

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

Definition originally proposed and recommended by the Planning Commission

“Marijuana retailing” means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

	MAC PROVISIONAL RECOMMENDATIONS	ORIGINAL PROPOSAL	PLANNING COMMISSION RECOMMENDATION	CLACKAMAS COUNTY ADOPTED	JACKSON COUNTY PC RECOMMENDATION	OLCC (Recreational)	OHA (Medical)
Home Occupation	CONSENSUS Prohibited. (February 17)	Prohibited	Prohibited	Prohibited	Prohibited		
Waste Disposal	CONSENSUS Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. (February 17)	<ul style="list-style-type: none"> Secure disposal of discarded marijuana items shall be provided. Marijuana items shall not be placed within exterior refuse containers on the subject property. 	Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.	Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.	No marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.	Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.	
Minimum Separation Distances	<p>CONSENSUS</p> <ul style="list-style-type: none"> Require a separation of 1000 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; and require a separation of 1000 feet between all retail outlets (medical and recreational). 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. (February 22) <p>NO CONSENSUS Add churches to the list of locations that must be 1000 feet from a marijuana retail or dispensary operation. (March 2)</p> <p>NO CONSENSUS There was no consensus reached on several proposals for measuring separation distance, as follows (however, there was consensus in the above recommendation):</p> <ul style="list-style-type: none"> Defer to current state 	<ul style="list-style-type: none"> 1,000 from public/private elementary schools, licenses child care center, licensed preschool, and marijuana retailers. 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 retailer.</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 retailer.</p>	<ul style="list-style-type: none"> 100 feet from residentially-zoned property except if street frontage on principal interstate, expressway, etc. 2,000 feet from elementary or secondary schools, including property and parking lots 1,500 feet from public parks, playgrounds, libraries; government-owned recreational use, licensed treatment center, light rail transit station or multi-family dwelling owned by a public housing authority 500 feet from a licensed daycare facility or preschool, including associated property and parking lot 1,000 feet for other marijuana retailer of the same type (e.g., recreational or medical) 1,000 feet from any other marijuana retailer so licensed by the OLCC. 1,000 feet from any other marijuana retailer so registered with the OHA. Change of use to listed use shall not cause violation of this standard. 	<p>Shall not be within:</p> <ul style="list-style-type: none"> One mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics. 1,000 feet of the Jackson County Transition Center. 250 feet of residentially zoned property within the White City Urban Unincorporated Community Boundary. 1,000 feet of a public park, excluding the Bear Creek Greenway. 1,000 feet of an Interstate 5(1-5) interchange. The interchange is defined as the bridge structure over 1-5 including all on and off ramp termini. 1,000 feet from a public elementary or secondary school. 1,000 feet of another marijuana retail sales facility. 1,000 feet of another medical marijuana facility. <p>Distance Calculation: For the purposes of determining the distance between a marijuana retail sales facility/medical marijuana facility and another marijuana retail sales facility/medical</p>	<ul style="list-style-type: none"> May not be located within 1,000 feet of public/private/parochial elementary or secondary school. Local standard cannot require greater than 1,000 feet from another retail marijuana premises. 	<ul style="list-style-type: none"> 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors. Must not be located within 1,000 feet of another medical marijuana facility.

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	<p>regulations for how separation [between uses] is measured, acknowledging that they may change; if the state makes those regulations less strict, the County will keep their stricter regulations. If the state makes their regulations stricter, the County would have to conform to the stricter standard.</p> <ul style="list-style-type: none"> Use the Clackamas County measurement method, from the lot line of a school, etc., to the closest point of the space occupied by a marijuana retailer. Measure separation from property line to property line to avoid encroachment where children are located. Measure separation in the way that the state regulations or law prescribes, even as it changes. <p>(February 22)</p> <p>NO CONSENSUS Allow no retail marijuana facilities be allowed near public playgrounds, meeting places available for rent such as The Grange, and Deschutes public libraries. (February 22)</p>			<p>Distance Calculation: The distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For retail to retail separation distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer</p>	<p>marijuana facility "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 a marijuana retailer to the closest point anywhere on the premises of a marijuana retailer.</p>		
Hours	<p>NO CONSENSUS There was no consensus reached on several proposals for hours of operation, as follows:</p> <ul style="list-style-type: none"> 7:00 a.m. until 10:00 p.m. 10:00 a.m. until 5:00 p.m. March 1 through October 31, 7 a.m. to 10 p.m. and November 1 to the end of February, 9 a.m. to 7 p.m. 10:00 a.m. until 7:00 p.m. 9:00 a.m. until 9:00 p.m. 10:00 a.m. until 7:00 p.m. everywhere except in the Spring River area due to the level of tourism there, where hours would be 7:00 a.m. until 10:00 p.m. <p>(February 22)</p>	10:00 to 7:00 p.m.	10:00 to 7:00 p.m.	10:00 a.m. to 9 p.m.	9:00 a.m. to 7:00 p.m.	7:00 a.m. to 10:00 p.m.	
Window Service	<p>CONSENSUS No window service at retail</p>	Shall not have a walk-up window or drive-thru window	Shall not have a walk-up window or drive-thru window service.	Shall not have a walk-up window or drive-thru window service.		A licensee may not sell any marijuana item through a drive-	

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	outlets. (February 22)	service.				up window.	
Minors	<p>CONSENSUS A minimum age of 18 years for medical marijuana and 21 years for recreational marijuana. (February 22)</p> <p>NO CONSENSUS No minors allowed, unless accompanying a parent or guardian as allowed by state law. (February 22)</p>	No minors allowed, unless accompanying a parent or guardian as allowed by state law.	No minors allowed, unless accompanying a parent or guardian as allowed by state law.	No minors allowed, unless accompanying a parent or guardian as allowed by state law.		No minors permitted anywhere on premises.	
Co-Location	<p>CONSENSUS Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club. (February 22)</p>	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.	Shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.	No retail on same lot as marijuana smoking or social club.			
Odor Control	<p>NO CONSENSUS It shall be unlawful for any person to cause an emission of a detectable odor that unreasonably interferes with the use and enjoyment of neighboring premises, with reasonable being judged as someone with normal sensibilities. (February 22)</p> <p>NO CONSENSUS Adopt the Jackson County odor control regulations, plus the requirement that filters be changed according to manufacturers' minimum standards, and requesting the BOCC to ensure the CFM of the fan be appropriate to the building. (February 22)</p>			<ul style="list-style-type: none"> The building shall be 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 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. 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. 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 	<ul style="list-style-type: none"> A building used for marijuana retailing 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 per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space). The filter(s) shall be rated for the applicable 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 		

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				<p>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 841.04(B).</p> <ul style="list-style-type: none"> 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. 			
Grandfather existing medical marijuana dispensaries	<p>NO CONSENSUS Any existing permitted medical marijuana facility in the County would be permitted to expand to recreational marijuana as a permitted use, and subject to any OLCC or other rules and regulations. (March 2)</p>			•	•		
Outdoor Patio Space	<p>NO CONSENSUS No public outdoor patio space for marijuana-only retailers, that would be visible from the public view. (March 2)</p>			•	•		