

**MARIJUANA PROCESSING
(RECREATIONAL AND MEDICAL)
SPECIFIC USE STANDARDS FOR CONSIDERATION**
(Dated 4-1-16)

Related Definition Recommended By The Planning Commission:
“Marijuana Processing” means 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.”

Related Definitions Originally Proposed:
“Marijuana processing, Type 1” means the processing of marijuana limited to trimming, drying, curing, and packaging of harvested marijuana, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

“Marijuana processing, Type 2” means the processing of marijuana that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority .

	MAC PROVISIONAL RECOMMENDATIONS: EFU ONLY	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA PROPOSED RULES (Medical)
Home Occupation	CONSENSUS Prohibited. (March 2)	Prohibited	Prohibited	Prohibited	Prohibited		
Minimum Parcel Size		In the MUA-10 Zone: <ul style="list-style-type: none">The subject property minimum parcel size shall be:<ul style="list-style-type: none">Processing, Type 1: 5 acres.Processing, Type 2: 10 acres.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed minimum parcel size is not applicable.	In the FF-10 and RRFF-5 Districts: the subject property shall be a minimum of five acres, except that if the majority of abutting properties are equal to or greater than two acres, the subject property shall be a minimum of two acres. 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. In the AG/F, EFU, and TBR Districts: Tthe subject property shall be a minimum of two acres.			
Yard Setback		No land area or structure used for marijuana production or marijuana processing shall be located closer than 100 feet from any lot line.	No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.		In the EFU zone: No land area or structure used for all marijuana processing shall be located closer than 200 feet from any property line.		
Additional Setback		No land area or structures used for marijuana processing shall be located closer than 300 feet from an existing dwelling unit not located on the same property.	No land area or structures used for marijuana processing shall be located closer than 300 feet from an existing dwelling unit not located on the same property.				

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Minimum Separation Distances		<ul style="list-style-type: none">1000 from public/private elementary schools, licenses child care center, and licensed preschoolChange of use (i.e. new school) shall not cause violation of this standard <p>Distance Calculation: 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 wholesaler.</p>	<ul style="list-style-type: none">1000 from public/private elementary and secondary schools, licenses child care center, licensed preschool, parks, and all approved/licensed youth activity centers (i.e., Boys & Girls Club) with a 501c3 status or description stating youth activities, excluding in-home child care.Change of use (i.e. new school) shall not cause violation of this standard. <p>Distance Calculation: 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 wholesaler.</p>				
Access	<p>NO CONSENSUS Adopt the Planning Commission recommendation for access to marijuana processing and production sites in EFU, substituting “a majority of property owners” for “all property owners.” (March 9)</p> <p>NO CONSENSUS No access restrictions to marijuana processing and production sites in EFU. (March 9)</p>	<ul style="list-style-type: none">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. <p>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.</p>	<ul style="list-style-type: none">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. <p>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.</p>	<ul style="list-style-type: none">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. <p>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 or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p>			
Odor	<p>CONSENSUS A “building” is any building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. (March 2)</p>	<p>Buildings and Greenhouses shall:</p> <ul style="list-style-type: none">Equipped with carbon Filtration systemConsist of 1 or more fans.The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width	<p>Buildings and Greenhouses shall:</p> <ul style="list-style-type: none">Equipped with carbon Filtration systemConsist of 1 or more fans.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	<p>The building shall be:</p> <ul style="list-style-type: none">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.The filtration system shall consist of one or more fans	<p>In the EFU Zone:</p> <ul style="list-style-type: none">A building used for marijuana processing shall be equipped with a carbon filtration system for odor control.The system shall consist of one or more fans and filters. At a minimum, the fan(s) shall be sized for cubic feet		

