



SUPPLEMENTAL APPLICATION

Marijuana Concentrate Processing within EFU or AG/F Districts
(February 2018)

APPLICANT INFORMATION

Applicant: _____ File: _____

Owner: _____ Date: _____
(If the same as above, write "Same")

What is marijuana processing?

Marijuana processing is the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission (OLCC), a holder of a research certificate issued by the OLCC, or registered with the Oregon Health Authority.

For definitions of "cannabinoid product", "cannabinoid concentrate", and "cannabinoid extract", refer to Section 202 of the Zoning and Development Ordinance (ZDO). It is also recommended that applicants consult with Planning staff prior to submission of a marijuana processing land use application to determine if your proposal constitutes "processing" or "manufacturing".

Sections 401 and 407 of the ZDO prohibits the processing, compounding, or conversion of marijuana into cannabinoid extracts in the EFU and AG/F zones, respectively.

What is needed for approval?

Approval of marijuana processing is discretionary. Marijuana processing may be permitted after evaluation according to the applicable standards in the zoning district and the criteria in Section 841 of the ZDO. The county must provide written findings to support the decision. The applicant is responsible for providing evidence to support the request.

What are the chances for approval?

Staff cannot predetermine the decision of this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the ordinance. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

Application process:

Applications for marijuana processing are Type II applications, meaning they are subject to the process and public notice requirements provided in Section 1307. Public comments received from the relevant Community Planning Organization (CPO), property owners, agencies and other interested parties may affect the decision of this application. Special conditions may be attached to any approvals. Any decision on this application can be appealed to the County Hearings Officer and to the State Land Use Board of Appeals (LUBA) by the applicant or any other interested person.

Staff will attach the following pertinent information:

- _____ Land Use Application _____ ZDO Section 401 (for EFU) or 406 (for AG/F)
_____ Plot Plan Template _____ ZDO Section 841

The information requested below will be used in considering your request and is required:

Please type or print in black or blue ink.

APPLICANT: CHECK AS COMPLETED	
<input type="checkbox"/>	1. <u>General Land Use Application Form</u> – Information on applicant and land involved in this application. <u>All owners of the subject lot of record must sign the application.</u>
<input type="checkbox"/>	2. <u>Supplemental Application Form</u> – Information requested on this form. Please be as complete and thorough as possible. <u>Use additional sheets as necessary.</u>
<input type="checkbox"/>	3. <u>Application Fee</u> – \$1,400 (<i>Fee is nonrefundable upon decision.</i>)
	4. <u>Plot Plan</u> of the entire farm must be <u>drawn to scale</u> on 8-1/2" x 11" or 8-1/2" x 14" paper. The plot plan must include the following information (when applicable):
<input type="checkbox"/>	a. In addition to the general plot plan requirements listed on the plot plan template, show that all processing will take place in one or more completely enclosed buildings that are a minimum of 100 feet from all boundary lines of the subject lot of record. Note, the minimum yard depth standards of the subject zoning district also apply to all structures on the subject property.
<input type="checkbox"/>	b. Show all existing and/or proposed outside light fixtures and label what their purpose is (e.g., security lighting, driveway lighting, etc.).
<input type="checkbox"/>	c. Show and label all existing and proposed access, driveways, and on-site circulation. Provide the length of the driveway from the property line to the marijuana processing area(s) and associated buildings.
<input type="checkbox"/>	5. Provide a floor plan for all structures, or portions thereof, used for marijuana processing and related activities on the subject lot of record, including the overall square footage and dimensions of the structures <i>and</i> the square footage of any portions of a structure used for marijuana processing. Label all rooms and areas of the structures according to their proposed use (e.g. "Processing Room", "Grow Room", "Dry Room", "Storage Room", etc.).
<input type="checkbox"/>	6. Provide to-scale building elevation drawings for any structure that is being used in association with marijuana processing. The elevation drawings must show each side of a building (not the elevation above sea level), including windows and doors. If fences, walls, or other barriers are proposed, include to-scale elevation drawings that depict the height, type, and building materials that will be used.
<input type="checkbox"/>	7. Provide evidence that the subject lot of record is a minimum of 10 acres in size. <hr/> <hr/> <hr/>

