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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

CLACKAMAS COUNTY BOARD OF COMMISSIONERS  
2051 Kaen Road, Oregon City  
BCC Hearing Room - 4th Floor

**LAND USE HEARING**  
**January 16, 2019**  
**9:30 AM**

The item will not begin before time noted. Interested parties may appear and be heard during the testimony phase of any hearing at the above address. If a hearing is set for decision only, the evidence phase has been completed, so interested parties may no longer be heard. Applications or comments may be inspected, and calls or correspondence directed to: Planning & Zoning Division, 150 Beaver Creek Road, Oregon City, OR 97045, (503) 742-4500.

**HEARING**

**File No.:** ZDO-271: Marijuana Production License Limits

**Applicants:** Clackamas County

**Proposal:** ZDO-271 proposes legislative text amendments to the Clackamas County Zoning and Development Ordinance (ZDO) in order to limit the number of licensed premises for recreational marijuana production, and the number of registered grow sites for medical marijuana production, on property zoned Ag/Forest (AG/F), Exclusive Farm Use (EFU) or Timber (TBR). It also proposes certain non-substantive text amendments to clarify current marijuana-related land use regulations.

**Staff Contact:** Glen Hamburg, Planner II, 503-742-4523, [GHamburg@clackamas.us](mailto:GHamburg@clackamas.us); Jennifer Hughes, Long Range Planning Manager, 503-742-4518, [JenniferH@clackamas.us](mailto:JenniferH@clackamas.us).

**EXHIBIT 1**



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**Land Use Hearing Item  
Staff Report to the Board of County Commissioners**

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**File Number:** ZDO-271, Marijuana Production License Limits

**Staff Contact:** Glen Hamburg, Planning and Zoning Division, 503-742-4523

**Board of County Commissioners Hearing Date:** January 16, 2019

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**PROPOSAL:**

ZDO-271 proposes legislative text amendments to the Clackamas County Zoning and Development Ordinance (ZDO) in order to limit the number of licensed premises for recreational marijuana production, and the number of registered grow sites for medical marijuana production, on property zoned Ag/Forest (AG/F), Exclusive Farm Use (EFU) or Timber (TBR). It also proposes certain non-substantive text amendments to clarify current marijuana-related land use regulations.

**Background:**

The original Staff report provided to the Planning Commission details the history of marijuana land use regulations in Clackamas County, defines certain terminology, and summarizes relevant state statutes and regulations. Attachments G and H of the staff report to the Planning Commission also provides figures on the number of licensed producers and registered grow sites in the County and estimates the amount of area the County has approved in the AG/F, EFU, and TBR Districts that could be used for mature (flowering) marijuana plant production. Staff found in the report that production license/registration limitations would be consistent with the Statewide Planning Goals, policies of the County's Comprehensive Plan, and ZDO requirements for legislative text amendments.

**Proposed Amendments:**

The proposed amendments are specifically to ZDO Section 841 – *Marijuana Production, Processing, and Retailing*, and would make the following changes:

- 1. Limit a tract in the AG/F, EFU, and TBR zoning districts to a certain number of premises licensed for recreational marijuana production by the Oregon Liquor Control Commission (OLCC) and a certain number of medical marijuana grow sites registered with the Oregon Health Authority (OHA), based on the tract's size.**

The number of licensed premises / registered grow sites would be limited as follows:

Tract Area, in Acres	Maximum Number of Licensed Premises and Registered Grow Sites (Total)
< 20	1
≥ 20, but < 30	2
≥ 30, but < 40	3
≥ 40, but < 50	4
≥ 50	5

- 2. Clarify current marijuana land use regulations, without changing existing policies, by adopting non-substantive text amendments (edits) that:**
- a. Further standardize provisions related to access throughout the ZDO;
  - b. Correct references to licensed engineers completing odor and noise studies for marijuana-related land uses, consistent with relevant State terminology;
  - c. Change references to “yard depth” to “setback”, consistent with other ZDO sections;
  - d. Clarify the applicability of existing noise standards; and
  - e. Provide consistency with other 800-series ZDO sections’ formatting and content.

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**RELATED PRIOR BCC ACTION:**

The County adopted its first land use regulations governing marijuana production in the AG/F, EFU, and TBR zoning districts in 2015. Amendments were adopted in 2017 to add fencing standards, expand opportunities for marijuana processing, and to make certain non-substantive changes in order to conform to State law and to provide clarity.

The BCC approved a Long-Range Planning Work Program for the period July 1, 2018, to June 30, 2019. That program includes a project specifically directing the Planning and Zoning Division to research and propose new regulations limiting the number of OLCC production licenses and OHA registered grow sites per property.

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**PLANNING COMMISSION ACTION:**

A public hearing was held on November 26, 2018, for Planning Commission consideration of ZDO-271 as originally proposed by Staff and minutes are attached.

The Planning Commission voted unanimously to recommend approval of all of the proposed non-substantive amendments that would clarify existing regulations.

By a vote of 5 – 2, the Planning Commission also recommended adopting limitations on the number of licensed premises and registered grow-sites per tract in the AG/F, EFU, and TBR

zoning districts. However, while Staff initially proposed a limitation of one licensed premises or registered grow site per tract, regardless of the size of the tract, the Planning Commission sought to establish some degree of fairness for owners of large tracts ( $\geq 20$  acres) by allowing them to have more than one licensed premises or registered grow site, but never more than five. The Planning Commission's recommendation would limit the number of premises / grow sites according to the size of the tract, as shown in the table on Page 2 of this report and included in the attached proposed amendments.

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## **CPO AND HAMLET RECOMMENDATIONS:**

All the County's CPOs and Hamlets were sent notice of this proposal on October 22, 2018. No recommendations or comments have been received from any CPO or Hamlet regarding ZDO-271.

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## **SIGNIFICANT ISSUES:**

Staff and the Planning Commission have identified two significant issues concerning the main proposal in ZDO-271 establishing a limit on the number of licensed/registered producers.

- 1. Should the number of licensed/registered marijuana producers per property in the AG/F, EFU, and TBR zoning districts be limited? If so, should those limits be established with a restriction on the number of producers per tract, lot of record, or certain acreage?***

The BCC may adopt regulations limiting the number of recreational and/or medical marijuana producers per given area in any of these zones.

*On the one hand:*

- Such limitations may help to reduce the level of activity and the intensity of development related to marijuana production in AG/F, EFU, and TBR zoning districts;
- Marijuana production may be a more intense farm use than some due to the year-round nature of indoor production and the economic incentive to site multiple producers (each potentially with their own employee traffic and differing hours of operation) on a single lot due to OLCC limiting the size of an individual producer's mature plant canopy but not the size of the canopy per property; and
- Adopting these limitations would respond to concerns and complaints raised by the public.

*On the other hand:*

- The scope of other types of agricultural production, including industrial hemp, is not limited in AG/F, EFU, or TBR zoning districts;
- Such limitations may not affect production operations that are already approved and established, as discussed further in later sections of this report;
- Existing production permit holders may need to apply for nonconforming use (NCU) verification and alteration for any future changes, processes which have application fees and review periods and require staff time;



- Limitations may reduce opportunities for property owners to lease and earn income from their property, and may limit the opportunity for growth of the marijuana industry in the County;
- Currently, there is a State slow-down/back-log of license renewals (see Attachment F), a reported over supply of produced marijuana in Oregon (see Attachment G of the staff report to the Planning Commission), and an observed decrease in medical marijuana grow sites (see Attachment H), all of which may already limit the growth of future production operations in the relevant zoning districts.

If the BCC supports new limitations on the scope of marijuana production, it could restrict the number of premises licensed for recreational marijuana production by OLCC, and/or the number of grow sites registered for medical marijuana production with the OHA, to a certain number per tract, lot of record, or certain acreage.

Limiting the number of licensed premises and/or registered grow sites could have different outcomes, depending on whether those limits apply per tract, lot of record, or certain acreage.

*Limiting per tract:*

- This would be the most restrictive of the three options; and
- Would be consistent with existing ZDO production requirements that are also based on a tract; however
- The limitation can be avoided by putting one component lot of record into separate ownership;
- This would be slightly more time-consuming for staff, due to need to verify ownership of adjacent parcels; and
- Tracts vary in size, and a large tract would have the same limits as a small tract.

*Limiting per lot of record:*

- This would be slightly easier for staff to administer than limiting per tract; however
- Existing ZDO production regulations establish a minimum *tract* area needed for production, so the establishment of a separate production regulation based on lot of record may be confusing and consistency with the minimum tract size requirement for production would necessitate drafting additional, possibly confusing, text to ensure consistency between the existing provision and the new one;
- Lots of record vary in size, and a large lot would have the same limits as a small lot.

*Limiting per certain acreage:*

- This may be the “fairest” to owners of large tracts and large lots of record; however
- It is unclear what per-acre limit would be appropriate and whether the limits should be the same for indoor production, outdoor production, recreational production, and medical production. The standard would need to be drafted to be consistent with the minimum tract size currently required for any production in the subject zoning districts by Section 841.

**2. *What would the effect of the amendments be on previously approved or implemented marijuana production land uses?***

If the proposed amendments in ZDO-271 are adopted, multiple OLCC-licensed production premises and/or OHA-registered grow sites already located on a single tract may be considered a “legal nonconforming” use (sometimes referred to as a “grandfathered right”). Under State law and Clackamas County ZDO Section 1206, the lawful use of any building, structure, or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued.

However, a marijuana production land use permit issued by the County may not, on its own, be sufficient to establish a legal nonconforming use right to multiple licensed premises and/or registered grow sites, no matter how much marijuana production area was authorized in that land use permit, particularly if multiple licensed premises and/or registered grow sites are not already located on the subject tract. Moreover, future changes to federal or State law beyond the County’s control could affect the status of marijuana production, which may in turn affect marijuana-related nonconforming uses.

It was noted earlier in this report that substantive changes to any established and legally nonconforming marijuana production could require approval of a Type II nonconforming use alteration land use application. This type of permit may only be approved where there is no greater adverse impact on the area or where such impacts can be mitigated by conditions of approval.

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**STAFF RECOMMENDATION:**

Staff recommends adoption of ZDO-271, as proposed by the Planning Commission and as summarized here below:

1. Limit a tract of land in the AG/F, EFU, and TBR zoning districts to a certain number of premises licensed for recreational marijuana production by the OLCC / medical marijuana grow sites registered with the OHA based on the tract’s size, as listed on Page 2 and in the attached draft amendments;
2. Adopt the non-substantive clarifying amendments to:
  - a. Further standardize provisions related to access throughout the ZDO;
  - b. Correct references to licensed engineers completing odor and noise studies for marijuana-related land uses, consistent with relevant State terminology;
  - c. Change references to “yard depth” to “setback”, consistent with other ZDO sections;
  - d. Clarify the applicability of existing noise standards; and
  - e. Provide consistency with other 800-series ZDO sections’ formatting and content.

# ZDO-271: MARIJUANA PRODUCTION LICENSE LIMITS



# ZDO-271

## Legislative amendments to ZDO Section 841 to:

1. Limit the number of licensed growers on properties zoned AG/F, EFU, or TBR
2. Clarify, without substantively changing, criteria related to marijuana production and processing

# BACKGROUND

## *Recreational (OLCC):*

- “Licensed premises”
- Canopy size limits, by tier
- Producers per tax lot
- 161 approved as of November, in *all zones of the County*

## *Medical (OHA):*

- “Registered grow site”
- Plant number limits
- Plants and patients per address
- 1,291 sites approved as of April, in *all zones of the County*; 83% to grow for only one patient (likely most are not regulated by ZDO Section 841)



*Production facilities in other states similar to those in County's AG/F, EFU, and TBR zones*

**Attachment B - Page 10 of 138**

**EXHIBIT B**  
**ZDO-271: Marijuana Production License Limits**

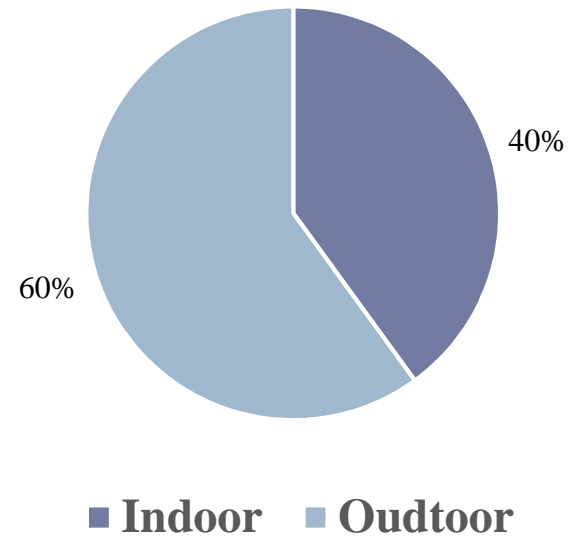
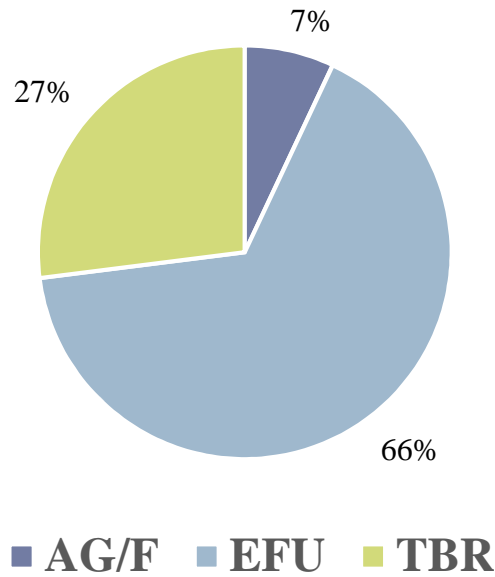
ZDO-271 [4]  
**Page 10 of 138**



# BACKGROUND

*In AG/F, EFU, and TBR:*

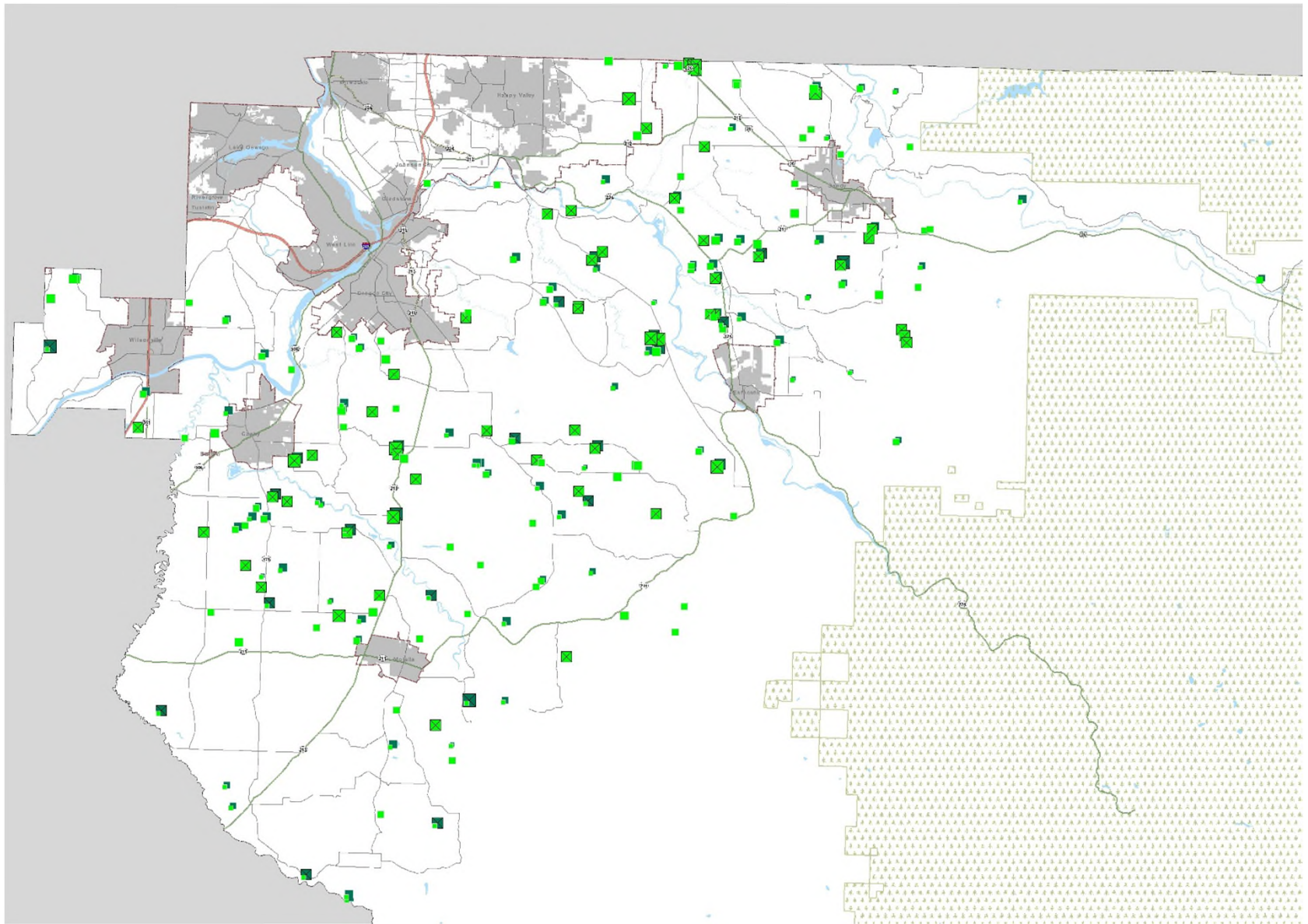
≈ 200 acres of floor area approved for mature production



ZDO-271: Marijuana Production License Limits

ZDO-271 [5]  
CLATSOP COUNTY





*Natural resource zone production approvals, 10/20/2024*

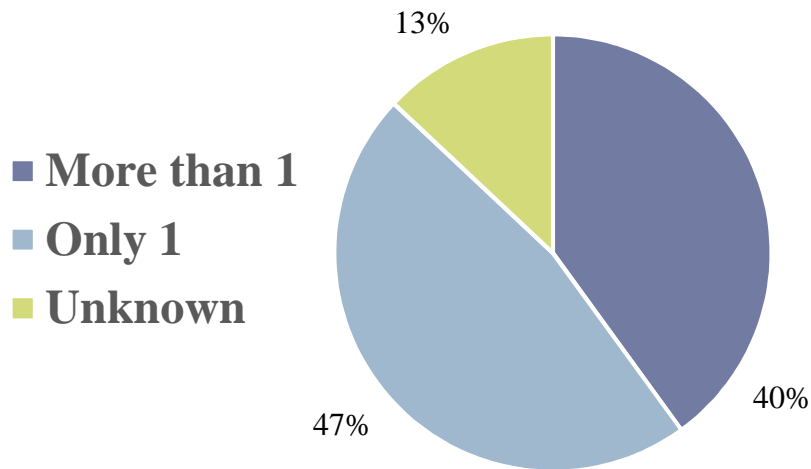
ZDO-271 Marijuana Production License Limits  
ZDO-271 [6]  
Page 12 of 138



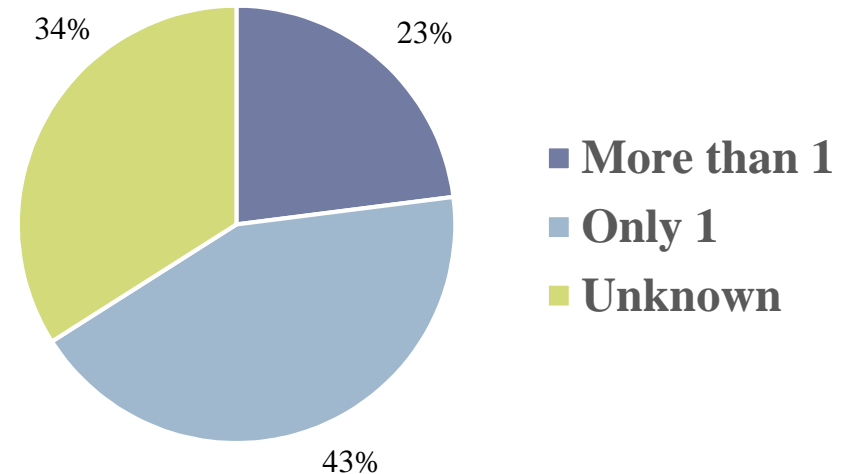
# BACKGROUND

*Considering approved mature production area:*

### Indoor License Potential



### Outdoor License Potential



# BACKGROUND

## *BCC Concerns*

- Multiple producers may bring too much on-site activity/development than appropriate for natural resource zones
- 2018/2019 Work Program directive to limit production licenses per property

# SIGNIFICANT ISSUES

## *Considered at November 26 PC Hearing:*

1. Should number of licensed/registered producers be limited in natural resource zones?  
If so, how?
2. What will be the effect on previously approved or implemented land uses?

