

# Oregon county must reconsider marijuana facility denial

By MATEUSZ PERKOWSKI  
Capital Press

BEND — Oregon's Deschutes County must reconsider its denial of a 36,000-square-foot indoor marijuana facility on farmland due to its close proximity to "youth activity centers."

Waveseer of Oregon had proposed constructing the nearly acre-size building to grow, dry and process marijuana in addition to two other structures for water treatment and electrical systems in an "exclusive farm use" zone.

While marijuana is considered a crop in Oregon, state law allows counties to impose "reasonable regulations" on production facilities.

In this case, Deschutes County's board of commissioners overruled its planning department and rejected Waveseer's application because the marijuana facility was less than 1,000 feet from two neighboring properties where children ride horses and partake in 4-H agricultural activities.

The county decided these properties qualified as "youth activity centers"



Courtesy photo

**Oregon's Deschutes County must reconsider its denial of a 36,000-square-foot indoor marijuana facility on farmland due to its close proximity to "youth activity centers."**

from which marijuana facilities must maintain a "separation buffer" of at least 1,000 feet under the local government's code.

Waveseer of Oregon argued this interpretation of county code would create a "slippery slope" that would produce "illogical

and unreasonable results" because virtually any place with children could be considered a "youth activity center."

"How would a potential applicant be able to determine if a particular property was feasible and compliant for a marijuana production

use?" the company said in a written argument. "What would prevent neighbors from merely claiming that their property engages in youth activities if no permit is required?"

The Oregon Land Use Board of Appeals, which reviews local land use deci-

sions, has now agreed with Waveseer of Oregon that Deschutes County's interpretation of its code creates too much uncertainty to be considered a "reasonable regulation" under Oregon law.

Under the county's understanding of the "sep-

aration buffer" provision, marijuana facilities could be rejected simply because neighbors claim that "youth-oriented activities" regularly occur within 1,000 feet.

"Those youth-oriented activities may occur outdoors, or in a farm structure, as part of an existing farm use, or may occur in and around a residence as accessory to a residential use. In any event, a property owner or applicant would not have any practical way of identifying whether those youth-oriented activities are occurring within the separation buffer surrounding any particular EFU-zoned property," according to LUBA. "As applied in this case, the county's interpretation of youth activity center is so amorphous and uncertain that we conclude it is unreasonable."

While the county's interpretation went too far, the denial decision isn't necessarily "prohibited by law," since it may be possible to interpret the "youth activity center" provision in a way that's reasonable, according to LUBA.

For that reason, the ruling requires the county to reconsider the decision during "further proceedings."

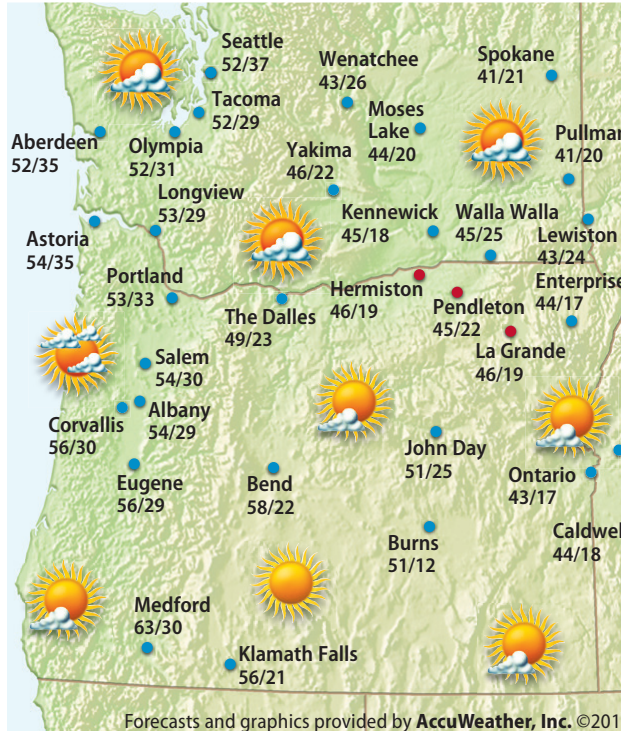
## Forecast for Pendleton Area

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TODAY	FRIDAY	SATURDAY	SUNDAY	MONDAY
Sunny to partly cloudy and cold	Plenty of sun, but chilly	Sunshine, but chilly	Partial sunshine	Mostly cloudy
PENDLETON TEMPERATURE FORECAST				
45° 22°	47° 23°	49° 29°	53° 36°	52° 34°
HERMISTON TEMPERATURE FORECAST				
46° 19°	49° 20°	50° 26°	55° 33°	56° 33°

## OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



## ALMANAC

**PENDLETON** through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	44°	12°
Normals	57°	36°
Records	79° (1901)	11° (1935)

**PRECIPITATION**

24 hours ending 3 p.m.	0.00"
Month to date	0.46"
Normal month to date	1.01"
Year to date	11.31"
Last year to date	8.08"
Normal year to date	9.95"

**HERMISTON** through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	43°	10°
Normals	59°	36°
Records	72° (2015)	6° (1935)

**PRECIPITATION**

24 hours ending 3 p.m.	0.00"
Month to date	0.18"
Normal month to date	0.68"
Year to date	4.94"
Last year to date	6.42"
Normal year to date	7.24"

**WINDS** (in mph)

	Today	Fri.
Boardman	ENE 3-6	NE 3-6
Pendleton	WNW 4-8	N 4-8

**SUN AND MOON**

Sunrise today	7:33 a.m.
Sunset tonight	5:44 p.m.
Moonrise today	11:35 a.m.
Moonset today	8:34 p.m.

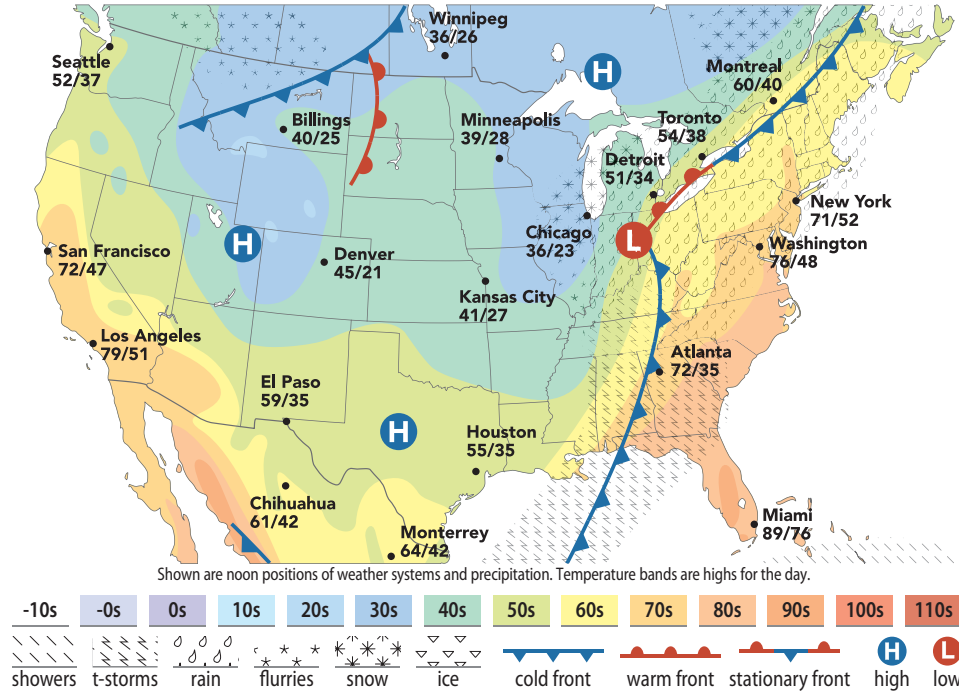
Nov 4 Nov 12 Nov 19 Nov 26

## NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)

High 95° in Jacksonville, Fla. Low -46° in Peter Sinks, Utah

## NATIONAL WEATHER TODAY



## Bentz announces run for Walden's seat

East Oregonian

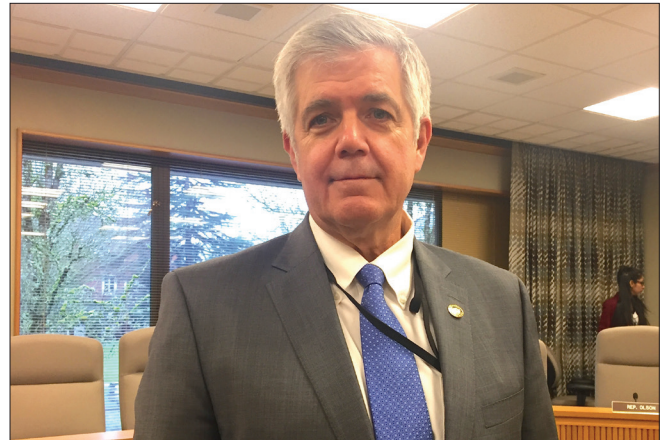
ONTARIO — Oregon state Sen. Cliff Bentz, R-Ontario, announced Tuesday that he's running for the seat in Congress being vacated by retiring Republican Rep. Greg Walden.

Walden, who was first elected to Congress in 1998, announced Monday that he would not run for re-election in 2020.

Bentz said in a news release he was surprised to learn that Walden would not be running for re-election.

"Congressman Walden has done (and is still doing) a great job as Oregon's only Republican congressman," he said.

Bentz served 10 years in the Oregon House of Representatives as the Republican state representative from District 60, and almost two years in the Oregon State Senate as the Republican state senator for District 30. Bentz said that experience was critical in preparing him to represent the



Courtesy photo

**Oregon state Sen. Cliff Bentz, R-Ontario, announced Tuesday that he's running for the seat in Congress being vacated by retiring Republican Rep. Greg Walden.**

people in the state's 2nd Congressional District, a sprawling district mostly in Central and Eastern Oregon.

"The challenges in Washington, D.C., are great," he said. "However, based upon my years of working as a rancher, farmer, attorney, and as member of the Republican Party successfully passing legislation in a Legislature controlled by Democrats,

