

JACKSON COUNTY

Oregon

MARIJUANA USE REGULATIONS

Amendments to the Jackson County

Land Development Ordinance

CHAPTER 3

Adopted by Emergency Ordinance No.

2016-4

March 16, 2016

3.12.2 Approval Criteria

The Director may authorize an adjustment in accordance with Section 3.12.3 below, only upon finding that the adjustment:

- A) Advances the goals and purposes of this Ordinance;
- B) Results in less visual impact;
- C) Results in more effective environmental or open space preservation; or
- D) Relieves practical difficulties in developing a site.

3.12.3 Modifications Authorized

The following modifications may be authorized under this Section:

- A) Modification up to 10 percent per lot of any zoning district setback, lot width, or height standard up to a maximum of two lots per development. An administrative adjustment of the maximum height standard is not permitted in the Airport Approach or Airport Concern Overlay;
- B) Modification up to 20 percent of any of the commercial zoning district sign area standards of Section 9.6; and
- C) Modifications up to 10 percent of any of the site landscaping standards of Section 9.2.

3.13 MARIJUANA USE REGULATIONS

3.13.1 Applicability

Notwithstanding any other provision of the LDO to the contrary Chapter 3.13 applies to all marijuana production, processing, wholesaling and retailing/dispensing.

- A) **Section 3.13 applies to:**
 - 1) All marijuana production in the Exclusive Farm Use (EFU), Forest, Urban Residential, General and Light Industrial zoning districts;
 - 2) All marijuana processing in the EFU and Industrial zoning districts;
 - 3) Recreational marijuana wholesaling in the General Commercial and General and Light Industrial zoning districts; and
 - 4) Marijuana Retailing/Medical Marijuana Facilities in the General Commercial zoning district.
- B) **Section 3.13 does not apply to:**
 - 1) Homegrown recreational marijuana or personal medical marijuana (equivalent to growing for one cardholder), as allowed by state law.

3.13.2 Marijuana Production

Marijuana production shall be subject to the following standards:

- A) **Procedures**

All marijuana production shall be permitted through a Type 1 land use authorization per LDO Section 3.1.2.

B) Setbacks

- 1) No outdoor marijuana production within 250 feet of city limits and the White City Urban Unincorporated Community Boundary.

C) Urban Residential Zoning district

Notwithstanding section 3.13.1(B)(1), homegrown recreational marijuana and personal medical marijuana production (equivalent to growing for one cardholder) must take place in a walled and roofed structure without translucent walls and roof.

D) Exclusive Farm Use and Forest Zoning districts

All marijuana production is subject to sections 3.13.3(A)(3) subsections (c) Lighting, (d) Use of Tents, Recreational and Camping Vehicles, (e) Water, and (h) Security Cameras.

- 1) Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee.

E) Light and General Industrial Zoning districts

- 1) All marijuana production is subject to Section 3.13.3(A)(3) subsections (c) Lighting, (d) Use of Tents, Recreational and Camping Vehicles, (e) Water, (g) Odor, and (h) Security Cameras. Outdoor marijuana waste burning is prohibited.
- 2) All marijuana production shall be allowed in Light and General Industrial zoning districts as an accessory and subordinate use to marijuana processing (manufacturing).
- 3) Except as otherwise provided in 3.13.2(E)(4), all marijuana production shall be located entirely within one or more completely enclosed buildings without translucent walls and roof.
- 4) The provisions of 3.13.2(E)(3) shall not apply to marijuana production registered with the Oregon Health Authority if that marijuana production was registered with the Oregon Health Authority on or before March 1, 2016 for a period of time ending February 28, 2019.

F) Prohibited Uses in the EFU zoning district

The following uses are prohibited on EFU zoned property when the county finds that the use is associated with or in conjunction with marijuana production.

- 1) A farm dwelling as describe in 4.2.6(C), (D), and (E);
- 2) A farm stand as described in section 4.2.7(D); and
- 3) A commercial activity in conjunction with a farm use as described in section 4.2.7(A).