# SIGNIFICANT ISSUE 1

## *Limit on licenses/registrations?*

- May reduce level of activity and intensity of development
- Marijuana production may be a more intense farm use
- Responds to public concerns/complaints
- Scope of other farming not limited
- May not affect existing operations
- NCU verification/alteration requirements
- May reduce income opportunities and growth of marijuana industry
- External factors may already limit growth of future production

# SIGNIFICANT ISSUE 1

## *Per tract?*

- **Most restrictive**
- **Consistent with existing ZDO production requirements**
- **Limitation can be avoided by putting one lot in separate ownership**
- **Slightly more time-consuming**
- **Tracts vary in size**

# SIGNIFICANT ISSUE 1

## *Per lot of record?*

- **Easier to administer than per tract**
- Existing ZDO production requirements consider tract, and the required text amendments may be confusing
- Lots of record vary in size

# SIGNIFICANT ISSUE 1

## *Per certain acreage?*

- **May be the “fairest” to owners of large tracts/lots**
- **Unclear what per-acre limit is appropriate**
- **Same limits for indoor and outdoor, and for recreational and medical?**
- **Language for limits should consider current tract size standards**
- **Dispersing multiple premises and grow sites, if required, may have greater impacts**

# SIGNIFICANT ISSUE 2

## *Effect of amendments on previously approved or implemented marijuana production land uses:*

- Multi-licensed sites *may* be legally nonconforming, and possibly could continue
- NCUs may require verification and alteration approval
- A County permit *only* may not be enough for NCU right
- Application required for vested right determination



# PC RECOMMENDATION (1)

Limit a tract in AG/F, EFU, or TBR Districts as follows:

Tract Area, in Acres	Maximum Number of Licensed Premises and Registered Grow Sites (Total)
< 20	1
≥ 20, but < 30	2
≥ 30, but < 40	3
≥ 40, but < 50	4
≥ 50	5

# PC RECOMMENDATION (2)

## Non-substantive, clarifying amendments to:

- Further standardize access provisions in ZDO
- Correct references to licensed engineers
- Change “yard depth” to “setback” for consistency
- Clarify applicability of noise standards
- Provide consistency with other sections’ formatting and content

# STAFF FINDINGS & RECOMMENDATION

- Staff finds proposed amendments comply with all applicable state, regional, and local criteria
  
- Staff recommends **approval** of ZDO-271, as recommended by Planning Commission:
  1. Limit a < 20 acre tract in the AG/F, EFU, and TBR zoning districts to only one premises licensed for marijuana production by the OLCC or only one medical marijuana grow site registered by the OHA
  2. Allow for one additional premises or grow site per 10 acres of tract area above 10 acres, with a limit of five total premises and grow sites per tract
  3. Make the non-substantive amendments to Section 841 proposed by staff

THANK YOU





MIKE McCALLISTER  
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

## STAFF REPORT

TO: Planning Commission

FROM: Glen Hamburg, Planner II

DATE: November 19, 2018

RE: File ZDO-271, Proposed Zoning and Development Ordinance Amendments:  
Marijuana Production License Limits

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## BACKGROUND

### **1. Current Rules:**

Clackamas County adopted its first land use regulations governing marijuana production in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) zoning districts in December 2015, following a broad public outreach process. Those initial regulations were located in Sections 202, 401, 406, 407, and a new Section 841 of the Zoning and Development Ordinance (ZDO) and took full effect by March 1, 2016. Later ZDO amendments in 2017 added fencing standards to marijuana production operations, authorized marijuana processing through a Type II application process in the AG/F and EFU Districts, and made non-substantive changes to existing regulations in order to conform to State law and provide clarity.

Under current County regulations, there is no limit on the amount of marijuana – whether in terms of canopy size, number of plants, or any other measure – that may be produced from a given property in the AG/F, EFU, or TBR Districts. Further, there is no limit on the size or number of production-related structures in these zoning districts, such as pole barns only used for drying or storage, nor any limit on the number of employees or production-related vehicles that may be on-site at any given time. There is also no limit imposed by the County on the number of State-licensed recreational marijuana producers or State-registered medical marijuana grow sites that may operate from a given property in these three zoning districts.

The County's marijuana production land use regulations generally do not distinguish between the production of recreational marijuana, which is *licensed* by the Oregon Liquor Control Commission (OLCC), and the production of medical marijuana, which must be *registered* with the Oregon Health Authority. However, while the County is allowed to regulate the time, place, and manner that recreational marijuana is produced, it may only regulate the time and place, and not the manner, medical marijuana is produced. Therefore, ZDO Subsection 841.03(O) does specially allow an OHA-registered medical grow to be exempt from odor mitigation, noise, ~~EXHIBIT 1~~

certain other standards that would otherwise apply to indoor production, but only if the medical indoor production is set back at least 100 feet from lot lines.

Aside from this provision, all indoor marijuana production needs only to meet the same structural setback requirements as any other accessory structure in the AG/F, EFU, and TBR zoning districts. Section 841 does require that outdoor marijuana production be set back at least 100 feet from all “outer” lot lines of a *tract*, defined as one or more contiguous lots of record under the same ownership. *Outdoor production* is the production of marijuana in an expanse of open or cleared ground, but also includes production in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature (flowering) plants.

OLCC limits a single recreational producer to only one *licensed premises*, as defined in Oregon Administrative Rules (OAR) Division 25, per tax lot. However, OLCC still allows multiple licensed premises under separate ownership on the same tax lot, and allows the same producer to have multiple licensed premises on separate tax lots. There is no State (or County) limit on the number of marijuana-producing tax lots that may be established per lot of record or tract, nor any prohibition on tax lots with licensed premises under the same ownership being adjacent to each other. OLCC limits a single licensed premises to a maximum amount of mature and immature plant canopy area, depending on the grower’s license *tier*; OLCC canopy size limits are included in Attachment C for reference.

OHA limits medical marijuana production by an entirely different measure. OHA’s registered medical marijuana *grow sites*, which are defined in OAR Division 8, are limited to a certain amount of plants per patient rather than a canopy size. The OHA does not limit the number of grow sites that may be registered per tax lot. Rather, there is a limit on the number of plants per “grow site address”, but there is no limit on the number of addresses that can be assigned to any lot or tract. Medical production plant limits per grow site address are shown in Attachment D.

At the County level, marijuana production is authorized through a Type I land use application process, which requires an applicant to demonstrate they can comply with the County’s production requirements in Section 841. As noted earlier, there is no County-imposed limit on the amount of production that may be permitted on a qualifying tract in the AG/F, EFU, and TBR Districts. It is therefore possible for a single tract to be authorized by the County for a total production area (areas for growing, as well as support buildings) sufficient for multiple OLCC-licensed premises and/or OHA-registered grow sites; as long as these multiple licensed premises and registered grow sites comply with the respective State requirements for being on separate tax lots or designated areas, any number can still be on the same lot of record or tract.

Figures described below demonstrate the County has in fact issued a substantial number of land use approvals that were likely intended by their applicants to allow for multiple licensed premises and/or registered grow sites.

## 2. Current Data:

Correcting for approvals that merely modified prior approvals for the same licensed producer on the same site, the Planning and Zoning Division estimates having issued roughly 200 separate approvals for marijuana production in the AG/F, EFU, and TBR Districts to-date.

Staff estimates that 80% of these approvals authorize land and building area that can, under the terms of the respective land use permit, be used for indoor production of mature marijuana plants, while 51% authorize area for mature outdoor production, and approximately one-third

authorize area for indoor and outdoor production. Staff has also estimated the amount of floor space that these approvals would already allow to be used for mature marijuana production in AG/F, EFU, and TBR Districts, based on the figures and production operation descriptions in the permit documents. According to those estimates, the County has approved in these zoning districts:

- Approximately 79.7 acres (3.5 million square feet) that could be used for mature indoor production; and
- Approximately 120 acres (5.2 million square feet) that could be used for mature outdoor production.

Of all this approved area, 66% is for production in the EFU District, while only 7% is in the AG/F District and 27% in the TBR District. A significant majority (82%) of mature production area approved for the EFU District is for outdoor production.

Because the County has never limited the number of licensed premises, there is no certain figure on the number of approvals that were issued to applicants who intended to have multiple licensed premises and submitted application materials rarely indicate those intentions. However, Staff finds the following, based on the total area that could be used for mature production in the roughly 200 approvals, the mature canopy areas allowed by the OLCC per tier (Attachment C), and explicit optional representations made by permit applicants:

- At least 40% of approved indoor production sites, and 23% of outdoor production sites, could or will accommodate *more than one* licensed premises; and
- Approximately 47% of approved indoor production sites, and 43% of outdoor production sites, likely could or will accommodate *only one* licensed premises (The remainder cannot be assumed with meaningful certainty).

The County does not maintain information on how much approved area has actually been developed and put in to operation. However, the OLCC reports that as of November 2, 2018, there are 161 active licensed recreational marijuana production premises in all of Clackamas County, including in areas not zoned AG/F, EFU, or TBR, such as industrial and rural residential zoning districts (see Attachment E). OHA's April 2018 published figures count 1,291 registered grow sites in all of Clackamas County. The 2018 OHA figures also show that 83% of all registered sites in Oregon are to grow for only one patient (themselves or another person); only 4% of medical marijuana growers are registered to grow for the maximum four patients, further underscoring Staff's assumption that few issued approvals for production in the AG/F, EFU, and TBR Districts were for applicants who intended to have multiple medical marijuana production grow sites in a specific area.

### 3. Prior Direction:

The Board of County Commissioners (BCC) approved a Long-Range Planning Work Program for the period July 1, 2018, to June 30, 2019. That program includes a project directing the Planning and Zoning Division to research and propose new regulations limiting the number of OLCC production licenses and OHA registered grow sites per property.

The direction is in response to concerns that having multiple licensed/registered marijuana producers operating from a single tract generates a level of on-site activity and intensity of development that is not appropriate for the AG/F, EFU, and TBR zoning districts.

## **PROPOSAL**

ZDO-271 proposes legislative text amendments to Section 841 of the Clackamas County Zoning and Development Ordinance (ZDO). The amendments are for these two proposals:

- 1. Limit a tract in the AG/F, EFU, and TBR zoning districts to only one premises licensed for recreational marijuana production by the Oregon Liquor Control Commission (OLCC) or only one medical marijuana grow site registered with the Oregon Health Authority (OHA)**
  
- 2. Clarify current marijuana land use regulations, without changing existing policies, by adopting non-substantive text amendments (edits) that:**
  - a. Further standardize provisions related to access throughout the ZDO;
  - b. Correct references to licensed engineers completing odor and noise studies for marijuana-related land uses, consistent with relevant State terminology;
  - c. Change references to “yard depth” to “setback”, consistent with other ZDO sections;
  - d. Clarify the applicability of existing noise standards; and
  - e. Provide consistency with other 800-series ZDO sections’ formatting and content.



## **SIGNIFICANT ISSUES**

The Planning Commission held a study session on October 22, 2018. During the study session, two significant policy issues related to ZDO-271 were discussed:

- 1. Should the number of licensed/registered marijuana producers per property in the AG/F, EFU, and TBR zoning districts be limited? If so, should those limits be established with a restriction on the number of producers per tract, lot of record, or certain acreage?***

The County may adopt regulations limiting the number of recreational and/or medical marijuana producers per given area in any of these zones.

*On the one hand:*

- Such limitations may help to reduce the level of activity and the intensity of development related to marijuana production in AG/F, EFU, and TBR zoning districts;
- Marijuana production may be a more intense farm use than some due to the year-round nature of indoor production and the economic incentive to site multiple producers (each potentially with their own employee traffic and differing hours of operation) on a single lot due to OLCC limiting the size of an individual producer's mature plant canopy but not the size of the canopy per property; and
- Adopting these limitations would respond to concerns and complaints raised by the public.

*On the other hand:*

- The scope of other types of agricultural production, including industrial hemp, is not limited in AG/F, EFU, or TBR zoning districts;
- Such limitations may not affect production operations that are already approved and established, as discussed further in later sections of this report;
- Existing production permit holders may need to apply for nonconforming use (NCU) verification and alteration for any future changes, processes which have application fees and review periods and require staff time;
- Limitations may reduce opportunities for property owners to lease and earn income from their property, and may limit the opportunity for growth of the marijuana industry in the County;
- Currently, there is a State slow-down/back-log of license renewals (see Attachment F), a reported over supply of produced marijuana in Oregon (see Attachment G), and an observed decrease in medical marijuana grow sites (see Attachment H), all of which may already limit the growth of future production operations in the relevant zoning districts.

If the Planning Commission supports new limitations on the scope of marijuana production, it could recommend restricting the number of premises licensed for recreational marijuana production by OLCC, and/or the number of grow sites registered for medical marijuana production with the OHA, to a certain number per tract, lot of record, or certain acreage.

Limiting the number of licensed premises and/or registered grow sites could have different outcomes, depending on whether those limits apply per tract, lot of record, or certain acreage.

*Limiting per tract:*

- This would be the most restrictive of the three options; and
- Would be consistent with existing ZDO production requirements that are also based on a tract; however
- The limitation can be avoided by putting one component lot of record into separate ownership;
- This would be slightly more time-consuming for staff, due to need to verify ownership of adjacent parcels; and
- Tracts vary in size, and a large tract would have the same limits as a small tract.

*Limiting per lot of record:*

- This would be slightly easier for staff to administer than limiting per tract; however
- Existing ZDO production regulations establish a minimum *tract* area needed for production, so the establishment of a separate production regulation based on lot of record may be confusing and consistency with the minimum tract size requirement for production would necessitate drafting additional, possibly confusing, text to ensure consistency between the existing provision and the new one;
- Lots of record vary in size, and a large lot would have the same limits as a small lot.

*Limiting per certain acreage:*

- This may be the “fairest” to owners of large tracts and large lots of record; however
- It is unclear what per-acre limit would be appropriate and whether the limits should be the same for indoor production, outdoor production, recreational production, and medical production. The standard would need to be drafted to be consistent with the minimum tract size currently required for any production in the subject zoning districts by Section 841.
- If multiple licenses/registrations are permitted on a large property, consolidating those in one location on the tract may have similar impacts to the current situation; however, requiring them to be dispersed in some way may have unintended consequences such as greater impact on farm or forest land and the need for additional driveway and infrastructure extension to reach additional licensed premises/registered grow sites on the same tract.

**2. *What would the effect of the amendments be on previously approved or implemented marijuana production land uses?***

If the proposed amendments in ZDO-271 are adopted, multiple OLCC-licensed production premises and/or OHA-registered grow sites already located on a single tract may be considered a “legal nonconforming” use (sometimes referred to as a “grandfathered right”). Under State law and Clackamas County ZDO Section 1206, the lawful use of any building, structure, or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued.

However, a marijuana production land use permit issued by the County may not, on its own, be sufficient to establish a legal nonconforming use right to multiple licensed premises and/or registered grow sites, no matter how much marijuana production area was authorized in that land use permit, particularly if multiple licensed premises and/or registered grow sites are not already located on the subject tract. Moreover, future changes to federal or State law beyond the County's control could affect the status of marijuana production, which may in turn affect marijuana-related nonconforming uses.

It was noted earlier in this report that substantive changes to any established and legally nonconforming marijuana production could require approval of a Type II nonconforming use alteration land use application. This type of permit may only be approved where there is no greater adverse impact on the area or where such impacts can be mitigated by conditions of approval.

### **PUBLIC NOTICE AND COMMENTS**

Notice of the proposed amendments in ZDO-271 was sent to:

- All cities within the County
- All County Community Planning Organizations (CPOs) and Hamlets
- DLCD, Metro, ODOT and other interested agencies
- Owners of property zoned AG/F, EFU, or TBR

Notice was also published in the newspaper, online with answers to related FAQs, and on various social media outlets. To date, the Planning and Zoning Division has received seven (7) written comments from members of the public, but no comments from any cities, CPOs, or governmental agencies.

## **ANALYSIS AND FINDINGS**

### **1. Zoning and Development Ordinance (ZDO)**

The proposed text amendments are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in the proposal and review of ZDO-271. As noted previously, notice was provided at least 35 days before the first scheduled public hearing to the Department of Land Conservation and Development (DLCD), all active Community Planning Organizations (CPO), and other interested agencies to allow them an opportunity to review and comment on the proposed amendments. Advertised public hearings are being held before the Planning Commission and the Board of County Commissioners (BCC) to consider the proposed amendments. The ZDO contains no further specific review criteria that must be applied when considering an amendment to the text of the ZDO.

### **2. Statewide Planning Goals**

The substantive amendments proposed in ZDO-271 would only impact properties zoned AG/F, EFU, or TBR, three zoning districts which implement the County's acknowledged Comprehensive Plan policies for agriculture and timber lands, as required by the Statewide Planning Goals. ZDO-271 does not propose any amendment to the Comprehensive Plan; nonetheless, Staff has reviewed the proposed ZDO amendments for consistency with Statewide Planning Goals.

#### ***Goal 1 – Citizen Involvement:***

ZDO-271 does not propose any change to the County's citizen involvement program. Earlier sections of this report described the notification and public outreach measures that have been taken, which Staff finds are consistent with the requirements and intent of Goal 1.

#### ***Goal 2 – Land Use Planning:***

As stated above, ZDO-271 does not include an amendment to the County's Comprehensive Plan or Comprehensive Plan Map. Goal 2 is not applicable.

#### ***Goal 3 – Agricultural Lands:***

The areas of the County reserved for agricultural land uses as required by Goal 3 are zoned EFU. ZDO-271 does not propose to change any property's zoning designation, and therefore would not reduce the County's agricultural land supply. ZDO-271 would not authorize any new land uses in the EFU District and would not restrict any permitted agricultural land use other than recreational and medical marijuana production, as authorized under State law. This proposal is consistent with Goal 3.

#### ***Goal 4 – Forest Lands:***

The areas of the County reserved for forestry land uses as required by Goal 4 are zoned AG/F and TBR. Just as ZDO-271 would not reduce the County's agricultural land supply, the proposal would also not reduce its forestry land supply. ZDO-271 would not authorize any new land uses in the AG/F or TBR Districts and would not restrict any permitted forestry-related land use. The County is not required by Goal 4 or any other State law to allow marijuana production in the AG/F and TBR Districts. This proposal is consistent with Goal 4.

**Goal 5 – *Natural Resources, Scenic and Historic Areas, and Open Spaces:***

ZDO-271 relates to only three zoning districts where agricultural land uses are allowed outright; it would not impact any designated open space area. It does not propose to change any existing Comprehensive Plan policy or land use regulation protecting natural resources, scenic areas, or designated historic resources. Goal 5 is not applicable.

**Goal 6 – *Air, Water and Land Resources Quality:***

This proposal would not change any existing Comprehensive Plan policy or land use regulation established to protect the quality of the County’s air, water, or land resources. Goal 6 is not applicable.

**Goal 7 – *Areas Subject to Natural Hazards:***

This proposal also would not change any existing Comprehensive Plan policy or land use regulation related to development in flood-prone areas, on steep slopes, or in any other natural hazard area. Goal 7 is not applicable.

**Goal 8 – *Recreational Needs:***

ZDO-271 does not relate to existing Comprehensive Plan policies or land use regulations preserving lands for recreational uses. It would not authorize any new land uses that could conflict with the County’s recreational needs. Goal 8 is not applicable.

**Goal 9 – *Economic Development:***

Goal 9 requires the County to provide an adequate supply of land for commercial and industrial development. As noted earlier, ZDO-271 would not change the Comprehensive Plan or zoning designation of any property. It would not add any new restriction to land uses in areas of the County reserved for commercial and industrial development. Goal 9 is not applicable.

**Goal 10 – *Housing:***

ZDO-271 does not impact areas planned for residential development, or propose any restriction on housing. Goal 10 is not applicable.

**Goal 11 – *Public Facilities and Services:***

ZDO-271 does not propose any change in plans for the provision of water, sewer, or other public services. Because the proposal could limit, rather than promote, the growth of activity and development associated with production in the subject rural zoning districts, it is not expected to cause any greater demand on public facilities and services. This proposal is consistent with Goal 11.

**Goal 12 – *Transportation:***

ZDO-271 would not amend the County’s Transportation System Plan. It also would not expand any authorized land uses, and therefore would not create additional impacts to the County’s transportation infrastructure. This proposal is consistent with Goal 12.

**Goal 13 – *Energy Conservation:***

This proposal would not change any existing Comprehensive Plan policy or land use regulation aimed at conserving energy. Goal 13 is not applicable.

**Goal 14 – Urbanization:**

The substantive provisions of ZDO-271 would only affect areas zoned AG/F, EFU, and TBR. ZDO-271 would not change any urban growth boundary, or change any urban reserve designation. Goal 14 is not applicable.

**Goal 15 – Willamette River Greenway:**

ZDO-271 would not change any existing requirement related to development in the Willamette River Greenway. Goal 15 is not applicable.

**Goals 16-19:**

These four Statewide Planning Goals address estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, and are not applicable to Clackamas County.

**3. Clackamas County’s Comprehensive Plan**

Staff finds three chapters of the County’s Comprehensive Plan that are applicable to this proposal.

**Chapter 2 – Citizen Involvement:**

As noted earlier, ZDO-271 does not propose any change to the County’s citizen involvement program. All required entities have been notified in accordance with law, and have been invited to participate in duly-advertised public hearings. The proposal responds to a direction in the Long-Range Planning Work Program. It is consistent with Chapter 2.

**Chapter 4 – Land Use:**

The substantive amendments proposed in ZDO-271 would only affect areas planned for agriculture and forestry land uses. Chapter 4 does require the County to encourage agricultural-related industries and to prohibit land uses that conflict with agricultural and forestry uses. ZDO-271 would only restrict, and not outright prohibit, the future growth of one agricultural-related industry (marijuana production), as allowed under State law. Staff finds that the proposed restrictions could slow the use of AG/F, EFU, and TBR zoned areas for marijuana production and related facilities, thereby helping to ensure that these areas are available for other agricultural uses and forestry uses. This proposal is consistent with Chapter 4.

