



**ACTIONS TAKEN AT LAND USE PUBLIC HEARING
HELD August 20, 2020**

Please direct all calls and correspondence to the staff contact indicated below.

Hearing Time: 9:30 a.m.

File Number: Z0174-20-MOD

Staff contact: Glen Hamburg; 503-742-4523 or ghamburg@clackamas.us

Proposal: This application is for a modification to an approved vested right determination in File No. Z0159-20-VR concerning multiple licensed marijuana producers on a single tract zoned Exclusive Farm Use. Per the applicant, “the sole purpose of the modification is to clarify the scope of the approval and ease the implementation” of the approval. The proposed modifications would amend the decision to provide:

1. “An express clarification that all 60 buildings can be constructed for later marijuana use, once a tenant receives their OLCC license; that is, an OLCC license is not required before a new building can be constructed in the business park”;
2. A determination that “the County agrees that the business park use has been implemented as defined in [ZDO Subsection 841.05(A)(1)]”;
3. That “so long as the park is maintained and operated as a park, the vested right remains valid and new tenants do not require review as an alteration of a nonconforming use require [sic], or a vested right approval”;
4. That “the right to use the property for 60 licensees and the right to use existing buildings for a new licensee are not lost simply because a licensed tenant is not present in the building for one year or longer, so long as the property owner continues to actively seek a new tenant and/or new OLCC license”;
5. That “the doctrine of partial discontinuance will not apply to individual buildings within the business park, [sic] so long as the park as a whole remains operational and individual buildings are maintained in good repair with intact exterior walls and roof structure, indoor plumbing, interior wiring for interior lights, and a heating system, those buildings are part of the operational business park and the use of said buildings shall not be deemed discontinued”;
6. That “no ‘major development permits’ as defined in the code are required for this development, and that [ZDO Subsection 841.05(A)(1)] provides an alternate path to implementation”;
7. That “the applicant has obtained all necessary permits for the development to date” and that certain work “constitutes implementation”;
8. That “the approved vested right supersedes the implementation standard because it allows full build-out to extend beyond the expiration dates of the land use permits”;
9. That “progress toward implementing the vested right includes obtaining building permits, constructing the additional buildings, and completing the site improvements”;
10. That the four-year implementation periods provided in the County’s approvals for marijuana production in Z0004-16-MJ and Z0215-18-MJ “are tolled for the period that the County required the applicant to cease additional activities until it obtained a vested rights determination”; and
11. That the “vesting approval is not conditioned on OLCC licensure” and, therefore, “that all 60 buildings can be constructed for later marijuana use as licenses are obtained”.

Hearings Officer Actions :

Continued Hearing Until Click or tap to enter a date. at _____

Closed Hearing:

Left the Record Open:

- Record left open 1 week(s), until 4:00 p.m. on August 27, 2020 for anyone to submit additional written evidence, argument, or testimony;

- Record left open an additional 1 week(s), until 4:00 p.m. on September 3, 2020 for any participant to respond to new evidence submitted during the prior open-record period; and

- Record left open an additional 1 week(s), until 4:00 p.m. on September 10, 2020 for the applicant to submit final written argument in support of the application.

-OR-

Closed Record

- Decision expected within _____ weeks.