable to process our own product onsite which is the current practice. We fear this means that we would be unable to sell our product since there are not currently any Processors or Wholesalers to purchase it until they are approved by OLCC which could happen as late as Q3 or Q4 of 2016. This would create a huge time gap when we would be unable to continue production on this property since the draft ordinance in it's current form applies to both medical and recreational cannabis.

Wholesaling:

By disallowing wholesaling in Forest Zones, it creates a loss of revenue at the wholesale level, and is not how the medical industry has been operating for the past 17 years. Under the current medical system, the producer processes and wholesales to medical dispensaries. The draft ordinance seems like it would prohibit business as usual. Additionally, by not being able to wholesale, we must rely on dispensaries having a wholesale license in order to sell to them which may limit the number of outlets we can sell our product.

Other questions / concerns:

Are pre-existing uses required to undergo a Type 1 Review?

Again, thank you for your continued attention to this. We are hopeful that together we can all come to a resolution that encourages our local economy and maintains quality of life for Wasco residents.

John Pearson &
Olen Christianson
Mosier, OR



Angie Brewer <angieb@co.wasco.or.us>

Re: Marijuana zoning draft rules

1 message

Owen Papworth <opapworth@gmail.com>
To: angieb@co.wasco.or.us

Thu, Dec 3, 2015 at 11:36 AM

Hi Angie,

I have one more question. Were there minutes taken at your work sessions? I'm curious because I would like to hear the concerns raised so that I may help develop a compromise that works. Thank you

Owen Papworth

On Dec 3, 2015 9:22 AM, "Owen Papworth" <opapworth@gmail.com> wrote:

Dear Angie,

First off I want to say I appreciate the steps that the planning department has taken around the new marijuana laws to establish rules that make sense to the county. I have gotten the feeling from the start that you and your staff are taking this seriously and trying to work with both sides of this issue, those who are both for and against legalization. I am disappointed that I missed the previous work sessions around this I would have very much liked to attend.

I am concerned about how the draft ordinance will affect medical marijuana patients in Wasco county that are compliant with state law? These grows provide medicine for a variety of illness and are vital to these patients lives. Restricting them just causes more pain and expense of finding another legal way to get their medicine. I think that if you polled the community you would hear a variety of testimonials about the medical benefits of cannabis. I know that I personally have heard countless stories about benefits individuals have had over the years. I just hope that the planning commission is considerate of this when drafting these new rules.

I am also concerned about limiting rural residential zoning from participating in marijuana business. Some areas that's first historic use has been farming and farm use would be prohibited from participating in future marijuana business. These limits effectively reduce the value of a large demographic of land whose owners wish to use their land to its highest and best use.

I propose establishing reasonable rules around minimum lot size in rural residential zones RR-5 and RR-10 that allow for farm land to be used to farm as it has been historically allowed. Wouldn't it be reasonable to adopt a rule that limits it based on the impact on neighbors rather than a blanket restriction based on zoning? The OLCC has stringent regulations already with regards to the the main concerns of individuals in the community around children accessing facilities and public view or access.

If a business can comply with the OLCC's rules you would think that would be good enough for Wasco county? At the very least it seems reasonable to allow neighbors permission on adjacent properties within a reasonable distance or view of the proposed facility to be sufficient to allow a production license?

Thank you for your time and consideration I know that you have a difficult task. I hope that the county comes to a resolution that works long term and meets the communities needs.

--
Best Regards,

Owen Papworth



Angie Brewer <angieb@co.wasco.or.us>

Marijuana zoning draft rules

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--

Best Regards,

Owen Papworth



Angie Brewer <angieb@co.wasco.or.us>

Re: Draft Marijuana Ordinance Language - feedback please

1 message

Lane Magill <lanem@co.wasco.or.us>
 To: Angie Brewer <angieb@co.wasco.or.us>

Mon, Nov 16, 2015 at 1:58 PM

Angie,

I looked over Chapter 11 and it looks pretty good to me, so based on that I don't think I have any real comments about the document(s). I do have one question about 20.100. Is this saying marijuana can be sold/distributed during an event?

