



Benton County Listening Tour

Commercial Marijuana & Zoning Regulations

Timeline

- ▶ **1998** Medical Marijuana Act approved by voters
- ▶ **2014** Oregon Ballot Measure 91 was passed by Oregon voters
- ▶ **June 30, 2015** Oregon House Bill 3400 legalizing recreational marijuana became effective
- ▶ **July 1, 2015** recreational use of marijuana by adults 21 and over is legalized
- ▶ **October 1, 2015** medical marijuana dispensaries can sell limited amounts of recreational marijuana products (sunsets December 31, 2016)
- ▶ **October 6, 2015** Benton County Planning Commission approves interim marijuana zoning amendments
- ▶ **October 22, 2015** OLCC adopts temporary marijuana rules
- ▶ **November 20, 2015** OLCC adopts updated temporary rules
- ▶ **November 24, 2015** Benton County Board of Commissioners approves interim marijuana zoning amendments
- ▶ **December 20, 2015** OLCC adopts updated temporary rules
- ▶ **December 24, 2015** Benton County interim marijuana zoning amendments go into effect
- ▶ **January 4, 2016** OLCC begins accepting recreational marijuana applications
- ▶ **February 1, 2016** Oregon Legislative Session Convened (*still in progress*)
 - ▶ Amendments proposed & enacted to both medical and recreational marijuana laws
- ▶ **March 3, 5, 8, 15, & 16, 2016** Benton County listening tour



Inter-Agency Coordination



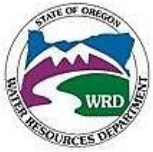
- ▶ **OLCC - Oregon Liquor Control Commission**

- ▶ Issues licenses for Recreational Marijuana Operations:
 - ▶ Producers (growers), Processors, Wholesalers, Retailers, Labs, Research Certificates, and Marijuana Handler Permits
 - ▶ Not responsible for personal possession or use, home grown, or medical marijuana



- ▶ **OHA - Oregon Health Authority**

- ▶ Oversees the Oregon Medical Marijuana Program (OMMP)
- ▶ Registers medical marijuana grow, processing, and dispensary sites



- ▶ **OWRD - Oregon Water Resources Department**

- ▶ Administers laws governing surface and groundwater resources, including water rights



- ▶ **ODA - Oregon Department of Agriculture**

- ▶ Issues licenses for marijuana operations that also sell or handle food or cannabinoid edibles



- ▶ **Benton County Planning Division**

- ▶ Reviews Land Use Compatibility Statements for Recreational Marijuana Operations to determine if local zoning regulations allow or prohibit the proposed use



Recreational Marijuana License Types

- ▶ **OLCC issues licenses for the following:**
 - ▶ **Producer:** The only license able to cultivate marijuana.
 - ▶ **Processor:** Manufactures edible marijuana products and processes, compounds or converts marijuana into concentrates or extracts.
 - ▶ **Wholesale:** Buys and sells at wholesale.
 - ▶ **Retail:** Sells marijuana items at retail to adults over 21. Responsible for payment of tax at point of sale.
 - ▶ **Laboratory:** Tests marijuana products for pesticides, mold, etc.
 - ▶ **Producer Opt-in:** A medical grow site “opt-ing” in to sell excess usable marijuana and immature plants to OLCC licensees. *(The details of this license may change as a result of the current Oregon Legislative Session)*

Benton County zoning currently...

does apply to:

- ▶ Recreational Marijuana
 - ▶ All OLCC Licensees
- ▶ Medical Marijuana
 - ▶ Dispensaries
 - ▶ “Opt-In” grow sites*

does not apply to:

- ▶ Medical or Recreational Marijuana grown for personal use
- ▶ Medical Marijuana grow sites*

State Mandated Zoning Regulations

State Mandated Zoning Regulations that Allow Marijuana-Related Uses

Use/Zone	Exclusive Farm Use Zone	Forest or Mixed Farm / Forest Zone	Other Zones
Production (Growing)	<ul style="list-style-type: none"> Farm Use Agricultural Building On-farm preparation (i.e. drying, bulk/wholesale packaging) 	County discretion in local zoning	County discretion in local zoning
Processing	On-farm Processing		
Wholesaling	Farm Use		
Retailing	Not allowed	Not allowed	

State Mandated Zoning Regulations cont.