**Chapter 11 – The Planning Process:** Chapter 11 of the Comprehensive Plan includes policies requiring inter-governmental and inter-agency coordination, public involvement, and noticing. As explained previously in this report, all required entities have been notified in accordance with law, and have been invited to participate in duly-advertised public hearings.

Chapter 11 of the Comprehensive Plan also contains the specific requirement that the Comprehensive Plan and ZDO be consistent with Statewide Planning Goals and with Metro’s Urban Growth Management Functional Plan; Chapter 11 is what requires the ZDO itself to be consistent with the Comprehensive Plan, as well.

Section 2 of this report’s *Analysis and Findings* starting on Page 8 outlined how ZDO-271 is consistent with relevant Statewide Planning Goals. Because the proposal would only restrict one type of agricultural production in areas planned for agricultural and

**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**

forestry land uses, it is consistent with the Metro Functional Plan, which includes no requirements for natural-resource-related land uses in agriculture and forest zones. The findings here in Section 3 of this report demonstrate that the proposal is consistent with the Comprehensive Plan.

## **RECOMMENDATION**

Staff finds that limiting the scope of new marijuana production with a cap on the number of licensed premises and registered grow sites could mean lower levels of on-site activity and intensity of development associated with new marijuana production land use approvals. A limitation on one licensed premises or registered grow site per tract would be the most restrictive and therefore would, generally, have greater impacts than a similar restriction per lot of record or certain acreage.

Therefore, Staff recommends approval of ZDO-271, as proposed in the text amendments included in Attachment B, in order to:

1. Limit a tract in the AG/F, EFU, and TBR zoning districts to only one premises licensed for recreational marijuana production by the Oregon Liquor Control Commission (OLCC) *or* only one medical marijuana grow site registered with the Oregon Health Authority (OHA); and
2. Clarify current marijuana land use regulations, without changing existing policies, by adopting the proposed non-substantive text amendments.

## **ATTACHMENTS**

- A. Staff memo to Planning Commission
- B. Proposed amendments to ZDO Section 841
- C. Recreational production canopy size limits, per tier, as in OAR 845-025-2040
- D. Oregon Medical Marijuana Program (OMMP) plant limits
- E. Oregon Liquor Control Commission (OLCC) November 2, 2018, licenses report
- F. August 4, 2018, Registered Guard article
- G. August 30, 2018, OLCC Update on Marijuana Licensing,
- H. OMMP Statistical Snapshot, April 2018



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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

## MEMORANDUM

TO: Planning Commission

FROM: Glen Hamburg, Planner II

DATE: November 19, 2018

RE: File ZDO-271, Proposed Zoning and Development Ordinance Amendments:  
Marijuana Production License Limits

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The Planning Commission held a study session on ZDO-271 on October 22, 2018. This memorandum answers eight specific questions Commissioners had during the study session:

**1. *Does the State require a certain separation distance between licensed premises / registered grow sites?***

No. No separation distance is required by the Oregon Liquor Control Commission (OLCC) between premises licensed for recreational marijuana production or by the Oregon Health Authority (OHA) between registered medical marijuana grow sites.

OAR 845-025-1230(2)(b) only restricts the number of licenses for recreational marijuana production premises to one license under the same ownership *per tax lot*. No separation distance is required between tax lots, lots of record, or tracts with licensed premises, or between multiple licensed premises that are under separate ownership and on the same tax lot, lot of record, or tract.

OAR 845-025-1230(1)(b) also prohibits a premises licensed for recreational marijuana production from being “at the same physical location or address” as a registered medical marijuana grow site, but this regulation does not impose any specific separation distance between a licensed recreational premises and a registered medical grow site.

Multiple registered medical grow sites may be established at the same address, tax lot, lot of record, or tract, with no specific separation distance required between them either. However, OAR 333-008-0570 does require that the separate sites be physically identifiable with tags, fencing, or posted plot plan.



For recreational production licenses issued or renewed after April 1, 2018, a single licensed producer may divide their maximum total approved canopy size (e.g. 10,000 square feet for a Tier II mature indoor grow) into as many as 20 canopy areas within their overall licensed premises, so long as those areas are separated by a physical barrier or eight feet of open space.

**2. *Can the same licensee have multiple licenses, as long as they're on separate tax lots?***

Yes. Per OAR 845-025-1230(2)(b), the OLCC may issue multiple recreational production licenses to the same licensee, as long as their licensed premises are on separate tax lots. The OLCC may also license multiple premises on the same tax lot, so long as there is no common ownership between those licenses.

ZDO-271 does not propose to restrict production by “tax lot”, in part because the Clackamas County Zoning and Development Ordinance (ZDO) does not limit the number of tax lots that may be established per any given area. Rather, ZDO-271 proposes restrictions per tract, which is one or more contiguous lots of record under the same ownership.

**3. *Did the County consider a license limit before adopting its first marijuana land use regulations in 2016?***

Minutes from a November 23, 2015, Planning Commission hearing show their support for “defer[ring] to OLCC and OHA for maximum sizes of grow operations/plant numbers” in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) zoning districts. This indicates that the scope of a marijuana production operation in these areas was indeed considered, but not necessarily the question of whether multiple licensed/registered production operations per property are appropriate.

**4. *Is the County required to allow outdoor production in its natural resource zones?***

Clackamas County has not held the local election necessary to “opt out” of allowing recreational marijuana production entirely, and is therefore required to allow recreational marijuana production, as well as medical production, in at least the EFU District. However, the County may adopt restrictions on the time, place, and manner of recreational production and the time and place of medical production in any zone where such production is allowed, and Staff has not identified any State requirement that Clackamas County allow both indoor and outdoor production in its EFU District. ORS 475B.526(3) does say that the County is not required to allow any production, whether indoor or outdoor, in its AG/F and TBR Districts.

Washington County allows both indoor and outdoor marijuana production in its natural resource zones, per Washington County Community Development Code Chapters 340, 342, 344, 346, and 348 and Section 430-80.3. Both indoor and outdoor marijuana production are also allowed in Multnomah County’s EFU zoning district, but only outdoor production is allowed in that county’s forest zones, per Multnomah County Zoning Code Section 8.D.3, Table A. Marion County has opted out of allowing any recreational marijuana production and requires that medical marijuana production in its EFU zoning district take place indoors, per Marion County Code Section 17.136.020(A).

**5. *How many licenses have been issued by the State for production in Clackamas County?***

As of November 2, 2018, 161 licenses have been approved by the OLCC for recreational marijuana production in all zones in Clackamas County. OLCC does not provide these figures according to a county's zoning district, so it is not possible to determine how many issued licenses are for property zoned AG/F, EFU, or TBR.

An April 2018 "Statistical Snapshot" prepared by the Oregon Health Authority (OHA) found 1,291 registered medical marijuana grow sites in Clackamas County. A medical grower may grow for multiple patients and OHA's grow site counts are based on unique addresses. If one address is designated as the grow site for multiple patients, OHA only counts it once. Of all the medical growers in Oregon, 83% only grow for one patient. OHA's figures are not classified by county zoning district.

**6. *How much indoor marijuana production has the County approved compared to approved outdoor production?***

The Planning and Zoning Division estimates that, as of November 1, 2018, approved marijuana production land use permits would allow approximately 8.7 million square feet (199.7 acres) of total building floor area and outdoor space for mature (flowering) marijuana production in its AG/F, EFU, and TBR Districts. Of this total, approximately 3.47 million square feet (79.7 acres, 40%) is for indoor production and 5.22 million square feet (120 acres, 60%) is for outdoor production. The majority (66%) of all permitted mature production area in the natural resource zones, both indoor and outdoor, has been for the EFU District; a slim majority (55%) of all permitted mature production in the EFU District is for outdoor production and most of the permitted production in the AG/F and TBR Districts is also for outdoor production. Outdoor marijuana production is not permitted in any other zoning district of the County.

**7. *Do we know the number of marijuana-related complaints made to Code Enforcement?***

Code Enforcement reports having so far received 102 complaints for marijuana-related matters, including those that may be related to retailing, in all zones. This number does not mean 102 complaints have been confirmed as violations.

**8. *Does the County keep information on how natural resource lands and agricultural buildings may be leased out to multiple "tenants" for other farm uses?***

Generally, no, in part because that information is not necessarily relevant to any existing land use approval criteria. The owner of farmland may, for example, lease out portions of their single lot of record to separate nursery stock growers, but the County may not need to be aware of that private business arrangement for the purposes of administering its land use regulations. However, Planning Staff has heard from members of the public that there may be lots leased out to multiple industrial hemp producers, but Staff has not been able to verify or quantify these claims.

**841 MARIJUANA PRODUCTION, PROCESSING, AND RETAILING**

~~841.01~~ ~~APPLICABILITY~~

~~Section 841 applies to:~~

~~A. Marijuana production in the AG/F, EFU, FF-10, RRF-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: Only one premises licensed for marijuana production by the Oregon Liquor Control Commission<sup>1</sup> or one medical marijuana grow site registered by the Oregon Health Authority<sup>2</sup> may be located on a tract in the AG/F, EFU, or TBR zoning districts.

~~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.

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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.

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~~<sup>1</sup>OHA 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

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~~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.~~

- 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(ED)(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 RRRFF-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 RRRFF-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.

~~FG~~. Access:- ~~If t~~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 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 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 ~~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 ~~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 ~~acoustic~~ 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~~<sup>2</sup>OLCC 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.

~~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.

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~~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.~~

~~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 ~~premises~~marijuana 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 depths~~setbacks 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 t~~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 ~~that easement 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 ~~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 ~~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 ~~acoustic~~ 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.

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 ~~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 ~~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:
      - 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

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**EXHIBIT 11**

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.

Stats. Implemented: ORS 475B.025, 475B.070, 475B.075, Section 24, Chapter 23, Oregon Laws 2016 & Sections 12 & 65, Chapter 24, Oregon Laws 2016

### **845-025-2030**

#### **Licensed Premises of Producer**

(1) The licensed premises of a producer includes all public and private areas used in the business operated at the location(2) A producer may not engage in any privileges of the license within a residence.

Stat. Auth.: ORS 475B.025, 475B.070

Stats. Implemented: ORS 475B.070, 475B.080 & Section 63, Chapter 24, Oregon Laws 2016

### **845-025-2040**

#### **Production Size Limitations**

(1) Maximum Canopy Size Limits.

(a) Indoor Production.

(A) Micro tier I: Up to 625 square feet

(B) Micro tier II: 626 to 1250 square feet.

(C) Tier I: 1251 to 5000 square feet.

(D) Tier II: 5,001 to 10,000 square feet.

(b) Outdoor production.

(A) Micro tier I: Up to 2,500 square feet.

(B) Micro tier II: 2501 to 5000 square feet.

(C) Tier 1: 5001 to 20,000 square feet.

(D) Tier II: 20,001 to 40,000 square feet.

(c) Mixed production. If a producer intends to have a mixture of indoor and outdoor production the Commission will determine the producer's tiers and canopy sizes by applying the ratio in section (4) of this rule.

(d) For purposes of this section, square footage of canopy space is measured horizontally starting from the outermost point of the furthest mature flowering plant in a designated growing space and continuing around the outside of all mature flowering plants located within the designated growing space.

(e) A producer may designate multiple grow canopy areas at a licensed premises but those spaces must be separated by a physical boundary such as an interior wall or by at least 10 feet of open space.

(f) If a local government adopts an ordinance that would permit a producer to have a higher canopy size limit than is permitted under this rule, the local government may petition the Commission for an increase in canopy size limits for that jurisdiction. If the Commission grants such a petition, the Commission may amend this rule in addition to considering changes to the license fee schedule.

(g) On an annual basis, the Commission will evaluate market demand for marijuana items, the number of person applying for producer licenses or licensed as producers and whether the availability of marijuana items in this state is commensurate with the

market demand. Following this evaluation the Commission may amend this rule as needed.

(2) Canopy Size Limit – Designation and Increases.

(a) A producer must clearly identify designated canopy areas and proposed canopy size in the initial license application. A producer may change a designated canopy area within a production type at any time with prior written approval from the Commission, but a producer may only change canopy tiers at the time of renewal in accordance with section (2)(b) or section (3)(a) of this rule.

(b) A producer may submit a request to change canopy tiers at the time the producer submits an application for renewal of the license. The Commission will grant approval of the request to increase the canopy tier for the producer's next licensure term if:

(A) The producer's renewal application is otherwise complete;

(B) There are no bases to deny or reject the producer's renewal application;

(C) The producer has not already reached the applicable maximum canopy size set forth in section (2) of this rule; and

(D) During the preceding year of licensure, the producer has not been found to be in violation, and does not have any pending allegations of violations of ORS 475B or these rules.

(c) The Commission shall give a producer an opportunity to be heard if a request is rejected under this section.

(3) Mixed cultivation methods.

(a) A producer may produce marijuana indoors and outdoors at the same time on the same licensed premises. The Commission must be notified of a producer's plan to engage in the indoor and outdoor production of marijuana at the time of initial licensure or at renewal, and not at any other time. A producer who utilizes mixed production may only change designated canopy areas from one production type to another at the time the producer submits a renewal application.

(b) The Commission must approve the canopy size applicable to each method.

(c) The Commission will use a 4:1 ratio, for outdoor and indoor respectively, to allocate canopy size limits under this section, not to exceed the sum canopy size limits set forth in section (1) of this rule. For example, if a Tier II producer in the first year of licensure has 5,000 square feet of indoor canopy space, then the producer may have up to 20,000 square feet of outdoor canopy space at the same time.

(4) Violations. An intentional violation of this rule is a Category I violation and may result in license revocation. All other violations are Category III violations.

Stat. Auth.: ORS 475B.025, 475B.070 & 475B.075

Stats. Implemented: ORS 475B.075

## **845-025-2050**

### **Operating Procedures**

(1) A producer must:

(a) Establish written standard operating procedures for the production of marijuana. The standard operating procedures must, at a minimum, include when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and

## OMMP Plant Limits

**EXHIBIT 1**

Who/What	Amount	Additional Requirements/Information
Patient and caregiver may jointly possess	No more than: <ul style="list-style-type: none"> <li>• 6 mature plants</li> <li>• 12 immature plants<sup>1</sup></li> </ul>	
1. Grow site address that is patient's residence where patient or caregiver is designated grower	No more than: <ul style="list-style-type: none"> <li>• 6 mature plants per patient</li> <li>• 12 immature plants per patient (regardless of height)</li> </ul>	<ul style="list-style-type: none"> <li>• 4 personal plants may be grown if non-cardholder lives at address, but still cap of 12 mature plants.</li> <li>• No more than 12 mature plants and 24 immature plants (regardless of height) no matter the number of patients<sup>2</sup>.</li> <li>• No size definition on these immature plants.</li> <li>• A grow site in this category cannot qualify for a grandfathering.</li> </ul>
2. PRMG at grow site within city limits & zoned residential	No more than: <ul style="list-style-type: none"> <li>• 12 mature plants</li> <li>• 24 immature plants 24 inches or more in height</li> <li>• 72 immature plants less than 24 inches in height</li> </ul>	<ul style="list-style-type: none"> <li>• A household at a grow site in this category is permitted to have 4 personal plants in addition to the medical marijuana plants.</li> </ul>
3. PRMG at grow site registered before 1/1/15 & within city limits & zoned residential (grandfathered grow site)	No more than: <ul style="list-style-type: none"> <li>• 24 mature plants</li> <li>• 48 immature plants 24 inches or more in height</li> <li>• 144 immature plants less than 24 inches in height</li> </ul>	<ul style="list-style-type: none"> <li>• In order for a grow site to be considered "grandfathered" it must meet certain criteria and be approved by OHA.</li> <li>• A household at a grow site in this category is permitted to have 4 personal plants in addition to the medical marijuana plants.</li> </ul>
4. PRMG at grow site outside city limits or inside city limits but not zoned residential:	No more than: <ul style="list-style-type: none"> <li>• 48 mature plants</li> <li>• 96 immature plants 24 inches or more in height</li> <li>• 288 immature plants less than 24 inches in height</li> </ul>	<ul style="list-style-type: none"> <li>• A household at a grow site in this category is permitted to have 4 personal plants in addition to the medical marijuana plants.</li> </ul>



## OMMP Plant Limits

Who/What	Amount	Additional Requirements/Information
5. PRMG at grow site registered before 1/1/15 & outside city limits or inside city limits but not zoned residential (grandfathered grow site)	No more than: <ul style="list-style-type: none"> <li>• 96 mature plants</li> <li>• 192 immature plants 24 inches or more in height</li> <li>• 576 immature plants less than 24 inches in height</li> </ul>	<ul style="list-style-type: none"> <li>• In order for a grow site to be considered “grandfathered” it must meet certain criteria and be approved by OHA.</li> <li>• A household at a grow site in this category is permitted to have 4 personal plants in addition to the medical marijuana plants.</li> </ul>

**NOTES:**

- Plant limits for immature plants that are less than 24 inches in height are effective October 1, 2018.
- Senate Bill 1544, section 6, which passed in the 2018 legislative session, required OHA to set limits on plants that are less than 24 inches in height.
- If the registration of a PRMG designated at a grow site that was grandfathered under ORS 475B.831(3)(b) or (4)(b) is suspended or revoked and they re-register, subsequent plant limits at an address within city limits and zoned residential will be: no more than 12 mature plants, no more than 24 immature plants 24 inches or more in height and no more than 72 immature plants less than 24 inches in height.
- If the registration of a PRMG designated at a grow site that was grandfathered under ORS 475B.831(3)(b) or (4)(b) is suspended or revoked and they re-register, subsequent plant limits at an address outside city limits or not zoned residential will be: no more than 48 mature plants, no more than 96 immature plants 24 inches or more in height and no more than 288 immature plants less than 24 inches in height.

<sup>1</sup> ORS 475B.831(1)(a).  
<sup>2</sup> ORS 475B.831(1)(b).

**EXHIBIT 11**



# OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Licenses Approved as of 11/2/2018

LICENSE NUMBER	LICENSEE NAME	BUSINESS NAME	LICENSE TYPE	ACTIVE	COUNTY	Retail Delivery	Medical Grade	Hepp
050 100037147CC	Hotbox Farms LLC	Hotbox Farms	Recreational Retailer	Yes	Baker		Yes	
050 10011127277	Scott, Inc	420VILLE	Recreational Retailer	Yes	Baker			
020 10017768FC7	Burnt River Farms, LLC	Burnt River Farms LLC.	Recreational Producer	Yes	Baker			
030 10031846B25	Burnt River Farms, LLC	Burnt River Farms LLC.	Recreational Processor	Yes	Baker			
060 1003692E356	Burnt River Farms, LLC	Burnt River Farms LLC.	Recreational Wholesaler	Yes	Baker			
050 1003713A8A4	The Coughie Pot, LLC	The Coughie Pot	Recreational Retailer	Yes	Baker			
050 10047883377	Sumpter Nugget, LLC	Sumpter Nugget	Recreational Retailer	Yes	Baker		Yes	
030 10071310CDB	Nugget Candy Co, LLC	Nugget Candy Co, LLC	Recreational Processor	Yes	Baker			
060 10079080A50	420BUNKERVILLE LLC	420 Bunkerville	Recreational Wholesaler	Yes	Baker			
020 10001223B25	Fire Creek Farms LLC.	Fire Creek Farms	Recreational Producer	Yes	Benton			
020 100013554D9	Country Grow, LLC	Country Grow	Recreational Producer	Yes	Benton			
020 1000140D286	Bosmere Farms, Inc.	Bosmere Farms, Inc.	Recreational Producer	Yes	Benton			
020 10004312ECD	Grasshopper Farm LLC	Cascade Valley Cannabis	Recreational Producer	Yes	Benton			
020 1001124042C	Apollo Grown Inc.	Apollo Grown Inc.	Recreational Producer	Yes	Benton			
020 1001135132A	Next Generation Nurseries, LLC.	Next Generation Nurseries	Recreational Producer	Yes	Benton			
020 100151214C6	Archer Farms LLC	Amber Creek	Recreational Producer	Yes	Benton			
030 1001972282D	C&R Oregon Corporation	C&R Oregon Corporation	Recreational Processor	Yes	Benton		Yes	
020 1002624CA64	FirstEmerald, LLC	Happy Cabbage Farms	Recreational Producer	Yes	Benton			
020 1002642637F	Grizzilla Farms, LLC	Grizzilla Farms	Recreational Producer	Yes	Benton			
050 100297375C8	COPR Incorporated	Green Room	Recreational Retailer	Yes	Benton		Yes	
020 10029958F48	Tenacious, LLC	Bloom Hill Botanicals	Recreational Producer	Yes	Benton			
030 1003030B124	FirstEmerald, LLC	Happy Cabbage Farms	Recreational Processor	Yes	Benton			
050 100331502C1	Omnific Soil Limited	Beaver Bowls	Recreational Retailer	Yes	Benton	Yes	Yes	
020 10035529C65	Pacific Commercial Holdings LLC	Oregon Genetics	Recreational Producer	Yes	Benton			
020 10035593CF8	The Dank Side LLC	The Dank Side	Recreational Producer	Yes	Benton			
050 10038995791	COPR Incorporated	Green Room (Campus)	Recreational Retailer	Yes	Benton		Yes	

\* Applicants on this list have been approved for a recreational marijuana license, but will not be issued a license until the license fee is paid.

