



Planning and Zoning
Department of Transportation and Development
 Development Services Building
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 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

STAFF USE ONLY	
Staff Initials:	File Number:

Land use application for:

MARIJUANA PRODUCTION

In FF-10 or RRF-5 Districts

Application Fee: \$1,000

APPLICANT INFORMATION			
Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal:

SITE INFORMATION		
Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>	Land area:	
<i>Adjacent properties under same ownership:</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		

Printed names of all property owners:	Signatures of all property owners:	Date(s):
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<i>I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.</i>	
Applicant signature:	Date:

A. Review applicable land use rules:

This application is subject to the provisions of [Section 841, Marijuana Production, Processing, and Retailing](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is **\$1,000**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
 - Contiguous properties under the same ownership;
 - All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures areas from lot lines and easements;
 - All existing and proposed outside lighting and security cameras;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Proof of setback exemption qualification (optional):** If you are requesting an exemption to the 50-foot setback requirement in ZDO Subsection 841.02(D)(1) pursuant to Oregon Revised Statutes (ORS) 475B.341(2)(b) for a structure used for marijuana production, you must include evidence that the structure:
 - Is located on a premises for which a license has been issued under ORS 475B.070;
 - Is an agricultural building constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
 - Is located at an address where a marijuana grow site first registered with the OHA under ORS 475B.420 on or before January 1, 2015;
 - Was used to produce marijuana pursuant to the provisions of ORS 475B.400 to 475B.525 on or before January 1, 2015; and
 - Has four opaque walls and a roof.

- Floor plans:** Attach detailed, accurate, and to-scale floor plans for all structures proposed to be used for marijuana production and all activities associated with marijuana production. Label all rooms with their proposed use, show all of their dimensions, include the square footage of each room, and identify all doors and partition walls.
- Building elevation diagrams:** Attach drawings of all structures proposed to be used in association with marijuana production, including any garages, barns, sheds, dwellings, and converted shipping containers. The drawings must be to-scale and must show each side of the structure and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area).
- Proof of property size(s):** Attach evidence, such as tax maps, plats, and/or surveys, showing the size of the subject tract (a “tract” is one or more contiguous lots of record under the same ownership). If the subject tract is not at least five acres, you must also attach evidence that the majority of abutting lots of record are equal to or greater than two acres. “Abutting” lots of record include lots of record that are contiguous to the subject tract, as well as lots of record directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector. **Marijuana production is not permitted on a tract in the FF-10 District or RRFF-5 District that is smaller than two acres.**
- Shared access agreement:** If the subject tract takes access via a private road or access drive that also serves other properties, provide evidence, in the form of a petition, that all other property owners who have access rights to the private road or access drive agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.
- Evidence of legal water source:** Provide at least one of the following as evidence of a legal source of water for the proposed marijuana production:
 - A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
 - A statement *from* a public or private water provider that water is supplied by that water provider. The statement must include the name and contact information of the water provider;
 - Proof from the OWRD that the water to be used for marijuana production is from a source that does not require a water right.
- Proof of residency:** Attach evidence that a minimum of one of the following resides in a dwelling unit on the subject tract:
 - An owner of the subject tract;
 - A holder of an Oregon Liquor Control Commission (OLCC) license for marijuana production, provided that the license applies to the subject tract; or
 - A person registered with the Oregon Health Authority (OHA) as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject tract.

C. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. In the FF-10 and RFFF-5 Districts, marijuana production in an expanse of open or cleared ground, and marijuana production in a greenhouse, hoop house, or similar non-rigid structure that does not use any artificial lighting on mature marijuana plants, is prohibited.

Will marijuana production be located entirely within one or more completely enclosed buildings?

NO YES

2. What is the size of the subject tract, as evidenced with attached tax maps, plats, surveys, and/or other official documents?

Tract size: _____ acres

3. Pursuant to Oregon Revised Statutes (ORS) 475B.340(2)(b), the 50-foot setback minimum mentioned in Question 3 does *not* apply to a structure used for marijuana production if the structure:
 - a. Is located on a premises for which a license has been issued under ORS 475B.070;
 - b. Is an agricultural building constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
 - c. Is located at an address where a marijuana grow site first registered with the OHA under ORS 475B.420 on or before January 1, 2015;
 - d. Was used to produce marijuana pursuant to the provisions of ORS 475B.400 to 475B.525 on or before January 1, 2015; and
 - e. Has four opaque walls and a roof.

Does any structure proposed for marijuana production meet *all* of the standards (a-e) above?

- NO
- YES, and the structure that is exempt from the 50-foot setback requirement is identified on the attached site plan. Evidence proving the structure meets all of the standards (a-e) above, and also listed in [ZDO Subsection 841.02\(D\)\(1\)\(a\)](#), is attached.

4. How many *total* square feet of building floor space will be used for marijuana production space, including floor space for growing, storage, security, employee restrooms, hallways, and loading areas, as evidenced in attached floor plans?

Total square footage of building floor space: _____ square feet

5. Will only *a portion* of any building be used for marijuana production space (including floor space for growing, storage, security, employee restrooms, etc.), with the remaining portions used for some other purpose?

NO

YES, and attached floor plans show that a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, will separate the marijuana production space from the remainder of each building with only a portion of its space used for marijuana production and/or associated activities.

6. Does the subject tract take access via a private road or access drive that also serves other properties?

NO

YES, and a petition is attached showing that all other property owners who have access rights to the private road or access drive agree to allow the specific marijuana production described in this application, and any conditions are stipulated in the agreement.

