



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.co.linn.or.us

Marijuana Production

Linn County has adopted operating and development standards for establishing a marijuana production operation. The purpose of these standards is to mitigate associated impacts and maintain compatibility with surrounding uses.

These standards do not ensure compliance with federal or state regulations. Furthermore, new laws may be adopted by the State legislature, Oregon Health Authority (OHA) and the Oregon Liquor Control Commission (OLCC) that may restrict the location and operating characteristics of all marijuana facilities, including grow sites. It is the owner's responsibility to ensure compliance with any other applicable law.

When do these standards apply?

Linn County Code (LCC) defines "marijuana production" as:

The manufacturing, planting, cultivating, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and qualifies as a "person designated to produce marijuana by a registry identification cardholder".

Based on this definition and adopted regulations, the standards summarized here apply to all marijuana production operations.

When do these standards not apply?

These standards do not apply to personal use of recreational marijuana found in ORS Chapter 475B and OAR Chapter 845, Division 25 or personal use of medical marijuana under the Oregon Medical Marijuana Program, as allowed by state law.

Where is production allowed?

Marijuana production is permitted in the following zones:

- EFU** Exclusive Farm Use
- F/F** Farm/Forest
- FCM** Forest Conservation Management
- AB** Agribusiness
- FIC** Freeway Interchange Commercial
- HI** Heavy Industrial
- LI** Limited Industrial
- RCM** Rural Commercial
- UD-II** Urban Development

Marijuana production is an allowed use in the EFU, F/F, and FCM zoning districts and a conditional use in the AB, FIC, HI, LI, RCM, and UD-II zoning districts. In all cases, a site plan review is required.

Do I need a land use approval?

Yes, land use approval is required prior to initiating the use.

If located in the:

- EFU, F/F, or FCM zone, a site plan review is required.
- AB, FIC, HI, LI, RCM, or UD-II zone, a conditional use permit review is required.

You must submit the correct fee and application materials in order for your application to be deemed complete. Incomplete applications will not be accepted by the Planning & Building Department until the missing information and material is provided.

Land use applications require a public notice period of 21 days. The total review time for an application is typically 6-8 weeks. Applications are processed in the order they are received.

The Planning & Building Department will be able to sign your OLCC land use compatibility statement only after the land use review is completed.

Application forms and fees

Application forms and fees are available online at www.co.linn.or.us. Click on Planning & Building Department under the Departments link. Applications can be found under the Land Use Permit Application Forms link on the Planning & Building Department page.

Required application materials:

1. Completed application form.
2. Copy of the deed showing current ownership of the property
3. Written statement and other documentation that shows how all the applicable standards will be met.
4. Site Plan, including:
 - Property Boundaries
 - Road Access
 - Setbacks
 - Location and size of existing and proposed buildings, septic system, well, exterior lighting and other improvements
 - Special topographic features including rivers, streams, etc.
 - North arrow and scale

Standards for Marijuana Production Operations

MINIMUM LOT SIZE

For production in the EFU, F/F, and FCM zoning districts, the subject property shall be a minimum of two acres, except that if outdoor production is proposed, the subject property shall be a minimum of five acres. There is no minimum lot size requirement for production in the AB, FIC, HI, LI, RCM, and UD-II zoning districts.

LIGHTING

- Light cast by light fixtures inside a building used for marijuana production shall not be visible outside the building between the hours of 7:00 p.m. to 7:00 a.m., except for the months of June, July and August, where light cast by light fixtures inside a building used for marijuana production shall not be visible outside the building between sunset and sunrise.
- Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m., except for the months of June, July and August, where outdoor marijuana grow lights shall not be illuminated between sunset and sunrise.
- Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall be directed downward and shall be directed within the boundaries of the subject property.

ODOR

The following odor standards apply only to indoor production:

- 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.
- 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.
- 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.
- Negative air pressure shall be maintained inside the building.
- Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with the odor standards found in this section.
- An alternative odor control system is permitted if the applicant submits a report by a mechanical 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 otherwise required.

NOISE

The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon that demonstrates that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any property line of the subject property, exceeds 50 dB(A). Intermittent noise for accepted farm practices is permitted.

FENCING

Fencing, walls, or other barriers, as required by state law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc. Fencing shall not be electrified, 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. Fences or walls exceeding 6 feet in height shall comply with the Building Code as that term is defined in LCC Section 920.100.

WATER

The applicant shall provide to the Linn County Planning & Building Department:

1. A water right permit or certificate number for the proposed marijuana production;
2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production is from a source that does not require a water right.

SECURITY CAMERAS

If security cameras are used, they shall be directed to record only the subject property and public right-of-way, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.

SECURE WASTE DISPOSAL

Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant. Outdoor storage of marijuana waste is prohibited. Marijuana waste burning is prohibited.

ACCESS

The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. The easement standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.

SETBACKS

Outdoor production, as defined in LCC 920.100(B)(204), shall be a minimum of 100 feet from all property lines. Any structure used for indoor production, as defined in LCC 920.100(B)(147), shall comply with the structural setback standards of the underlying zone or be located a minimum of 100 feet from an existing dwelling that is not located on the same property as marijuana production use, whichever is greater.

SURVEY

Pursuant to OAR 845-025-1030(4)(c), a survey prepared by an Oregon licensed surveyor that accurately reflects the property lines of the subject property is required to be submitted as part of an application for outdoor marijuana production. The survey is required in order to ensure that the outdoor marijuana production operation is located entirely on the subject property and does not encroach onto adjacent properties or required setbacks.