

**DRAFT MARIJUANA PRODUCTION  
(RECREATIONAL AND MEDICAL)  
SPECIFIC USE STANDARDS FOR CONSIDERATION  
(Revised 5/10/16)**

Related Definition Originally Proposed And Recommended By The Planning Commission:

“**Marijuana Production**” means 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.”

LAND USE / DEVELOPMENT STANDARDS	MAC RECOMMENDATIONS EFU ONLY	BOCC PROVISIONAL STANDARDS	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Home Occupation	<b>CONSENSUS</b> Prohibited. (March 2)	Prohibited	Prohibited	Prohibited	Prohibited		
Minimum Lot Size	<p><b>NO CONSENSUS</b></p> <p><b>Recreational marijuana:</b> The minimum lot size for recreational marijuana in EFU is 20 acres, and growing outside an enclosed building is prohibited. (March 31)</p> <p>There is no minimum lot size for recreational marijuana in EFU. (March 31)</p> <p>The minimum lot size for recreational marijuana in EFU is 20 acres, growing outside an enclosed building is prohibited, and and no production is allowed if adjacent parcels are zoned MUA-10 or RR-10. (March 31)</p> <p>The minimum lot size for recreational marijuana in EFU is 10 acres for Tier 1 and 20 acres for Tier 2. (March 31)</p>	<p><b>Concept to to be finalized:</b></p> <p><u>5 -10 acres:</u> 2,500 sq ft mature canopy located within a fully enclosed building that has all opaque walls and a roof.</p> <p><u>10-20 acres:</u> 10,000 sq ft mature canopy</p> <p><u>20+ acres:</u> 20,000 sq ft mature canopy</p>	<p><u>In the EFU zone:</u> Minimum parcel size shall be <b>20 acres</b>.</p> <p>Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed minimum parcel size is not applicable.</p>	<p><u>In the FF-10 and RRF-5 Districts:</u> <b>5-acre minimum</b>, except that if the majority of abutting properties are equal to or greater than 2 acres, the subject property shall be a <b>minimum of 2 acres</b>. Abutting properties include properties that are contiguous to the subject property, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.</p> <p><u>In the AG/F, EFU, and TBR Districts:</u> <b>2-acre minimum</b>, except that if outdoor production is proposed, the subject property shall be a <b>minimum of five acres</b>. Outdoor production means producing marijuana:</p> <ol style="list-style-type: none"> <li>1. In an expanse of open or cleared ground; or</li> <li>2. In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.</li> </ol>			

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	<p><b>Medical marijuana:</b> There is no minimum lot size for medical marijuana in EFU. (March 31)</p> <p>The minimum lot size for medical marijuana production in EFU is 20 acres, and growing outside an enclosed building is prohibited. (March 31)</p> <p>The minimum lot size for medical marijuana production in EFU is 10 acres for up to 48 plants. (March 31)</p>						

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<p><b>Yard Setback</b></p>	<p><b>NO CONSENSUS</b> For new production in EFU, require the County minimum setbacks plus a 300-foot setback from any residence (or the proposed location of a dwelling unit under application) not on the same property. (April 7)</p> <p>For production in EFU, require setbacks of 200 feet from a lot line and 300 feet from any residence (or the proposed location of a dwelling unit under application) not on the same property. (April 7)</p> <p>For production in EFU, require setbacks of 100 feet from the lot line and 300 feet from any residence (or the proposed location of a dwelling unit under application) not on the same property. (April 7)</p> <p>For production in EFU, require setbacks of 200 feet from the lot line and 300 feet from a residence (or the proposed location of a dwelling unit under application) not on the same property for grow sites in a building; and require setbacks of 200 feet from the lot line and 1,000 feet from a residence (or the proposed location of a dwelling unit under</p>	<p>No land area or structure used for marijuana production shall be located closer than <b>100 feet</b> from any lot line.</p>	<p>No land area or structure used for marijuana production shall be located closer than <b>200 feet</b> from any lot line.</p>	<p><u>In the FF-10 and RRF-5 Districts:</u> <b>50 feet</b> minimum setback from all property lines for any structure used for marijuana production.</p> <p><u>In the AG/F, EFU, and TBR Districts:</u> Outdoor production, as defined above, shall be a minimum of <b>100 feet</b> from all lot lines.</p>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u></p> <ol style="list-style-type: none"> <li>1. No land area or structure used for medical marijuana production shall be located closer than <b>250 feet</b> from any property line.</li> <li>2. If the property line abuts a public or private road or a waterway those features will be included in the setback area.</li> <li>3. Setback requirement will not take effect until March 1, 2017. If permitted before March 1, 2017, medical marijuana production not meeting the setbacks above will not be considered non-conforming uses as defined in Jackson County Code.</li> </ol>		

