

**RECREATIONAL MARIJUANA USE STANDARDS****16.420 Recreational Marijuana Use Standards**

- (1) **Purpose.** The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.
- (2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.
  - (a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.
  - (b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.
  - (c) Prohibited farm uses. In accordance with Oregon law, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:
    - (i) A new dwelling used in conjunction with a marijuana crop;
    - (ii) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and
    - (iii) A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction with a marijuana crop.
- (3) **Process:** Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in conformance with Lane Code 14.050(1) and include a scaled site plan depicting the subject and surrounding properties in sufficient detail to demonstrate compliance with the standards in LC 16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.
- (4) **Special Standard.** Marijuana uses are subject to the following standards and criteria:

- (a) **Setbacks.**
- (i) **Outdoor production.** Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.
  - (ii) **Indoor production.** Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line, or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.
- (b) **Ventilation and air filtration.** Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with an activated charcoal or carbon filtration or other ventilation system in conformance with the standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County Planning Director.
- (i) The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.
  - (ii) The system must consist of one or more fans and filters.
  - (iii) At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
  - (iv) Activated charcoal or carbon filter(s) must be used in the ventilation system and must filter all of the ventilated air. The filter(s) must be rated for the required CFM as calculated in ii above.
  - (v) The filters must be maintained and/or replaced in conformance with the manufactures specifications.
  - (vi) The filtration system, including the activated charcoal or carbon filters, must be maintained in working order and must be in use.
  - (vii) The opening for any exterior exhaust vent for the ventilation system must:
    - 1. Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.
    - 2. Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.

- (viii) An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.
- (c) **Lighting.** A lighting plan showing the location and design of any and all lighting fixtures associated with the use and how the light fixtures will be screened or shielded in conformance with the following standards must be submitted to the Lane County Land Management Division Planning Director.
  - (i) Light cast by light fixtures associated with a marijuana production and/or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.
  - (ii) Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.
  - (iii) Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must not shine, or direct illumination or glare onto adjacent properties.
- (d) **Noise.** Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.
- (e) **Marijuana processing.** Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.
- (f) **Marijuana testing laboratory.** A marijuana testing laboratory use must be conducted entirely indoors.
- (g) Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

Table 1

			<i>Forest zones (F-1 &amp; F-2) (LC 16.210 &amp; 16.211)</i>	<i>Farm zone (EFU) (LC 16.212)</i>	<i>Commercial zones (RC) (LC 16.291)</i>	<i>Industrial zones (RI, GI, LI) (LC 16.280 &amp; 16.292)</i>	<i>Residential and all other base zones not listed in this table</i>
	<u>OLCC License / Certificate Type</u>	<u>Use</u>					
1.	Producer (grower) license (Farm use)	Marijuana Production	Allowed outright as a farm use.	Allowed outright as a farm use.	Tier 1: Allowed/Discretionary – Special Use Permit Required.	Allowed/Discretionary - Special Use Permit Required	Prohibited
2.	Processor license	Marijuana Processing	Prohibited	Discretionary -Special Use Permit Required***	Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required	Prohibited
3.	Wholesaler license	Marijuana Wholesale Distribution	Allowed outright under the definition of farm use.	Allowed outright under the definition of farm use.	Prohibited	Allowed/Discretionary -Special Use Permit Required	Prohibited
4.	Retail license	Marijuana Retail Sales	Prohibited	Prohibited	Allowed/Discretionary – Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
5.	Laboratory License	Marijuana Laboratory Operations	Prohibited	Prohibited	Allowed/Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
6.	Research Certificate	Marijuana Research	Allowed in conjunction with a farm use	Allowed in conjunction with a farm use	Prohibited	Allowed/Discretionary -Special Use Permit Required**	Prohibited

\*\* Size limitation of LC 16.292(3)(b) apply.

\*\*\* Subject to limits of LC 16.212(4)(h)