7. Light cast by light fixtures inside any building used for marijuana production shall *not* be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day. How will you comply with this requirement?

8. Will any light be cast by exterior light fixtures (e.g., security lights, driveway lights)?
- NO
 - YES, but the light from the exterior fixtures *will not* be directed skyward and *will* be directed within the boundaries of the subject tract.
 - YES, but the proposed marijuana production will be done pursuant to registration with the Oregon Health Authority (OHA) and will be set back at least 100 feet from front, rear, and side lot lines.

9. A building, or portion thereof, used for marijuana production must have an odor control system, unless the production is done pursuant to registration with the Oregon Health Authority (OHA) and is set back at least 100 feet from front, rear, and side lot lines.

That odor control system must meet all of the following standards, unless the applicant submits a report by an engineer licensed in the State of Oregon demonstrating that an alternative system will control odor as well or better than the activated carbon filtration system otherwise required:

- a. 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.
- b. 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.
- c. 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.
- d. Negative air pressure shall be maintained inside the building.
- e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- f. The filtration system shall be designed by an engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with [ZDO Subsection 841.02\(l\)](#).

How will you comply with the requirements listed above?

- The marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.

Answer choices continued on next page...

Question 9 answer choices continued...

- Design of the odor filtration system stamped by an engineer licensed in the State of Oregon and certifying compliance with ZDO Subsection 841.02(I) will be submitted prior to permitting of, and production in, any building, or portion thereof, where an odor filtration system is required by Subsection 841.02(I).
- An odor control system with an alternative to the activated carbon filtration system otherwise required will be used. A report by an 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 will be submitted prior to permitting of, or production in, any building, or portion thereof, where an odor filtration system is required by ZDO Subsection 841.02(I).

10. Will any generators be used in association with the proposed marijuana production, or will any mechanical equipment be used for heating, ventilating, air conditioning, or odor control in association with the proposed marijuana production?

- NO
- YES, but the marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.
- YES, but a noise study by an engineer licensed in the State of Oregon will be submitted demonstrating that all generators used in association with production, and all mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with the proposed marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). The study will be submitted prior to permitting and use of any building or portion of a building housing the generator or mechanical equipment and before any such equipment may be used in association with marijuana production.

11. Will security cameras be used in association with the proposed production?

- NO
- YES, but the marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.
- YES, but the security cameras will be directed to record only the subject tract and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA. The location of the security cameras are identified in the attached site plan.

12. Do you have proof of a legal source of water for the marijuana production, as described in [ZDO Section 841.03\(L\)](#) and in Part B of this application?

- YES, and the required evidence is attached.
- NO, but the marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.

13. Will all marijuana waste be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant?

- YES
- NO, but the marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.

14. Check the box next to everyone who resides or will reside in a dwelling unit on the subject tract and provide their name. Also attach evidence proving they currently reside in a dwelling unit on the subject tract, or a statement that they will reside in a dwelling unit on the subject tract.

- An owner of the subject tract, who is named:

- A holder of an OLCC license for marijuana production that applies to the subject tract, who is named:

- A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, with such registration applying to the subject tract, who is named:

15. Will there be any fencing on the subject tract?

- NO
- YES, but the marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.
- YES, and the maximum height of that fencing will be: _____feet

16. Will there be any fences, walls, or other barriers that are electrified or use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm?

- NO
- YES, but the marijuana production proposed in this application will be done pursuant to registration with the OHA and set back at least 100 feet from front, rear, and side lot lines.
- YES, there will be barriers with such security features, as described in the box below:

FAQs

What is marijuana production?

Per Zoning and Development Ordinance (ZDO) [Section 202, Definitions](#), “marijuana production” is the manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission (OLCC), a holder of a research certificate issued by the OLCC, or registered with the Oregon Health Authority (OHA) and a “person designated to produce marijuana by a registry identification number”.

When is a Marijuana Production permit required?

The ZDO lists the uses that are allowed in each zone and requires a land use permit for marijuana production in the Farm Forest 10-Acre (FF-10) or Rural Residential Farm Forest 5-Acre (RRFF-5) zoning districts.

Is outdoor marijuana production permitted in the FF-10 or RRFF-5 Districts?

No, outdoor production is *not* permitted in these zoning districts. “Outdoor production” means producing marijuana: in an expanse of open or cleared ground; or 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.

What is the permit application process?

Marijuana Production permits are subject to a “Type I” land use application process, as provided for in [Section 1307](#) of the ZDO. Public notice of Type I applications and decisions is not provided. A written decision on a Type I application is made by Planning and Zoning staff, and there is no County-level process to appeal that decision. If the application is approved, the applicant must comply with any conditions of approval identified in the decision.

How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type I land use application within 20 days of when we deem the application to be complete.

If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type I application is withdrawn before a decision on the application is issued, 75% of the application fee paid, or the fee paid minus \$250, whichever is less, will be refunded. No refund will be given after a decision is issued.

Is a County land use permit the same as a LUCS (Land Use Compatibility Statement)?

No. A land use permit is a Clackamas County document, while a LUCS for marijuana production is a form that may be required by the Oregon Liquor Control Commission (OLCC) as part of an application for state licensing. You must have a County land use permit authorizing marijuana production on a certain property *before* the County can acknowledge on a LUCS form that the property is approved for such production. The County charges **\$270** to sign a LUCS.

Who can help answer additional questions?

For questions about the County’s land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?