



# Marijuana Operating Standards

Board of County Commissioners

Josephine County

November 29, 2017



# Advisory Ballot Question 17-81

- ▶ May 16, 2017
- ▶ 63.85% voters opined that Josephine County should prohibit the production of commercial, recreational marijuana in the Rural Residential zones




# Order 2017-034


Adopted on July 19, 2017:

- Based on the results of the advisory question and other information gathered by Commissioners, Director (Schmelzer) is directed to initiate an application for review of proposed text amendments that provide for potential regulation of marijuana produced for commercial use in all Rural Residential zones.
- Note: Exempts the personal 12 plants per property



# Plan Commission/ Board of Commissioners

- ▶ Plan Commission public hearing on August 28, 2017
  - ▶ Board public hearing on September 20, 2017
  - ▶ Several meetings in September, October and November to refine the proposal
  - ▶ Board public hearings on November 1 and 29, 2017
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# Ordinance Proposal 2017-002

- ▶ Revised definitions for:
  - ▶ Commercial Agricultural Enterprise
  
- ▶ New definitions for:
  - ▶ Annual Compliance Certificate, Compliance Plan, Effective Odor Control System, Interfere, Marijuana, Marijuana Production Site, Commercial Marijuana, Mechanically Generated Noise, Micro-Tier I and II, OLCC, Marijuana Producer, Marijuana Processor



# Rural Residential


- ▶ State allows a county to establish reasonable time, place and manner restrictions on marijuana.
- ▶ Is Josephine County exceeding their authority to regulate marijuana?

Neighboring/nearby counties:


- ▶ Douglas—Rec prohibited
- ▶ Jackson—Not allowed in RR
- ▶ Klamath—Rec Prohibited
- ▶ Deschutes—Not allowed on RR
- ▶ Josephine—Yes, with limitations



# Rural Residential Zone Rules

- Clarifies a dwelling must be on-site in a RR zone if there is to be a greenhouse or other accessory building (Purpose/Deschutes).
  - Marijuana production must meet 'Farm Use' criteria in 61.050.
  - Commercial marijuana production sites shall be 100 feet from all lot lines (consistent with Deschutes, and, supported in part by Oregon Sungrowers Guild, etc.).
  - Reiterates state code regarding generators, electric cords, etc.
  - Corrects a few minor scrivener's errors/typos.
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# Farm Use Criteria, Sec. 61.050 (RR Zones)

- ▶ E. Marijuana (except the personal 12 plants) prohibited on a lot 5 acres or less—whether there's a building on site or not. If more than 5 acres, allowed but limited to a Micro-tier I or II (State Cannabis Committee). Mixed production is allowed.
  - ▶ How does this compare? Deschutes requires a 5 acre minimum, and has canopy and building size limitations (they *only* allow indoor grows).
  - ▶ How many affected (OLCC)? 15 under 5 acres.
  - ▶ Variances available.
- ▶ Lawful grows shall have two years to bring their grow site into conformance.







# How many parcels in the county are over 5 acres in size?

- ▶ 16,212 RR parcels
- ▶ 2900 > 5 acres (2900 could have new grows)
  - ▶ RR1: 35
  - ▶ RR2.5: 161
  - ▶ RR5: 2704



## Farm Use Criteria, cont'd...

- ▶ F. Lot shall be owned in whole or in part by the party being regulated by the state (no leasing).
  - ▶ G. With the exception of guards, operation hours limited to dawn to dusk.
  - ▶ H. Sustained noise from mechanical equipment shall not exceed 30 dB(A) from dusk to dawn (Deschutes/Day).
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## Farm Use Criteria, Sec. 61.050 (RR Zones), continued...

- ▶ I. Greenhouse or other production buildings equipped with, and utilize, effective odor control system.
- ▶ J. Development permit required. Annually thereafter requires a Compliance Certificate to be applied for by June 1. Certificate to be posted at road.
  - ▶ Provides 30 days to comply or per compliance plan.



## To Summarize...

- ▶ Rules only apply if more than 12 plants.
- ▶ Legal, permitted structures grandfathered in their permitted location.
- ▶ Home on-site if there are out buildings/greenhouses.
- ▶ Must meet farm use criteria (production only if the lot is >5 acres, tier limits, two years to comply, no leasing, hours of operation, noise limits, odor control).
- ▶ Permit required.
- ▶ Annual inspections required.
- ▶ Setbacks.
- ▶ Safety standards.
- ▶ Variance process.



# Variations

- *Variations are currently allowed by the code.*
- Board will need to develop policies by which to process the variations.
- Staff has to develop variance application form.

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# Questions?

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