**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**

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060 1004153836F	C&R Oregon Corporation	C&R Oregon Corporation	Recreational Wholesaler	Yes	Benton		Yes
050 100427322D0	High Quality Compassion LLC	High Quality Compassion	Recreational Retailer	Yes	Benton	Yes	Yes
030 1004307CC7D	Apollo Grown, Inc.	Apollo Grown Inc; E-Co Dabs	Recreational Processor	Yes	Benton		
050 1004474B67D	The Agrestic LLC	The Agrestic South	Recreational Retailer	Yes	Benton	Yes	Yes
050 1004475152E	The Agrestic North, Inc.	The Agrestic North Inc	Recreational Retailer	Yes	Benton	Yes	Yes
050 1004605A8E3	Corvallis Retail, LLC	Mr. Nice Guy Corvallis	Recreational Retailer	Yes	Benton	Yes	Yes
050 10046559560	ZERJAN LLC	Marie Janes Cannabis Connection	Recreational Processor	Yes	Benton	Yes	Yes
030 100468103AD	Molecular Masses LLC	Green Valley Chocolates	Recreational Processor	Yes	Benton		Yes
020 10047401654	Renegade Roots, Inc.	Renegade Roots	Recreational Producer	Yes	Benton		
020 10048973353	High River Farms, LLC	High River Farms	Recreational Producer	Yes	Benton		
020 1004953ADCF	Arbutus Roots Inc	Arbutus Roots	Recreational Producer	Yes	Benton		
030 1005028B660	Pacific Commercial Holdings LLC	Oregon Genetics	Recreational Processor	Yes	Benton		
020 1005602453F	Oregon Dreams LLC	Oregon Dreams	Recreational Producer	Yes	Benton		
020 10057414CC2	Silverdome Pharms LLC	Silverdome Pharms	Recreational Producer		Benton		
020 10057429007	Stoneycat Farms LLC; West Coast Gardens, LLC	Stoneycat Farms	Recreational Producer	Yes	Benton		
020 1005869EE1A	Black Fire Farms, LLC	Blackfire Farms	Recreational Producer	Yes	Benton		
030 1006263C296	Beatnick's Finest, LLC	Beatnick's Finest	Recreational Processor	Yes	Benton		
060 10062820F95	Pacific Commercial Holdings LLC	Oregon Genetics	Recreational Wholesaler	Yes	Benton		Yes
020 10068802126	Nature's Path LLC	Nature's Path	Recreational Producer	Yes	Benton		
020 10071128A1B	Beatnick's Finest, LLC	Beatnick's Finest	Recreational Producer	Yes	Benton		
020 10083452027	Mercury Primo INC.	Mercury Primo INC	Recreational Producer	Yes	Benton		
010 10087092BDA	PREE Laboratories LLC	PREE	Laboratory	Yes	Benton		
050 1008848DCf8	MING Holdings, LLC	Mr. Nice Guy Retail	Recreational Retailer	Yes	Benton		
050 10000680436	Elshner Inc	MARITIME CAFE	Recreational Retailer	Yes	Clackamas	Yes	Yes
020 10000876283	High Productions LLC	High Productions LLC	Recreational Producer	Yes	Clackamas		
020 100010499D8	Solar Fresh, LLC	softesh farms	Recreational Producer	Yes	Clackamas		
020 100011207C1	D&S Solutions, LLC	Bridge City Buds	Recreational Producer	Yes	Clackamas		
020 1000124228F	B-cubed, LLC	Ridgeback Cannabis	Recreational Producer	Yes	Clackamas		
020 1000131F8D2	Canby Growing Farms, Inc.	Aroma	Recreational Producer	Yes	Clackamas		
020 1000139BC13	Evergreen Harvest LLC	Evergreen Harvest	Recreational Producer	Yes	Clackamas		
020 1000141D7D2	PWCC, LLC	Bull Run Craft Cannabis	Recreational Producer	Yes	Clackamas		
020 100014341E7	High Spirit Acres, LLC & Tap-Reloop, LLC	High Spirit Acres	Recreational Producer	Yes	Clackamas		
020 1000180118A	GANJA GIRL PRODUCTS, INC.	GANJA GIRL PRODUCTS	Recreational Producer	Yes	Clackamas		

\* Applicants on this list have been approved for a recreational marijuana license, but will not be issued a license until the license fee is paid.

020 1000193BA66	High Noon Farm LLC	High Noon Cultivation	Recreational Producer	Yes	Clackamas	
020 10002678151	Tap-Reloop, LLC & High Spirit Acres, LLC	Tap-Reloop, LLC	Recreational Producer	Yes	Clackamas	
020 10002976C07	Frost Factory LLC	Frost Factory	Recreational Producer	Yes	Clackamas	
020 10003270D7B	Black Crow Grow Company LLC	Black Crow	Recreational Producer	Yes	Clackamas	
060 10003283A31	Bella Caramella LLC	BHombChelly's Jelly's	Recreational Wholesaler	Yes	Clackamas	
030 1000330C704	Bella Caramella LLC	BHombChelly's Jelly's	Recreational Processor	Yes	Clackamas	Yes
050 1000494E869	The brew house, llc	Top Hat Express	Recreational Retailer	Yes	Clackamas	Yes
020 1000535FBA4	Connoisseur Collective LLC	Connoisseur Collective LLC	Recreational Producer	Yes	Clackamas	
020 10005699B79	Dharma Organic Gardens Corporation	Dharma Organic Gardens Corporation	Recreational Producer	Yes	Clackamas	
020 1000634CFB2	Workingman's Bud LLC	Workingman's Bud	Recreational Producer	Yes	Clackamas	
050 10006476DA7	Oregon Bud Company LLC	Oregon Bud Company	Recreational Retailer	Yes	Clackamas	
020 10007025389	GMG, LLC	Troutman Farms	Recreational Producer	Yes	Clackamas	
020 100071239F4	Oregon Girl LLC	Oregon Girl LLC	Recreational Producer	Yes	Clackamas	
020 1000739670C	Green Acres of Oregon	Green Acres of Oregon	Recreational Producer	Yes	Clackamas	
020 10007450C46	G and M Manufacturing LLC	Nelson and Company Organics	Recreational Producer	Yes	Clackamas	
020 10007701E99	GREEN DRAGON GARDENS, LLC	Green Dragon Gardens	Recreational Producer	Yes	Clackamas	
030 10007711A04	Green Dragon Extracts, LLC/ Green Dragon Wholesale, LLC	Green Dragon Extracts	Recreational Processor	Yes	Clackamas	
020 1000776FEE5	Kush King Enterprise LLC	Kush King Enterprise LLC	Recreational Producer	Yes	Clackamas	
020 10008292F65	Lisa Atherton / Scott Atherton	Airight Acres	Recreational Producer	Yes	Clackamas	
020 10008849168	Fern Hollow LLC	Fern Hollow LLC	Recreational Producer	Yes	Clackamas	
020 10008852B8D	Portland High Standards, Inc	Portland High Standards, Inc.	Recreational Producer	Yes	Clackamas	
060 10009170038	Green Dragon Wholesale, LLC / Green Dragon Extracts LLC	Green Dragon Wholesale	Recreational Wholesaler	Yes	Clackamas	
020 100095900D3	GEFFES, LLC	Oregon's Own	Recreational Producer	Yes	Clackamas	
020 1000972D0CA	Raymond Miller & Deborah Miller	Smokey Mountain High	Recreational Producer	Yes	Clackamas	
020 10010495C5F	GREEN CHOICE FARMS, LLC	Green Choice Farms	Recreational Producer	Yes	Clackamas	
020 100115598E5	Cannabis Agricultural Nexus LLC	Cannabis Agricultural Nexus	Recreational Producer	Yes	Clackamas	

\* Applicants on this list have been approved for a recreational marijuana license, but will not be issued a license until the license fee is paid.

020 100126039A4	Red Barn Agriculture LLC	Red Barn Agriculture	Recreational Producer	Yes	Clackamas
020 100140402E1	Oregon Blissful Botanicals LLC	Oregon Blissful Botanicals	Recreational Producer	Yes	Clackamas
020 100158612C3	Deep Creek Gardens LLC.	Deep Creek Gardens LLC	Recreational Producer	Yes	Clackamas
020 10015951672	Gadsden Gardens, Inc.	Gadsden Gardens, Inc.	Recreational Producer	Yes	Clackamas
020 1001708B711	Eagle Creek Growers LLC	Eagle Creek Growers LLC	Recreational Producer	Yes	Clackamas
020 1001709DB77	Wyld Farms llc	Wyld Craft	Recreational Producer	Yes	Clackamas
020 1001712E3DA	Pudding River Enterprises LLC	Pudding River Enterprises LLC	Recreational Producer	Yes	Clackamas
020 10017353A90	Dawn Sayles & Roger Sayles	TMW	Recreational Producer	Yes	Clackamas
020 100178104E1	Two Phat Buds, LLC	Two Phat Buds	Recreational Producer	Yes	Clackamas
020 1001810F4B7	Midori Farms LLC & Eric Bizon	Midori Farms, LLC	Recreational Producer	Yes	Clackamas
020 1001920381A	Sandy River Organics LLC	Sandy River Organics	Recreational Producer	Yes	Clackamas
020 1001946446B	Cirrus Green LLC	Cirrus Green LLC	Recreational Producer	Yes	Clackamas
030 10019475C72	Green Mile Enterprises LLC	Green Mile Enterprises LLC	Recreational Processor	Yes	Clackamas
010 1002015CA5E	Chemhistory LLC/ Alex Hoggan	Chemhistory	Laboratory	Yes	Clackamas
020 1002017A034	UBC, LLC	Noblecraff	Recreational Producer	Yes	Clackamas
020 100207137EB	Skunk Valley Farm, LLC	Skunk Valley Farm, LLC	Recreational Producer	Yes	Clackamas
020 10020799885	Northwest Greeneries, Inc.	NW Greeneries	Recreational Producer	Yes	Clackamas
020 1002080A7CF	Farms of the Future Inc.	Synergy Farms	Recreational Producer	Yes	Clackamas
020 10021210781	Mulino Agricultural II LLC	Cannananda	Recreational Producer	Yes	Clackamas
020 1002187AD2D	Belmont & Roe LLC	Belmont & Roe	Recreational Producer	Yes	Clackamas
020 10022459A6C	Orgo Farms, LLC	Orgo Farms	Recreational Producer	Yes	Clackamas
020 1002250AD7C	The Clone Brothers LLC	The Clone Brothers	Recreational Producer	Yes	Clackamas
020 1002281D780	GOG LLC	Green Ops Gardens	Recreational Producer	Yes	Clackamas
020 1002299A014	Red Wing Enterprise Farms, Inc	Red Wing Enterprise Farms, Inc	Recreational Producer	Yes	Clackamas
020 1002357FBBD	C9F LLC	Cloud 9 Farms	Recreational Producer	Yes	Clackamas
020 1002416DB14	Logan Project, LLC	Donger Farms	Recreational Producer	Yes	Clackamas
050 1002483A9C1	The Green Planet, Inc	The Green Planet	Recreational Retailer	Yes	Clackamas
060 1002486ABCF	HoodView Cannabis LLC	HoodView Cannabis Distributing	Recreational Wholesaler	Yes	Clackamas
020 10025042247	Geiger Industries LLC	Panda Farms	Recreational Producer	Yes	Clackamas
020 100255921B4	Indoor Orchards, LLC	Indoor Orchards	Recreational Producer	Yes	Clackamas
020 10025873DD3	Greenway Farm LLC	Greenway Farm LLC	Recreational Producer	Yes	Clackamas
020 10025979B73	Noble Farms LLC	Noble Farms	Recreational Producer	Yes	Clackamas

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\* Applicants on this list have been approved for a recreational marijuana license, but will not be issued a license until the license fee is paid.

020 10026114352	Eco Firma Farms LLC	Eco Firma Farms LLC	Recreational Producer	Yes	Clackamas	
020 1002630D5FA	Northstar Botanicals Inc	Northstar Botanicals	Recreational Producer	Yes	Clackamas	
020 10026562977	WCC	West Coast Chronics	Recreational Producer	Yes	Clackamas	
020 100278076DC	Cascadia Elevated Agriculture Corporation	Elevated Agriculture	Recreational Producer	Yes	Clackamas	
020 10029048597	GK Wholesale LLC	GK Wholesale LLC	Recreational Producer	Yes	Clackamas	
020 10029164A07	Happy Hollow Farms - Production - Oregon City Inc.	Quantum Oregon	Recreational Producer	Yes	Clackamas	
020 100292516BA	High Ridge Farms LLC	High Ridge Farms	Recreational Producer	Yes	Clackamas	
030 1002931FDDD	Dr Phill's Pharma LLC	Dr Phill's Pharma	Recreational Processor	Yes	Clackamas	Yes
020 1003022478D	Gnome Grow'n LLC	Gnome Grow'n	Recreational Producer	Yes	Clackamas	
030 1003109E26A	Northwest Confections, LLC	Wyld	Recreational Processor	Yes	Clackamas	
020 10031139AAB	Agronomi LLC	Agronomi	Recreational Producer	Yes	Clackamas	
020 1003119FF11	Top Notch Genetics, LLC	Top Notch Genetics	Recreational Producer	Yes	Clackamas	
020 1003154CD80	Wee Farms, LLC	Wee Farms	Recreational Producer	Yes	Clackamas	
020 100315580DD	Green Factory LLC	Artisan Agriculture	Recreational Producer	Yes	Clackamas	
020 1003165E8AB	HQFARMS LLC	HQFarms	Recreational Producer	Yes	Clackamas	
020 1003285F88D	Harvest Farms LLC	Harvest Farms LLC	Recreational Producer	Yes	Clackamas	
020 1003298A139	Williamette Enterprises LLC	Injoy	Recreational Producer	Yes	Clackamas	
020 10033080DFC	Almadula LLC	Almadula	Recreational Producer	Yes	Clackamas	
020 100336344F2	Happy Bud Farms, LLC	Happy Bud Farms	Recreational Producer	Yes	Clackamas	
020 1003391638A	Brown Bag Partners, LLC	Alibi Cannabis	Recreational Producer	Yes	Clackamas	
030 1003392593C	Helio Estates, Inc	Fully Baked Edibles	Recreational Processor	Yes	Clackamas	
030 10034059080	Oregon Candy Farm, LLC	Oregon Candy Farm	Recreational Processor	Yes	Clackamas	Yes
030 100343979C0	Empower Essential Oils, LLC	Empower Bodycare/ Empower Oil	Recreational Processor	Yes	Clackamas	Yes
030 100351367B7	Odin Distillations LLC	Odin Distillations LLC	Recreational Processor	Yes	Clackamas	
020 1003516F56E	Bimini Farms, Inc.	Bimini Farms, Inc	Recreational Producer	Yes	Clackamas	
020 1003596AC50	Otto's OG Farm Inc.	Otto's OG Farm	Recreational Producer	Yes	Clackamas	
020 1003683BF3A	AMS Holdings LLC	Terra Canna Farms	Recreational Producer	Yes	Clackamas	
030 10037360034	Oregon Oil Technologies, LLC	Oregon Oil Technologies, LLC	Recreational Processor	Yes	Clackamas	
020 10037377E46	Saint J. Enterprises, LLC	Grasp Organics	Recreational Producer	Yes	Clackamas	
050 1003857B96E	Today's Herbal Choice, Inc.	Today's Herbal Choice, Inc.	Recreational Retailer	Yes	Clackamas	
030 10039682015	LMU Partners, LLC	Laurie & Marylane	Recreational Processor	Yes	Clackamas	Yes
030 1003980DD6B6	Tozmoz LLC	Tozmoz	Recreational Processor	Yes	Clackamas	
050 10039882706	JOMOSH, LLC	Bigfoot Bud Company	Recreational Retailer	Yes	Clackamas	Yes
050 10041449712	Deshel' Inc	Deshel	Recreational Retailer	Yes	Clackamas	
020 1004186D6FB	Stone Age Farms LLC	Excolo	Recreational Producer	Yes	Clackamas	

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030 1004205E3CB	Hana Medicinals LLC	Hana Medicinals	Recreational Processor	Yes	Clackamas	
020 1004259EB0B	Cascade Agricultural Sciences LLC	Old Apple Farm	Recreational Producer	Yes	Clackamas	
020 10042753B4C	L & D Development LLC	Laughing Dog Farms	Recreational Producer	Yes	Clackamas	
020 100430972E9	SLO MO, INC.	SLO MO	Recreational Producer	Yes	Clackamas	
020 10043215787	99 North Corporation	99 North	Recreational Producer	Yes	Clackamas	
050 1004322D06D	Little Amsterdam Wellness Center LLC	Little Amsterdam Wellness Center	Recreational Retailer	Yes	Clackamas	Yes
030 10043426736	Epicurean Edibles LLC/Revolution Green LLC	Upward/Revolution Green	Recreational Processor	Yes	Clackamas	
020 1004362076D	ABC Garden Company LLC	St. Augustine Gardens & Imperial Gardens	Recreational Producer	Yes	Clackamas	
020 100446164FE	Inner Rhythm, LLC	Inner Rhythm	Recreational Producer	Yes	Clackamas	
050 1004511D431	Gnome Grown Retail LLC	Gnome Grown Oregon	Recreational Retailer	Yes	Clackamas	Yes
050 10045349EFC	SMOKE ON THE MOUNTAIN LLC	SMOKE ON THE MOUNTAIN LLC	Recreational Retailer	Yes	Clackamas	Yes
030 10045958630	Clay Wolf LLC	Claywolf	Recreational Processor	Yes	Clackamas	
020 10045990CBA	North Tree Company LLC	Campfire Cannabis	Recreational Producer	Yes	Clackamas	
020 10046865888	Oregon Candy Farm, LLC	Chronic Creations	Recreational Producer	Yes	Clackamas	
030 10047088B5F	HAPPY HOLLOW FARMS, INC.	Happy Hollow Farms, Inc.	Recreational Processor	Yes	Clackamas	
060 100471033DB	HAPPY HOLLOW FARMS, INC.	Happy Hollow Farms, Inc.	Recreational Wholesaler	Yes	Clackamas	
020 10047374776	HAPPY HOLLOW FARMS, INC.	Happy Hollow Farms	Recreational Producer	Yes	Clackamas	
030 10047671F96	Pinnacle Processing, LLC	Pinnacle Processing	Recreational Processor	Yes	Clackamas	
020 1004838EFA3	BA Botanicals LLC	BA Botanicals	Recreational Producer	Yes	Clackamas	
020 10048643165	Budding Prospectors LLC	Budding Prospectors LLC	Recreational Producer	Yes	Clackamas	
020 1004882135F	Greenfarm Industries LLC	Greenfarm Industries	Recreational Producer	Yes	Clackamas	
030 100515417E0	Muru LLC	Muru	Recreational Processor	Yes	Clackamas	Yes
020 1005157CEB7	Clear Creek Holdings LLC	Clear Creek Cannabis	Recreational Producer	Yes	Clackamas	
020 10051818F85	DL Management Group, Inc.	De Koning	Recreational Producer	Yes	Clackamas	
020 10051825677	Empire State Boys, LLC	Empire State Boys, LLC	Recreational Producer	Yes	Clackamas	
020 10052375219	Springwater Organics	Springwater Organics	Recreational Producer	Yes	Clackamas	
050 10054270DD5	Stoney Only Clackamas LLC	Stoney Only Clackamas	Recreational Retailer	Yes	Clackamas	Yes
020 10054289783	Fourganic Farms	Fourganic Farms	Recreational Producer	Yes	Clackamas	
020 1005584B72B	Blank Street Urban Farms, Inc.	Blank Street Urban Farms	Recreational Producer	Yes	Clackamas	
020 10056404377	Bornstedt, LLC	Lifestyle Farms	Recreational Producer	Yes	Clackamas	
050 10056731BDF	GSM CONSULTING LLC	green stop meds	Recreational Retailer	Yes	Clackamas	

