



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD OREGON CITY, OR 97045

February 28, 2019

Board of County Commissioners
 Clackamas County

Members of the Board:

Adoption of Previously Approved Zoning and Development Ordinance
Amendments – ZDO-271 – Marijuana Production License Limits

Stephen L. Madkour
 County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
 Assistants

Purpose/Outcomes	Amend the Clackamas County Zoning and Development Ordinance
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Indefinitely
Previous Board Action	Board of County Commissioners held a public hearing on January 16, 2019, continued to February 6, 2019
Strategic Plan Alignment	<ol style="list-style-type: none"> 1. Ensure Safe, Healthy and Secure Communities 2. Honor, Utilize, Promote and Invest in our Natural Resources 3. Build Public Trust Through Good Government
Contact Person	Nate Boderman, Assistant County Counsel; 503-655-8364
Contract No.	N/A

BACKGROUND:

ZDO-271 proposes legislative amendments to the Clackamas County Zoning and Development Ordinance, which would limit the number of State-approved marijuana producers that may operate from a tract of land in the County's natural resource zoning districts and would make other non-substantive clarifying amendments to the County's existing marijuana-related land use regulations. Specifically, the amendments would:

- In the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) Districts, limit a tract to only one medical marijuana grow site registered with the Oregon Health Authority (OHA) or one recreational marijuana production premises licensed by the Oregon Liquor Control Commission (OLCC); and
- Adopt non-substantive amendments to Section 841 of the Zoning and Development Ordinance that do no change existing policies but:
 - Further standardize provisions related to property access throughout the Zoning and Development Ordinance;
 - Correct references to licensed engineers completing odor and noise studies for marijuana-related land uses, consistent with relevant State terminology;

- Change references to “yard depth” to “setback,” consistent with other Zoning and Development Ordinance sections;
- Clarify the applicability of existing noise standards; and
- Provide consistency with other 800-series Zoning and Development Ordinance sections’ formatting and content.

To achieve this, ZDO-271 includes amendments to Zoning and Development Ordinance Section 841.

A public hearing was held on November 26, 2018, for Planning Commission consideration of the amendments proposed by staff. The Planning Commission voted 7-0 to recommend to the BCC that the non-substantive amendments in ZDO-271 be approved as recommended by staff, and voted 5-2 to recommend that limitations on the number of registered grow sites and licensed premises be limited in the natural resource zoning districts based in part on a tract’s area. A public hearing was held on January 16, 2019, for the Board of County Commissioners’ consideration of the recommended amendments. The Board continued the public hearing to February 6, 2019, at which time the BCC voted 5-0 to approve the non-substantive amendments in ZDO-271 as recommended by staff and the Planning Commission, but to limit a tract in the natural resource zoning districts to only one registered grow site or licensed premises per tract, regardless of the tract’s size (assuming the existing minimum tract size standard is met).

The attached exhibit reflects the amendments, as approved by the BCC.

RECOMMENDATION:

Staff respectfully requests that the Board adopt the proposed ordinance.

Respectfully submitted,



Nate Boderman
Assistant County Counsel

ORDINANCE NO. ZDO-271

**An Ordinance Amending Section 841 of the
Clackamas County Zoning and Development Ordinance**

WHEREAS, Oregon voters voted in November 1998 to permit the production of medical marijuana and in November 2014 to permit the production of recreational marijuana; and

WHEREAS, in order to comply with the State law mandate, the County adopted regulations for marijuana-related land uses and placed certain restrictions on development and activities that would have otherwise been permitted under state law; and

WHEREAS, the County's first land use regulations of medical and recreational marijuana production were in effect by March 1, 2016, and have been amended with two ordinances since then to clarify terms, further define areas permitted for production and production conditions, adopt fencing standards, and provide consistency with other provisions of the Zoning and Development Ordinance (ZDO); and

WHEREAS, recognizing that further amendments to these local regulations to address the land use impacts of marijuana production in rural areas might be warranted, the Board of County Commissioners included an update project in the Planning and Zoning Division's 2019-2020 work program to propose restrictions on the number of State-approved marijuana producers that may operate on a property; and

WHEREAS, after a duly-noticed public hearing on November 26, 2018, the Clackamas County Planning Commission recommended approval of non-substantive legislative text amendments to ZDO Section 841 that would further standardize provisions related to property access, correct references to licensed engineers completing odor and noise studies, provide consistency in terminology and formatting, and clarify the applicability of existing noise standards; and

WHEREAS, the Planning Commission also recommended substantive amendments to ZDO Section 841 that would restrict a tract in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) Districts to only one medical marijuana grow site registered with the Oregon Health Authority (OHA), or one recreational marijuana production premises licensed by the Oregon Liquor Control Commission (OLCC), if the tract is less than 20 acres, with one additional registered grow site or licensed premises allowed per additional 10 acres of tract area, up to a combined maximum of five registered grow sites and/or licensed premises per tract; and