Lane

On Fri, Nov 13, 2015 at 4:17 PM, Angie Brewer <angieb@co.wasco.or.us> wrote:

Dear Management Team and Commissioners:

Thank you in advance for your time to help us provide the County with time, manner, and place ordinance provisions as they relate to marijuana businesses provided by HB3400. I have attached the first draft of a new chapter that will be added to the Wasco County Land Use and Development Ordinance, *Chapter 11 – Marijuana Production, Processing, Wholesaling, and Retailing*. Existing chapters proposed to be amended are also attached. All new text or changes to existing text are shown in red, italicized font. These documents are also shared on Google Drive.

As you know, we are trying to adopt an ordinance by the end of the year. The Planning Commission met November 3rd and November 9th to discuss the work plan, process requirements, and provide staff with direction. To ensure transparency and solicit stakeholder feedback, Planning Commission work sessions are tentatively scheduled for November 23rd and December 1st.

Formal notice was provided to DLCD Wednesday, November 11, 2015 (there is a 35 pre-notice requirement). The first evidentiary hearing is a Planning Commission hearing, scheduled for December 16, 2015; public testimony will be encouraged. To facilitate additional feedback, the hearing will be continued on the 21st. The Planning Commission intends to provide a recommendation to the Board on the 21st, and move forward with a final hearing in front of the Board on December 28th. We will be seeking permission from the state to adopt this ordinance as an emergency ordinance, making it effective before the January OLCC application dates previously discussed as a concern. Also, we plan to provide notification to all landowners, pursuant to Measure 56.

The complexities of this issue and the attached ordinance language should not be overlooked, but to assist you in your review, here are a few high-level items to keep in mind.

This draft:

- has a few typos... I'm aware of some, but send me any more you might find;
- except for prohibition in Residential zones, language was closely modeled after Clackamas County's marijuana ordinance amendments (view online);
- addresses both medical and recreation marijuana businesses;
- prohibits all marijuana businesses from residential and rural residential zones;
- prohibits marijuana related home occupations in all zones;

- provides 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- provides a 200 foot setback from all residential zoned properties;
- requires the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11;
- requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- addresses odor, water, lighting, waste management, access, and several other significant issues; and
- provides applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department.

I will be fleshing out three new documents early next week – including (1) a timeline with important dates for hearings and public participation, (2) a stakeholder list identifying key audiences or outreach needs, and (3) a revised LUDO matrix that quickly demonstrates in a table what the current ordinance allows, and what this draft proposes for each zone.

Here's how you can help –

- Provide me with email distribution lists of key stakeholders and audiences that you feel should be included in the development of these rules;
- Take a look at the draft language, run it past your staff and key stakeholders, and provide feedback - and please keep in mind your feedback is public record.
 - Please provide feedback in summary form as a letter or memo from your department is preferred so it can be retained as part of the coordination record.
 - Strikes and underlines of the ordinance would be fine, but please keep your edits as separate documents that can be retained and reviewed later.
- Help me craft the message for the delivery and implementation of the ordinance. I will be preparing a staff report for December 9th and 28th, but there will be a need for messaging tools beyond the technical report. If you have any ideas, please don't hesitate share them with me.

If you are able to help, please provide feedback and support information by December 2nd. If you'd like your feedback to be shared at a Planning Commission work session, please provide it by November 30th. Apologies for the rushed response, this is a tight timeline all the way around.

One nice thing about the timing of this work is that it will almost immediately be followed by a larger update process. If we come across any needed revisions or refinements in the next year or two, we can make them as part of an existing update effort that will be moving forward soon.

Thanks again everyone! I think we're on a good path.

Please call or write if you need anything.

Angie

Angie Brewer, AICP
 Planning Director
 Wasco County Planning Department
 (541) 506-2566 direct / (541) 506-2560 main
www.co.wasco.or.us/planning/

On Fri, Nov 6, 2015 at 4:36 PM, Kathy White <kathyw@co.wasco.or.us> wrote:
 | Good Afternoon,

P 2-15



Angie Brewer <angieb@co.wasco.or.us>

Re: Draft Marijuana Ordinance Language - feedback please

1 message

Debby Jones <debbyj@co.wasco.or.us>
 To: Angie Brewer <angieb@co.wasco.or.us>

Sat, Nov 28, 2015 at 12:05 PM

Wow Angie ... you have be very busy! I don't necessarily have any corrections, more questions or possible suggestions. Thank you and your team for all the work you have put towards this effort.

The one main question I would like to ask of our commissioners is this ... do you want Wasco County to be marijuana "friendly" or marijuana "restrictive"? I get the impression that we are not looking at marijuana "prohibitive".