G) **Additional Regulations**

- 1) All development associated with marijuana production shall meet any applicable siting standards, development regulations and use limitation of this Ordinance.

H) **Fencing**

Fencing, as required by State law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.

3.13.3 Marijuana Processing

All marijuana processing is limited to General Industrial, Light Industrial, and EFU zoning districts and shall be subject to the following standards:

A) **Procedures**

- 1) General and Light Industrial Zoning districts:
 - a) Marijuana processing shall be permitted through a Type 1/2 land use permit.
 - b) No on-site retail sales are allowed.
 - c) No outdoor storage of marijuana in any form, including remnants, by-products and waste is permitted.
 - d) Marijuana processing is subject to Section 3.13.3(A)(3) subsections (c) Lighting, (d) Use of Tents, Recreational and Camping Vehicles, (e) Water, (g) Odor, and (h) Security Cameras. Outdoor marijuana waste burning is prohibited.
 - e) Marijuana processing establishments are subject to Section 3.2, Site Plan Review.
- 2) In an EFU zoning district all marijuana processing shall be permitted through a Type 2 land use permit.
- 3) Exclusive Farm Use Zoning district:
 - a) Only dry, water or CO-2 processing is allowed.
 - b) All marijuana processing shall be located entirely within one or more completely enclosed buildings.
 - c) Lighting
 - i) Outdoor marijuana processing lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.

- ii) Light cast by exterior light fixtures (ie. security lights) shall not spill onto adjacent lots and shall be "dark sky" qualifying light fixtures.
- d) **Use of Tents, Recreational or Camping Vehicles**
Use of tents, and recreational or camping vehicles for overnight stays, as living space is not allowed in conjunction with marijuana processing.
- e) **Water**
The applicant shall provide a water right permit or certificate number; 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 proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right.
- f) **Waste Management**
Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.
- g) **Odor**
A building used for marijuana processing shall be equipped with a carbon filtration system for odor control.
 - i) The system shall consist of one or more fans and filters.
 - ii) 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).
 - iii) The filter(s) shall be rated for the applicable CFM.
 - iv) The filtration system shall be maintained in working order and shall be in use.
 - v) 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.
- h) **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.

3.13.4 Marijuana Wholesaling

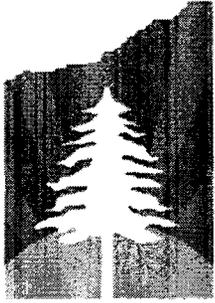
See LDO Table 6.2-1, Use Table for Base Zoning districts, Category - Retail Sales, Specific Use – Wholesale Establishments.

- A) Wholesaling may be allowed for recreational marijuana only.
- B) Marijuana waste shall be stored in a secured waste receptacle in the possession of and/or under the control of the licensee.
- C) Notwithstanding 8.4.3(B)(1), outdoor storage of recreational marijuana is prohibited.
- D) Retail sales to the general public are prohibited.
- E) A sample of usable recreational marijuana or a cannabinoid product, concentrate or extract may be provided to a marijuana wholesaler, retailer, or processor licensee for the purpose of the licensee determining whether to purchase the product. The product may not be consumed on the property.
- F) Wholesale establishments are subject to Section 3.2, Site Plan Review.

3.13.5 Marijuana Retailing/Medical Marijuana Facilities:

- A) A marijuana retailing facility or medical marijuana facility may not be located:
 - 1) Within one mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics, currently located on the parcel described as 361W17 tax lot 800 and any after acquired parcels.
 - 2) Within 1,000 feet of the Jackson County Transition Center, currently located on the parcels described as 381W23B Tax Lots 103 and 300, and any after acquired parcels.
 - 3) On a property adjacent to any residentially zoned property.
 - 4) Within 1,000 feet of a public park, excluding the Bear Creek Greenway.
 - 5) Within 1,000 feet of an Interstate 5 (I-5) interchange. The interchange is defined as the bridge structure over I-5 including all on and off ramp termini.
 - 6) Within 1,000 feet from a public elementary or secondary school for which attendance is compulsory under ORS 339.030 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).
 - 7) Within 1,000 feet of another marijuana retailing facility or medical marijuana facility.