Yes

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050 1005686A8BD	GNOME GROWN RETAIL LLC	GNOME GROWN OREGON	RECREATIONAL RETAILER	Yes	Clackamas	Yes	Yes
020 1005719BFF5	Flint Farms LLC	Flint Farms	Recreational Producer	Yes	Clackamas		
050 1005733CE1E	PNW Cannabis, LLC	Top Shelf Budz	Recreational Retailer	Yes	Clackamas	Yes	Yes
020 1005783E99F	Terra Mater Reserve Inc.	Terra Mater Reserve	Recreational Producer	Yes	Clackamas		
020 1005806F2A0	Applied Science Farming, LLC	Applied Science Farming	Recreational Producer	Yes	Clackamas		
020 1005908F614	Bad Moon Rising LLC	Boring Weed Company	Recreational Producer	Yes	Clackamas		
020 1005952EBDF	America1776LLC	America1776 LLC	Recreational Producer	Yes	Clackamas		
050 100595905E3	GW Retail 220 SW 1st Inc.	Electric Lettuce	Recreational Retailer	Yes	Clackamas		
050 1005978077D	WWMP, LLC/ OC Joe, LLC	Kaleafa OC	Recreational Retailer	Yes	Clackamas	Yes	Yes
050 10060518DA7	Wild West Emporium - Molalla - Oregon City, Inc.	Wild West Emporium	Recreational Retailer	Yes	Clackamas	Yes	Yes
020 100608464AD	Molalla River Enterprises East, LLC	Molalla River Enterprises East, LLC	Recreational Producer	Yes	Clackamas		
020 1006086FC27	Molalla River Enterprises West, LLC	Molalla River Enterprises West, LLC	Recreational Producer	Yes	Clackamas		
020 10061378DAE	De Terra, LLC	De Terra	Recreational Producer	Yes	Clackamas		
030 1006226EA9B	Christine Walsh / Jason Tinsley	MAJIK EDIBLES	Recreational Processor	Yes	Clackamas		
050 1006325AD11	Nature's Alternative, Inc.	Wild West Emporium, Sandy Blvd	Recreational Retailer	Yes	Clackamas	Yes	Yes
030 1006358541A	2nd Arrow Oil, LLC	2nd Arrow Oil Co.	Recreational Processor	Yes	Clackamas		Yes
020 1006364E40B	High Places LLC	High Places	Recreational Producer	Yes	Clackamas		
030 1006488724F	C&R PRODUCTS LLC	C&R Products, LLC	Recreational Processor	Yes	Clackamas		
020 1006541F4B9	DG Farms LLC	DG Farmz	Recreational Producer	Yes	Clackamas		
030 10065691FC8	M2B Global, Inc.	TREETS	Recreational Processor	Yes	Clackamas		
020 1006576E869	Deshel' Inc	Deshel'	Recreational Producer	Yes	Clackamas		
030 10066556E3E	Toro Ma, LLC	Toro Ma, LLC	Recreational Processor	Yes	Clackamas		
020 10066611297	Dank Bros LLC	Dank Bros, LLC	Recreational Producer	Yes	Clackamas		
050 100671665A3	Stumptown Cannabis LLC	Stumptown Cannabis	Recreational Retailer	Yes	Clackamas	Yes	Yes
020 1006728339F	Oregon Compassion Solutions LLC	Shango	Recreational Producer	Yes	Clackamas		
020 100677517F8	R & D Enterprises, LLC.	R & D Northwest	Recreational Producer	Yes	Clackamas		
020 1006794E71A	TM AG Peter LLC/Peter Munro	TM AG Peter	Recreational Producer	Yes	Clackamas		
030 1006808389A	EDIBOLOGY LLC	EDIBOLOGY	Recreational Processor	Yes	Clackamas		
020 100682137B6	BHHC LLC	Blissful Botanica	Recreational Producer	Yes	Clackamas		
020 1006890F472	Viridia Farms LLC	Viridia Farms	Recreational Producer	Yes	Clackamas		
020 1006910E444	Enterprise Farm LLC	Artisan Grown	Recreational Producer	Yes	Clackamas		

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020 1006912001D	Enterprise Farm LLC	Artisan Grown	Recreational Producer	Yes	Clackamas
020 10070365F5A	Little Granny's Garden Inc	Little Granny's Garden Inc.	Recreational Producer	Yes	Clackamas
020 100709425A7	Bud Builders LLC	Kenryg	Recreational Producer	Yes	Clackamas
020 10071751F4B	Zelona LLC	Zelona LLC	Recreational Producer	Yes	Clackamas
020 10071771A8C	Hardwoods, Inc.	Hardwoods	Recreational Producer	Yes	Clackamas
020 100726785B3	Oregon Compassion Solutions LLC	Shango	Recreational Producer	Yes	Clackamas
020 1007331ADCB	Palladium Solutions, LLC	PALLADIUM SOLUTIONS, LLC	Recreational Producer	Yes	Clackamas
020 1007448C369	Living Things LLC	Living Things	Recreational Producer	Yes	Clackamas
020 10074973A9C	OpCo Production 2, LLC	TJ's Gardens (PDX)	Recreational Producer	Yes	Clackamas
030 100761800BC	Gravity Provisions LLC	Gravity Provisions	Recreational Processor	Yes	Clackamas
020 1007688D38D	Dutch Valley Farms LLC	Dutch Valley Farms	Recreational Producer	Yes	Clackamas
020 1007794316B	LTVR Heiple LLC	LTVR Heiple	Recreational Producer	Yes	Clackamas
030 10078106814	The Grasse Company, LLC	The Grasse Company	Recreational Processor	Yes	Clackamas
020 1007815E0EA	Heiple L5 LLC	Heiple L5	Recreational Producer	Yes	Clackamas
030 10078243D43	JAWC LLC	Mule Extracts	Recreational Processor	Yes	Clackamas
020 1007858468D	BNR2 INC	TruGanic Hybrid Cultivation	Recreational Producer	Yes	Clackamas
030 10078658190	GreenEnvy LLC	GreenEnvy	Recreational Processor	Yes	Clackamas
020 1007888F21A	WJK International LLC	WJK International	Recreational Producer	Yes	Clackamas
020 1007896E80B	Heiple L3 LLC	Heiple L3	Recreational Producer	Yes	Clackamas
020 100791131CE	Green Farms LLC	Green Farms LLC	Recreational Producer	Yes	Clackamas
020 1007944FFDB	KNF Farms, LLC	KNF Farms, LLC	Recreational Producer	Yes	Clackamas
060 1007965655A	Muru Wholesale LLC	Muru Wholesale	Recreational Wholesaler	Yes	Clackamas
020 10079824036	Sunlight Ridge, LLC	Sunlight Ridge, LLC	Recreational Producer	Yes	Clackamas
020 1008021F51D	Folium Farms, LLC	Folium Farms	Recreational Producer	Yes	Clackamas
050 10081041764	CBN OC, INC	Cannabis Nation Oregon City	Recreational Retailer	Yes	Clackamas
060 10082054D82	Green Leaf Protection 503 LLC	Green Leaf Protection 503	Recreational Wholesaler	Yes	Clackamas
020 1008229A35F	Paschal Farms, Inc	Paschal Farms	Recreational Producer	Yes	Clackamas
020 1008331E287	Truly Blended LLC	Makru Farms	Recreational Producer	Yes	Clackamas
020 10083322EE4	Eagle Valley Farm LLC	Eagle Valley Farm LLC	Recreational Producer	Yes	Clackamas
020 1008484D051	Good Flower, LLC	Good Flower, LLC	Recreational Producer	Yes	Clackamas
030 1008541D36B	Oregon Processing Solutions, LLC	Oregon Processing Solutions	Recreational Processor	Yes	Clackamas
050 10086554F25	CFA RETAIL LLC	Chalice Farms	Recreational Retailer	Yes	Clackamas
050 1008759BD28	Tidepool Oregon City, Inc.	Five Zero Trees	Recreational Retailer	Yes	Clackamas
020 10087807B86	Noble Sprout Farms Inc.	Noble Sprout Farms	Recreational Producer	Yes	Clackamas

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020 1008796FA70	D&C Holdings LLC	Prime Pine Co	Recreational Producer	Yes	Clackamas
050 1008835510A	PPC Holdings, LLC & Daryl Bell	West	Recreational Retailer	Yes	Clackamas
020 1008901972C	Bull Moon Inc.	Bull Moon	Recreational Producer	Yes	Clackamas
030 10089920184	G and M Manufacturing LLC	Nelson and Company Organics	Recreational Processor	Yes	Clackamas
020 1009009E49E	Star Dog Farms LLC	Star Dog Farms	Recreational Producer	Yes	Clackamas
020 1009075D93F	THIS BUDZ FOR YOU FARMS, LLC	This Budz For You Farms	Recreational Producer	Yes	Clackamas
020 10091450C38	Southeastern Headquarters LLC	Southeastern Headquarters (SEHQ)	Recreational Producer	Yes	Clackamas
020 10092511041	WC3 LLC and KSB Property Management, LLC	West Coast Craft Cannabis	Recreational Producer	Yes	Clackamas
030 1009270AFB4	Eos Labs LLC	Eos Labs	Recreational Processor	Yes	Clackamas
020 10092798571	Indo Supply, LLC	Indo Supply	Recreational Producer	Yes	Clackamas
050 100945472E9	THE REC CENTER LLC	Mount Hood Cannabis Company	Recreational Retailer	Yes	Clackamas
020 10094753EC2	45th Latitude, LLC	45th Latitude	Recreational Producer	Yes	Clackamas
020 10094844EA2	Utokia Farms LLC	Utokia Farms	Recreational Producer	Yes	Clackamas
020 100956355CD	the green room northwest llc	the green room northwest llc	Recreational Producer	Yes	Clackamas
020 1009833F0C2	Roots Rock LLC	Roots Rock LLC	Recreational Producer	Yes	Clackamas
030 1009885E122	45th Latitude, LLC	45th Latitude	Recreational Processor	Yes	Clackamas
020 1009920D848	GUO 168 LLC	Guo 168 LLC	Recreational Producer	Yes	Clackamas
020 1010000144F	DaveFu LLC	DaveFu Farms	Recreational Producer	Yes	Clackamas
020 101069303D2	PORT FRONT LLC	PORT FRONT	Recreational Producer	Yes	Clackamas
020 1010811700D	Clover Cloud LLC	Clover Cloud	Recreational Producer	Yes	Clackamas
060 10108279225	Cook Investments Northwest Oregon, LLC	Buddies Distribution	Recreational Wholesaler	Yes	Clackamas
020 1011451FF9C	TFF Inc.	Three Finger Farms	Recreational Producer	Yes	Clackamas
020 1000531377C	Shweeash Bamboo	Shweeash Bamboo LLC	Recreational Producer	Yes	Clatsop
020 100056600F3	AJC Greenworks LLC	GREENWORKS FARMS	Recreational Producer	Yes	Clatsop
050 10020483760	SSCN Inc	cannabis nation	Recreational Retailer	Yes	Clatsop
050 10025514D43	G. O. Enterprises LLC	Sweet Relief Natural Medicine	Recreational Retailer	Yes	Clatsop
050 10032308C80	HI Distributing, LLC	hi Casual Cannabis	Recreational Retailer	Yes	Clatsop
050 100329951CD	Nature's Choice Alternative Medicine, LLC	Natures Choice Alternative Medicine LLC	Recreational Retailer	Yes	Clatsop
050 1003848FDBD	SMI Mystic Roots, LLC	Mystic Roots	Recreational Retailer	Yes	Clatsop
020 1004048DC7B	Green Forest Gardens, LLC	Green Forest Gardens	Recreational Producer	Yes	Clatsop
050 1004244CF83	Tsunami Marijuana LLC	Tsunami Marijuana LLC	Recreational Retailer	Yes	Clatsop

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# The Register-Guard

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## Reports show Oregon has marijuana oversupply, Colorado hits the mark

By Gillian Flaccus and Kathleen Foody The Associated Press

Posted Aug 4, 2018 at 12:51 PM

Updated Aug 4, 2018 at 9:35 PM

PORTLAND — Two of the first states to broadly legalize marijuana took different approaches to regulation that left Oregon with a vast oversupply and Colorado with a well-balanced market. But in both states prices for bud have plummeted.

A new Oregon report by law enforcement found nearly 70 percent of the legal recreational marijuana grown goes unsold, while an unrelated state-commissioned Colorado study found most growers there are planting less than half of their legal allotment — and still meeting demand.

The reports offer case studies for California and other pot-friendly states as they ramp up their legal pot industries. They also underscore some key differences in how broad legalization was handled that have helped shape differently evolving markets in each state.

The Oregon study released late last week by the Oregon-Idaho High Intensity Drug Trafficking Area — a coalition of local, state and federal agencies — includes the medical and general-use markets and the illegal market, despite gaps in data on illicit marijuana grows.

It noted that Oregon still has a serious problem with out-of-state trafficking and black market grows — and the top federal law enforcement officer in Oregon demanded more cooperation from state and local officials Thursday in a strident statement.

“What is often lost in this discussion is the link between marijuana and serious, interstate criminal activity. Overproduction is rampant, and the illegal transport of product out-of-state — a violation of both state and federal law — continues

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unchecked,” said Billy Williams, U.S. Attorney for Oregon. “It’s time for the state to wake up, slow down and address these issues in a responsible and thoughtful manner.”

The Colorado study, also released Thursday, focuses on the legal, general-use market, and researchers at the University of Colorado Boulder’s business school and a Denver consulting firm had access to state tracking data to produce the first-of-its-kind analysis.

Colorado sales of broadly legalized marijuana began in 2014, roughly two years before Oregon allowed marijuana to be sold at non-medical retail stores. From the beginning, Colorado had stricter regulations for its growers than Oregon did.

Colorado gave existing medical marijuana growers the right of first refusal for licenses, cutting down right away on a potential source of black market production. The state also requires growers to show they have sold 85 percent of their output before allowing them to expand their growing operation, said Beau Whitney, senior economist at national cannabis analytics firm New Frontier Data.

“That was the right approach, and we’ve made that recommendation to other state regulators to do that because if you exclude the medical folks from entering the market, then there could be propensity for diversion” to the black market, he said.

“Colorado has done a good job in sizing the market. In Oregon, it’s going to take a while for that balance to be established.”

Oregon didn’t give existing medical marijuana growers priority over new applicants as Colorado did, and it also didn’t cap licenses. That created a perfect storm of endless licenses for all comers paired with less incentive for medical growers to enter the new industry.

In June, the Oregon Liquor Control Commission, which oversees general-use marijuana, did put a pause on issuing new grow licenses to work through a monthslong backlog of applicants. The Legislature likely will consider steps to get a handle on oversupply in the 2019 session.

The Pacific Northwest state also had to contend with a long-entrenched culture of illegal marijuana cultivation along its border with California, where there are near-perfect outdoor growing conditions. That tradition of illicit marijuana has created a nightmare for law enforcement agencies in rural, heavily forested counties already stretched thin by budget cuts.

The Oregon report, for example, noted nearly 15,000 pounds of marijuana with a street value of \$48 million has been seized heading to 37 other states. That doesn't include illegal pot snagged at Portland International Airport.

"I know a lot of the legal industry in Oregon has been asking for stepped-up enforcement to combat illegal operations, but there doesn't appear in those conversations a clear owner of the law enforcement," Whitney said.

Although Colorado has been more successful in finding a balance between supply and demand, retail prices for bud, or marijuana flower, have plummeted in both states about 50 percent since 2015.

That statistic could be deceiving, however, because most growers are now cultivating their crop for conversion into the increasingly popular oil extracts that wind up in everything from soaps to vape pens to edible gummies to salves. It takes 10 times more dried flower to make an oil extract and much of the dried flower is going to that market, Whitney said.

"What the report demonstrates to us is that our licensed operators are operating responsibly," said Mike Hartman, executive director of the Department of Revenue, which oversees marijuana regulation. "They're not overproducing the amount of product they're putting in the marketplace. They are operating to maximize product but also ... emphasizing public health and safety."

At Green Dot Labs in Boulder, CEO Alana Malone estimated the company grows about 1,600 of its allotted 1,800 plants that are used to produce cannabis oil products.

As one of Colorado's oldest companies focused on producing extracts from marijuana plants, Malone said decisions about how much to plant are based on expected demand — and consumers' interest in the type of concentrate products that Green Dot Labs produces is growing.

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Malone said she was pleased that the Colorado study found about 32 metric tons of marijuana flower left in inventory by the end of 2017.

“That’s not even close to some of the figures you see from others states,” Malone said. “So I’m a little bit proud of that.”

# Update on Marijuana Licensing

A Message from Steve Mark, Executive Director, OLCC



August 30, 2018

Since the Oregon Liquor Control Commission began issuing recreational marijuana licenses in April 2016 applicant interest has never diminished. You can see that reflected in the application data we publish on a daily basis.

Earlier this summer our agency placed a pause on processing applications. Even before then the number of applications we had to get through was significant. The surge of applications we received right before the pause took effect on June 15 just multiplied the numbers.

As a legal industry and as a regulated industry, the cannabis business is still immature. It has only been three years since commercialized cannabis emerged as a legitimate economic activity in Oregon, and the laws and rules governing its production and distribution are still catching up.

Since legalization, during every regular and short session of Oregon's legislature, lawmakers have made changes – a tweak here, an adjustment there, a major modification somewhere else. Then our agency's rulemaking process follows (and the same for our sister agencies: Oregon Health Authority, Oregon Department of Agriculture, and the Oregon Department of Revenue.) It's a process that comes with a natural, systemic lag built into it.

The statutory and rules changes are improvements that will establish the long-term viability of Oregon's cannabis industry. Incorporating these changes into a dynamic licensing process has brought unintended consequences and unforeseen challenges. Our ability to innovate our way out of this backlog is limited, but we continue to look for ways to improve and streamline our work in the near term, while developing systematic long term plans.

In the second half of 2017, when we began renewing the licenses of existing licensees, we determined that the time it takes to complete a renewal is equivalent to about 80 percent of the time it takes to process a new license application. Again this can be attributed to the immaturity of OLCC processes and to the sudden confluence of an emerging industry suddenly buffeted by consolidation activity. Regardless our agency did not build this amount of workload into our initial staffing or workforce models.

The merger and acquisition activity in Oregon's cannabis industry has led to frequent ownership changes and continuous business structure modifications. Managing these changes is another staffing demand that often takes as much time as processing brand new applications. The OLCC currently considers processing business structure changes to be part of the licensing fee licensees pay for, and we do not charge a separate fee for this work. It is, however, one of many areas of uncompensated activity that is overwhelming the agency's staff, which we are monitoring closely to ensure the agency is operating efficiently and effectively.

So in practical terms what does this mean right now for existing licensees and new applicants? To handle the backlog of license renewals and business structure changes we've concentrated our staff resources to handle this activity; we have 11 investigators assigned to this work. At our current pace renewals for 2017 and 2018 licensees will take approximately 12 months. Business structure changes and ownership changes currently range from three to six months, depending on the complexity and volume.

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Applications received by June 15, 2018, which currently total 2,210 are expected to take at least 12-14 months to process. This timeframe may be longer for those new applications submitted just before OLCC's pause went into effect (from June 1-15, 2018). The OLCC has two investigators assigned to this work. We will prioritize processing retailer, wholesaler, and processor applications ahead of producer applications. Our logic is straightforward. These application types take less time to process than producer applications which are more complex, and there are fewer of them to get through.

In the meantime our agency has been assigned additional responsibilities, including incorporating larger medical marijuana grow sites into our Cannabis Tracking System, and expanding the entry points for hemp and hemp products to enter the OLCC regulated market. Some of this work we're doing with additional resources, while the rest of it is being absorbed by the agency's existing workforce.

The processing of applications may appear to be proceeding at a glacial pace but I can tell you our team is operating at capacity. In addition to asking the legislature for additional staff to help with compliance and enforcement activity, we intend to seek more employees to support our marijuana licensing operations. If we obtain those resources it would be late 2019 before that assistance arrives.

I don't expect you find the information in this message surprising, but I hope it serves as a useful guidepost as you plan your business activity in the cannabis industry.