Here we go ...

3.110 - F-1 Forest Zone, page 7

Under H Prohibited Uses it states marijuana processing, wholesaling, retailing and all other uses not listed ... should marijuana producing be added in here? I definitely don't understand all of these like you all, just noticed that the language was different from the other additions.

3.120 - F-2 Forest Zone, page 9

Same as above under H

3.510 -RI Rural Industrial Zone, page 2

Same as above, number 11

3.120 - F-2 Forest Zone, page 18

This is the section dealing with Private Parks and Campgrounds. Was wondering if marijuana use is allowed in these areas ... (marijuana not to be used in public places)?

3.210 - A-1 Exclusive Farm Use Zone, page 33 and 34

Same question as above as far as campgrounds as well as golf courses. Will marijuana use be allowed in these public places?

Chapter 20, Site Plan Review, Page 20-14

Just not wanting to assume anything ... can marijuana be "served" similar to alcohol? I'm assuming not ... but not sure if a private event is considered "public use"?

Chapter 1 - Introductory Provisions, page 1-26

The wording under Person Designated to Produce marijuana by a Registry Identification Cardholder ...

I looked up the language in SB 964 section 7. Not sure if this language is more comprehensive ... just wanted to share. Section 7 deals with new grow site limits. The section states that if a grow site is located within city limits, there is a cap of 12 mature plants maximum, regardless of how many patients have registered there. I know that we are dealing with new grow sites outside of city limits ... that language is,

P 2-16

Sub-section 4 - If the address of a person responsible for a marijuana grow site under ORS 475,304 is located in an area other than an area described in subsection (3) of this section:

(a) Except as provided in paragraph (b) of this subsection, no more than 48 mature marijuana plants may be produced at the address; or ...

Again, I'm not sure if any of these apply. Just wanted to throw them out there and be helpful.

Please let me know if there is anything else I can do to help :)

Debby

Debby Jones, CPS

Wasco County Prevention Specialist

YOUTHTHINK

541-506-2673

debbyj@co.wasco.or.us

"Whatever we do in life, never forget to ask the question ... What about the children."

On Fri, Nov 13, 2015 at 4:17 PM, Angie Brewer <angieb@co.wasco.or.us> wrote:

Dear Management Team and Commissioners:

Thank you in advance for your time to help us provide the County with time, manner, and place ordinance provisions as they relate to marijuana businesses provided by HB3400. I have attached the first draft of a new chapter that will be added to the Wasco County Land Use and Development Ordinance, *Chapter 11 – Marijuana Production, Processing, Wholesaling, and Retailing*. Existing chapters proposed to be amended are also attached. All new text or changes to existing text are shown in red, italicized font. These documents are also shared on Google Drive.

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Please call or write if you need anything.

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Angie Brewer, AICP
Planning Director

Lisa Gambree
County Clerk

TABLE OF CONTENTS

CHAPTER 11 MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND
RETAILING

(Adopted mm/dd/yy)

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE</u>
11.010	PURPOSES	11-1
11.020	APPLICABILITY	11-1
11.030	PROCEDURE	11-1
11.040	MARIJUANA PRODUCTION AND PROCESSING	11-1
11.050	MARIJUANA RETAILING	11-3
11.060	APPROVAL PERIOD	11-5

DRAFT

CHAPTER 11 **MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND RETAILING**

SECTION 11.010 **PURPOSES**

This chapter describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Wasco County. The goals of this chapter are to:

- Establish reasonable time, manner and place requirements for new ^{businesses} business that produce, process, wholesale or retail marijuana.
- Provide clear and objective standards for marijuana businesses;
- Minimize conflict with other permitted uses in underlying zones;
- Protect resources identified in the Wasco County Comprehensive Plan; and
- Protect the public health, safety, and general welfare of the citizens of Wasco County. *ll*

SECTION 11.020 **APPLICABILITY**

- A. Marijuana production, processing, wholesaling and retailing uses are only allowed if they are specifically listed as an allowed use in Chapter 3 under the zoning section that directly applies to the subject (legally created) property(ies).
- B. Marijuana production, processing, wholesaling, and retailing are prohibited uses in all Wasco County Residential or Rural Residential zones (R-R (2), R-R (5), R-R (10), RC-TV-R, RC-Wam-R2, and RC-Wam-R5). *What about existing medical marijuana businesses*
- C. Marijuana production, processing, wholesaling and retailing are prohibited as a home occupation in any zone. *businesses*
- D. Marijuana production in the Exclusive Farm Use zone (A-1) must comply with all provisions of Chapter 11.