- B) Distance Calculations:
- 1) For the purposes of determining the distance between a marijuana retailing facility or medical marijuana facility and another marijuana retailing facility or medical marijuana facility, for the purposes of Section 3.13.5(A)(7), "within 1,000 feet" means a straight line measurement in a radius extending 1,000 feet or less in every direction from the closest point anywhere on the premises of the marijuana retailing facility or medical marijuana facility to the closest point anywhere on the premises of the marijuana retailing facility or medical marijuana facility.
 - 2) For the purposes of determining the distances in sections 3.13.5(A)(1-6), "within 1,000 feet," or "within one mile" means a straight line measurement in a radius extending the specified distance or less in any direction from the closest point anywhere on the boundary line of the real property parcel comprising the uses in sections 3.13.5(A)(1-6) to the closest point anywhere on the premises of a marijuana retailing facility or medical marijuana facility.
- C) The hours of operation will be limited to 9:00 a.m. to 7:00 p.m.
- D) No marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.
- E) Odor
- 1) A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control.
 - 2) The system shall consist of one or more fans and filters.
 - 3) 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).
 - 4) The filter(s) shall be rated for the applicable CFM.
 - 5) The filtration system shall be maintained in working order and shall be in use.
 - 6) 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.
- F) Additional Regulations
Recreational marijuana facilities are subject to Section 3.2, Site Plan Review.



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opportunity for hearing.³

- D) **Type 4** uses require review by the Planning Commission and the Board of Commissioners, as applicable to ensure the proper integration of uses that may be suitable only in specific locations. Approval of a Type 4 Permit to allow a specific use requires review and approval of a site development plan pursuant to Section 3.2.4 when physical development is proposed, as part of the Type 4 permit review.
- E) **Prohibited Uses:** An "X" in the Table indicates that the use is not permitted. However, where noted by an "*" existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 3 review.
- F) **Numerical References:** The numbers contained in the "See Also" column are references to additional standards and requirements in the LDO that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9. Numerical references for specific uses shown on the table, refer to the corresponding section of OAR 660-033-0130, or specific Oregon Revised Statutes.

TABLE 4 2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review
 X = Prohibited HVFL = High-Value Farmland

#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
FARM AND FOREST USES					
1	Farm use	1	1	ORS 215.203 (definition); OAR 660-033-0120	3.13.2; 3.13.3
2	Buildings, other than dwellings, customarily provided in conjunction with farm use	1	1	ORS 215.283(1)(f); OAR 660-033-0120	3.13.2
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c); OAR 660-033-0120	
4	Temporary facility for primary processing of forest products	2	2	ORS 215.283(2)(j); OAR 660-033-0120 & 0130(6)	4.2.3 and 4.2.4(B)
5	Facility for processing farm crops or biofuel production	2	2	ORS 215.283(1)(u), ORS315.141; OAR 660-033-0130(28)	4.2.4(A), 3.13.3
NATURAL RESOURCE USES					
6	Creation, restoration, or enhancement of wetlands	1	1	ORS 215.283(1)(p); OAR 660-033-0120	
7	The propagation,	2	2	ORS 215.283(2)(p); OAR 660-	4.2.3

³ Ordinance 2004-12, effective 2-6-2005

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review
 X = Prohibited HVFL = High-Value Farmland