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	<p>application) not on the same property for grow sites outside a building. (April 7)</p> <p>For production in EFU, include language in the setback regulations similar to, “unless a variance is granted.” (April 7)</p> <p>For production in EFU, allow neighbors to sign an agreement to allow lesser or no setbacks, which agreement would be binding on future owners. (April 7)</p> <p>For production in EFU, existing fully-enclosed lawfully-permitted agricultural buildings (not including hoop houses) that were in place as of the date of the Board’s decision are exempt from the lot line setback requirement, and are required to be 300 feet from a residence (or the proposed location of a dwelling unit under application) not on the same property. (April 7)</p> <p>For production in EFU, unless a variance is granted or waivers (that would run with the land) are signed by adjoining property owners, require setbacks of 100 feet from the lot line and 300 feet from any</p>						

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	residence (or the proposed location of a dwelling unit under application) not on the same property; except that for production sites that are not fully enclosed in a building, the setback from that residence shall be 1,000 feet. (April 7)						
<b>Additional Setback</b>	See “Yard Setback” (immediately above) for recommendations regarding additional setbacks from existing dwellings not on the same property.	No land area or structure used for marijuana production can be within <b>300 feet</b> from an existing dwelling unit (or the proposed location of a dwelling unit under application) not located on the same property.	No land area or structure used for marijuana production can be within <b>300 feet</b> from an existing dwelling unit not located on the same property.				
<b>Minimum Separation Distances</b>	<p><b>CONSENSUS</b></p> <ol style="list-style-type: none"> <li>There shall be a separation of 1,000 feet from public and private elementary and secondary schools, licensed child care centers (excluding in-home child care), licensed pre-schools, national monuments and state parks, and all approved/licensed youth activity centers; a change in use (e.g., a new school) shall not cause a violation of this standard; separation is to be measured from the lot line of the school.</li> <li>The 1000-foot separation shall be measured from the lot line of the school to the premises.</li> <li>Existing lawfully-established medical marijuana processing and production sites [are] exempted from the separation</li> </ol>	<ol style="list-style-type: none"> <li>There shall be a separation of 1,000 feet from public and private elementary and secondary schools, licensed child care centers (excluding in-home child care), licensed pre-schools, national monuments and state parks, and all approved/licensed youth activity centers; a change in use (e.g., a new school) shall not cause a violation of this standard; separation is to be measured from the lot line of the school.</li> <li>The 1000-foot separation shall be measured from the lot line of the school to the premises.</li> <li>Existing lawfully-established medical marijuana processing and production sites [are] exempted from the separation standard; however, if they apply for a new type of license, the separation rules would apply.</li> </ol>	<ol style="list-style-type: none"> <li>1000 feet from public/private elementary and secondary schools, licensed child care center, licensed preschool, parks, and all approved/licensed youth activity centers (e.g., Boys &amp; Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.</li> <li>Change of use (e.g. new school) shall not cause violation of this standard.</li> </ol> <p><b>Distance Calculation:</b> All distances shall be measured from the lot line of the affected property (e.g., a school) to the closest lot line of the property occupied by the marijuana producer.</p>				

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	<p>standard; however, if they apply for a new type of license, the separation rules would apply. (April 7)</p> <p><b>NO CONSENSUS</b> There is no separation requirement for production in EFU. (April 7)</p> <p>For production in EFU:</p> <ol style="list-style-type: none"> <li>1. Separation is required of 1,000 feet from public and private elementary and secondary schools, licensed child care centers (excluding in-home child care), licensed pre-schools, national monuments and state parks, all approved/licensed youth activity centers, churches, public playgrounds, meeting places available for rent, and public libraries</li> <li>2. Separation is required of 3 miles between all OLCC licenses for production and processing.</li> <li>3. A change in use (e.g., a new school) shall not cause a violation of this standard.</li> <li>4. Separation is to be measured from the lot line of the "protected location." (April 7)</li> </ol>						

