

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**BEFORE THE BOARD OF COMMISSIONERS**

**FOR LINCOLN COUNTY, OREGON**

ORDINANCE # 483

---

**Amending Temporary Regulations for Medical Marijuana Facilities created by Ordinance #479 and declaring an emergency**

---

After hearings held by the Lincoln County Planning Commission and Board of Commissioners to amend temporary regulations for medical marijuana facilities created by Ordinance #479 and supported by the findings and conclusions adopted in that Ordinance,

The Lincoln County Board of Commissioners ordains as follows:

**SECTION 1.**

Ordinance # 479, Section 4 is amended as follows:

**Special Standards for MMDF in all zones**

(1) All state requirements met and maintained, including licensing and state locational requirements.

(2) All applicable building and fire codes are met and maintained. In C-1 and C-2 Zones the MMDF must meet all setback, dimensional and other standards applicable to other uses in the C-1 and C-2 Zone.

(3) No manufacture or production of any extracts, oils, resins or similar derivatives of marijuana on the premises of the MMDF and no open flames shall be allowed in the preparation of any product. This prohibition shall not apply in an I-P zone.

NOTE: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance

1 (4) The MMDF may not be co-located within the same building or on the same  
2 property with any marijuana social club or smoking club or a MMGS.

3 (5) The MMDF must utilize an air filtration and ventilation system that, to the  
4 greatest extent feasible, shall confine all objectionable odors associated with the facility to  
5 the premises. For the purposes of this provision, the standard for judging “objectionable  
6 odors” shall be that of an average, reasonable person with ordinary sensibilities after taking  
7 into consideration the character of the neighborhood in which the odor is made and the odor  
8 is detected.

9 (6) Hours of operation are limited to 10:00 am to 7:00 pm.

10 (7) Entrances and off- street parking areas to MMDF shall be well lit and not  
11 visually obscured from public view / right of way.

12 (8) A MMDF must be located at least:

13 a. 1,000 feet away from any other registered MMDF;

14 b. 1,000 feet away from ~~the boundary of~~ any property containing a pre-  
15 school or pre-kindergarten, head start program, community learning center, or  
16 certified child care facility regulated under ORS Chapters 329, 329A and 657, and  
17 any public park (state, city or county). **In an I-P zone, a MMGS may be located**  
18 **within 1,000 feet of any public park (state, city or county) ;**

19 c. All distances are as measured from property boundary to property  
20 boundary.

21 (9) All employees and volunteers of the MMDF must submit to a criminal  
22 background check by Lincoln County or its designees pursuant to ORS 181.533 and OAR  
23 257-010-0025(1)(a). It shall be a violation of these standards to employ or allow a volunteer  
24 in the MMDF operation if the employee or volunteer has been convicted of the manufacture  
25 or delivery of a controlled substance in Schedule I or Schedule II within five years of the  
26 date of the background check, or if the employee or volunteer has been convicted more than

1 once at any time, or if the employee or volunteer has been convicted of any felony involving  
2 children or crime prohibited within 1000 feet of a school.

3 (10) A change in use (including rezoning) of a neighboring property to a use  
4 identified in this Section after the MMDF has been established shall not result in the MMDF  
5 being in violation of this Section.

6

7 SECTION 2.

8 Ordinance # 479, Section 5 is amended as follows:

9 **Special Standards in All Zones**

10 (1) All state requirements met and maintained, including but not limited to licensing  
11 and state locational requirements.

12 (2) All applicable building and fire codes are met and maintained for any  
13 structures used for growing or production of marijuana.

14 (3) Except in an I-P Zone, manufacture or production of any extracts, oils, resins  
15 or similar derivatives of marijuana on the premises of the MMGS is limited to marijuana  
16 grown on the premises

17 (4) The MMGS may not be co-located within the same building or on the same  
18 property with an MMDF or any marijuana social club or smoking club.