SECTION 11.030 **PROCEDURES**

Marijuana uses are allowed as specified in the applicable zone. *Is this a reference to chapter 3?*

SECTION 11.040 **MARIJUANA PRODUCTION AND MARIJUANA PROCESSING**

Marijuana production and marijuana processing shall be subject to the following standards and criteria:

- A. **Minimum Yard Depth.** No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.
- B. **Access.** The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or

easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

C. **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 licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.

D. **Odor.** A building used for marijuana production or marijuana processing shall be equipped with a carbon filtration system for odor control. *what if it's an outdoor grow?*

1. The system shall consist of one or more fans and filters.

2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space). *why the higher need for filtration in production than retail?*

3. The filter(s) shall be rated for the applicable CFM.

4. The filtration system shall be maintained in working order and shall be in use.

5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.

E. **Lighting.** Lighting shall be regulated as follows:

1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.

2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.

3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not spill onto adjacent lots.

F. **Water.** The applicant shall submit proof of a water right for the proposed marijuana production or marijuana processing, or a statement that water is supplied from a public water system as that is defined in Oregon Administrative Rules 333-061-0020 or from an irrigation district, along with the name of the water system or irrigation district. *does this mean raw water right?*

G. **Waste Management.** Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. *what constitutes a secured waste receptacle? Does that mean secured, as in "earthquake" secured, or does it mean locked?*

What are the rules on Marijuana Wholesaling? Seems to be missing.

SECTION 11.050 MARIJUANA RETAILING

Marijuana retailing shall be subject to the following standards and criteria:

- A. **Hours.** A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 10 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 10 p.m.
- B. **Odor.** A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control.
1. The system shall consist of one or more fans and filters.
 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to one-third of the square footage of the building floor space (i.e., one CFM per three square feet of building floor space).
 3. The filter(s) shall be rated for the required CFM.
 4. The filtration system shall be maintained in working order and shall be in use.
 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.
- C. **Window Service.** The use shall not have a walk-up window or drive-thru window service.
- D. **Waste Management.** Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. *same question as before*
- E. **Minors.** No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.
- F. **Co-Location of Related Activities and Uses.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club. *are these licensed business?*
- G. **Minimum Separation Distances.** Minimum separation distances shall apply as follows:
1. The use shall be located a minimum of:
 - a. 1,000 feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;

- b. 1,000 feet from a public park, public playground, government-owned recreational use, public library, licensed treatment center, or multifamily dwelling owned by a public housing authority. *What about County buildings?*
 - c. 1,000 feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool;
 - d. 1,000 feet from an established church, including church schools; *(how far is 1000 ft?)*
 - e. 200 feet from any residentially zoned property; however, this provision shall not apply if the subject property has street frontage on a principal interstate, principal expressway, principal arterial, or major arterial.
2. If the use is licensed by the Oregon Liquor Control Commission (OLCC) pursuant to [insert reference from Oregon Laws], it shall be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.
 3. If the use is registered with the Oregon Health Authority (OHA) pursuant to [insert reference from Oregon Laws], it shall be located a minimum of 1,000 feet from any other marijuana retailer so registered with the OHA.
 4. For purposes of Subsection 11.050(G)(1), distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For purposes of Subsections 11.050(G)(2) and (3), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
 5. A change in use (including a zone change) to another property to a use identified in Subsection 11.050(G) after a complete application for marijuana retailing has been filed, shall not result in the marijuana retailer being in violation of Subsection 11.050(G). *} doesn't make sense.*
 6. Subsection 11.050(G) does not apply to:
 - a. Any marijuana retailer that applied for a registration with the Oregon Health Authority and has subsequently obtained full, unconditional approval on or before the adoption date of this ordinance (Chapter 11). *} is this medical marijuana?*
 - b. Any marijuana retailer operating in a building space that was approved for operation by the Oregon Health Authority on or before the adoption date of this ordinance (Chapter 11) and where approved marijuana retailing activities have been continuously occurring in that building space since approval.
 7. In case of a conflict under Subsection 11.050(G)(2) or (3), any person who has received approval of a land use permit for marijuana retailing, shall be deemed to have established marijuana retailing at the approved location, so long as the marijuana retailer begins operation within two years of the date of the County's final decision on land use permit application. If more than one application is in process

with the County at one time, the County shall issue decisions in the order in which complete applications were filed.