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<b>Odor</b>	<p style="text-align: center;"><b>CONSENSUS</b></p> <p>A “building” is any building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. (March 2)</p> <p style="text-align: center;"><b>CONSENSUS</b></p> <ol style="list-style-type: none"> <li>1. Buildings for production and processing in EFU shall be equipped with an effective odor control system that prevents unreasonable interference of neighbors’ use and enjoyment of their property</li> <li>2. An odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor.</li> <li>3. Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.</li> <li>4. The system shall consist of one or more fans.</li> <li>5. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.</li> <li>6. The filter(s) shall be rated for the required CFM.</li> <li>7. The system shall be maintained in working order and shall be in</li> </ol>	<p>A “building” is any building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.</p> <ol style="list-style-type: none"> <li>1. Buildings for production and processing in EFU shall be equipped with an effective odor control system that prevents unreasonable interference of neighbors’ use and enjoyment of their property</li> <li>2. An odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor.</li> <li>3. Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.</li> <li>4. The system shall consist of one or more fans.</li> <li>5. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.</li> <li>6. The filter(s) shall be rated for the required CFM.</li> <li>7. The system shall be maintained in working order and shall be in use.</li> <li>8. These standards shall be applied to existing medical marijuana production sites in EFU after one year.</li> </ol>	<p>Buildings and Greenhouses shall:</p> <ol style="list-style-type: none"> <li>1. Be equipped with carbon filtration system for odor control.</li> <li>2. Consist of 1 or more fans.</li> <li>3. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.</li> <li>4. The filter(s) shall be rated for the required CFM.</li> <li>5. The filtration system shall be maintained in working order and shall be in use.</li> <li>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.</li> </ol>	<p>The building shall be:</p> <ol style="list-style-type: none"> <li>1. Equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.</li> <li>2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.</li> <li>3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.</li> <li>4. Negative air pressure shall be maintained inside the building.</li> <li>5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.</li> <li>6. The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).</li> <li>7. 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 activated carbon filtration system otherwise required.</li> </ol>	<p><u>In the Rural Residential and Rural Use Zoning Districts (it is unclear but assumed this is also applicable to EFU and Forest Zoning Districts):</u> A building used for marijuana production shall be:</p> <ol style="list-style-type: none"> <li>1. Equipped with a carbon filtration system for odor control.</li> <li>2. The system shall consist of one or more fans and filters.</li> <li>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.</li> <li>4. The filter(s) shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use.</li> <li>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.</li> </ol>		

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	use. 8. These standards shall be applied to existing medical marijuana production sites in EFU after one year. (March 9 and April 7)						

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Lighting	<p><b>CONSENSUS</b></p> <ol style="list-style-type: none"> <li>1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.</li> <li>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</li> <li>4. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.</li> <li>5. This lighting standard will apply to existing production and processing sites after one year. (March 9)</li> </ol>	<ol style="list-style-type: none"> <li>1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.</li> <li>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</li> <li>4. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.</li> <li>5. <b>This lighting standard will apply to existing production and processing sites after one year. (BOCC to decide on a 1-year compliance or a shorter time period)</b></li> </ol> <p><b>BOCC Addition under consideration:</b></p> <ol style="list-style-type: none"> <li>6. <b>Shall apply to all greenhouses, hoop houses, etc. not just those associated with marijuana production.</b></li> </ol>	<p>General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (e.g. require shielding or obscuring roof/walls of greenhouses).</p> <ol style="list-style-type: none"> <li>1. Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the building to the maximum extent possible from sunset to sunrise the following day.</li> <li>2. Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day.</li> <li>3. Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.</li> </ol>	<ol style="list-style-type: none"> <li>1. Inside building lighting used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.</li> <li>2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.</li> <li>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</li> <li>4. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction is projected below the horizontal plane through the lowest light-emitting part.</li> </ol>		
Noise	<p><b>CONSENSUS</b></p> <ol style="list-style-type: none"> <li>1. Marijuana production sites in EFU shall comply with the Noise Control Standards of DCC 8.08.</li> <li>2. This standard applies to existing medical marijuana sites, as well as any prospective sites. (March 9 and April 7)</li> </ol>	<ol style="list-style-type: none"> <li>1. Marijuana production sites in EFU shall comply with the Noise Control Standards of DCC 8.08.</li> <li>2. This standard applies to existing medical marijuana sites, as well as any prospective sites.</li> </ol> <p><b>BOCC Additions Under Consideration:</b></p> <ol style="list-style-type: none"> <li>3. <b>Sustained noise from marijuana production is exempt from protections of DC 9.12 (right to farm).</b></li> <li>4. <b>Sustained noise shall not exceed 40 dB(A) measured at the property line between 10:00pm and 7:00am the</b></li> </ol>	<p>Move to Noise Control Ordinance 8.08, and apply to all marijuana production building and mechanical equipment outside of an industrial zone.</p>	<p>The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any lot line of the subject property, exceeds <b>50 dB(A).</b></p>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u> The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that the mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that when measured at any lot line of the subject property, exceeds <b>60 dB(A).</b></p>		