Steve Marks

Executive Director

OLCC

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# The Oregon Medical Marijuana Program

Statistical Snapshot  
April 2018

Oregon Health Authority

PUBLIC HEALTH DIVISION

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Oregon Medical Marijuana Program

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**OREGON MEDICAL MARIJUANA PROGRAM  
STATISTICAL SNAPSHOT  
APRIL, 2018**  
*(REVISED 04/06/2018)*



Oregon Medical Marijuana Program  
Analysis Unit  
PO Box 14450  
Portland, OR 97293-0450  
[www.healthoregon.org/ommp](http://www.healthoregon.org/ommp)

**EXHIBIT 1**  
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# OREGON MEDICAL MARIJUANA PROGRAM STATISTICAL SNAPSHOT APRIL 2018

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## Patients, Caregivers, Growers and Grow Sites<sup>1</sup>

	Patients	Caregivers	Growers	Grow Sites
Mailing Address in OR	45,165	17,593	22,777	18,099
Mailing Address Outside OR	45	129	33	N/A
<b>Total</b>	<b>45,210</b>	<b>17,722</b>	<b>22,810</b>	<b>18,099</b>

## Patients, Caregivers, Growers and Grow Sites by Oregon County<sup>1</sup>

	Patients	Caregivers	Growers	Grow Sites
BAKER	198	81	127	105
BENTON	589	292	255	208
CLACKAMAS	2,926	1,406	1,479	1,291
CLATSOP	412	160	168	150
COLUMBIA	457	216	294	259
COOS	669	261	406	339
CROOK	291	129	141	136
CURRY	410	134	207	161
DESCHUTES	2,379	1,116	1,069	863
DOUGLAS	1,750	621	1,206	982
GRANT	98	53	< 50	< 50
HARNEY	< 50	< 50	< 50	< 50
HOOD RIVER	190	103	114	87
JACKSON	6,741	1,682	3,650	2,530
JEFFERSON	238	116	117	110
JOSEPHINE	5,544	1,172	3,520	2,435
KLAMATH	871	331	505	427
LAKE	83	< 50	< 50	< 50
LANE	4,686	1,670	2,320	1,956
LINCOLN	973	485	271	232
LINN	1,242	642	685	579
MALHEUR	413	195	273	211
MARION	2,135	1,049	946	817
MORROW	< 50	< 50	< 50	< 50
MULTNOMAH	6,189	2,781	2,279	1,870
POLK	717	349	360	302
TILLAMOOK	332	149	147	134
UMATILLA	328	170	213	178
UNION	336	136	149	130
WALLOWA	70	< 50	< 50	< 50
WASCO	233	133	165	151
WASHINGTON	2,721	1,384	1,060	888
YAMHILL	719	342	366	319
Combined total for GILLIAM, SHERMAN, & WHEELER	< 50	< 50	< 50	< 50
Outside of Oregon	45	129	33	N/A
County Not Reported	88	97	53	38

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## Patients, Caregivers and Growers Outside of Oregon

State	Patients	Caregivers	Growers
AK	0	0	1
AL	1	0	0
AR	0	1	0
AZ	2	5	0
CA	13	17	10
CO	0	1	0
FL	2	4	7
HI	1	0	1
ID	2	17	3
IL	1	1	0
KS	0	1	0
MA	1	0	0

State	Patients	Caregivers	Growers
MD	0	1	0
MI	0	1	0
MO	0	1	0
MT	2	0	1
NV	3	5	1
OH	0	1	1
PA	0	1	0
TN	0	1	0
TX	1	1	1
VA	1	1	0
WA	15	69	7
<b>Total</b>	<b>45</b>	<b>129</b>	<b>33</b>

## Patients by Age Range *(not all are 5-year increments)*

Patient Age Range	Count	Percentage
0 – 10	88	0.2%
11 – 15	88	0.2%
16 – 17	60	0.1%
18 – 20	658	1.5%
21 – 24	1,493	3.3%
25 – 29	3,099	6.9%
30 – 34	4,016	8.9%
35 – 39	4,349	9.6%
40 – 44	3,834	8.5%

Patient Age Range	Count	Percentage
45 – 49	3,820	8.4%
50 – 54	3,865	8.5%
55 – 59	5,323	11.8%
60 – 64	5,708	12.6%
65 – 69	4,897	10.8%
70 – 74	2,543	5.6%
75 – 79	902	2.0%
80 +	467	1.0%
<b>Total</b>	<b>45,210</b>	<b>100%</b>

## Patients, Caregivers and Growers by Gender

	Patients	Caregivers	Growers
Male	57%	52%	65%
Female	43%	48%	35%
Non Binary	< 0.1%	< 0.1%	< 0.1%

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## Patients by Condition<sup>2</sup>

Condition	Count of Reporting Patients	Percentage of Reporting Patients
Severe Pain	40,415	89.4%
Spasms	9,263	20.5%
Nausea	4,747	10.5%
PTSD	4,509	10.0%
Cancer	2,864	6.3%
Neurological	1,759	3.9%
Seizures	1,220	2.7%
Glaucoma	688	1.5%
Cachexia	635	1.4%
HIV/AIDS	397	0.9%

## Minor Patients

Minor Patient Age Range	Count
0 – 10	88
11 – 15	88
16 – 17	60
<b>Total</b>	<b>236</b>

## Minor Patients by Condition<sup>2</sup>

Condition	Count of Reporting Minor Patients	Percentage of Reporting Minor Patients
Seizures	94	39.8%
Severe Pain	83	35.2%
Neurological	46	19.5%
Nausea	32	13.6%
Spasms	28	11.9%
PTSD	20	8.5%
Cancer	14	5.9%
Cachexia	6	2.5%
Glaucoma, HIV/AIDS	0	0.0%

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## Caregivers with Multiple Patients

A caregiver must be 18 years or older and one individual may be designated by multiple patients. There are 17,719 caregivers designated by 19,332 patients.

Caregivers per	Patient <sup>3</sup>
16,873	1
539	2
158	3
64	4
27	5
15	6
15	7
7	8
4	9
4	10
5	11
1	12
1	14
1	15
2	16
1	17
2	22
<b>17,719</b>	<b>19,332</b>

“There are 16,873 caregivers with one patient each, 539 caregivers with two patients each ... there is one caregiver with 17 patients, and two caregivers with 22 patients.”

## Growers with Multiple Patients

A grower must be 21 years or older and one individual may grow for a maximum of four patients concurrently. There are 22,702 growers designated by 29,143 patients.

Growers per	Patient <sup>3</sup>
18,962	1
1,844	2
1,091	3
805	4
<b>22,702</b>	<b>29,143</b>

“There are 18,962 growers growing for one patient each, 1,844 growers growing for two patients each, 1,091 growers growing for three patients each, and 805 growers growing for four patients each.”

## Patients per Grow Site Address<sup>4</sup>

There are 18,140 grow site addresses designated by 29,159 patients.

Patients per <sup>3</sup>	Grow Site Address
1	12,931
2	2,908
3	870
4	524
5	338
6	229
7	179
8	122
9	17

Patients per <sup>3</sup>	Grow Site Address
10	10
11	5
12	1
13	2
15	1
16	1
17	1
19	1
<b>29,159</b>	<b>18,140</b>

“There are 12,931 grow site addresses with one registered patient, there are 2,908 grow site addresses with two registered patients ... there is one grow site address with 17 registered patients, and one grow site address with 19 registered patients.”

## Physicians Associated with Patients

On 04/03/2018, there were **1,620** physicians associated with patients.

There were 395 patients exempt from submitting medical documentation under ORS 475B.787 (11)<sup>5</sup>

## Physicians by Total Patient Applications<sup>6</sup>

Patient Application Range Count	Count of Patient Applications in Range	Physicians
1 - 449	12,063	1,595
≥ 450	33,531	25

“There are 1,595 physicians who are currently associated with between one and 449 patient applications, and account for 12,063 (26%) of applications. There are 25 physicians currently associated with 450 or more patient applications, and account for 33,531 (74%) of applications.”

## Reduced Card Application Fee Eligibility by Year<sup>7</sup>

	No Reduced Fee Eligibility	SNAP	OHP	SSI	VET
2012	60%	32%	2%	6%	N/A
2013	62%	28%	5%	6%	N/A
2014	56%	14%	22%	7%	1%
2015	56%	12%	25%	6%	1%
2016	52%	10%	25%	5%	8%
2017	49%	9%	25%	5%	12%
2018 (Partial 01/18 – 03/18)	49%	7%	24%	6%	14%

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## Annual Card Participant Fluctuation<sup>8</sup>

	Patients		Caregivers		Growers		Grow Sites	
04/2015	71,191	-	35,633	-	46,037	-	34,903	-
04/2016	73,715	↑ +4%	33,489	↓ -6%	43,291	↓ -6%	28,774	↓ -18%
04/2017	61,839	↓ -16%	26,067	↓ -22%	33,764	↓ -22%	25,228	↓ -12%
04/2018	45,210	↓ -27%	17,722	↓ -32%	22,810	↓ -32%	18,099	↓ -28%

## Dispensaries by Oregon County<sup>9</sup>

CLACKAMAS	1
CROOK	1
GRANT	1
JACKSON	2
JOSEPHINE	1
KLAMATH	1
LANE	1
LINCOLN	2
LINN	1
MULTNOMAH	1
UNION	2
WASHINGTON	1
<b>TOTAL</b>	<b>15</b>

## Dispensary Applications Received by Year<sup>10</sup>

	New	Renewal	Total
2014 Partial (3/14 – 12/14)	623	0	<b>623</b>
2015	522	229	<b>751</b>
2016	118	328	<b>446</b>
2017	10	18	<b>28</b>
2018 Partial (1/18 – 3/18)	0	2	<b>2</b>

## Processing Sites by Oregon County<sup>11</sup>

MARION	1
MULTNOMAH	1
POLK	1
TILLAMOOK	1
WASHINGTON	2
<b>TOTAL</b>	<b>6</b>

## Processing Site Applications Received by Year<sup>10</sup>

	New	Renewal	Total
2016 Partial (4/16 – 12/16)	322	0	<b>322</b>
2017	17	1	<b>18</b>
2018 Partial (1/18 – 3/18)	0	1	<b>1</b>

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# Card Applications Received by Year

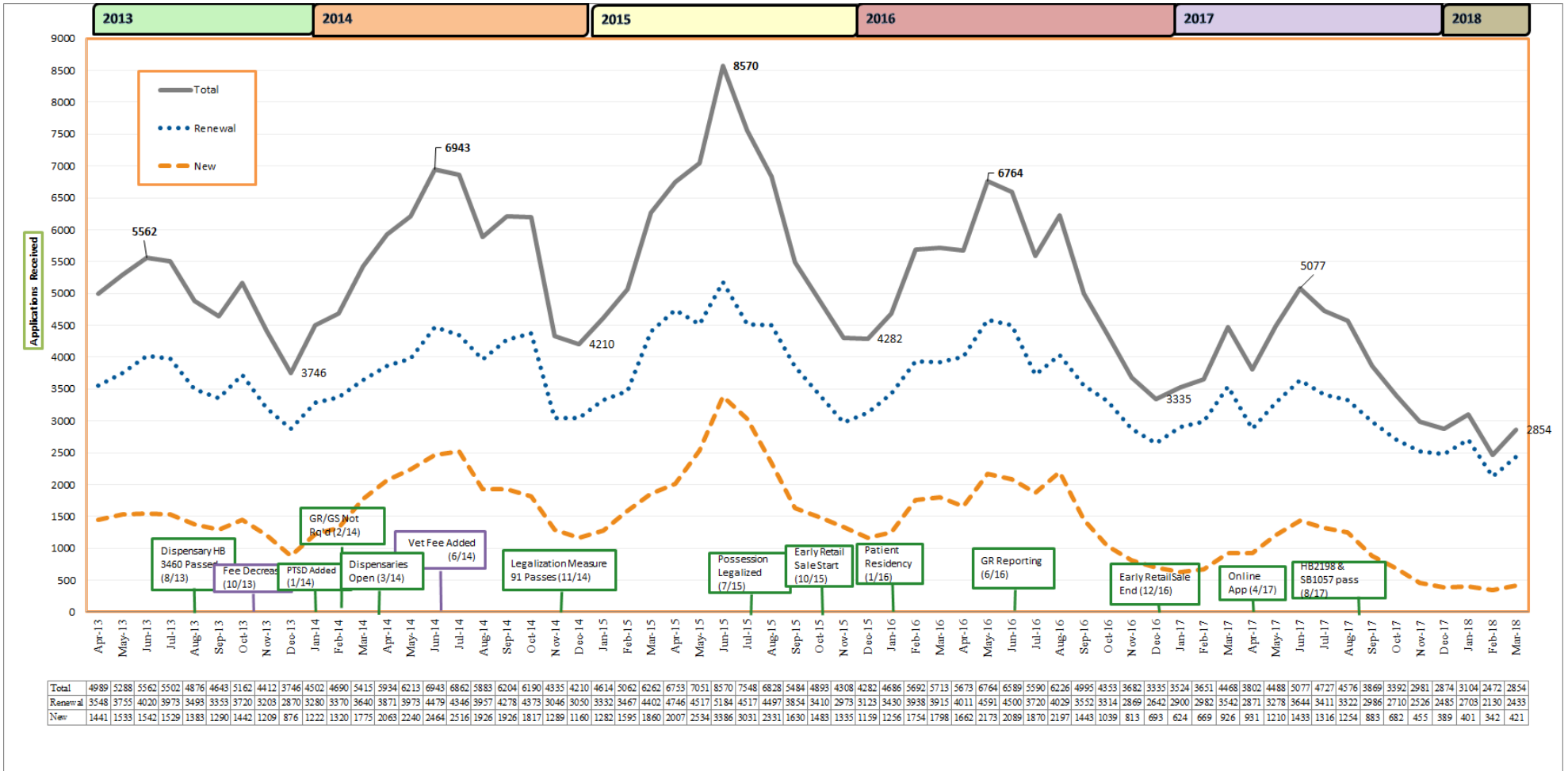


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## Data Notes:

- <sup>1</sup> Participant counts are based on unique combinations of person, role (patient, caregiver, grower) and mailing address county. If one person is the caregiver for three patients and has a mailing county of Multnomah on all three patient applications, he or she would be counted once as a caregiver in Multnomah County. If one person is a caregiver for three patients and has Multnomah as a mailing address on one patient application and Clackamas on the other two patient applications, he or she would be counted once as a caregiver in Multnomah County, and once as a caregiver in Clackamas County. Data source changed beginning in 04/2018. Grow site address counts are based on unique addresses. If one address is designated as the grow site for three patients, it will be counted once.
- <sup>2</sup> Conditions are not mutually exclusive; one patient may report one or more conditions. Used Patients by Age Range total to obtain percentage.
- <sup>3</sup> Patient count obtained by multiplying the number of patients by the number of caregivers, growers or grow site addresses, as applicable, and summing up the total. Used Patient by Age Range total to obtain patients without caregivers or growers.
- <sup>4</sup> Count may contain duplicate grow site addresses. OMMP Grow site addresses were migrated to a new database (OMMG) in 02/2016. An initial deduplication of addresses was deployed in 10/2016 which consolidated exact duplicate addresses and patient counts.
- <sup>5</sup> Renewing patients are not required to submit medical documentation if they are a US service disabled veteran who has been assigned a total and permanent disability rating for compensation that rates the veteran as unable to secure or follow a substantially gainful occupation as a result of service connected disability or has a USVA total disability rating of 100% and received an honorable discharge. See ORS 475B.797(11).
- <sup>6</sup> Count may contain duplicate patients if a patient has both active cards and a pending renewal application.
- <sup>7</sup> OMMP application fee types and current amounts are as follows:
- “No Reduced Fee”: No reduced fee proof is submitted with the application. Fee is **\$200**.
  - “SNAP”: Acceptable Oregon Supplemental Nutrition Assistance Program proof is submitted with the application. Fee is **\$60**.
  - “OHP”: Acceptable Oregon Health Plan proof is submitted with the application. Fee is **\$50**.
  - “SSI”: Acceptable Supplemental Security Income proof is submitted with the application. Fee is **\$20**.
  - “VET”: Proof of having served in the US armed forces is submitted with the application. Fee is **\$20**.
- Percentages from 2012 through 2015 rounded beginning with the 01/2018 Snapshot.
- <sup>8</sup> Shows an annual increase/decrease from the prior year time frame for all participant-types.
- <sup>9</sup> Compiled 04/03/2018  
from: <http://www.oregon.gov/oha/PH/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/dispensary-directory.aspx>
- <sup>10</sup> Count includes all applications received with payment. Not all received applications are approved.
- <sup>11</sup> Compiled 04/03/18  
from: <http://www.oregon.gov/oha/PH/DISEASESCONDITIONS/CHRONICDISEASE/MEDICALMARIJUANAPROGRAM/Pages/processors.aspx>

*Statistics compiled 04/03/18*

*There will be natural fluctuations in statistical totals due to workflow and timing of compilation.*

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**PLANNING COMMISSION  
MINUTES**

November 26, 2018  
6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Mary Phillips, Gerald Murphy, Louise Lopes, Tom Peterson, Michael Wilson, Steven Schroedl

Commissioners absent: Mark Fitz, Christine Drazan

Staff present: Jennifer Hughes, Glen Hamburg, Martha Fritzie, Darcy Renhard

1. Commission Chair Pasko called the meeting to order at 6:35 pm. He announced that if there is to be a continuation of tonight's hearing, it will be on December 10<sup>th</sup> and will not begin earlier than 7:30 pm.

General public testimony not related to agenda items:

Virginia & Monica Redding – They live at the intersection of Hwy 213 and Hwy 211 in Molalla. Their neighbor grew a crop of what he claimed was hemp this year, which caused multiple health issues for both of them. They don't feel that hemp grows should be able to locate themselves next to neighborhoods and homes as it adversely affects the livability.

Robert May – Mr. May lives a couple of houses away from the Reddings. As the season progressed this year, the smell from the hemp got so bad that he couldn't open his windows in the evening. The hemp farmer also tapped into his well and severely depleted the surrounding wells.

Lowell Gillespie – Mr. Gillespie asked if smelling the marijuana would make one fail a drug test, even if it had not been ingested. Staff replied that it would not.

Diane Mose – Ms. Mose asked if there will be a mandate that drip irrigation be used in the future. Commissioner Pasko suggested that she contact the Oregon Department of Agriculture for that information.

Jennifer Hughes provided an overview of the proposed amendments in ZDO-271. The proposal relates to the number of marijuana production licensed premises and registered grow sites per tract of land. If there are other suggestions for amendments to the Zoning Ordinance, they can be dropped off at the Planning Division offices or emailed to the Planning Division. Tonight's hearing is only to address what is within the public notice.

Commissioner Pasko opened the public hearing to amend Section 841 of the ZDO. For those who are interested, the Board of County Commissioners will be hearing this proposal on January 16, 2019 at 9:30 am in the BCC hearing room.

Glen Hamburg presented the staff report and supporting information for ZDO-271: Marijuana Production License Limits. This proposal would amend Section 841 only and its substantive provisions would affect only AG/F, EFU, and TBR zoned properties. There is also a part of the proposal that would simply provide clarification language and general housekeeping/clean-up of other provisions in Section 841.

Prior to 2016, medical marijuana was regulated like other horticultural products. Currently there is no limit on the number of structures on or licenses for a property. There is no real distinction between medical and recreational marijuana at this point in the ZDO other than setbacks for indoor medical marijuana production that does not meet the County's odor and noise standards. Within Clackamas County there are approximately 200 acres of natural resource land that has been approved by the County for mature (flowering) marijuana production: EFU=66%, TBR=27%, AG/F=7%. Indoor grows account for 40% and outdoor grows account for 60%. Determining whether a producer intended to have multiple licensed premises or registered grow sites from a land use approval is a bit of a trick because the County has never asked property owners how many licenses or grow sites they are planning on having on their permitted properties. We've made some assumptions based on the size of the approved areas. The BCC is concerned that having multiple licenses may bring too much development and activity to sites which might

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not be appropriate. The proposal is to limit a tract in AG/F, EFU, or TBR to one registered grow site for medical production or one licensed premises for recreational production.

There were two concerns that the Planning Commission raised during the October study session: 1. Should there be a limitation and how should it be applied; and 2. How will it impact those that are already operating?

Evidence is showing that marijuana may be a more intense farm use than other crops. Other agricultural crops (including hemp) would not be affected by the proposed amendments. If the County does decide to apply limits, the tract limitation would be the most restrictive. If limitations are applied per lot of record, it may be easier for staff to administer, but lots of record also vary greatly by size. The current language in Section 841 sets a minimum area needed to be allowed to produce marijuana based on a tract. It may reduce confusion to also base a license limit on a per-tract standard, as well, rather than per lot of record. Another standard discussed was limiting licenses based on certain acreage, although it is unclear what per-acre limit is appropriate and whether it would apply to both indoor and outdoor equally. With regard to how it might affect those who are already operating, if County approval was given but the licenses were not acquired, then there may not be enough standing to qualify for a non-conforming use.

Staff is recommending approval of ZDO-271 as submitted to the Planning Commission.

Commissioner Wilson asked if both proposals are exclusive or if they have to be enacted together. Glen answered that the non-substantive measures are stand-alone regarding the proposed amendments.

Commissioner Murphy asked if the property owners are the ultimate responsible party for these operations. Glen confirmed that they are.

Commissioner Peterson asked if it was possible to do both recreational and medical grows on the same property. Glen explained that it would be possible as long as there are separate addresses for each.

Glen entered exhibits 9 through 12 into the record.

There were no agencies, CPOs, hamlets, or villages to provide testimony.

Public testimony:

1. Shirley Morgan (Welches) – Ms. Morgan stated that 75% of the marijuana being grown in Oregon is being sold on the black market. It is generating criminal activity and there are illegal uses happening. There is a high volume of traffic generated by these facilities. She would like to see only one allowed per address. Per tract, per lot of record, and per property.
2. John Young (Canby) – You can't take away people's property rights! Even regular farming creates odors—there is manure, fertilizers, sprays, etc. He doesn't want to see people lose their right to create an income.
3. Ramona Notz (Molalla) – The marijuana compound on the property near hers has covered the high value farmland with concrete pads. How will this impact future use of this farmland if it is all covered in concrete?
4. Deanna Mustoe (Molalla) – Ms. Mustoe cannot imagine that all of these sites are legal and okay.
5. Lizzy McKenzie (Oregon City) – She lives next to a grow site. The lights are keeping her up and she can't sleep. It is invading her life and driving her crazy.
6. Al Notz (Molalla) – Mr. Notz shared photos of traditional farms near his home and compared them to the marijuana compound that is being developed. The marijuana operation is 300,000 square feet of concrete on prime farmland. It looks like an industrial complex. This is total destruction and disrespect for our farmland.
7. Karen Fernandes (Eagle Creek) – She is in favor of the proposed ordinance. She has to use an inhaler because of her allergies to the marijuana and the fact that it is right next to her back yard now.
8. Will Martin (Beavercreek) – Mr. Martin lives on Beavercreek Road near Clarkes school. There are seven marijuana grow sites within a mile and a half of his house and the school. There are 17 greenhouses going

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up on one of them. He has people coming onto his property illegally because of these grow sites. This is not the environment he wants to raise his kids around.