SECTION 22.060 APPROVAL PERIOD

A. Approval of a permit under Chapter 11 is valid for two (2) years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented, or the approval will become void.

1. Implemented for production and processing means all major development permits shall be obtained and maintained for the approved conditional use. If no major development permits are required to complete the development contemplated by the approved conditional use, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

- a. A building permit for a new primary structure that was part of the approved development; or
- b. A permit issued by the County for parking lot or road improvements required by the approved development.

B. Approval of a permit under Subsection 11.050 (retailing) is valid for two years from the date of the County's final decision. During this two-year period, the approval shall be implemented, or the approval will become void. Implemented means that the marijuana retailer has begun operation and is open for consumer business. Notwithstanding this two-year implementation period, a complete application for a marijuana retailing license shall be filed with the Oregon Liquor Control Commission, or a complete application for a medical marijuana dispensary registration shall be filed with the Oregon Health Authority, within three months of the date of the County's final decision, or the approval will become void.

How will you know if someone has filed with ORCC? Do they notify you?

Do you need to address re-approval? If a business is approved and begins w/in 2 years, do they ever have to renew or reapply? Are there any instances where re-applying would be denied?



**WASCO
COUNTY**

Angie Brewer <angieb@co.wasco.or.us>

RE: Draft Marijuana Ordinance Language - feedback please

1 message

WOOD Robert L <robert.l.wood@state.or.us>
To: Angie Brewer <angieb@co.wasco.or.us>

Tue, Dec 1, 2015 at 8:28 AM

No problem, thanks for including me. I appreciate the proactive approach you and the County are taking in this.

Bob

Robert Wood

Watermaster, District 3

2705 E 2nd St

The Dalles, OR 97058

541-506-2652 (Office)

541-980-3565 (Cell)

<http://www.oregon.gov/owrd/>

From: Angie Brewer [mailto:angieb@co.wasco.or.us].
Sent: Monday, November 30, 2015 12:36 PM
To: WOOD Robert L
Subject: Re: Draft Marijuana Ordinance Language - feedback please

Thank you for spending some time with this Bob, I really appreciate it. Please watch for future emails with process updates and let me know if you have any other comments/feedback come to mind.

Best,

Angie

Angie Brewer, AICP
Planning Director
Wasco County Planning Department

12/15/2015

Wasco County Mail - RE: Draft Marijuana Ordinance Language - feedback please

(541) 506-2566 direct / (541) 506-2560 main
www.co.wasco.or.us/planning/

On Mon, Nov 16, 2015 at 4:49 PM, WOOD Robert L <robert.l.wood@state.or.us> wrote:

Angle;

I read through all the proposed changes and only had one comment.

Chapter 11, Page 2, F. Water

I would recommend modifying this language somewhat. It currently reads:

F. Water. The applicant shall submit proof of a water right for the proposed marijuana production or marijuana processing, or a statement that water is supplied from a public water system as that is defined in Oregon Administrative Rules 333-061-0020 or from an irrigation district, along with the name of the water system or irrigation district.

As I understand OAR 333-061-0020's definition of a public water system, that would be any water system that has more than 3 hookups. Some small public systems under this definition may not have water rights but are operating under the domestic exemption for single or group domestic (15,000 gpd) from a well. Such a system would not necessarily be a legal source of water for marijuana production. I would propose something similar to the following:

F. Water. The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing.

This is a short and simple statement, but I think covers all the possibilities. Proof could include a copy of a water right, a letter from an irrigation district, or municipal water provider, a statement from the Watermaster, etc.

Let me know if you want to discuss in more detail. Thanks for the opportunity to review and comment.