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		<p>following day.</p> <p>5. Intermittent noise is permitted.</p>					
<p><b>Limit the Number of licenses per parcel</b></p>	<p>Production in EFU is limited to one license on up to 10 acres, two licenses on 11-20 acres, and one additional license for every additional 10 acres or portion thereof. (March 31)</p> <p>Production in EFU is limited to one license on up to 80 acres, two licenses on 81-100 acres, and one additional license for every additional 20 acres or portion thereof. (March 31)</p>	<p>There shall be a limit of one of the following per parcel:</p> <ol style="list-style-type: none"> <li>1. OLCC licensed production; or</li> <li>2. OHA registered grow site.</li> </ol>	<p>Consider limiting the number of OLCC production licenses of one type on a parcel to 1 indoor and 1 outdoor license per 10 or 20 acres.</p>				
<p><b>Enclosed Production Only</b></p>		<p>Marijuana production shall be located entirely within one or more completely enclosed buildings, including greenhouses.</p> <p>Production in an open expanse of ground is prohibited.</p>	<p>Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed indoor production requirement is not applicable.</p>	<p><u>In the FF-10 and RRF-5 Districts:</u> Marijuana production shall be located entirely within one or more completely enclosed buildings.</p>			

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Maximum Building Floor Space			Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed maximum building space requirement is not applicable.	<p>In the FF-10 and RRF-5 Districts:</p> <ol style="list-style-type: none"> <li>1. A maximum of 5,000 square feet of building floor space may be used for all activities associated with marijuana production on the subject property.</li> <li>2. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production space and the remainder of the building.</li> </ol>			
Screening		<p>For greenhouses and land areas used for the marijuana production:</p> <ol style="list-style-type: none"> <li>A. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.</li> <li>B. New structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.</li> <li>C. No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape.</li> <li>D. All structures shall be sited to take</li> </ol>	<p>Do not apply to buildings and greenhouses for new operations because OLCC's security and site obscuring requirements combined with Planning Commission recommendations (e.g. increased setbacks) will mitigate impacts.</p> <p>These standards should only apply to existing, non-conforming operations, including buildings and greenhouses to mitigate impacts:</p> <ol style="list-style-type: none"> <li>1. A row of evergreen trees or shrubs along the outside perimeter of the land area and buildings, including greenhouses, shall be no less than 4 feet in height when planted, and spaced in such a way as to reduce the visual impacts of the land areas and buildings as viewed from roads, rivers, streams, and abutting private properties.</li> <li>2. Vegetation shall be continuously maintained.</li> <li>3. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</li> <li>4. All materials used for buildings, structures, and fencing, excluding greenhouses shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the marijuana production and processing area.</li> </ol>				

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		<p>advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the public right-of-way or adjacent properties. When more than one nonagricultural structure is to exist and no vegetation, trees or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the public right-of-way or adjacent properties.</p> <p>E. Fencing, as required by State law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.</p> <p>F. Razor wire shall be obscured from view or colored a muted earth tone.</p> <p>G. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests and other open and scenic areas as seen from the public right-of-way or adjacent properties.</p>					