- ▶ Marijuana-related uses that are specifically **prohibited** in Exclusive Farm Use zones under state law (HB 3400) include:
 - ▶ Farm Stands
 - ▶ Commercial activities in conjunction with a marijuana crop
 - ▶ New dwellings (*not including Replacement Dwellings*)
 - ▶ New dwellings not allowed if used in conjunction with a marijuana crop, including primary farm dwellings, accessory farm dwellings, and relative farm help dwellings. (Replacement dwellings are not considered “new dwellings” in this context)

County Zoning & Recreational Marijuana

Producer/Grower	Processor	Wholesale	Retail
<u>Allowed Outright</u>	<u>Allowed Outright</u>	<u>Allowed Outright</u>	<u>Allowed Outright</u>
<ul style="list-style-type: none"> • Exclusive Farm Use / Multi-Purpose Ag. • Forest Conservation 	<ul style="list-style-type: none"> • Ag., Rural, Urban & Philomath Industrial • Airport Ind. Park w/ Landowner Approval 	<ul style="list-style-type: none"> • Exclusive Farm Use • Multi-Purpose Ag. 	<ul style="list-style-type: none"> • Urban Commercial • Rural Commercial
• Ag. Industrial	<u>Land Use Review*</u>	• Ag., Rural, Urban & Philomath Industrial	<u>Land Use Review*</u>
• Rural Industrial	• Exclusive Farm Use	• Rural Commercial outside URC	• Philomath Industrial
• Urban Industrial	• Multi-Purpose Ag.	• Airport Ind. Park w/ Landowner Approval	• Rural Industrial in URC
	• Rural Commercial in Unincorp. Rural Community (URC)	<u>Land Use Review*</u>	
	• Rural & Urban Industrial, if DEQ Permit Req'd.	• Rural Commercial in URC	

▶ **Note: In addition to LUCS, applicant submit a land use application (i.e. ministerial, conditional use, etc.)* **8**

OLCC Producer Rules

▶ Canopy Size Limits

▶ Indoor Production (*includes greenhouses with artificial lighting*):

- ▶ Tier I: Up to 5,000 square feet
- ▶ Tier II: 5,001 to 10,000 square feet (*0.23 acre*)

▶ Outdoor Production:

- ▶ Tier I: Up to 20,000 square feet (*0.46 acre*)
- ▶ Tier II: 20,001 to 40,000 square feet (*0.92 acre*)

Note: 1 acre = 43,560 square feet

▶ Producer must also have:*

- ▶ Written standard operating procedures
- ▶ An alarm system activated at all times
- ▶ An operational video surveillance recording system
- ▶ Either fully enclosed indoor operation or install at least an 8 foot tall solid wall or privacy fence to enclose an outdoor operation
- ▶ Package and label marijuana prior to transfer offsite

OLCC Retail Dispensary Rules*

- ▶ The proposed licensed premises of a retail applicant may not be located within 1,000 feet of:
 - ▶ A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - ▶ A private or parochial elementary or secondary school, teach children as described in ORS 339.030.
- ▶ The retail premises must be enclosed on all sides by permanent walls and doors.
- ▶ No on-site consumption of a marijuana item, alcohol or other intoxicant by any individual (see *ORS 845-025-1230(6)(b) for specifics*).
- ▶ A licensed dispensary may receive marijuana items only from a marijuana producer, processor, or wholesaler licensed by OLCC.

Marijuana Rules in Flux

- ▶ Spring 2016 Legislative Session – *still in progress*
 - ▶ House Bill 4014
 - ▶ Makes changes to laws regulating production, processing, sale, use and governance of marijuana.
 - ▶ Senate Bill 1511
 - ▶ Directs Oregon Liquor Control Commission to register qualified marijuana producers, marijuana processors, marijuana wholesalers and marijuana retailers for purposes of producing, processing and selling marijuana and usable marijuana and medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
 - ▶ Senate Bill 1598
 - ▶ Exempts certain applicants for license to produce marijuana or applicants for certification to research marijuana from requirement that land use compatibility statement be obtained.

Additional Resources

- ▶ OLCC Website: <http://www.oregon.gov/olcc/marijuana/pages/default.aspx>
- ▶ OHA Oregon Medical Marijuana Program: <https://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/index.aspx>
- ▶ Oregon Water Resources Department: <http://www.oregon.gov/OWRD/pages/index.aspx>
- ▶ Benton County Marijuana Regulations Webpage: <https://www.co.benton.or.us/cd/page/marijuana>
- ▶ Oregon Legislature: <https://www.oregonlegislature.gov>

