



# LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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## **Marijuana Retailing**

Linn County has adopted operating and development standards for marijuana retail operations. 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 retailing" as:

The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

The standards summarized here apply to all new marijuana retailing as defined above, including medical dispensaries and recreational sales facilities.

### **Where is retailing allowed?**

Marijuana retailing is permitted as a conditional use in the following zones:

- AB** Agribusiness
- FIC** Freeway Interchange Commercial
- HI** Heavy Industrial
- LI** Limited Industrial
- RCM** Rural Commercial
- UD-II** Urban Development

## **Do I need a land use approval?**

**Yes, land use approval is required prior to initiating the use.** A conditional use permit review is required for retail operations in all applicable zoning districts.

You need to 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.

The application requires a public notice period of 21 days. The total review time for the 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](http://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 Retail Operations**

### **HOURS OF OPERATION**

A marijuana retailer may only sell to consumers between the hours of 10:00 a.m. and 8:00 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 10:00 a.m. and 8:00 p.m.

### **SEPARATION DISTANCES**

The building space occupied by the operation shall be located a minimum of 1500 feet from all of the following:

- A public, private, or parochial elementary school including any parking lot and property used by the school.
- A licensed child care center or licensed preschool including any parking lot and property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures.
- A public park, public playground, government-owned recreational use, public library, licensed treatment center, light rail transit station, or a multifamily dwelling owned by a public housing authority.
- A church, including any parking lot accessory to and any property used by the church.
- Any other marijuana retail facility licensed by the OLCC or marijuana dispensary licensed registered with the OHA.

All distances shall be measured from the lot line of the affected properties to the closest point of the building space occupied by the retailer, except distances between retailers. Distances between retailers shall be measured from the closest point of the building space occupied by the other marijuana retailer.

### **ODOR**

- 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 as described 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.

**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.

**PROHIBITED****WINDOW SERVICE**

Retail operations are not allowed to have a walk-up window or drive-thru window service.

**MINORS**

No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.

**ON-SITE CONSUMPTION**

Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building or on the property occupied by a marijuana retailer.