#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
	cultivation, maintenance, & harvesting of aquatic or insect species			033-0120 & 033-0130(5) & (27)	4.2.5(A)
RESIDENTIAL USES					
8	Dwelling customarily provided in conjunction with farm use	2	2	ORS 215.283(1)(f); OAR 660-033-0120, 0130(1), (30) & 0135	4.2.6(A) & (C), 3.13.2(F)
9	Farm dwelling for relative	2	2	ORS 215.283(1)(e); OAR 660-033-0120 & 0130(9), (30)	4.2.6(A) & (D), 3.13.2(F)
10	Accessory farm dwellings, including farmworker housing	2	2	ORS 215.277-278 and ORS 215.283(1)(f); OAR 660-033-0120 & 0130(24), (30)	4.2.6(A) & (E), 3.13.2(F)
11	Ownership of record dwelling	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0120 & 0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0120 & 0130(5), (10) & (30)	4.2.3; 4.2.6(A) & (G), 6.5.3(G)
13	Nonfarm dwelling	2	2	ORS 215.236(2) & (3); 215.263(4); 215.284(2) & (3); OAR 660-033-0120 & 0130(4)(c)-(d) & (30)	4.2.6(A) & (H), 3.13.2(F)
14	Residential home/facility in existing dwellings	2	2	ORS 197.660(definition), 197.665(3), 215.283(2)(o); OAR 660-033-0120 & 0130(5), (30)	4.2.3; 4.2.6(A) & (J)
15	Room and board arrangements for a maximum of five unrelated persons in an existing residence	2	2	ORS 215.283(2)(u); OAR 660-033-0120 & 0130(5), (30)	4.2.3 4.2.6(A)
16	Alteration, restoration, or replacement of a lawfully established dwelling	1	1	ORS 215.283(1)(s); OAR 660-033-0120 & 0130(8), (30)	4.2.6(A) & (B)
17	Historic dwelling replacement	2	2	ORS 215.283(1)(o); 358.480; OAR 660-033-0120 & 0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	2	2	ORS 657A.440	4.2.6(K)

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT
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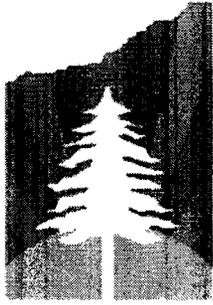
#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
COMMERCIAL USES					
19	Commercial activities in conjunction with farm use including processing of farm crops into biofuel not permitted under ORS215.203(2)(b)(L) or ORS 215.213(1)(x) and ORS 215.283(1)(u)	3	3	ORS 215.283(2)(a); OAR 660-033-0120 & 0130(5)	4.2.3, 4.2.7(A) 6.4.4(E), 3.13.2(F)
20	Breeding, kenneling, & training greyhounds for racing	X*	1	ORS 215.283(1)(j); OAR 660-033-0120 & 0130(18)	11.2
21	Dog kennels	X*	2	ORS 215.283(2)(n); OAR 660-033-0120 & 0130(5) & (18)	4.2.3, 11.2
22	Home occupation/home business	2	2	ORS 215.283(2)(i), 215.448; OAR 660-033-0120 & 0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X*	4 PDP ¹ 2 FDP ²	ORS 197.435-.467; 215.283(2)(t); OAR 660-033-0120 & 0130(5) & (18)	4.2.3, 6.3.8, 11.2, 11.3
24	Destination resort, small	X*	X	ORS 197.435-.445(6)(a);	11.2, 11.3
25	Winery	1	1	ORS 215.283(1)(q), & .452; OAR 660-033-0120	4.2.7(F)&(G)
26	Restaurant or Events in conjunction with a Winery where the restaurant and/or the events are open to the public greater than 25 days in a calendar year	3	3	ORS 215.283(1)(q), & .452; OAR 660-033-0120	4.2.7(G)
27	Farm stand	1	1	ORS 215.283(1)(o); OAR 660-033-0120 & 0130(23)	4.2.7(D), 3.13.2(F)
28	Landscape business in conjunction with growing/marketing of	2	2	ORS 215.283(2)(z), ORS 674.520, ORS 671.318; OAR660-033-0130(5)	4.2.7(H)