WHEREAS, the Board of County Commissioners took public testimony on the recommendations at a duly-noticed public hearing on January 16, 2019, and continued the public hearing to February 6, 2019, for deliberation and decision; and

WHEREAS, at the continued public hearing on February 6, 2019, the Board of County Commissioners took up deliberation on the recommendations before orally approving the non-substantive amendments to ZDO Section 841 as recommend by the Planning Commission and approving substantive amendments to ZDO Section 841 that would, in the AG/F, EFU, and TBR Districts, limit a tract to only one medical marijuana grow site

registered with the OHA or one recreational marijuana production premises licensed by the OLCC; now therefore

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Section 841 of the Clackamas County Zoning and Development Ordinance is hereby amended as shown in Exhibit A, hereto attached.

Section 2: Emergency. The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of this Ordinance is necessary for the peace, health and welfare of the residents of the County. Accordingly, this Ordinance shall be effective after February 28, 2019.

ADOPTED this 28th day of February, 2019

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Exhibit A
Ordinance ZDO-271
Zoning and Development Ordinance Amendments

Text to be added is underlined. Text to be deleted is ~~strikethrough~~.

841 MARIJUANA PRODUCTION, PROCESSING, AND RETAILING

~~841.01~~ ~~APPLICABILITY~~

~~Section 841 applies to:~~

~~A. Marijuana production in the AG/F, EFU, FF-10, RRFF-5, and TBR Districts;~~

~~B. Marijuana processing in the AG/F and EFU Districts; and~~

~~C. Marijuana retailing in the C-2, C-3, CC, NC, OC, PMU, RC, RCC, RCO, RTC, RTL, and SCMU Districts.~~

841.01~~2~~ PROCEDURE

Marijuana production and marijuana retailing require review as Type I applications pursuant to Section 1307, *Procedures*. Marijuana processing requires review as a Type II application pursuant to Section 1307.

841.02~~3~~ MARIJUANA PRODUCTION

Marijuana production shall be subject to the following standards and criteria:

A. Maximum Number of Licensed Premises/Registered Sites: In the AG/F, EFU, and TBR Districts, only one premises licensed for marijuana production by the Oregon Liquor Control Commission¹ or one medical marijuana grow site registered by the Oregon Health Authority² may be located on a tract.

1 The Oregon Liquor Control Commission is referred to herein as "OLCC." References to OLCC shall include any successor entity that may be created by the State of Oregon to assume the responsibility of administering the state's recreational marijuana program.

2 The Oregon Health Authority is referred to herein as "OHA." References to OHA shall include any successor entity that may be created by the State of Oregon to assume the responsibility of administering the state's medical marijuana program.

AB. Outdoor Production:

1. Outdoor production means producing marijuana:
 - a. In an expanse of open or cleared ground; or
 - b. 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.
2. Outdoor production is prohibited in the FF-10 and RRFF-5 Districts but is permitted in the AG/F, EFU, and TBR Districts. Where permitted, outdoor production is subject to the same standards and criteria as indoor production, except where specifically noted.

BC. Minimum Tract Size: A minimum tract size standard shall apply as follows:

1. In the FF-10 and RRFF-5 Districts, the subject tract shall be a minimum of five acres, except that if the majority of abutting lots of record are equal to or greater than two acres, the subject tract shall be a minimum of 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.
2. In the AG/F, EFU, and TBR Districts, the subject tract shall be a minimum of two acres, except that if outdoor production is proposed, the subject tract shall be a minimum of five acres.

CD. Minimum ~~Yard Depth~~Setback/Distance from Lot Lines: The following standards shall apply:

1. In the FF-10 and RRFF-5 Districts, the minimum front, rear, and side ~~yard depths~~setbacks for any structure used for marijuana production shall be 50 feet.
 - a. Pursuant to Oregon Revised Statutes (ORS) 475B.340(2)(b), these ~~yard depth~~setback standards do not apply to an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:
 - i. Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;

- ii. Is located at an address where a marijuana grow site first registered with the ~~Oregon Health Authority~~¹OHA under ORS 475B.420 on or before January 1, 2015;
 - iii. Was used to produce marijuana pursuant to the provisions of ORS 475B.400 to 475B.525 on or before January 1, 2015; and
 - iv. Has four opaque walls and a roof.
2. In the AG/F, EFU, and TBR Districts:
- a. Outdoor production shall be a minimum of 100 feet from all lot lines.
 - b. Structures used for indoor production shall comply with the ~~yard~~ depthsetback standards of the subject zoning district.
3. If the subject property is a tract that includes more than one lot of record, Subsections 841.023~~(CD)~~(1) and (2)(a) do not apply to the lot line(s) that only separate these lots of record from one another. However, the ~~yard~~ depthsetback standards of the subject zoning district still apply.

