



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

STAFF USE ONLY

Staff Initials: *File Number:*

Land use application for:

MARIJUANA PROCESSING

In AG/F or EFU Districts

Application Fee: \$1,552

APPLICANT INFORMATION			
Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal:

SITE INFORMATION		
Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>	Land area:	
<i>Adjacent properties under same ownership:</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		

Printed names of all property owners:	Signatures of all property owners:	Date(s):
<i>I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.</i>		Date:
Applicant signature:		

A. Review applicable land use rules:

This application is subject to the provisions of [Section 841, Marijuana Production, Processing, and Retailing](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to [Section 401, Exclusive Farm Use District](#) if the subject property is zoned EFU or to the provisions of [Section 407, AG/Forest District \(AG/F\)](#) and the provisions of Section 401 cited in Section 407 if the subject property is zoned AG/F.

B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is **\$1,552**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted [Fee Schedule](#) for refund policies.
- Site plan:** Provide a site plan (also called a plot plan). A [Site Plan Sample](#) is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
 - Contiguous properties under the same ownership;
 - All existing and proposed structures, marijuana processing areas, areas for processing other farm crops, marijuana production areas, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - All existing and proposed outside lighting;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Floor plans:** Attach detailed, accurate, and to-scale floor plans for all structures proposed to be used or marijuana processing and all activities associated with marijuana processing. Label all rooms with their proposed use, show all of their dimensions, include the square footage of each room, and identify all doors and partition walls.
- Building elevation diagrams:** Attach drawings of all structures proposed to be used in association with marijuana processing. The drawings must be to-scale and must show each side of the structure and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area).
- Proof of property size:** Attach evidence, such as tax maps, plats, and/or surveys, showing the size of the subject lot of record. Marijuana processing is only permitted on a lot of record in the Ag/Forest (AG/F) or Exclusive Farm Use (EFU) District that is at least 10 acres in size.
- Shared access agreement:** If the subject lot of record takes access via a private road or access drive that also serves other properties, provide evidence, in the form of a petition, that all other property owners who have

access rights to the private road or access drive agree to allow the specific marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

- Evidence of legal water source:** Provide at least one of the following as evidence of a legal source of water for the proposed marijuana processing:
 - A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
 - A statement *from* a public or private water provider that water is supplied by that water provider. The statement must include the name and contact information of the water provider;
 - Proof from the OWRD that the water to be used for marijuana processing is from a source that does not require a water right.

C. Detail the type and scope of the proposed processing:

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

1. Describe the proposed marijuana processing. Identify all of the items that you will process marijuana into, all of those items' ingredients, and your processing methods, including the type of any solvents that will be used to separate cannabinoids from marijuana:

2. The processing of cannabinoid extracts is prohibited in the AG/F and EFU Districts.

A “cannabinoid extract” is a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

Does your proposal include the processing, compounding, or conversion of marijuana into cannabinoid extracts?

YES NO

3. List all of the tax lots that comprise the farm on which the processing facility will be located:

Township: _____ Range: _____ Section: _____ Tax Lot: _____

Township: _____ Range: _____ Section: _____ Tax Lot: _____

Township: _____ Range: _____ Section: _____ Tax Lot: _____

4. What percentage of the farm crops, including marijuana, that will be processed at the proposed marijuana processing facility will be provided by the farm described in Question 3?

Percentage of crops provided by the farm: _____%

5. Has marijuana production already been approved on the subject farm by Clackamas County with a separate Type I Land Use Permit?

YES, and the file number for that permit is: Z_____

NO, but a separate application for marijuana production has been applied for and is being considered concurrent with this application.

6. What is the floor area of the processing facility or establishment, exclusive of the floor area designated for preparation, storage, or other farm use?

Floor area: _____ square feet

D. Answer the following questions:

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

1. If this application is approved, how many *total* premises licensed for marijuana processing by the Oregon Liquor Control Commission (OLCC) and medical marijuana processing sites registered by the Oregon Health Authority (OHA) will be located on the subject lot of record?

Total licensed processing premises and registered processing sites: _____

2. Marijuana processing *must* be located entirely within one or more completely enclosed buildings. Will all of your proposed marijuana processing be located entirely within one or more completely enclosed buildings?

YES NO

3. Does the subject lot of record take access via a private road or access drive that also serves other properties?

NO

YES, and a petition is attached showing that all other property owners who have access rights to the private road or access drive agree to allow the specific marijuana processing described in this application, and any conditions are stipulated in the agreement.

4. Will light cast by light fixtures inside any building used for marijuana processing be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day?

NO

YES, but the proposed marijuana processing will be done pursuant to registration with the Oregon Health Authority (OHA).