9. Lowell Gillespie (Oregon City) – Mr. Gillespie is concerned that his property taxes are going to change.
10. Charlie Christianson (Oregon City) – Mr. Christianson lives across from Barton Park on Eaden Rd. He grows grass hay and makes barely enough to pay his taxes. He wouldn't want the County to restrict his ability to grow marijuana if he chose to do so. He did an internship at the facility on 362<sup>nd</sup> in Boring and did not see any impacts. Everyone got along really well.
11. Jason Beaver (Estacada) – Mr. Beaver is a cannabis compliance specialist. He assured the Planning Commission that no matter what ZDO-271 tries to change and/or fix, there will be a way around it. His clients would circumvent the ordinance by splitting into LLCs. The amount of land actually being used to grow marijuana in the County is miniscule in the grand scheme of things.
12. Patrick Puller (Estacada) – Mr. Puller owns several parcels in the County and has been working on developing them all with marijuana operations. He has worked with the CPOs and done clean-ups on the sites. He has been working with the County to make sure things are done right. He is determined to be a good neighbor, but odors are just a part of any farming operation.
13. Loren Miller (Aurora) – There are four new pole buildings going up on a nearby property that is good farmland. Marijuana produces no nutritional value. The only reason that marijuana was legalized in the State of Oregon was because of the votes in Multnomah and Lane Counties.
14. David Tate (Canby) – Mr. Tate lives on a farm on Macksburg Road. He would like to encourage the least restrictive zoning so that future farmers have the opportunity to stay on their land.
15. Jolene Koch (Molalla) – Ms. Koch also lives on Macksburg Rd. on a dairy farm. There is an ongoing concern for her between State law and Federal law. She feels that there needs to be controls and limits to marijuana farming just as there are for dairy farming and other types of farming.

Commissioner Pasko closed the public testimony portion of the hearing and opened deliberations.

The Planning Commission discussed splitting the proposal into two pieces: the clarification language and the amendments. Commissioner Phillips moved to approve the clarification language as presented in the staff report. Commissioner Lopes seconded the motion. *Ayes=7; Nays=0. Motion passes.*

Commissioner Lopes feels that limiting by acreage gives a better handle on the limitations.

Commissioner Phillips thinks that it makes sense to apply some limitations. It makes sense to do it based on the number of acres per tract, the question is how many.

Commissioner Wilson would like to restrict the number per tract. It would be less cumbersome to administer and also more restrictive.

Commissioner Murphy asked if we could consider applying a 100 foot barrier around each tract. Glen and Jennifer said that was outside of what we have provided notice for.

Commissioner Peterson agrees that there should be a way to regulate and it seems counterintuitive to our agricultural land use laws to have these concrete slabs going on valuable farmlands. He is also concerned about the amount of energy usage on these operations. However, this seems like it is more of an OLCC and State Legislature issue than one for the County.

Commissioner Schroedl pointed out the importance of trying to balance the rights of the land owners vs. the unintended consequences. He is in favor of restrictions, but is looking for some sort of formulaic solution.

Commissioner Pasko pointed out that it was never the County's intent to have all of these licenses in one area. He feels that limiting by acreage is a more fair way to do it.

Commissioner Phillips is concerned not only with the property owner's rights, but with the impacts to neighbors as well. There needs to be a cap so that the agricultural feel of the property is not lost.

**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**

**Page 83 of 138**

Commissioner Lopes suggested a 10-acre minimum.

Commissioner Phillips moved to update the proposed amendments to limit a tract in the AG/F, EFU, or TBR Districts to only one premises licensed by the OLCC for marijuana production or one grow site registered by the OHA, with the following exception: a tract that is larger than five acres may have one additional licensed premises or registered grow site for every additional five acres of area, but a tract may have no more than five total premises and grow sites. Commissioner Schroedl seconded the motion.

After further discussion, Commissioner Phillips amended her motion to allow for one premises/grow site per full 10 acres, rather than per five acres, but still with a maximum of five premises/grow sites per tract. Commissioner Schroedl seconded the motion. *Ayes=5 (Phillips, Schroedl, Lopes, Pasko, Murphy); Nays=2 (Peterson, Wilson). Motion passes.*

There being no further business, the meeting was adjourned at 9:40 p.m.

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**



**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.

841.0~~2~~<sup>3</sup> 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 zoning districts, the total number of premises licensed for marijuana production by the Oregon Liquor Control Commission<sup>1</sup> and medical marijuana grow sites registered by the Oregon Health Authority<sup>2</sup> per tract shall be limited based on the area of the tract, pursuant to Table 841-1, *Maximum Number of Marijuana Production Licenses/Registrations per Tract in AG/F, EFU, and TBR Districts.*

**Table 841-1: Maximum Number of Marijuana Production Licenses/Registrations per Tract in AG/F, EFU, and TBR Districts**

<u>Tract Area, in Acres</u>	<u>Maximum Total Number of Licensed Premises and Registered Grow Sites</u>
<u>&lt; 20</u>	<u>1</u>
<u>≥ 20, but &lt; 30</u>	<u>2</u>
<u>≥ 30, but &lt; 40</u>	<u>3</u>
<u>&gt; 40, but &lt; 50</u>	<u>4</u>
<u>≥ 50</u>	<u>5</u>

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 depth~~~~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<sup>1</sup>OHA](#) 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

<sup>1</sup> ~~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.~~

- 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(ED)(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 RRFF-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 RRFF-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.

~~FG~~. Access: ~~If t~~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 drive~~~~easement~~ agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.

~~G~~H. 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.

~~H~~I. Odor: As used in Subsection 841.0~~23~~(HI), building means the building, or portion thereof, used for marijuana production. However, Subsection 841.0~~23~~(HI) does not apply to a building approved as part of outdoor production pursuant to Subsection 841.0~~23~~(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 841.0~~23~~(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.

J. Noise: The applicant shall submit a noise study by an ~~acoustic~~ 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.

K. 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~~<sup>2</sup>OLCC or registration requirements of the OHA.

L. 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.

M. 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.

N. 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.

O. 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.

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~~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.~~

~~P~~. 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 ~~premises marijuana 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 depths setbacks~~ 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 t~~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 ~~that easement 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 ~~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 ~~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 ~~acoustic~~ 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.
  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 ~~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 ~~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:
      - 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

841-11

**EXHIBIT 11**

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.

EXHIBIT LIST  
IN THE MATTER OF ZDO-271: Marijuana Production License Limits

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or Source</i>	<i>Subject &amp; Date of Document (if different than date received)</i>
1	10/31/18	Ronnie Crank, Rhododendron Resident	Email opposing proposed amendments and asking for information, with Staff response
2	11/3/18	Russ Newcomer, Canby Resident	Email supporting proposed amendments
3	11/5/18	Keith Weir, Sherwood Resident	Letter opposing marijuana production and encouraging more restrictions
4	11/5/18	Lisa Tatman, County Resident	Email concerned with smell of marijuana
5	11/6/18	Albert Notz	Email with 2016 Deschutes County regulations, supporting license limits, and suggesting inspections every two years
6	11/7/18	Peter and Joy Durkee, Canby Residents	Email supporting production license limits
7	11/13/18	David Bayes, Sr, Canby Resident	Letter supporting proposal, with concerns of the social effects of marijuana
8	11/15/18	Albert Notz	PowerPoint slides with pictures
9	11/20/18	Anders and Karen Jorgenson	Email opposed to multiple marijuana licenses on a single property
10	11/26/18	Mark Struloeff, EFU Zone land owner	Email opposed to marijuana production and legalized marijuana for recreational use
11	11/26/18	Amy Craig, Sandy Resident	Email in support of ZDO-271, with copy of August 2016 email to BCC and photos
12	11/26/18	Beverly and John Davis, Woodburn Residents	Emailed letter of support, with concerns of hemp and marijuana smell
13	11/27/18	Shirley Morgan, Citizens for Public Safety, Quality of Life, Property Values	Emailed letter supporting one license/registration per tract, and <i>not</i> the Planning Commission's recommendation
14	12/3/18	Will Garrison and Nikki Hogan	Letter raising concerns of discrimination and mentioning federal legalization
15			

**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**

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## Hamburg, Glen

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**From:** Hamburg, Glen  
**Sent:** Thursday, November 1, 2018 7:07 AM  
**To:** 'ronniecrank@yahoo.com'  
**Subject:** RE:

Hi Ronnie,

You're welcome to submit any comments in writing, whether by email or to the office address listed on the post card, and we'll make sure they're included with the record and considered before any decision on the proposal is made. Also, you're welcome to attend and even testify at the two public hearings noted on the post card.

Regards,

### Glen Hamburg

Planner II  
Clackamas County Planning & Zoning  
150 Beavercreek Rd  
Oregon City, OR 97045  
Tel: 503.742.4523  
General Schedule: Monday-Thursday, 7am-5:30pm



The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

**From:** ronnie crank [mailto:ronniecrank@yahoo.com]  
**Sent:** Wednesday, October 31, 2018 8:36 PM  
**To:** Hamburg, Glen <GHamburg@co.clackamas.or.us>  
**Subject:**

I live in Rhododendron Oregon.  
27445 East Belle road.

I recieved a notice stating that a proposal of land use change may affect me. I am not for this change at all. What do I need to do?

[Sent from Yahoo Mail on Android](#)

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[Spam Email](#)  
[Phishing Email](#)

**EXHIBIT 1**

## Hamburg, Glen

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**From:** Russ Newcomer <russnewcomer65@gmail.com>  
**Sent:** Saturday, November 3, 2018 3:42 PM  
**To:** Hamburg, Glen  
**Subject:** Zdo271

Thank you for sending notice of this proposed planning dept. Rule change.

I live at 26800 south harms rd canby or.

I support this amendment, I believe it will protect EFU property for other agriculture uses and should help manage water rights and resources for EFU uses for other crops, livestock and orchards.

My perspective is that marijuana grow operations have become over developed in our community.

Russ Newcomer

Mailing address, PO box 507 Canby Or 97013

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[Spam Email](#)

[Phishing Email](#)

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

1

NOV 05 2018

Oct. 31, 2018

Dear Glen:

I enjoyed talking with you today. Enclosed in brief are my opinions.

As I mentioned I have been involved in many drug / alcohol programs in New Mexico, Colorado and Oregon. If I can help you let me know.

Sincerely,

Keith C. Weir

503-625-4615

EXHIBIT 11

ZDO-271: Marijuana Production License Limits

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## Suggested changes in land use Marijuana regulations

1. No pot growth in Clackamas county.
2. If the above is not possible limit  
All aspects of growth as much as possible.
3. Allow only growth for medical use.
4. Encourage land use for positive purposes, such as corn, filberts, wheat wine, etc. etc.
5. Eliminate the false concept that pot is just another agricultural crop.  
IT IS: No. 1 or 2 entry drug  
Dangerous - except for medical use.  
Promoted by many criminals and "drug lords"  
etc., etc. !!!
6. In summary there are many views and opinions. We know the board will do it's best for Clackamas county.

EXHIBIT 11

ZDO-271: Marijuana Production License Limits

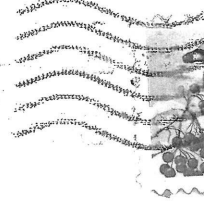
Page 101 of 138



Evelyn and Keith Weir  
29209 SW Heater Rd  
Sherwood, OR 97140

PORTLAND OR 972

01 NOV 2016 PM 5 L



Glen Hamburg  
Dept. of Transportation and  
Planning and Zoning Div. Devel  
Clatsop County  
150 Beaver Creek Rd.  
Oregon City, OR 97045  
97045-430250

EXHIBIT 1

ZDO-271: Marijuana Production License Limits

Page 102 of 138

## Hamburg, Glen

---

**From:** mining1@aol.com  
**Sent:** Monday, November 5, 2018 3:08 PM  
**To:** Hamburg, Glen  
**Subject:** Land use zdo271

Mr. Hamburg;

I am writing as I am not able to make either of the hearings that I received a card on. This is most unfortunate as I do have a minor issue with the regulation of grow operations in Oregon and specifically Clackamas County. One thing that I feel that no one takes in to account is the sensitivity to some of the pungent odors that arise from these "grows" I am one of them and get physically ill upon smelling. (gagging) Since this has happened to me I have talked to hundreds of others where this has the same effect. Causing headaches, nausea and in one case, vomiting. We are not against growing just the odor that these plants emit. Is there anyway that the quality of the air can be taken in to consideration here? Perhaps domes? Fans with odor eaters? Planting something else alongside to cover the odors?

Sincerely;

Neighbor to AG/F, owner AG/F, concerned tax payer, citizen of Clackamas County.

Lisa Tatman

Sent from Windows Mail

---

[Spam Email](#)  
[Phishing Email](#)

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

1

**Hamburg, Glen**

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**Subject:** RE: Albert Notz: Deschutes County Marijuana Regulations 2016-019

-----Original Message-----

From: Albert Notz [mailto:alnotzfishmaster@gmail.com]  
Sent: Friday, November 02, 2018 4:48 PM  
To: BCCMail <BCCMail@co.clackamas.or.us>  
Subject: Deschutes County Marijuana Regulations 2016-019

I wood like you to look at the limitation on grow sits that Deshutes County has .  
Thank you for the work on limiting the permits on a peace of property . Also I would like to see a 2 year inspection requirement on marijuana facilities . To cut down on complaints

--  
BEGIN-ANTISPAM-VOTING-LINKS

-----  
Teach CanIt if this mail (ID 04WTbM7Re) is spam:  
Spam Email:  
<https://mhub.clackamas.us/canit/b.php?c=s&i=04WTbM7Re&m=b703c308b35e&rlm=base&t=20181102>  
Phishing Email:  
<https://mhub.clackamas.us/canit/b.php?c=p&i=04WTbM7Re&m=b703c308b35e&rlm=base&t=20181102>

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END-ANTISPAM-VOTING-LINKS

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending DCC Title 18 to Regulate Existing and New Marijuana Production Registered by the Oregon Health Authority (OHA) and Declaring an Emergency. \* \* \* \* \* ORDINANCE NO. 2016-019

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-15-000253-TA) to the Deschutes County Code (DCC) Title 18, Chapter 18.116, Supplementary Provisions to regulate existing and new marijuana production registered by the Oregon Health Authority (OHA); and

WHEREAS, the Deschutes County Planning Commission held public hearings on November 5 and 12 2015, to review the amendments and recommended adoption; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearings on December 2, 2015, and May 2, 2016, and concluded that the public will benefit from the changes to Title 18; and

WHEREAS, the Board finds it in the public interest to adopt amendments to the DCC to regulate existing and new marijuana production registered by the Oregon Health Authority (OHA) in conjunction with Deschutes County Code (Title 18) and state law (including HB 3400, SB 1598, and ORS 30.395); now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 18.116.340, Marijuana Production Registered by the Oregon Health Authority (OHA), is amended to read as described in Exhibit "A," attached and incorporated by reference herein, with new language underlined and deleted language set forth in strikethrough.

Section 2. FINDINGS. The Board adopts as its findings Exhibit "K," attached and incorporated by reference herein.

Section 3. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

///

Dated this 1 of June, 2016

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Alan Unger  
ALAN UNGER, Chair

Tammy Baney  
TAMMY BANEY Vice Chair

Anthony DeBone  
ANTHONY DEBONE, Commissioner

ATTEST:  
[Signature]  
Recording Secretary

Date of 1<sup>st</sup> Reading: 1 day of June, 2016.

Date of 2<sup>nd</sup> Reading: 1 day of June, 2016.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Alan Unger	✓	—	—	—
Tammy Baney	✓	—	—	—
Anthony DeBone	✓	—	—	—

Effective date: 1 day of June, 2016.

## Chapter 18.116. SUPPLEMENTARY PROVISIONS

### 18.116.340. Marijuana Production Registered by the Oregon Health Authority (OHA)

#### A. Applicability. Section 18.116.340 applies to:

1. All marijuana production registered by OHA prior to June 1, 2016; and
2. All marijuana production registered by OHA on or after June 1 2016 until the effective date of Ordinances 2016-015, 2016-16, 2016-17, and 2016-18, at which time Ordinances 2016-015 through Ordinance 2016-018 shall apply.

#### B. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by September 15, 2016:

##### 1. Lighting. Lighting shall be regulated as follows:

- a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.
- b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
- c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.

#### C. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by December 15, 2016:

1. Odor. As used in DCC 18.116.330(B)(10), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.
  - a. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
  - b. An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
  - c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.
  - d. The odor control system shall:
    - i. Consist of one or more fans. 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 required CFM; or
    - ii. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by i. above.
  - e. The system shall be maintained in working order and shall be in use.
2. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
  - a. Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m. the following day.
  - b. Sustained noise from marijuana production is not subject to the Right to Farm protections in DCC 9.12 and ORS 30.395. Intermittent noise for accepted farming practices is however permitted.

3. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
    - a. Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
    - b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
    - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
    - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
  
  4. Water. The applicant shall provide:
    - a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
    - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
    - c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.
  
  5. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
  
  6. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
- D. All new marijuana production registered by OHA on or after June 1, 2016 shall comply DCC 18.116.340(A-C) and the following standards:
1. Shall only be located in the following zones
    - a. EFU;
    - b. MUA-10; or
    - c. Rural Industrial in the vicinity of Deschutes Junction.
  
  2. Minimum Lot Area.
    - a. In the EFU and MUA-10 zones, the subject property shall have a minimum lot area of five (5) acres.
  
  3. Maximum Building Floor Area. In the MUA-10 zone, the maximum building floor area used for all activities associated with medical marijuana production on the subject property shall be:
    - a. Parcels from 5 acres to less than 10 acres in area: 2,500 square feet.
    - b. Parcels equal to or greater than 10 acres: 5,000 square feet.
  
  4. Setbacks. The following setbacks shall apply to all marijuana production areas and buildings:



- a. Minimum Yard Setback/Distance from Lot Lines: 100 feet.
  - b. Setback from an off-site dwelling: 300 feet.  
For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application to Deschutes County.
  - c. Exception: Reductions to these setback requirements may be granted at the discretion of the Planning Director or Hearings Body provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.
5. Indoor Production and Processing.
- a. In the MUA-10 zone, marijuana production shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
  - b. In the EFU zone, marijuana production shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
  - c. In all zones, marijuana production is prohibited in any outdoor area.
6. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
- a. Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
  - b. Parcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
    - i. The marijuana production operation was lawfully established prior to January 1, 2015; and
    - ii. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
  - c. Parcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
  - d. Parcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
  - e. Parcels equal to or greater than 60 acres in lot area: 40,000 square feet.
7. Separation Distances. Minimum separation distances shall apply as follows:
- a. The use shall be located a minimum of 1000 feet from:
    - i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
    - ii. 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;
    - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures;
    - iv. A youth activity center; and
    - v. National monuments and state parks.
  - b. For purposes of DCC 18.116.330(B)(7), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.330(B)(7)(a) to the closest point of the buildings and land area occupied by the marijuana producer or marijuana processor.

- c. A change in use of another property to those identified in DCC 18.116.330(B)(7) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(7) if the use is:
    - i. Pending a local land use decision;
    - ii. Registered by the State of Oregon; or
    - iii. Lawfully established.
8. Access. Marijuana production over 5,000 square feet of canopy area for mature marijuana plants shall comply with the following standards.
- a. Have frontage on and legal direct access from a constructed public, county, or state road; or
  - b. Have access from a private road or easement serving only the subject property.
  - c. If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement. The written consent shall:
    - i. Be on a form provided by the County and shall contain the following information;
    - ii. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;
    - iii. Include a description of the proposed marijuana production or marijuana processing operation; and
    - iv. Include a legal description of the private road or easement.
9. Residency. In the MUA-10 zone, a minimum of one of the following shall reside in a dwelling unit on the subject property:
- a. An owner of the subject property; or
  - b. 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 property.
10. Annual Reporting. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:
- a. Documentation demonstrating compliance with the:
    - i. Land use decision and permits.
    - ii. Fire, health, safety, waste water, and building codes and laws.
    - iii. State of Oregon licensing requirements.
  - b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.330(C)(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
  - c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
  - d. Marijuana Control Plan to be established and maintained by the Community Development Department.
  - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
  - f. This information shall be public record subject to ORS 192.502(17).

11. Prohibited Uses.

- a. In the EFU zone, the following uses are prohibited:
  - i. A new dwelling used in conjunction with a marijuana crop;
  - ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
  - iii. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction a marijuana crop; and
  - iv. Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.
- b. In the MUA-10 Zone, the following uses are prohibited:
  - i. Commercial activities in conjunction with farm use when carried on in conjunction with a marijuana crop.
- c. In the EFU, MUA-10, and Rural Industrial zones, the following uses are prohibited on the same property as marijuana production:
  - i. Guest Lodge.
  - ii. Guest Ranch.
  - iii. Dude Ranch.
  - iv. Destination Resort.
  - v. Public Parks.
  - vi. Private Parks.
  - vii. Events, Mass Gatherings and Outdoor Mass Gatherings.
  - viii. Bed and Breakfast.
  - ix. Room and Board Arrangements.

(Ord. 2016-019 §1, 2016)

## Hamburg, Glen

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**From:** Peter Durkee <pdurkee@fastmail.fm>  
**Sent:** Wednesday, November 7, 2018 6:27 PM  
**To:** Hamburg, Glen  
**Subject:** ZDO-271

Dear Glen,

I got one of the green bulletins. We can't make it to the meeting but I wanted you to know we fully support the production license limits. Thanks for representing our interests this way.

