



Overview of *Proposed* DRAFT Marijuana Land Use Regulations for Clackamas County

September 22, 2015

The Clackamas County Board of Commissioners is considering amending the county Zoning and Development Ordinance (ZDO) to add land use regulations for businesses that grow, process, wholesale or retail recreational or medical marijuana. Planning and Zoning Division staff drafted regulations and sent them to the Oregon Department of Land Conservation and Development on Sept. 21, 2015, as required. The draft amendments can be reviewed by clicking on *DRAFT County Regulations* at www.clackamas.us/planning/marijuana.html.

This document provides a brief overview of where marijuana businesses would be allowed in unincorporated Clackamas County based on the draft proposed regulations as of Sept. 21, 2015. This is for information purposes only, and is not intended as legal guidance. In addition to new marijuana land use regulations, marijuana businesses will also have to comply with the same building, fire and other codes that apply to businesses in Clackamas County, as well as to requirements from the Oregon Liquor Control Commission (OLCC) for recreational marijuana and the Oregon Health Authority (OHA) for medical marijuana. The draft county regulations are likely to change as the county goes through the Planning Commission and Board of County Commissioner public hearings process.

Please note that the draft marijuana land use regulations that were sent to the state on Sept. 21, 2015...

- ... Apply only to unincorporated Clackamas County;
- ... Do *not* apply to personal recreational marijuana or personal medical marijuana, as allowed by law
- ... *Do* apply to commercial recreational marijuana businesses licensed by the OLCC, or medical marijuana businesses and those growing for other medical marijuana card holders, as regulated by the OHA
- ... Set limits on where and how various marijuana businesses can operate, and
- ... Apply the same standards to both commercial recreational marijuana businesses licensed by the OLCC and medical marijuana facilities authorized by the OHA.

The draft regulations allow marijuana facilities – production/grow, processing, wholesaling and retailing/dispensaries -- with conditions (see draft ZDO Section 841), in zones shown below.

ZONING DISTRICT	MARIJUANA BUSINESS			
	Production/Grow	Processing	Wholesaling	Retailing/Dispensary
URBAN ZONES				
Business Park (BP), Light Industrial (LI), General Industrial (GI)	<i>PROHIBITED</i>	Primary use	Primary use	<i>PROHIBITED</i>
Village Office (VO)	<i>PROHIBITED</i>	Primary use (not primary processing)	<i>PROHIBITED</i>	<i>PROHIBITED</i>
Corridor Commercial (CC), General Commercial (C-3), Station Community Mixed Use (SCMU), Office Commercial (OC)	<i>PROHIBITED</i>	Primary use (<i>not primary processing</i>)	<i>PROHIBITED</i>	Primary use***
Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Planned Mixed Use (PMU), Regional Center Office (RCO)	<i>PROHIBITED</i>	<i>PROHIBITED</i>	<i>PROHIBITED</i>	Primary use***
RURAL ZONES				
Exclusive Farm Use (EFU), Ag/Forest (AG/F)	Primary use*	Primary use*	<i>PROHIBITED</i>	<i>PROHIBITED</i>
Timber (TBR)	Primary use*	<i>PROHIBITED</i>	<i>PROHIBITED</i>	<i>PROHIBITED</i>
Rural Residential Farm Forest 5 Acre (RRFF5) and Farm Forest 10 acre (FF10)	Primary use** or prohibited ⁺	Conditional use*** or prohibited ⁺	Conditional use [#] or prohibited ⁺	<i>PROHIBITED</i>
Rural Commercial (RC), Rural Tourist Commercial (RTC)	<i>PROHIBITED</i>	<i>PROHIBITED</i>	Primary use	<i>PROHIBITED</i>
Rural Industrial (RI)	<i>PROHIBITED</i>	Primary use	Primary use	<i>PROHIBITED</i>

*Conditions for production and processing are set for minimum yard depth (set-back from lot line), access, odor, lighting, security cameras, water and secure disposal.