1 Preliminary Development Plan

2 Final Development Plan

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review

#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
FARM AND FOREST USES				
1	Farm use	1	ORS 215.203 (definition); OAR 660-006-0025(3)(b)	3.13.2
2	Forest operations or practices including (not limited to), reforestation of forest land, road construction & maintenance, harvesting of forest tree species, application of chemicals, & disposal of slash	1	ORS Chapter 527; OAR 660-006-0025(2)(a)	
3	Temporary auxiliary structures for a forest operation	1	ORS Chapter 527; OAR 660-006-0025(2)(b)	4.3.5(D)
4	Physical alterations to land auxiliary to forest practices	1	ORS Chapter 527; OAR 660-006-0025(2)(c)	4.3.5(B)
5	Temporary facility for primary processing of forest products	2	OAR 660-06-0025(3)(d)	4.3.5(C)
6	Permanent facility for primary processing of forest products	2	OAR 660-006-0025(4)(a) and (5)	4.3.4; 4.3.12, Ch 13 definition
7	Permanent logging equipment repair and storage	2	OAR 660-006-0025(4)(b) and (5)	4.3.4; 4.3.12
8	Log scaling and weigh stations	2	OAR 660-006-0025(4)(c) & (5)	4.3.4; 4.3.12
9	Forest management research experimentation facilities as defined, or where accessory to forest operations	2	ORS 526.215 (definition); OAR 660-006-0025(4)(x) & (5)	4.3.4; 4.3.5(A) 4.3.12
10	Temporary forest labor camps	1	OAR 660-006-0025(3)(l)	Ch 13 definition
NATURAL RESOURCE USES				
11	Uses to conserve soil, air & water quality, & to provide for wildlife & fish resources	1	OAR 660-006-0025(3)(a)	
12	Uninhabitable structures accessory to fish and wildlife enhancement	1	OAR 660-006-0025(3)(k)	
RESIDENTIAL USES				
13	Large tract forest dwelling	2	ORS 215.740; OAR 660-006-0027(1)(e)(B) & (4)-(6)	4.3.6(C); 4.3.12



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6.2.2 Use Table for Base Zoning Districts³

Note: The urban residential zoning districts noted below include all urban residential and White City urban residential districts described in Section 5.4 of this Ordinance. Split use types may not be completely consistent with the "See Also" notes. Notwithstanding the permit review type listed under Commercial and Industrial uses, development subject to discretionary review pursuant to Chapters 7 through 10 requires a Type 2 administrative review, otherwise a new use or change of use on existing commercial or industrial sites are allowed subject to a Type 1 review.

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS																
1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit																
CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO	
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-2.5 & RR-5A	UR-1 & UR-4 & To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI		LI
SOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)																
culture	Horse boarding & riding facilities	1	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Intensive Livestock	2	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Non intensive agriculture	1	1	1	1*	1*	1	1	1	1	1	1	1	1	1	6.3.1(A); 5.5.3; 12.3.1
	Plant nursery	1	2	3	-	-	2	-	-	2	2	2	2	-	-	6.3.1(B); 6.4.4(D)
n Use	Marijuana Production	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	3.13.2
stry	Manage, grow, harvest, process timber & forest products	1	1	1	-	-	-	-	-	-	-	-	-	-	-	
eral and regate	Aggregate or surface mining, stockpiling or processing (e.g. batch plants)	3	1	1	1	1	1	1	1	1	1	1	1	2	-	4.4.8; 6.3.4(A)
land game	Fish hatchery/culture /game refuge or management	1	3	-	-	-	-	-	-	-	-	-	-	-	-	

² Ordinance 2004-12, effective 2-6-2005; Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-14, effective 2-13-2005; Ordinance 2011-16, effective 2-26-2012; Ordinance 2015-7, effective 7-26-2015
³See Section 6.3.1

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS
 1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit
 ZONING DISTRICTS