I feel confident that I can adequately represent the people of the 2nd Congressional District of Oregon."

Knute Buehler, another high-profile Republican in Oregon and former state lawmaker, tweeted earlier in the day he was considering running for Walden's seat.

Buehler ran for governor in 2018 but was defeated by Gov. Kate Brown, a Democrat.

## BRIEFLY

### Mayor fired by DSHS for 'inappropriate relationship'

KENNEWICK, Wash. — Kennewick Mayor Don Britain has been fired from his job at the state Department of Social and Health Services after the Washington State Patrol investigated a complaint about an "inappropriate relationship" with a female client.

Britain told the *Tri-City Herald* he was disappointed by the move Tuesday to terminate him.

Britain says he regularly provides food and other items to families he encountered as a case manager administering the Temporary Assistance to Needy Families program.

DSHS received an anonymous complaint against Britain in September.

Britain told investigators he offered to let the client and her children stay at his apartment when he found out she was in danger of losing her housing in January. He says he didn't notify his supervisor about the unusual living arrangements because it wasn't romantic and wasn't expected to be permanent.

A department official in a statement said he was deeply disappointed by Britain's willful violations of agency's policies.

### Former federal administrator sentenced for assault

BEND — A federal program administrator who oversaw endangered species policy for Washington state was sentenced to a month in jail for sexually assaulting a female co-worker while attending a conference.

*The Bulletin* reported Eric Rickerson was sentenced Tuesday in Deschutes County Circuit Court after pleading guilty to third-degree sex assault, harassment, coercion, intimidation and private indecency.

In July of 2018 Rickerson, 53, attended a conference in Sunriver with the victim and other members of the agency. Authorities say he got drunk at a party and followed the victim back to the condo they were staying at. Prosecutors say he exposed himself and touched her inappropriately.

Rickerson was the U.S. Department of Fish and Wildlife Service's state supervisor for Washington, overseeing more than 100 employees.

His attorney, Ryan Mulkins, said his client's alcoholism caused him to make poor choices.

— Associated Press

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