**Conditions for production and processing in rural residential zones include those mentioned above, as well as requirements that the owner lives on the property, that property be at least 5 acres in size, that the business be confined to completely enclosed buildings, specified building size limits and submission of a noise study.

***Conditions for retailing include operating hours, odor, window service (not allowed), secure disposal, minors (not allowed on premises unless accompanied by a parent or guardian), no co-location of related activities and uses, and minimum separation distances between dispensaries and other dispensaries, schools, public parks, libraries, light-rail transit stations, public housing units, daycare facilities and, in certain circumstances, residentially-zoned property.

⁺Staff proposed two options

[#]Conditional use requires a public hearing



The draft regulations do *not* permit any recreational or medical marijuana businesses – production, processing, wholesaling or retailing – in any of the following zoning districts:

Urban Residential Districts

- Future Urban 10-Acre (FU-10)
- High Density Residential (HDR)
- Medium Density Residential (MR-1)
- Medium High Density Residential (MR-2)
- Planned Medium Density Residential (PMD)
- Regional Center High Density Residential (RCHDR)
- Special High Density Residential (SHD)
- Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30)

- Village Standard Lot Residential (VR-5/7)
- Village Small Lot Residential (VR-4/5)
- Village Townhouse (VTH)
- Village Apartment (VA)

Rural Residential Districts

- Hoodland Residential (HR)
- Mountain Recreational Resort (MRR)
- Recreational Residential (RR)
- Rural Area Residential 1-Acre (RA-1)
- Rural Area Residential 2-Acre (RA-2)

Urban Commercial Districts

- Office Apartment (OA)
- Village Community Service (VCS)

Urban Industrial Districts

- Campus Industrial (CI)

FOR MORE AND UPDATED INFORMATION:

[Marijuana Land Use Laws and Regulations \(www.clackamas.us/planning/marijuana.html\)](http://www.clackamas.us/planning/marijuana.html)

Contact Shari Gilevich at sharig@clackamas.us or 503-742-4523

TO GIVE INPUT OR PROVIDE TESTIMONY ON THE PROPOSED DRAFT REGULATIONS:

Interested members of the public who would like to comment or submit testimony on proposed draft marijuana land use regulations in Clackamas County are welcome and encouraged to do so in writing:

- By email to: sharig@clackamas.us
- By mail to: Shari Gilevich, Planning & Zoning Division, 150 Beaver Creek, Oregon City, OR 97045

The public is also welcome to provide verbal testimony at public hearings (listed below).

PUBLIC HEARINGS

- Planning Commission Public Hearing -- 6 p.m., Monday, Oct. 26; Abernethy Center, 606 15th St, Oregon City
- Planning Commission Public Hearing (continued, if necessary) – 6 p.m., Monday, Nov. 2; Abernethy Center, 606 15th St, Oregon City
- Board of County Commissioners Public Hearing-- 9:30 a.m., Monday, Nov. 23; BCC Hearing Room, Public Services Building 4th floor
- Board of County Commissioners Public Hearing-- 9:30 a.m., Wednesday, Dec. 2; BCC Hearing Room, Public Services Building 4th floor

The County Commission plans to have new regulations in place by January 2016, which is when the Oregon Liquor Control Commission (OLCC) is required to begin accepting applications for licenses related to marijuana businesses.

STATE BACKGROUND: In November 2014, Oregon voters approved Measure 91, legalizing the use of marijuana for personal recreational use. In 2015, the State Legislature approved five bills that amend and provide regulations related to recreational and medical marijuana. State law gives the county the authority to adopt “reasonable regulations” regarding recreational and medical marijuana. The law defines four types of marijuana business:

- *Production:* manufacture, planting, cultivation, growing or harvesting of marijuana in Oregon
- *Processing:* processing, compounding or conversion of marijuana into cannabinoid products, concentrates, or extracts; excluding packaging or labeling
- *Wholesaling:* purchasing marijuana items in Oregon for resale to a person other than a consumer in Oregon
- *Retail/dispensary:* selling marijuana items to a consumer in Oregon