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-2.5 & RR-5A	UR-1 UR-4 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
	Auction services, temporary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(E), 12.3.1
	Feed / seed store	-	-	-	-	-	1/2	-	-	2	2	3	2	-	-	
	Flea market	-	-	-	-	-	-	-	-	-	-	-	-	-	3	6.3.3(N)
	Florist / garden shop, drug store, or bake shop	-	-	-	-	-	1/2	-	1/2	2/3	2/3	3	2	-	-	5.5.3, 6.3.3 (Y), 12.3.1
	Clothing / general merchandise store	-	-	-	-	-	1/2	-	1/2	2/3	2/3	2	2	-	-	6.3.3(I)
	Gift, antique or specialty shop	-	-	-	-	-	1/2	2/3	1/2	2	2	3	2	-	-	6.3.3(O), 12.3.1
	Hardware store	-	-	-	-	-	1/2	-	1/2	2	2	2	2	-	-	6.3.3(Q), 12.3.1
	Pawn/second hand store	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	6.3.3(X)
	Marijuana Retailing/Medical Marijuana Facilities	-	-	-	-	-	3	-	-	-	-	-	-	-	-	3.13.5
	Wholesale establishment	-	-	-	-	-	1/2	-	-	-	-	-	-	1/2	1/2	3.13.4
	Other retail sales	-	-	-	-	-	1/2	-	-	2/3	2/3	2/3	2	-	-	6.2.3, 6.3.3(AA)
Services and businesses	Appliance repair & incidental sales	-	-	-	-	-	-	-	1/2	2	2	3	2	-	-	6.3.3(C)
	Bicycle repair & incidental sales	-	-	-	-	-	1/2	-	1/2	2	2	3	2	-	-	
	Gun Repair	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	
	Rental facilities & equipment rentals	-	-	-	-	-	1/2	-	-	-	-	-	2	-	-	

- 5) The detached living space will be located within 200 feet of the existing primary residence;
- 6) No more than three (3) of the five (5) identified components of a dwelling will be incorporated into the detached living space; AND
- 7) A deed declaration that stipulates the detached living space is not and cannot be used as an independent dwelling unit must be recorded prior to issuance of building permits.

C) ***Home Occupations***

1) *Purpose*

The purpose of a home occupation or home business is to make a profit in money. This Section provides standards for home occupations and businesses that permit the limited conduct of a business within a residential dwelling, attached or detached garage, or accessory structures in rural areas without adversely impacting the surrounding area. The standards for home occupations and home businesses in this Section are intended to ensure compatibility with other permitted uses and with the residential character of the property. In resource zones, the provisions of ORS 215.448 also apply.

2) *Where Allowed*

Home occupations that comply with the regulations of this Section may be allowed in all zoning districts, except within accessory dwelling units.

3) *Approval Required*

Home occupations are permitted as a Type 1 use in all residential zones, and a Type 2 use in resource zones, subject to provisions of this Ordinance.

4) *Prohibited Home Occupations¹¹*

Some uses by their nature have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home occupations:

- a) Auto or vehicle oriented (repair, painting, detailing, wrecking, transportation services, or similar activities);
- b) Retail sales or professional services, other than by appointment only; and
- c) Large appliance repair; and
- d) All marijuana production, processing, wholesaling, and retailing/dispensing.

5) *General Standards*

¹¹ Ordinance 2015-7, effective 7-26-15

allowed in residential and resource zones, subject to all applicable standards of this Ordinance. Home businesses are not allowed in urban unincorporated communities or urban growth boundaries.

3) *Approval Required*

Home businesses are provided as a Type 3 use in residential zones and a Type 2 use in resource zones.

4) *Prohibited Home Businesses*

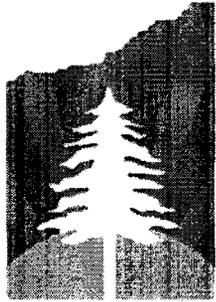
Some uses by their nature have a pronounced tendency to rapidly increase beyond the permitted limits, and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home businesses:

- a) Auto or vehicle oriented (repair, painting, detailing, wrecking or similar activities);
- b) Retail sales or professional services, other than by appointment only;
- c) Large appliance repair; and
- d) All marijuana production, processing, wholesaling and retailing/dispensing.