<input type="checkbox"/>	<p>8. Provide the following summary information about structures and areas planned for marijuana processing and related activities.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><i>Type of Use</i></th> <th style="text-align: center;"><i>Number of Structures</i></th> <th style="text-align: center;"><i>Total square feet of structures</i></th> </tr> </thead> <tbody> <tr> <td colspan="3" style="background-color: #e0e0e0;">MARIJUANA PROCESSING ONLY</td> </tr> <tr> <td>Structures used <u>only</u> for marijuana processing.</td> <td></td> <td></td> </tr> <tr> <td colspan="3" style="background-color: #e0e0e0;">MARIJUANA PROCESSING AND OTHER ACTIVITIES</td> </tr> <tr> <td>Structures used for marijuana processing <u>and</u> other marijuana activities, such as production (growing, drying, trimming, curing), office space, security systems, and storage (<i>Show on floor plan</i>).</td> <td></td> <td></td> </tr> <tr> <td colspan="3" style="background-color: #e0e0e0;">OTHER ACTIVITIES RELATED TO PROCESSING ONLY</td> </tr> <tr> <td>Structures <u>not</u> used for processing and used <u>only</u> for other marijuana activities, such as production (growing, drying, trimming, curing), office space, security systems, and storage, and not for the processing of concentrates.</td> <td></td> <td></td> </tr> </tbody> </table>	<i>Type of Use</i>	<i>Number of Structures</i>	<i>Total square feet of structures</i>	MARIJUANA PROCESSING ONLY			Structures used <u>only</u> for marijuana processing.			MARIJUANA PROCESSING AND OTHER ACTIVITIES			Structures used for marijuana processing <u>and</u> other marijuana activities, such as production (growing, drying, trimming, curing), office space, security systems, and storage (<i>Show on floor plan</i>).			OTHER ACTIVITIES RELATED TO PROCESSING ONLY			Structures <u>not</u> used for processing and used <u>only</u> for other marijuana activities, such as production (growing, drying, trimming, curing), office space, security systems, and storage, and not for the processing of concentrates.		
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<input type="checkbox"/>	<p>9. How much of the marijuana crop that will be processed into marijuana products and/or concentrates on the subject lot of record will be produced (grown) on the same farm?</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center; background-color: #e0e0e0;">WHERE PROCESSED MARIJUANA WILL BE PRODUCED</th> </tr> </thead> <tbody> <tr> <td> <p>_____ % of the marijuana crop processed at the proposed facility/facilities will be produced on the same farm, which is comprised of the following tax lot(s): _____</p> <p>_____</p> <p>_____</p> </td> </tr> <tr> <td> <p>_____ % of the marijuana crop processed will be produced on other farms and brought on-site for processing at the proposed facility/facilities.</p> </td> </tr> </tbody> </table>	WHERE PROCESSED MARIJUANA WILL BE PRODUCED	<p>_____ % of the marijuana crop processed at the proposed facility/facilities will be produced on the same farm, which is comprised of the following tax lot(s): _____</p> <p>_____</p> <p>_____</p>	<p>_____ % of the marijuana crop processed will be produced on other farms and brought on-site for processing at the proposed facility/facilities.</p>																		
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<input type="checkbox"/>	<p>10. Demonstrate that the subject lot of record has frontage on, and direct access from, a constructed public, county, or state road, or takes access on an exclusive road or easement serving only the subject lot of record.</p> <p>This standard will be waived if the lot of record takes access via a private road or easement which also serves other properties and evidence is provided in the form of a petition signed by all other property owners who have access rights to the private road or easement that they agree to allow the specific marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.</p> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>11. How will you ensure that light cast from interior light fixtures will not be visible from outside any structure used for marijuana processing from 7:00 p.m. to 7:00 a.m. the next day?</p> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>12. How will you ensure that light cast by exterior light fixtures (e.g. security lights and driveway lights) will not be directed skyward and will be directed within the boundaries of the subject lot of record?</p> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>13. Describe how the project will comply with Subsection 841.04(G)(1) through (6) in regard to an odor filtration system and negative air pressure as designed by a mechanical engineer licensed by the State of Oregon, or an alternative odor control system designed by a mechanical engineer licensed by the State of Oregon that will comply with Subsection 841.03(G)(7).</p> <hr/> <hr/> <hr/> <hr/>

<input type="checkbox"/>	<p>14. Describe how the project will comply with Subsection 841.04(H) in regard to noise standards.</p> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>15. If used, how will you ensure that security cameras will be directed to record only the subject lot of record and public right-of-ways as applicable, except as required by OLCC or OHA?</p> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p>16. Submit one of the following: (A) Water Right Permit or Certificate Number; (B) a statement from a public or private water provider with their name and contact information stating that they are providing that water; or (C) proof from the Oregon Water Resources Department that water for marijuana processing is from a source that does not require a water right.</p> <hr/> <hr/>
<input type="checkbox"/>	<p>17. How will you ensure that all marijuana waste is stored in a secure waste receptacle in the possession of the OLCC licensee or OHA registrant?</p> <hr/> <hr/>
<input type="checkbox"/>	<p>18. How will you ensure that all fencing, walls, or other barriers used will not exceed 10 feet in height, be electrified, or use barb 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?</p> <hr/> <hr/>

<input type="checkbox"/>	<p>19. Provide a statement that only one marijuana processor licensed by the OLCC or one medical marijuana processing site registered by the OHA will be located on the subject lot of record.</p> <hr/> <hr/> <hr/>
	<p>20. If this application is for medical marijuana processing pursuant to registration with the OHA, then standards of Subsections 841.04(F) and (L) through (J) <i>[items # 12, 13, 14, 15, 16, 17, and 18 in this application]</i> may be waived by the County upon request and by demonstrating compliance with applicable standards. Please check the box below that identifies the type of processing that you are proposing in this application:</p>
<input type="checkbox"/>	Recreational marijuana products and/or concentrates
<input type="checkbox"/>	Medical marijuana products and/or concentrates in compliance with all standards of this code
<input type="checkbox"/>	Medical marijuana products and/or concentrates, and a waiver of the standards identified in item #20 is being requested in this application

QUESTIONS?

Contact Lizbeth Dance, Planner, at 503-742-4524 or LDance@clackamas.us.