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	CONSENSUS <ol style="list-style-type: none">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 propertyAn 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.Private citizen complaints about odor are authorized, as judged by persons of ordinary sensibilities.The system shall consist of one or more fans.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 required CFM.The system shall be maintained in working order and shall be in use. (March 9)	multiplied by height) divided by three. The filter(s) shall be rated for the required CFM.	by three. <ul style="list-style-type: none">The filter(s) shall be rated for the required CFM.The filtration system shall be maintained in working order and shall be in use. 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.	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. <ul style="list-style-type: none">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.Negative air pressure shall be maintained inside the building.Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.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). 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.	per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space). <ul style="list-style-type: none">The filter(s) shall be rated for the applicable CFMThe filtration system shall be maintained in working order and shall be in use. 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.		
Lighting	CONSENSUS <ol style="list-style-type: none">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.Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.	<ul style="list-style-type: none">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.Outdoor marijuana grow lights shall not be	General consensus to mitigate light and preserve dark skies, but no consensus on to what extent or method (i.e., require shielding or obscuring roof/walls of greenhouses). <ul style="list-style-type: none">Light cast by light fixtures inside any building, including greenhouses, shall be screened or shielded from view outside the	<ul style="list-style-type: none">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.Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following	In the EFU Zone: <ul style="list-style-type: none">Outdoor marijuana processing lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.Light cast be exterior light fixtures (i.e. security lights) shall not trespass onto adjacent lots. Lighting fixtures shall be fully		

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	<p>3. Light cast by exterior light fixtures other than marijuana grow lights (i.e. security lights) shall not trespass onto adjacent lots.</p> <p>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.</p> <p>5. This lighting standard will apply to existing production and processing sites after one year. (March 9)</p>	<p>illuminated from sunset to sunrise the following day.</p> <ul style="list-style-type: none">Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.	<p>building to the maximum extent possible from sunset to sunrise the following day.</p> <ul style="list-style-type: none">Outdoor marijuana grow lights shall not be illuminated from sunset to sunrise the following day. <p>Light cast by exterior light fixtures shall comply with the outdoor lighting standards of DCC 15.10.</p>	<p>day.</p> <p>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.</p>	<p>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.</p>		
Security Cameras		<p>Shall be directed to record only the subject property and public rights-of-way.</p>	<p>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 (OLCC) or registration requirements of the Oregon Health Authority (OHA).</p>	<p>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).</p>	<p>In the EFU Zone: 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.</p>		
Secure Disposal		<ul style="list-style-type: none">Secure disposal of discarded marijuana items shall be provided. <p>Marijuana items shall not be placed within exterior refuse containers on the subject property.</p>	<p>Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.</p>	<p>Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.</p>	<p>In the EFU Zone: Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.</p>	<p>Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.</p>	
Noise	<p>CONSENSUS</p> <p>1. Marijuana processing and production sites in EFU shall comply with the Noise Control Standards of DCC 8.08.</p> <p>2. Noise from mechanical equipment used shall not produce sound that, when measures at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 pm and 7:00 am the following day.</p> <p>3. This standard applies to existing medical marijuana sites, as well as any prospective sites. (March 9)</p>	<ul style="list-style-type: none">Compliance with the Noise Control Standards of DCC 8.08. <p>Noise from mechanical equipment used shall not produce sound that, when measured at any lot line of the subject property, exceed 50 dB(A) anytime between 10:00 p.m. and 7:00 a.m. the following day.</p>	<p>Move to Noise Control Ordinance 8.08, and apply to all marijuana processing building and mechanical equipment outside of a commercial or 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 50 dB(A).</p>			

