



**Planning and Zoning**  
**Department of Transportation and Development**  
 Development Services Building  
 150 Beaver Creek Road | Oregon City, OR 97045  
 503-742-4500 | zoninginfo@clackamas.us  
 www.clackamas.us/planning

<b>STAFF USE ONLY</b>	
Staff Initials:	File Number:

Land use application for:

# MARIJUANA RETAILING

**Application Fee: \$1,033**

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:	
Adjacent properties under same ownership: <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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<b><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></b>	
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 **\$1,033**. 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, marijuana retailing areas, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions (*Note: new development, including new buildings, in a commercial zoning district requires separate Design Review approval*); and
  - Setbacks of all structures and marijuana retailing areas from lot lines and easements.
- Proof of minimum separation distances:** Provide evidence that the proposed marijuana retailing will be separated from schools, parks, licensed preschools, residential zoning districts, other marijuana retailers, and all other specific uses as required by [ZDO Subsection 841.04\(G\)](#).

## C. Answer the following questions:

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

1. A building, or portion thereof, used for marijuana retailing must have an odor control system. 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.
  - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - d. 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 841.04\(B\)](#).

How will you comply with the requirements listed above?

- Design of the odor filtration system stamped by a licensed engineer licensed in the State of Oregon and certifying compliance with ZDO Subsection 841.04(B) will be submitted prior to permitting of, or retailing in, any building, or portion thereof, where an odor filtration system is required by Subsection 841.04(B).
- 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 retailing in, any building, or portion thereof, where an odor filtration system is required by Subsection ZDO 841.04(B).

2. Did the proposed marijuana retailer already obtain full, unconditional approval of a registration from the Oregon Health Authority (OHA) on or before March 31, 2015, *and* is that retailer already 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?

NO

YES, and evidence of such registration and continued retailing are attached.

#### **D. Identify separation distances:**

If you answered “NO” in response to Question 3 of Part C on the previous page, you must respond to the requests and questions here in Part D.

1. Include a map with your application demonstrating that the closest point of *the building space* that will be occupied by the marijuana retailer will be located with the following minimum separation distances, as required by ZDO 841.04(G):
  - a. 2,000 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. 1,500 feet from a public park, public playground, government-owned recreational use, public library, substance use disorder service provider licensed by the Oregon Health Authority (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; *and*
  - d. 100 feet from a zoning district listed in ZDO Section 300, *Urban and Rural Residential Districts* (unless 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 Classification Urban](#), or [5-4b, Road Classification Rural](#)).

2. Will the proposed marijuana retailing be licensed by the Oregon Liquor Control Commission (OLCC) pursuant to ORS 475B.110, or will it be registered with the OHA pursuant to ORS 475B.450?
  - It will be licensed by the OLCC pursuant to ORS 475B.110, and will be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.
  - It will be registered with the OHA pursuant to ORS 475B.450, and will be located a minimum of 1,000 feet from any other marijuana retailer so registered by the OHA.

## **E. Understand the following conditions:**

The Marijuana Retailing permit, if approved, will be subject to these (and other) conditions:

1. The use shall not have a walk-up window or drive-thru window service.
2. 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.
3. 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.
4. 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.

## FAQs

### What is marijuana retailing?

Per Zoning and Development Ordinance (ZDO) [Section 202, Definitions](#), “marijuana retailing” is the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission (OLCC) or registered with the Oregon Health Authority (OHA).

### When is a Marijuana Retailing permit required?

A land use permit is required for marijuana retailing in any zone where marijuana retailing is listed in the ZDO as permitted.

### What is the permit application process?

Marijuana Retailing 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.

### 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 retailing 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 retailing on a certain property *before* the County can acknowledge on a LUCS form that the property is approved for such retailing. The County charges **\$282** to sign a LUCS.

### 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. The \$5 Technology Fee is non-refundable.

### 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](mailto:zoninginfo@clackamas.us). You can also find information online at the Planning and Zoning website: [www.clackamas.us/planning](http://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](mailto: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?