5. Will any light be cast by exterior light fixtures (e.g., security lights, driveway lights)?
- NO
 - YES, but the light from the exterior fixtures *will not* be directed skyward and *will* be directed within the boundaries of the subject tract.
 - YES, but the proposed marijuana processing will be done pursuant to registration with the OHA.
6. [ZDO Subsection 841.03](#) requires that a building, or portion thereof, used for marijuana processing have an odor control system, unless the processing is done pursuant to registration with the OHA. That odor control system must meet all of the following standards, unless the applicant submits a report by an engineer licensed in the State of Oregon demonstrating that an alternative system will control odor as well or better than the activated carbon filtration system otherwise required:
- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d. Negative air pressure shall be maintained inside the building.
 - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d. The filtration system shall be designed by an engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).

How will you comply with these requirements listed above?

- Designs of the odor filtration system stamped by an engineer licensed in the State of Oregon and certifying compliance with ZDO Subsection 841.03(G) will be submitted prior to permitting of, or processing in, any building, or portion thereof, where an odor filtration system is required by Subsection 841.03(G).

Answer choices continued on next page...

Question 6 answer choices continued...

- An odor control system with an alternative to the activated carbon filtration system otherwise required will be used. A report by an engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system will be submitted prior to permitting of, or processing in, any building, or portion thereof, where an odor filtration system is required by ZDO Subsection 841.03(G).
- Marijuana processing will be done pursuant to registration with the OHA.

7. [ZDO Subsection 841.03\(H\)](#) requires that the applicant of this application submit a noise study by an engineer licensed in the State of Oregon, unless marijuana production and processing on the lot of record is done pursuant to registration with the OHA. The study must demonstrate that all generators used in association with marijuana production or processing, and all 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 requirement.

The noise study must be submitted prior to permitting and use of any building or portion of a building housing the generator or mechanical equipment and before any such generator or mechanical equipment may be used in association with marijuana production or processing.

How will you comply with this requirement described above and in Subsection 841.03(H)?

- The required noise study will be provided *prior to* permitting and use of any building or portion of a building housing the generator or mechanical equipment and *before* any such generator or mechanical equipment is used in association with marijuana production or processing.
- Marijuana processing will be done pursuant to registration with the OHA.

8. Will security cameras be used in association with the proposed processing?
- NO
 - YES, but the marijuana processing will be done pursuant to registration with the OHA.
 - YES, but the security cameras will 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. The location of the security cameras are identified in the attached site plan.
9. Identify the proof of a legal source of water that you have included with your application if the proposed marijuana processing will *not* be done pursuant to registration with the OHA:
- A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD)
 - A statement from a public or private water provider that water is supplied by that water provider, with that statement including the name and contact information of the water provider
 - Proof from the OWRD that the water to be used for marijuana processing is from a source that does not require a water right
 - No proof is attached because marijuana processing will be done pursuant to registration with the OHA.
10. Will all marijuana waste be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant?
- YES
 - NO, but the marijuana processing will be done pursuant to registration with the OHA.

11. Will there be any fencing on the subject lot of record?

- NO
- YES, but the marijuana processing proposed in this application will be done pursuant to registration with the OHA.
- YES, and the maximum height of that fencing will be: _____ feet

12. Will there be any fences, walls, or other barriers that are 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?

- NO
- YES, but the marijuana processing proposed in this application will be done pursuant to registration with the OHA.
- YES, there will be barriers with such security features, as described in the box below:

FAQs

What is marijuana processing?

Per Zoning and Development Ordinance (ZDO) [Section 202, Definitions](#), “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 (OHA).

When is a Marijuana Processing permit required?

The ZDO lists the uses that are allowed in each zone and requires a land use permit for marijuana processing in the Ag/Forest (AG/F) or Exclusive Farm Use (EFU) zoning district. Marijuana processing is *not* permitted in the Timber (TBR) District or any other zoning district.

Is the processing of cannabinoid extracts permitted in the AG/F or EFU Districts?

No, the processing of cannabinoid extracts is *not* permitted in these zoning districts. A “cannabinoid extract” is a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the OLCC, in consultation with the OHA, by rule.

What is the permit application process?

Marijuana Processing permits are subject to a “Type II” land use application process, as provided for in [Section 1307](#) of the ZDO. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director’s decision can be appealed to the County Land Use Hearings Officer.

What is needed for the County to approve a land use permit?

Marijuana processing *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid, or the fee paid minus \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee paid, or the fee paid minus \$500, whichever is less, will be refunded. No refund will be given after a decision is issued. The \$5 Technology Fee is non-refundable.

FAQs continued

Is a County land use permit the same as a LUCS (Land Use Compatibility Statement)?

No. A land use permit is a Clackamas County document, while a LUCS for marijuana production is a form that may be required by the Oregon Liquor Control Commission (OLCC) as part of an application for state licensing. You must have a County land use permit authorizing marijuana production on a certain property *before* the County can acknowledge on a LUCS form that the property is approved for

Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?
翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?