5) *Standards*

A home business, other than specific business uses listed in this Section, is subject to the following requirements:

- a) The use will be operated in the dwelling or accessory buildings permitted and in character with the zone in which the property is located;
- b) The area committed to business activity (including storage) cannot exceed a ratio of 25% of home business square footage to 100% of primary residential use square footage, provided that in no event will the area dedicated to the home business exceed 3,000 square feet within a rural unincorporated community or 2,000 square feet outside a rural unincorporated community;
- c) The home business will not interfere with existing uses on nearby land or with uses permitted in the zone in which the property is located;
- d) A home business may include light fabrication of material;
- e) Storage of materials must be within an enclosed building, and equipment must be screened from view;
- f) Home businesses will not store or warehouse, or use in their processes, materials which are Class 1 flammables as defined by the Uniform Fire Code;
- g) Nothing in this Section authorizes construction of any structure that is not otherwise allowed in the zone or that is inconsistent with this Section;
- h) Once authorized by the County, the existence of a home business will not be used as justification for a Comprehensive Plan Map Amendment;



JACKSON COUNTY

Oregon

MARIJUANA USE REGULATIONS

Amendments to the Jackson County
Land Development Ordinance

CHAPTER 13

Adopted by Emergency Ordinance No.
2016-4

March 16, 2016

disposal systems, including septic system repair areas, if required.

- 30) BUILDABLE LANDS: Vacant and developed land likely to be redeveloped in urban and urbanizable areas that are suitable, available and necessary for residential uses. (See ORS 197.295)
- 31) BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios. See STRUCTURE and Section 7.1.2 for the alternate definition applicable to floodplain areas.
- 32) BUILDING ENVELOPE: The land area specified on an approved development plan within which a primary structure will be located. Or in the case of an existing primary structure, the land area within 50 feet the existing structure, unless otherwise specified on an approved development plan.
- 33) BUILDING FLOOR AREA: The maximum horizontal area of a building at the finished floor line(s), including any storage areas.
- 34) BUILDING HEIGHT: The vertical distance from the natural grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.
- 35) BUILDING MATERIALS/LUMBERYARD: A facility for stocking and selling new or used lumber, building materials, and related hardware and supplies. Establishments which exclusively sell paint and hardware are classified as "retail sales."
- 36) BUSINESS OR PROFESSIONAL OFFICE: An office of a professional providing a service to the public, including but not limited to: medical or dental offices; architectural, engineering or surveying offices; certified public accountant or tax preparer's office; realty or insurance office; or, business or computer consulting office.
- 37) CABINET, CARPENTRY AND WOODWORK SHOP: A shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.
- 38) CAMPGROUND: Generally, an area of land or water that provides facilities for temporary overnight use by tents, yurts, recreational vehicles, or other types of shelter suitable and intended for use in a temporary or seasonal manner. Accessory uses may include, but are not limited to, bathing and sanitation facilities, picnic shelters, play areas and structures, and other amenities or support facilities intended for the use of visitors and employees. Campgrounds in forest zones are regulated under OAR 660-006-0025 (4)(e) and (5). Campgrounds in Exclusive Farm Use zones are regulated under ORS 215.283 (2).
- 39) CAMPING/RECREATIONAL VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- 40) CANNABINOID: Any of the chemical compounds that are the active constituents of marijuana.

- 41) CANNABINOID CONCENTRATE: A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.
- 42) CANNABINOID EDIBLE: Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.
- 43) CANNABINOID EXTRACT: A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.
- 44) CANNABINOID PRODUCT: A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.
- 45) CEMETERY: A place used for internment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, or a combination thereof. See MORTUARY
- 46) CHURCH: See RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP
- 47) CLUSTER DEVELOPMENT: A subdivision in which lot sizes are reduced below those normally required in the zoning district and that concentrates buildings in specific areas in order to provide permanent open space, preserve historically or environmentally sensitive features, or to mitigate for hazardous site conditions (e.g., steep slopes, wildfire hazard areas). The County may authorize such development by permitting smaller lot sizes when a specified portion of the land is kept in permanent open space to provide natural habitat or open space uses through public or private dedication.
- 48) COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: For-profit accessory uses and activities conducted for the primary purpose of maintaining a "commercial agricultural enterprise" as defined in OAR 660-033-0020. See Sections 4.2.7, 6.3.3 and 6.4.4
- 49) COMMERCIAL USE: The retail sale of products or services, including offices. Not including factories, warehouses, freight terminals or wholesale distribution centers. (See OAR 660-022-0010)
- 50) COMMUNITY CENTER/TOWN HALL/GRANGE: A facility owned and operated by a governmental agency or a nonprofit community organization for the purpose of public assembly, provided that no permanent for-profit commercial eating or