~~DE~~. Enclosed Buildings:- In the FF-10 and RRF-5 Districts, marijuana production shall be located entirely within one or more completely enclosed buildings.

~~EF~~. Maximum Building Floor Space:- The following standards apply in the FF-10 and RRF-5 Districts:

1. A maximum of 5,000 square feet of building floor space may be used for marijuana production and all activities associated with marijuana production (hereinafter referred to as marijuana production space) on the subject tract.
2. If only a portion of a building is authorized as marijuana production space, 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.

~~1—The Oregon Health Authority is referred to herein as “OHA.” References to OHA shall include any successor entity that may be created by the State of Oregon to assume the responsibility of administering the state’s medical marijuana program.~~

~~FG. Access:~~ ~~If (The subject tract 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 tract. However, this standard will be waived if the subject tract takes access via a private road or access drive thateasement which also serves other properties, and evidence shall beis provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or access driveeasement agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.~~

GH. Lighting: Lighting shall be regulated as follows:

1. 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.
2. Marijuana grow lights located outside a building shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
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 tract.

HI. Odor: As used in Subsection 841.023(HI), building means the building, or portion thereof, used for marijuana production. However, Subsection 841.023(HI) does not apply to a building approved as part of outdoor production pursuant to Subsection 841.023(AB)(1)(b).

1. 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.
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.
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.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6. The filtration system shall be designed by ~~an mechanical~~ engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.023(HI).
7. An alternative odor control system is permitted if the applicant submits a report by ~~an 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.

~~IJ. Noise-:~~ The applicant shall submit a noise study by an ~~aeoustic~~ engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). Only generators used in association with marijuana production and mechanical equipment used in association with marijuana production are subject to this standard.

~~JK. Security Cameras-:~~ If used, security cameras shall 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 ~~Oregon Liquor Control Commission~~²OLCC or registration requirements of the OHA.

~~KL. Water-:~~ The applicant shall submit proof of a legal source of water as evidenced by:

1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
2. A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or
3. Proof from the OWRD that the water to be used for marijuana production is from a source that does not require a water right.

~~LM. Waste Management-:~~ 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.

~~²—The Oregon Liquor Control Commission is referred to herein as “OLCC.” References to OLCC shall include any successor entity that may be created by the State of Oregon to assume the responsibility of administering the state’s recreational marijuana program.~~

MN.Residency:- In the FF-10 and RRF-5 Districts, a minimum of one of the following shall reside in a dwelling unit on the subject tract:

1. An owner of the subject tract;
2. A holder of an OLCC license for marijuana production, provided that the license applies to the subject tract; or
3. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject tract.

NO.Fencing:- The maximum height of any fencing on the subject tract shall be 10 feet. Fences, walls, or other barriers shall not be 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.

OP.Exceptions:- Marijuana production, provided such production is done pursuant to registration with the OHA, is not required to comply with Subsections 841.023(GH)(3) and (HI) through (NO), provided that the minimum front, rear, and side ~~yard depths~~setbacks for any structure used for marijuana production shall be 100 feet.

841.034 MARIJUANA PROCESSING

Marijuana processing shall be subject to the following standards and criteria:

- A. Maximum Number of ~~Processing Licenses~~Licensed Premises/Registered Sites:- Only one ~~premisesmarijuana processor~~ licensed for marijuana processing by the OLCC or one medical marijuana processing site registered by the OHA may be located on the subject lot of record.
- B. Minimum Lot of Record Size:- The subject lot of record shall be a minimum of 10 acres.
- C. Minimum ~~Yard Depth~~Setbacks:- The minimum front, rear, and side ~~yard~~depthssetbacks for any structure used for marijuana processing shall be 100 feet.
- D. Enclosed Buildings:- Marijuana processing shall be located entirely within one or more completely enclosed buildings.
- E. Access:- ~~If (The subject lot of record 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 lot of record. However, this standard will be waived if the subject lot of record takes access via a private road or~~ access drive ~~thateasement which~~ also serves other properties, ~~and~~ evidence shall 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 access drive~~easement~~ agree to allow

the specific marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

- F. Lighting: Lighting shall be regulated as follows:
1. Light cast by light fixtures inside any building used for marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 2. Light cast by exterior light fixtures (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject lot of record.
- G. Odor: As used in Subsection 841.034(G), building means the building, or portion thereof, used for marijuana processing.
1. 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.
 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.
 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.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. The filtration system shall be designed by ~~an mechanical~~ engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.034(G).
 7. An alternative odor control system is permitted if the applicant submits a report by ~~an 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.
- H. Noise: The applicant shall submit a noise study by an ~~aeoustic~~ engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production or processing, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production or processing, will not cumulatively

produce sound that, when measured at any lot line of the subject lot of record, exceeds 50 dB(A). Only generators used in association with marijuana production or processing and mechanical equipment used in association with marijuana production or processing are subject to this standard.