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<b>Water</b>		<ol style="list-style-type: none"> <li>1. A water right permit or certificate number;</li> <li>2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or</li> <li>3. 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.</li> </ol> <p>(Staff will coordinate with OWRD for final ordinance language.)</p>	Proof from the Watermaster that proposed water supply complies all applicable local, state, and federal laws.	<p>The applicant shall submit:</p> <ol style="list-style-type: none"> <li>1. A water right permit or certificate number for the proposed marijuana production;</li> <li>2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or</li> <li>3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production is from a source that does not require a water right.</li> </ol>	<p>The applicant shall provide:</p> <ol style="list-style-type: none"> <li>1. A water right permit or certificate number; or</li> <li>2. A statement that water is supplied from a water provider, along with the name and contact information of the public water provider; or</li> <li>3. 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.</li> <li>4. Private water provision is allowed, only as a secondary water source, to be used only when the other sources described herein are not available.</li> </ol>	<p>The applicant shall provide:</p> <ol style="list-style-type: none"> <li>4. A water right permit or certificate number;</li> <li>5. 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</li> <li>6. 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.</li> </ol>	<ol style="list-style-type: none"> <li>1. A medical marijuana producer must have: <ol style="list-style-type: none"> <li>a. A water right for irrigation or nursery use;</li> <li>b. Water supplied from a public or private water provider that has a legal authorization to use water; or</li> <li>c. Proof from the Oregon Water Resources Department that the water to be used for producing marijuana is from a source that does not require a water right.</li> </ol> </li> <li>2. A medical marijuana producer must document the information in section (1) of this rule and provide that information to the Authority upon request.</li> </ol>

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<b>Access</b>	<p><b>NO CONSENSUS</b> 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 a majority of 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. (March 9)</p> <p><b>NO CONSENSUS</b> No access restrictions to marijuana processing and production sites in EFU. (March 9)</p>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Existing, lawfully established medical marijuana grow sites are not subject to these standards. However, these standards are applicable if the site were to convert to recreational marijuana production.</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>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.</li> <li>However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is 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 described in the application. Such evidence shall include any conditions stipulated in the agreement.</li> </ol>	<p><u>In the Rural Residential and Rural Use Zoning Districts:</u></p> <ol style="list-style-type: none"> <li>The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on a private road or easement serving only the subject property.</li> <li>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, which a majority of other property owners who have access rights to the private road or easement agree to allow the specific marijuana production described in the application. The petition shall include any conditions stipulated to, by the parties, and shall be recorded.</li> </ol>		
<b>Security Cameras</b>		If used, security cameras 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 (OLCC) or registration requirements of the Oregon Health Authority (OHA).	If 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 (OLCC) or registration requirements of the Oregon Health Authority (OHA).	If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC).	If 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.	See OAR 845-025-1430, Video Surveillance Equipment	See OAR 333-008-2110 (Draft), Video Surveillance Equipment

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<b>Secure Disposal</b>		<ol style="list-style-type: none"> <li>1. Store marijuana waste in a secured waste receptacle in the possession of and under the control of the OLCC licensee or the OHA Person Responsible for the Grow Site.</li> <li>2. Marijuana items shall not be placed within exterior refuse containers on the subject property.</li> </ol>	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the OLCC licensee.	<p>In the Rural Residential and Rural Use Zoning Districts:</p> <ol style="list-style-type: none"> <li>1. Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee.</li> <li>2. Composting of marijuana waste is limited to waste from the permitted premises.</li> <li>3. Marijuana waste burning is prohibited.</li> </ol> <p>In the EFU and Forest Zoning Districts:</p> <ol style="list-style-type: none"> <li>1. Marijuana waste shall be stored in a secured waste receptacle, and in the possession of and under the control of the licensee.</li> <li>2. Marijuana waste burning is prohibited.</li> </ol>	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the Person Responsible for the Grow Site (PRMG).
<b>On Site Residency</b>		<p><u>In MUA-10 zone:</u> A minimum of one of the following shall reside in a dwelling unit on the subject property:</p> <ol style="list-style-type: none"> <li>1. An owner of the subject property; or</li> <li>2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property.</li> </ol>	Production not permitted in the RR-10, MUA-10, F-1, and F-2 Zones. Therefore, the originally proposed residency requirement is not applicable.	<p><u>In the FF-10 and RRF-5 Districts,</u> a minimum of one of the following shall reside in a dwelling unit on the subject property:</p> <ol style="list-style-type: none"> <li>1. An owner of the subject property; or</li> <li>2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property.</li> </ol>			