- 158) MANUFACTURED DWELLING PARK/MOBILE HOME PARK: Any place where four (4) or more such homes are located within 500 feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is: (1) to rent or lease space for manufactured dwellings for a charge or fee paid; (2) to be paid for the rental, lease, or use of facilities for manufactured dwellings; or (3) to offer space free for location of manufactured dwellings in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps. For floodplain management purposes, any parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale is subject to the requirements of Section 7.1.2.
- 159) MANUFACTURED DWELLING/MOBILE HOME/RV SALES/RENTAL: Sale or rental of manufactured homes for occupation off-site, including incidental storage and incidental maintenance.
- 160) MANUFACTURING/PRODUCTION, HIGH IMPACT: The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials used in the manufacturing process, and may involve outdoor storage and operations. These activities may impact adjacent properties by creating noise, odor, vibration, dust, or hazards. Examples include, but are not limited to: lumber, plywood and hardboard manufacturing; rolling, drawing, or extruding of metals; and log decking, storage, and pond storage.
- 161) MANUFACTURING/PRODUCTION, LOW IMPACT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Examples include, but are not limited to: manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and pharmaceuticals; and manufacture and fabrication of components, jewelry, clothing, trimming decorations and any similar item.
- 162) MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.
- 163) MARIJUANA ITEMS: Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.
- 164) MARIJUANA LICENSEE: Any person holding a license issued by the Oregon Liquor Control Commission to produce, process, wholesale, and/or retail marijuana or any person registered by the Oregon Health Authority to produce, process and/or dispense marijuana.
- 165) MARIJUANA PROCESSING: The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.
- 166) MARIJUANA PRODUCTION: 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."

- 167) MARIJUANA RETAILING/MEDICAL MARIJUANA FACILITIES: The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.
- 168) MARIJUANA WHOLESALING: The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.
- 169) MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, food, marine supplies, and marine repairs.
- 170) MEDICAL MARIJUANA: Marijuana subject to regulations pursuant to the Oregon Revised Statutes and Oregon Administrative Rules, Chapter 333, Division 8, Medical Marijuana.
- 171) MEDICAL SERVICES: Uses that provide medical or surgical care to patients and offer either in-patient or out-patient care.
- a) Emergency Medical Center: A first-aid station or headquarters for an ambulance service that offers emergency outpatient treatment only.
 - b) Hospital: An institution licensed by the state health department providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, or injury and including as an integral part of the institution related uses such as laboratories, out-patient or training facilities.
 - c) Medical/Dental/Optical Clinic: A facility for examining, consulting with, and treating patients, including offices, laboratories, and out-patient facilities, but not including hospital beds for overnight care or treatment.
- 172) MINI-WAREHOUSE: An area or areas located within an enclosed building that provides separate storage areas for rent for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager or security, and leasing office. These uses are also called self-service storage.
- 173) MOBILE FOOD VENDORS: Any trailer, vehicle or wagon used for the preparation of, processing, or converting food for immediate consumption as a drive-through, or walk-up service that will remain on any one (1) site or parcel for less than a continuous 24 hours. The mobile food vendor vehicle, trailer, or wagon must be fully licensed and ready for highway use. The mobile food vendor, vehicle or wagon is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- 174) MODIFY/MODIFICATION: Making a limited change in something without altering its primary purpose.