- I. Security Cameras: If used, security cameras shall be directed to record only the subject lot of record 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.
- J. Water: The applicant shall submit proof of a legal source of water as evidenced by:
 - 1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
 - 2. A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or
 - 3. Proof from the OWRD that the water to be used for marijuana processing is from a source that does not require a water right.
- K. Waste Management: 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.
- L. Fencing: The maximum height of any fencing on the subject lot of record shall be 10 feet. Fences, walls, or other barriers shall not be 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.
- N. Exceptions: Marijuana processing, provided such processing is done pursuant to registration with the OHA, is not required to comply with Subsections 841.034(F)(2) and (G) through (L).

841.045 MARIJUANA RETAILING

Marijuana retailing shall be subject to the following standards and criteria:

- A. Hours: A marijuana retailer may only sell to consumers between the hours of 10:00 a.m. and 9 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 10:00 a.m. and 9 p.m.
- B. Odor: As used in Subsection 841.045(B), building means the building, or portion thereof, used for marijuana retailing.

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1. 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.
 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.
 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.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. The filtration system shall be designed by ~~an mechanical~~ engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.045(B).
 7. An alternative odor control system is permitted if the applicant submits a report by ~~an 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.
- C. Window Service: The use shall not have a walk-up window or drive-thru window service.
- D. Waste Management: 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.
- E. Minors: No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.
- F. Co-Location of Related Activities and Uses: Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing 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.
- G. Minimum Separation Distances: Minimum separation distances shall apply as follows:
1. The use shall be located a minimum of:

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- a. 2000 feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes (ORS) 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - b. 1500 feet from a public park, public playground, government-owned recreational use, public library, substance use disorder service provider licensed by the OHA under Oregon Administrative Rules Chapter 415, Division 12, light rail transit station, or a multifamily dwelling owned by a public housing authority.
 - c. 500 feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool;
 - d. 100 feet from a zoning district listed in Section 300, *Urban and Rural Residential Districts*; however, this provision shall not apply if the subject property has street frontage on a principal interstate, principal expressway, principal arterial, or major arterial, as identified on Comprehensive Plan Map 5-4a, *Road Functional Classification Urban*, or 5-4b, *Road Functional Classification Rural*.
2. If the use is licensed by the OLCC pursuant to ORS 475B.110, it shall be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.
 3. If the use is registered with the OHA pursuant to ORS 475B.450, it shall be located a minimum of 1,000 feet from any other marijuana retailer so registered with the OHA.
 4. For purposes of Subsection 841.045(G)(1), 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 purposes of Subsections 841.045(G)(2) and (3), 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.
 5. A change in use (including a zone change) to another property to a use identified in Subsection 841.045(G) after a complete Type I application for marijuana retailing has been filed shall not result in the marijuana retailer being in violation of Subsection 841.045(G).
 6. Subsection 841.045(G) does not apply to any marijuana retailer that obtained full, unconditional approval of a registration from the OHA on or before March 31, 2015, that is operating in a building space where marijuana retailing activities approved by the OHA have been continuously occurring in

that building space since May 31, 2014, except during the effective dates of the Medical Marijuana Facility Moratorium adopted pursuant to Clackamas County Ordinance 01-2014.

7. In case of a conflict under Subsection 841.045(G)(2) or (3), any person who has received approval of a Type I land use permit for marijuana retailing, shall be deemed to have established marijuana retailing at the approved location, so long as the marijuana retailer begins operation within one year of the date of the County's final decision on the Type I land use permit application. If more than one Type I application is in process with the County at one time, the County shall issue decisions in the order in which complete applications were filed.

841.056 APPROVAL PERIOD

- A. Approval of a permit under Subsection 841.023 or 841.034 is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
 1. Implemented means all major development permits shall be obtained and maintained for the approved marijuana production or marijuana processing, or if no major development permits are required to complete the development contemplated by the approved marijuana production or marijuana processing, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
 - a. A building permit for a new primary structure that was part of the approved development; or
 - b. A permit issued by the County for parking lot or road improvements required by the approved development.
- B. Approval of a permit under Subsection 841.045 is valid for one year from the date of the County's final decision. During this one-year period, the approval shall be implemented, or the approval will become void. Implemented means that the marijuana retailer has begun operation. Notwithstanding this one-year implementation period, a complete application for a marijuana retailing license shall be filed with the OLCC, or a complete application for a medical marijuana dispensary registration shall be filed with the OHA, within three months of the date of the County's final decision, or the approval will become void.