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Screening		<p>Land area and buildings, including greenhouses, shall be screened in the following manner:</p> <p>a. 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.</p> <p>b. Vegetation shall be continuously maintained.</p> <p>c. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>d. 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.</p>	<p>Do not apply to buildings and greenhouses for new operations because OLCC’s security and site obscuring requirements combined with Planning Commission recommendations (i.e., 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> <p>a. 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.</p> <p>b. Vegetation shall be continuously maintained.</p> <p>c. Combination of existing vegetation, berming, topography, wall, fence, or other can be used.</p> <p>d. 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.</p>				
Water Source		<p>Applicant shall submit proof of a water right for the proposed marijuana processing, or proof of access to a public or community water system.</p>	<p>The applicant shall submit proof from the watermaster that proposed water supply complies all applicable local, state, and federal laws.</p>	<p>The applicant shall submit:</p> <p>1. A water right permit or certificate number for the proposed marijuana processing;</p> <p>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</p> <p>3. Proof from the Oregon Water Resources Department that the</p>	<p>In the EFU Zone:</p> <p>The applicant shall provide:</p> <p>1. A water right permit or certificate number;</p> <p>2. A statement that water is supplied from a water provider along with the name and contact information of the public water provider; or</p> <p>Proof from the Oregon Water Resources Department that the water to be used for production</p>		

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				water to be used for marijuana production or marijuana processing is from a source that does not require a water right.	is from a source that does not require a water right.		
Fire Protection		In the MUA-10 Zone: Type 2 Marijuana Processing shall only be permitted on properties located within a fire district.	Processing of cannabinoid extracts shall only be permitted on properties located within or under contract with a fire district.			Processors of cannabinoid extracts shall: Meet any required fire, safety, and building code requirements specified in: 1. Applicable Oregon laws; 2. National Fire Protection Association (NFPA) standards; 3. International Building Code (IBC); 4. International Fire Code (IFC);	Processors of cannabinoid extracts shall: Meet any required fire, safety, and building code requirements specified in: 1. Oregon state law; 2. National Fire Protection Association (NFPA) standards; 3. International Building Code (IBC); 4. International Fire Code (IFC).
Indoor Processing		In the MUA-10 Zone: <ul style="list-style-type: none">• Marijuana processing shall be located entirely within one or more completely enclosed buildings, including greenhouses.• A maximum of 3,000 square feet of building space may be used for all activities associated with marijuana processing on the subject property. If only a portion of a building is authorized for use in marijuana production or marijuana processing, 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 or marijuana processing 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 or marijuana processing space and the remainder of the building.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed indoor processing requirement is not applicable.	In the AG/F and EFU Districts: Marijuana processing shall be located entirely within one or more completely enclosed buildings.			
On-Site Residency		In the MUA-10 Zone: An owner of the subject property shall reside in a dwelling unit on the subject property.	Processing not permitted in the MUA-10 zone. Therefore, the originally proposed residency requirement is not applicable.	In the FF-10 and RRFF-5 Districts: A minimum of one of the following shall reside in a dwelling unit on the subject property: 1. An owner of the subject property; or 2. A holder of an OLCC license for marijuana production, provided			

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				that the license applies to the subject property.			
Nonconformance		Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.	Shall comply with odor, lighting, security camera, secure disposal, noise, and screening requirements by 12/31/16.				
On-Site Sales Prohibited					In the Industrial Zones: No on-site retail sales are allowed.		
Outdoor Storage Prohibited					In the Industrial Zones: No outdoor storage of marijuana in any form, including remnants, by-products and waster is permitted.		
Processing Method Limitation					In the EFU Zone: Only dry, water or CO-2 processing is allowed.		
Temporary Residences Prohibited					In the EFU Zone: Use of tents, and recreational or camping vehicles for overnight stays, as living space is not allowed in conjunction with marijuana processing.		
Minors						Minors are not permitted at the licensed premise except for unique, limited circumstance (i.e. minor plumber).	Minors are not permitted to be present in any limited access area of a registered processing site.
Consumption						Product may not be consumed at a licensed premise.	The ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the processing site is prohibited except as allowed for medical marijuana patients.

Related Definitions Originally Proposed And Recommended By The Planning Commission:

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Cannabinoid concentrate” means 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.

“Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

“Cannabinoid extract” means 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.

“Cannabinoid product” means 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.