--

Thanks Peter and Joy Durkee  
24251 S. Central Point Road  
Canby, Oregon 97013

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NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

[Spam Email](#)

[Phishing Email](#)

**EXHIBIT 1**

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**ZDO-271: Marijuana Production License Limits**

**Page 112 of 138**

From a none Religious  
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DATE	NOV 13 2018
TOPIC	11

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EXHIBIT 11

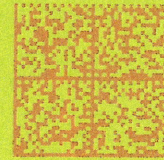
ZDO-271: Marijuana Production License Limits

Page 113 of 138





Department of Transportation and Development  
 Planning and Zoning Division  
 150 Beavercreek Road  
 Oregon City, OR 97045



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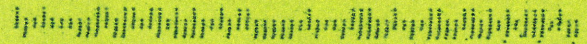
DAVID BAYES SR CORRY

PO BOX 478

COLTON, OR 97017

*Thanks*  
*27 years*  
*Clackamas County*  
*#99*

9701730478 8004



**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

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**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

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**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

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Search



EXHIBIT 11

deweyfarms Some new drone shots from  
 #deweyfarms . #portland #oregon  
 #oregonmade #cannabis  
 #cannabiscommunity #marijuana  
 #indoorgrow #growspace #drone  
 soups\_tony yuuuup good content. like  
 jackothebarbarian Building at 1.21  
 Giggawatts !!! The future is here!!!!  
 choicenug putting in work!  
 offdarrips420 Are there still spots  
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 deweyfarms @offdarrips420 yes we have  
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 offdarrips420 Great 👍 Can you please  
 email me the info I sent a dm with my  
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ZDO-271: Marijuana Production License Limits



Search



deweyfarms Some new drone shots from  
 #deweyfarms . #portland #oregon  
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 email me the info I sent a dm with my  
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EXHIBIT 11





deweyfarms Some new drone shots from  
 #deweyfarms . #portland #oregon  
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 email me the info I sent a dm with my  
 email

hall21 On to the next one!





Search



**EXHIBIT 11**

deweyfarms Some new drone shots from

#deweyfarms . #portland #oregon

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DEWEYFARMS



**EXHIBIT 11**



deweyfarms Some new drone shots from

#deweyfarms . #portland #oregon

#oregonmade #cannabis

#cannabiscommunity #marijuana

#indoorgrow #growspace #drone

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offdarips420 Great 👍 Can you please

email me the info I sent a dm with my

email

2 balls21 On to the next one!



## Hamburg, Glen

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**From:** Anders and Karen Jorgenson <karanders@hotmail.com>  
**Sent:** Tuesday, November 20, 2018 8:19 AM  
**To:** Hamburg, Glen  
**Subject:** Public request to NOT have multiple marijuana licenses on a single property

To whom it may concern,

I am writing to express my concern over having multiple marijuana licenses on a single property. I own a house that is bordered by a marijuana operation and there is another marijuana business a few houses away from ours. We are law abiding citizens, we understand that this is a new industry but as we've read the industry is flooded with an overabundance of product. I don't see why this is even a consideration since the supply far exceeds the demand. We have a lot of concerns regarding our property values decreasing, loss of privacy, crime increasing and traffic increasing and more marijuana odors. There are times during the year that we do not go outside due to the heavy stench of marijuana. We have over 30 cars that are driving by our property daily (we share a road). There is good potential that there would be increased traffic if there were multiple licenses per property. We were robbed last year and the police speculated that the criminals were looking for cash or marijuana. We have spent quite a bit of money securing our property, installing an alarm and replacing the items due to the robbery. We implore you to not allow multiple licenses on a single property. It potentially will lower the value of the land. We already are having to deal with huge amounts of traffic, loss of privacy due to traffic that drives along the side of our yard, disruptive noise, theft, and horrible odors please don't increase this.

Respectfully yours,

Anders and Karen Jorgenson

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[Spam Email](#)  
[Phishing Email](#)

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

1

**Page 122 of 138**

## Hamburg, Glen

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**From:** mark struloeff <mstruloeff@gmail.com>  
**Sent:** Monday, November 26, 2018 12:10 PM  
**To:** Hamburg, Glen  
**Subject:** marijuana production

To whom it may concern, I am a land owner in the EFU zone and want to express my opposition to the proposed marijuana production in these zones. I am opposed to the entire concept of legalized marijuana for recreational use and do not want to promote or approve the production of the drug on our farmland. A partial list of the reasons for my opposition are;

1. We do not need another drug to impair our health and judgment and open the door to harder drugs. My own daughter started with marijuana as a teenager that led to harder drugs and she is still mentally impaired by over 20 years of continual marijuana use.
- 2 Legal use and production will only allow greater accessibility for use and misuse by our children,(marijuana in food, cookies, candy etc.)
3. The potential crime associated with production and distribution.
4. Lower property values associated with production.

Respectfully,  
Mark Struloeff

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[Phishing Email](#)

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

1

**Page 123 of 138**

## Hamburg, Glen

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**From:** Amy Craig <ms\_craig\_42@hotmail.com>  
**Sent:** Monday, November 26, 2018 11:59 AM  
**To:** Hamburg, Glen  
**Cc:** Hughes, John; Renhard, Darcy; Bernard, Jim; Fischer, Sterling; Savas, Paul; Schrader, Martha; Humberston, Kenneth  
**Subject:** Testimony for Public Hearing for ZDO-271, Marijuana Production License Limits, November 26,2018  
**Attachments:** phone 002.jpg; phone 004.jpg; 007.JPG; 018.JPG; Screenshot\_2018-11-25 Mount Hood, Jonsrud Viewpoint, Sandy, Oregon, USA Photographic Print by Michel Hersen Art com.png; 3d043c7ecd75f63936eb95aa58558d9f.jpg

I would like to voice my strong support for the proposed land use change for ZDO-271, Marijuana Production License Limits which would limit licenses to one per tract.

I live on Marmot Road (zoned TBR) outside of Sandy, on top of the beautiful ridge known as the Devil's Backbone which is part of the historic Barlow Trail; I have attached some photos illustrating the beauty of the area. My home is located across the road from the cleared pasture (zoned EFU) on top of the hill in the center of the photo of Jonsrud Viewpoint. As the regulations are currently written, that pasture (or any other area in that photo that meets the LUCS requirements) could be graveled over and covered with steel grow buildings, as is already planned or implemented in other areas of Clackamas County (a notable example being the 56 metal grow barns planned for 11512 S. Barnards Road, Molalla). Aside from the obvious destruction of natural beauty and livability, these unlimited grow buildings threaten precious farmland. Even a single grow can have significant onerous effects on a community, as I know from harrowing personal experience. As a result, it is now my opinion that all marijuana grows should have been limited to industrial areas, where law enforcement is present, noise and odors are already part of the environment, and water use can be monitored and billed. The restriction of licenses to one per tract is at least a step in the right direction.

**I have included below an email I sent to all commissioners and pertinent staff in August 2016.** Nothing has changed since that time, but it is now imperative that the Board aggressively get out ahead of the "Green Rush" that has had such a catastrophic impact on the environment and the livability of our beautiful county.

Thank you,

Amy Craig  
45205 SE Marmot Road  
Sandy, OR 97055  
503-826-1431

**From:** Amy Craig <ms\_craig\_42@hotmail.com>  
**Sent:** Saturday, August 13, 2016 3:38:39 PM  
**To:** dkrupp@co.clackamas.or.us; mikem@co.clackamas.or.us; BBlessing@co.clackamas.or.us; jludlow@co.clackamas.or.us; jbernard@co.clackamas.or.us; tsmith@co.clackamas.or.us; PSavas@co.clackamas.or.us; mschrader@co.clackamas.or.us  
**Subject:** Clackamas County Marijuana ZDO 841 Discretionary Standard Amendments for Land Use

**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**



Ladies and Gentlemen,

I am writing to urge you to support the Marijuana ZDO Discretionary Standard Amendments for Land Use proposed by Shirley Morgan.

My name is Amy Craig, and I live at 45205 SE Marmot Road, Sandy, in an area zoned TBR. My family has lived on this property for 40 years. It is a remote area, and we receive far fewer services than other parts of the county and metro area; we often lose power and can be snowed in during the winter, and I have an 80-mile round trip commute; but we accept these inconveniences as the price we happily pay for living in such a beautiful place. I am a fifth generation Oregonian; my children are sixth generation, and we are descendants of Oregon Trail pioneers. We have deep roots in Clackamas County, and we love it here. I thought I would spend the rest of my life here, but I may be forced to relocate if circumstances do not change.

In June 2014, a new property owner, Chris Gaylord, started a medical marijuana grow (purportedly serving only nine patients) next door at 45425 SE Marmot Road. Mr. Gaylord does not live on the property, but the arrival of his business has changed life drastically for his neighbors. Instead of smelling crisp, fresh air and roses (or autumn leaves, or rain), we smell the heavy, skunk-pungent odor of marijuana all day, every day, although I live 1000 feet from the grow. At my mother's house at 45405 SE Marmot Road, which is located less than 100 feet from the grow, the smell is unbearable. Gaylord is using a residential well approximately 150 feet from my family's well to irrigate his plants, although this is forbidden by the Oregon Water Resources Department, and we have concerns about the water table. We do not know how he disposes of his production waste, although his property only has a septic system. Bright security lights blaze all night. A minimum of four men work there from approximately 9 am to 9 pm every day, plus many more when they are trimming the plants. There are machines running continually, constant shouting, and many different vehicles cross over my property on the driveway easement all day. Gaylord has removed all vegetation from areas of a protected stream that crosses my mother's property. We have endured harassment, trespassing, a gate illegally built on our property, and a threat of property destruction. We have severely limited law enforcement in this area; at the time of this threat, I called 911 (for the first time in my life) and was told that the deputy could not respond because he was 25 miles away, dealing with a domestic dispute in Government Camp. I am concerned for the safety of my mother, who has Alzheimer's, and for the diminished value of her property, which will be eventually be sold to pay for her care. Moreover, although I am educated and tolerant, I find it incredible that I am obliged to allow a federally illegal, Schedule 1 drug to be transported across my property.

Clackamas County has made a good faith effort to establish rules for marijuana production, but we who live in the rural areas can see first-hand that they are not adequate, and that some changes are necessary. It is also essential that existing medical marijuana grows come into compliance with the new rules; the fact that they existed previously without these regulations is no excuse to continue to allow bad practices. Additionally, some growers are almost certainly using the medical designation as a cover for other activity, and if those rules are more lenient, others will follow suit to avoid commercial restrictions while ostensibly running a "legal" operation. Clear-cut, enforced regulations for both types of marijuana businesses will avoid future problems for all parties. Therefore, I urge--rather, I **implore** you to adopt the recommended amendments in their entirety, and that you advocate for their vigorous enforcement.

Thank you for your consideration.

Amy Craig  
503-826-1431

**EXHIBIT 1**



Virus-free. [www.avast.com](http://www.avast.com)

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[Spam Email](#)

[Phishing Email](#)



**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

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**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

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**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

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**EXHIBIT**

**ZDO-271: Marijuana Production License Limits**

**Page 130 of 138**



## Hamburg, Glen

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**From:** john davis <jandbdavis@earthlink.net>  
**Sent:** Monday, November 26, 2018 1:29 PM  
**To:** Hamburg, Glen  
**Subject:** Comment on ZDO-271  
**Attachments:** Hemp letter.doc

Mr Hamburg,  
Here is our comment for submission to the board meeting on ZDO-271.  
Thanks you for your time.  
Beverly Davis

--  
BEGIN-ANTISPAM-VOTING-LINKS

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Teach CanIt if this mail (ID 04X4Jt8tK) is spam:

Spam Email: <https://mhub.clackamas.us/canit/b.php?c=s&i=04X4Jt8tK&m=329701c24d45&rlm=base&t=20181126>

Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=04X4Jt8tK&m=329701c24d45&rlm=base&t=20181126>

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END-ANTISPAM-VOTING-LINKS

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

1

Hello Mr. Hamburg,

We are writing in regards to Planning File ZDO-271. Of the consideration of the file we have no basic argument, pertaining to 1 property-1 grow operation. We support that completely.

Our concern has become evident this summer from the "air pollution" of the stench of the operations that are to the west of us (possibly in Marion Cty.) and to the south of us at the Iverson tulip fields. The stench of these operations is comparable to smelling skunks all summer. It has prevented us enjoying our yard/garden and prevented us from allowing my chickens to enjoy the run of the property because of a perceived danger from predators, such as the ever present coyotes and fox. We have 3 ½ acres with 2 of them in horse pasture, and I shouldn't have to trailer the horses elsewhere to do basic ground training when we have enough property to stay home.

Because of the unctuous odor that has proven to be pervasive, how can we not worry about property values as bad as the air quality is now, if more acres of Hemp/Marijuana are planted in the area. The livability of the area is starting to disappear, based on the stench and the criminal element that is always found close to the crops in question.

I would respectfully ask the board to consider, that any concentration of grow operations, or size of said grows anywhere should be fewer and farther between, because of the economic/livability impact on the surrounding community.

Thank you for your time.

Beverly and John Davis  
32697 S Meridian Rd  
Woodburn, OR 97071  
(Yes we are Clackamas Cty)

**EXHIBIT 1**

**ZDO-271: Marijuana Production License Limits**

**Page 132 of 138**



## Hamburg, Glen

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**From:** Shirley Morgan <shirley.morgan@aecinc.com>  
**Sent:** Tuesday, November 27, 2018 10:20 AM  
**To:** Renhard, Darcy; Hughes, John; Hamburg, Glen  
**Cc:** Bernard, Jim; Humberston, Kenneth; Savas, Paul; Schrader, Martha; Fischer, Sonya  
**Subject:** Citizens for Public Safety Support Letter for ZDO271  
**Attachments:** Marijuana Clackamas County Production ZDO 271 Support 1 License per site address.pdf; Marijuana Clackamas County ZDO271 1 per site address.pdf

**Importance:** High



Regarding Hearing for ZDO271 held last night 11-26-18.

Attached please find letter of support for ZDO271. I did not have copies of this with me during the hearing testimony. This is in follow up to please provide to the planning commission for the record.

Thank you,  
Shirley Morgan

***NOTICE:** This e-mail and any attachments contain **confidential** information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, print, copy, use or disseminate it. Please immediately notify us by return e-mail and delete it. If this e-mail contains a forwarded e-mail or is a reply to a prior e-mail, the contents may not have been produced by the sender and therefore we are not responsible for its content.*

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[Spam Email](#)  
[Phishing Email](#)

**EXHIBIT 1**

November 26, 2018

Regarding: ZDO271 # of Marijuana licenses per site address

Currently there are over 547 marijuana land use applications that have been applied for with

- 75% for marijuana production

OLCC has received license applications for:

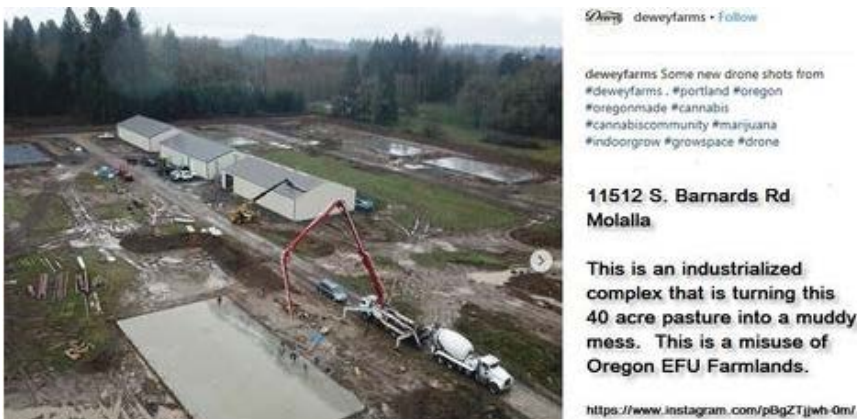
- 86 processors
- 43 retailers
- 4 labs
- 36 wholesalers

This does not include the 3, 448 grandfathered in medical marijuana grows, nor does it include the illegal marijuana grows that go undetected, or the allowed 4 recreational plant grows per household, many of which are overgrowing and selling to the black market.

Over 75% of the marijuana being grow is going out of state.

There are 2 known large multi-site locations

- one **56 approved grow barns** on 40 acres at 11512 S. Barnards road in Molalla who already has a code violation for setting up a weapons shooting range on the same property



**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**

**Page 134 of 138**

- And the other at 10770 SE 362<sup>nd</sup> in Boring with an approved **60 leased marijuana grow barns** on 20 acres which has already been burglarized, with burglars going through neighbor's property.



These steel buildings are a misuse of our EFU farmland. Each of these buildings is leased to individual businesses with an estimated 5 employees.

That means around 300 employee car's daily will be driving in and out of these areas when the projects are completed. This does not include suppliers such as:

- 40' semi's, u-hauls, dump trucks, cement trucks, garbage trucks, mail and delivery trucks, water trucks, large trucks and trailers, and quads 24/7

Currently at the 10770 SE 362<sup>nd</sup> property over 50-100 cars go in and out daily. The below photos were taken by neighbors to illustrate the traffic and dust that is impacting neighbors.

**NOVEMBER 2017**



**JANUARY 2018**



**JULY 2018**

**MARCH 2018**



**MAY 2018**



**JUNE 2018**



- Even with Odor controls, the odor is so overwhelming because some locations have included Hemp grows on the same tract.



- They are laying 60' x 100' cement slabs for these steel buildings and are importing their dirt then dumping the spent dirt along property lines.



- Even the solar farms aren't bringing this type of land destruction and they are required to return the land to its natural state if they sell.

Complaints include, public safety, burglaries, grower harassing neighbors livestock, loud music, noise, and 1000% increase in traffic 24/7.

Urban Oregon Legalized marijuana, but Rural Oregon is paying the price with these industrialized complexes.

- We do support the staff recommendation of: Limit a tract in the AG/F, EFU, and TBR zoning districts to only **one** premise licensed for recreational marijuana production by the Oregon Liquor Control Commission (OLCC) **or** only one medical marijuana grow site registered with the Oregon Health Authority (OHA).
- We do not support the current recommendation of the planning commission to allow **one** licensed marijuana grow on 10 acres with a maximum of 5 licenses on one tract of land.

Sincerely,  
 Shirley Morgan  
 Citizens for Public Safety, Quality of Life, Property Values  
 P.O. Box 1351  
 Welches, Oregon 97061

**EXHIBIT 11**

**ZDO-271: Marijuana Production License Limits**

**Page 136 of 138**



# NOTICE: CLACKAMAS COUNTY HAS PROPOSED A CHANGE IN LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTY.

You are receiving this notice because you own property zoned AgriForest (AGIF), Exclusive Farm Use (EFU), or Timber (TBR). The Clackamas County Board of Commissioners is considering changing the land use regulations for marijuana production in these zones. Currently, the County does not limit the number of licensed marijuana producers that may operate from a single tract. However, draft regulations in Planning File ZDO-271 would limit a tract in these zones to only one premises licensed for marijuana production by the Oregon Liquor Control Commission (OLCC) or only one medical marijuana grow site registered by the Oregon Health Authority (OHA). A "tract" is one or more contiguous lots of record under the same ownership.

## PUBLIC HEARINGS for ZDO-271, Marijuana Production License Limits:

1. Planning Commission: Mon., Nov. 26, 2018; 6:30pm – Development Services Bldg, 150 Beaver Creek Rd, Oregon City
2. Board of County Commissioners: Wed., Jan. 16, 2019; 9:30am – Public Services Bldg 4<sup>th</sup> floor, 2051 Kaen Rd, Oregon City

## FOR COPIES OF DRAFT AMENDMENTS:

- [www.clackamas.us/planning/zdo271](http://www.clackamas.us/planning/zdo271)
- Planning & Zoning Division in the Development Services Building, 2<sup>nd</sup> Floor, 150 Beaver Creek Rd, Oregon City (8am-4pm, Mon.-Thurs. and 8am-3pm, Fri.)

## FOR MORE INFORMATION:

- For general information, visit [www.clackamas.us/planning](http://www.clackamas.us/planning) or contact Glen Hamburg ([ghamburg@clackamas.us](mailto:ghamburg@clackamas.us), 503-742-4523)
- For information on marijuana-related land uses, including information on how the draft amendments may affect existing marijuana production land use approvals, visit <https://www.clackamas.us/planning/marijuana.html>

State law (ORS 215) requires the following statement:

*Clackamas County has determined that adoption of Planning File ZDO-271 may affect the permissible uses of your property and other properties in the affected zones, and may change the value of your property.*

However, Clackamas County has not determined that this action will change the value of any property.

## NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:

ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation, or other services upon request.

¿Traducción e interpretación? ¿Necesita ni sam ushnyy klm pis'mennyyй perevod? 翻譯或口譯? Cần Biên dịch hoặc Phiên dịch? 번역 또는 통역?

Table 1

	To: Planning Commission of Clackamas County
	Re: Proposed Rule to Limit Cannabis Production to One Parcel per Tract
	> On face of it, it seems discriminatory to only single out this one group of people for disparate action.
	> The issues mentioned by the audience pertain to, it sounds like, outdoor grow - maybe that is the common thread. I have indoor grow and have never had neighbor complaints about odor.
	> When federal legalization occurs, which should be within next 2 to 3 years, you will want the hard working cannabis farmers in your county to have their next parcels ready to develop so we can ramp up to distribute across the country.
	The ability of the state's farmers to react quickly to cannabis legalization through quickly ramping up output will be imperative. We have all been waiting for this one time in our country's history - when we can legally produce and consume cannabis - again. Please don't jeopardize this and throw the baby out with the bath water by being too restrictive in your rules to prevent odors from some outdoor farms.
	Sincerely,
	Will Garrison      479-301-5108
	Nikki Hogan      971-221-2574