19 (5) The MMGS must utilize an air filtration and ventilation system that confines  
20 all odors associated with the MMGS to the premises as defined herein. The air filtration and  
21 ventilation system, to the greatest extent feasible, shall confine all objectionable odors  
22 associated with the facility to the premises. For the purposes of this provision, the standard  
23 for judging "objectionable odors" shall be that of an average, reasonable person with  
24 ordinary sensibilities after taking into consideration the character of the neighborhood in  
25 which the odor is made and the odor is detected.

26 (6) A MMGS must be located at least

27 a. 1,000 feet away from any other registered MMGS;

Page 3 -- ORDINANCE # 483

NOTE: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance

1           b.       250 feet away from any residential dwelling on an adjacent property  
2 in the RR-5 and RR-10 zones, and 500 feet away from any residential dwelling on an  
3 adjacent property in the A-C and T-C zones;

4           c.       1,000 feet away from the boundary of any property containing a pre-  
5 school or pre-kindergarten, head start program, community learning center, or  
6 certified child care facility regulated under ORS Chapters 329, 329A and 657, and  
7 any public park (state, city or county). In an I-P zone, a MMGS may be located  
8 within 1,000 feet of any public park (state, city or county);

9           d.       The distance measurement for subsection b. above shall be made from  
10 the nearest corner of the accessory structure to the closest portion of any adjacent  
11 residence. Otherwise all distances are as measured from property boundary to  
12 property boundary.

13       (7)       All production of marijuana must take place indoors in a detached accessory  
14 building. In the Timber Conservation Zone T-C the indoor grow building is required to meet  
15 fire safety standards applicable to non-forest dwellings constructed in that zone per LCC  
16 1.1375(7).

17       (8)       All employees and volunteers of the MMGS must submit to a criminal  
18 background check by Lincoln County or its designees pursuant to ORS 181.533 and OAR  
19 257-010-0025(1)(a). It shall be a violation of these standards to employ or allow a volunteer  
20 in the MMGS operation if the employee or volunteer has been convicted of the manufacture  
21 or delivery of a controlled substance in Schedule I or Schedule II within five years of the  
22 date of the background check, or if the employee or volunteer has been convicted more than  
23 once at any time, or if the employee or volunteer has been convicted of any felony involving  
24 children or crime prohibited within 1,000 feet of a school.

NOTE: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance

1           (9)     An indoor MMGS shall not exceed 300 square feet or the allowable square  
2 footage of an accessory use within the zone, whichever is smaller, in an RR-5 and RR-10  
3 zone.

4           (10)    An indoor MMGS shall not exceed 1,500 square feet or the allowable square  
5 footage of an accessory use within the zone, whichever is the smaller, in an A-C, T-C or I-P  
6 zone.

7           (11)    In addition to the size limits noted above, a MMGS in an RR-5 and RR-10  
8 zone is limited to production of marijuana of no more than 24 plants. In A-C, T-C and I-P  
9 zones production is limited to 120 plants.

10          (12)    A change in use (including rezoning) of a neighboring property to a use  
11 identified in this Section after the MMGS has been established shall not result in the MMGS  
12 being in violation of this Section.

13

14           SECTION 3.

15          Except as amended above, all other provisions of Ordinance #479 remain in full  
16 force and effect.

17

18           SECTION 4.

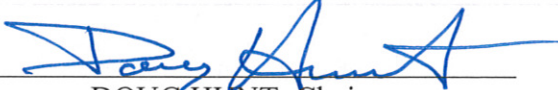
19          Emergency

20          In accordance with the legislative findings supporting this Ordinance and Ordinance  
21 #479, and this Ordinance being necessary for the immediate preservation of the public peace,  
22 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon  
23 its passage.

NOTE: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance

DATED this 10<sup>th</sup> day of November, 2015.

LINCOLN COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
DOUG HUNT, Chair


  
\_\_\_\_\_  
TERRY N. THOMPSON, Commissioner

  
\_\_\_\_\_  
BILL HALL, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Casey Miller, Interim Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel

NOTE: This Ordinance consists of entirely new provisions and does not replace any current provisions of the Lincoln County Code. Since it is not being codified, the usual provision of **boldface** for amendments and ~~strikethrough~~ for deletions does not apply to this Ordinance