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<p style="text-align: center;"><b>Inspections/ Annual Reports/ Local Business License</b></p>		<p>(See attachment for outline of options under consideration)</p>	<ol style="list-style-type: none"> <li>1. County to conduct inspections of each approved site in 1-2 years to determine compliance and to learn what's working and what's not.</li> <li>2. Require property owner to grant County access to conduct the inspection.</li> </ol>			<ol style="list-style-type: none"> <li>1. The commission may conduct:               <ol style="list-style-type: none"> <li>a. A complaint inspection at any time following the receipt of a complaint that alleges a licensee or permittee is in violation of applicable State laws;</li> <li>b. An inspection at any time if it believes, for any reason, that a licensee or permittee is in violation of applicable State laws; or</li> <li>c. Compliance transactions in order to determine whether a licensee or permittee is complying with applicable State laws</li> </ol> </li> <li>2. A licensee, licensee representative, or permittee must cooperate with the Commission during an inspection.</li> <li>3. If licensee, licensee representative or permittee fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Authority may inspect the following to ensure compliance with applicable State laws:               <ol style="list-style-type: none"> <li>a. The marijuana grow site of a medical marijuana producer; and</li> <li>b. The records of a medical marijuana producer.</li> </ol> </li> <li>2. The Authority may inspect:               <ol style="list-style-type: none"> <li>a. A medical marijuana producer's grow site address at any reasonable time to determine whether a producer is in compliance with applicable State laws; and</li> <li>b. Any grow site address if there is a reasonable basis for believing that a PRMG is in violation of applicable State laws.</li> </ol> </li> <li>3. If an individual at a grow site address fails to permit the Authority to conduct an inspection or if the Authority requires access to a grow site address and cannot obtain permission the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.</li> </ol>

LAND USE / DEVELOPMENT STANDARDS	MAC RECOMMENDATIONS EFU ONLY	BOCC PROVISIONAL STANDARDS	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY	JACKSON COUNTY PLANNING COMMISSION RECOMMENDATION	OLCC (RECREATIONAL)	OHA PROPOSED RULES (MEDICAL)
Non Conformance: Applying to lawfully established medical marijuana sites that continue to by only medical marijuana sites			Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.				
Fencing		(See Screening Above)			Fencing, as required by State law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc.		
Prohibited Uses		Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use: 1. A new dwelling used in conjunction with a marijuana crop; 2. A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; and 3. A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.					
Utility Company "Will Serve"		1. The applicant shall submit a statement from each utility company proposed to serve the marijuana production site, stating that each such company is able and willing to serve the development as proposed.					
Complaints		Amendment to Code Enforcement Policies: 1. Allow anonymous complaints by "affected" property owners or residents.  <b>(definition of "affected" to be determined such as specific proximity to the location)</b>					
Temporary Residences Prohibited					Use of tents, and recreational or camping vehicles as living space is not allowed in conjunction with marijuana production.		

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<b>Minors</b>						Minors are not permitted at the licensed premise except if minor is an employee, has a legitimate business purpose (e.g. plumber) or is resident of the property . Minor resident may not be present in areas where usable marijuana or cut and drying marijuana plants are located.	
<b>Consumption</b>						Product may not be consumed at a licensed premise.	

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Security						<p>1. In addition to the security requirements in OAR 845-025-1400 to 845-025-1460 a producer must effectively prevent public access and obscure from public view all areas of marijuana production. A producer may satisfy this requirement by:</p> <ul style="list-style-type: none"> <li>a. Submitting a security plan as described in (x-ref);</li> <li>b. Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior satisfies; or</li> <li>c. Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight (8) feet high.</li> </ul> <p>2. If a producer chooses to dispose of usable marijuana by any method of composting, as described in OAR 845-025-7750, the producer must prevent public access to the composting area and obscure the area from public view.</p>	<p>1. A PRMG must effectively prevent public access and obscure from public view all areas of where marijuana is being produced. A PRMG may satisfy this requirement by:</p> <ul style="list-style-type: none"> <li>a. Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior; or</li> <li>b. Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight feet high.</li> </ul> <p>2. A medical marijuana producer must comply with all applicable security requirements in OAR 333-008-2080 to 333-008-2120.</p> <p>3. A PRMG may request a waiver of a security requirement in accordance with OAR 333-008-2130.</p>
Size Limits		(See Lot Size Above)				See OAR 845-025-2040, Production Size Limitations	See OAR 333-008-0560 (Draft), Grow Site Plant Limits

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Outdoor (no-building) grow sites	<p><b>NO CONSENSUS</b> Prohibit outdoor/no-building grow sites. (March 9)</p> <p><b>NO CONSENSUS</b> Allow marijuana grow sites without a building in EFU if they do not unreasonably interfere with the use and enjoyment of neighbors' properties. (March 9)</p> <p><b>NO CONSENSUS</b> Allow non-building marijuana grow sites in EFU if the neighbors signed a petition to allow it. (March 9)</p>	Production in an open expanse of ground is prohibited.					