Bob

Robert Wood

Watermaster, District 3

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From: Angle Brewer [mailto:angleb@co.wasco.or.us]

Sent: Friday, November 13, 2015 4:18 PM

To: Arthur Smith; Chad Krause; Dan Boldt; Debbie Smith - Wagar; Eric Nisley; Fred Davis; Jill Amery; Lane Magill; Lisa Gамbee; Molly A. Rogers; Paul Ferguson; Paula Brunt; Rick Eiesland; Tom Linhares; Kathy White; Debby Jones; Tyler Stone; Leslie Wolf

Cc: Dustin Nilsen; Brenda Jenkins; WOOD Robert L

Subject: Draft Marijuana Ordinance Language - feedback please

Dear Management Team and Commissioners:

Thank you in advance for your time to help us provide the County with time, manner, and place ordinance provisions as they relate to marijuana businesses provided by HB3400. I have attached the first draft of a new chapter that will be added to the Wasco County Land Use and Development Ordinance, *Chapter 11 – Marijuana Production, Processing, Wholesaling, and Retailing*. Existing chapters proposed to be amended are also attached. All new text or changes to existing text are shown in red, italicized font. These documents are also shared on Google Drive.

As you know, we are trying to adopt an ordinance by the end of the year. The Planning Commission met November 3rd and November 9th to discuss the work plan, process requirements, and provide staff with direction. To ensure transparency and solicit stakeholder feedback, Planning Commission work sessions are tentatively scheduled for November 23rd and December 1st.

Formal notice was provided to DLCD Wednesday, November 11, 2015 (there is a 35 pre-notice requirement). The first evidentiary hearing is a Planning Commission hearing, scheduled for December 16, 2015; public testimony will be encouraged. To facilitate additional feedback, the hearing will be continued on the 21st. The Planning Commission intends to provide a recommendation to the Board on the 21st, and move forward with a final hearing in front of the Board on December 28th. We will be seeking permission from the state to adopt this ordinance as an emergency ordinance, making it effective before the January OLCC application dates previously discussed as a concern. Also, we plan to provide notification to all landowners, pursuant to Measure 56.

The complexities of this issue and the attached ordinance language should not be overlooked, but to assist you in your review, here are a few high-level items to keep in mind.

This draft:

- has a few typos... I'm aware of some, but send me any more you might find;
- except for prohibition in Residential zones, language was closely modeled after Clackamas County's marijuana ordinance amendments (view online);
- addresses both medical and recreation marijuana businesses;
- prohibits all marijuana businesses from residential and rural residential zones;
- prohibits marijuana related home occupations in all zones;
- provides 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- provides a 200 foot setback from all residential zoned properties;
- requires the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11;
- requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- addresses odor, water, lighting, waste management, access, and several other significant issues;

and

- provides applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department.

I will be fleshing out three new documents early next week – including (1) a timeline with important dates for hearings and public participation, (2) a stakeholder list identifying key audiences or outreach needs, and (3) a revised LUDO matrix that quickly demonstrates in a table what the current ordinance allows, and what this draft proposes for each zone.

Here's how you can help –

- Provide me with email distribution lists of key stakeholders and audiences that you feel should be included in the development of these rules;
- Take a look at the draft language, run it past your staff and key stakeholders, and provide feedback - and please keep in mind your feedback is public record.
 - Please provide feedback in summary form as a letter or memo from your department is preferred so it can be retained as part of the coordination record.
 - Strikes and underlines of the ordinance would be fine, but please keep your edits as separate documents that can be retained and reviewed later.
- Help me craft the message for the delivery and implementation of the ordinance. I will be preparing a staff report for December 9th and 28th, but there will be a need for messaging tools beyond the technical report. If you have any ideas, please don't hesitate share them with me.

If you are able to help, please provide feedback and support information by December 2nd. If you'd like your feedback to be shared at a Planning Commission work session, please provide it by November 30th. Apologies for the rushed response, this is a tight timeline all the way around.

One nice thing about the timing of this work is that it will almost immediately be followed by a larger update process. If we come across any needed revisions or refinements in the next year or two, we can make them as part of an existing update effort that will be moving forward soon.

Thanks again everyone! I think we're on a good path.

Please call or write if you need anything.

Angie

Angie Brewer, AICP
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 Wasco County Planning Department
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On Fri, Nov 6, 2015 at 4:36 PM, Kathy White <kathyw@co.wasco.or.us> wrote:

Good Afternoon,

Looks like you are back on for the Management Team meeting next Thursday. I have attached the agenda.

Please let me know if you have any questions.

12/15/2015

Wasco County Mail - RE: Draft Marijuana Ordinance Language - feedback please

Thank you,

Kathy White
Executive Assistant

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