

Umatilla County

Department of Land Use Planning



AGENDA

**Umatilla County Planning Commission
Public Hearing
Thursday, July 23, 2015, 6:30 p.m.
Justice Center Media Room
Pendleton, OR**

Members of Planning Commission

Randy Randall, Chair
Gary Rhinhart, Vice-Chair
Tammie Williams
Don Wysocki
David Lee
Don Marlatt
Suni Danforth
Cecil Thorne

Members of Planning Staff

Tamra Mabbott, Planning Director
Carol Johnson, Senior Planner
Bob Waldher, Senior Planner
Brandon Seitz, Assistant Planner

1. Call to Order

2. Continued Hearing:

TEXT AMENDMENT #T-15-062, filed by Umatilla County. The text amendment will amend section 152.003 adopting definitions of medical marijuana and recreational marijuana and amendment to section 152.616(III) adopting conditional use standards and amending zones to clarify that where "farm use" is allowed in zones other than Exclusive Farm Use, farming excludes marijuana activities. Amendments are proposed for each zone. Criteria of approval are found in Umatilla County Development Code 152.750-152.754.

5. Status of Appeals or Board actions.

Next Scheduled Meeting:

Thursday, August 27, 2015, 6:30 p.m., Justice Center Media Room, Pendleton, OR.

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

July 15, 2015

LAND USE
PLANNING,
ZONING AND
PERMITTING

MEMO

TO: Planning Commission
FROM: Tamra Mabbott
CC: Interested Parties
RE: Second Hearing – Amendments to UCDO
Land Use Standards for Marijuana

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

July 23, 2015 will be the second (continued) hearing for the purpose of considering amendments to definitions and standards for marijuana growing, processing and dispensing. The amendments encompass both medical and recreational marijuana. Significant changes have been made since the April hearing due to new laws enacted pursuant to adoption of HB3400A. A summary of the bill is attached as exhibit 1 and 2.

COUNTY MARIJUANA ADVISORY COMMITTEE

On July 14, 2015, the County Marijuana Advisory Committee reconvened after a 3 month hiatus, in order to consider HB 3400A and to develop a recommendation to the Board of Commissioners. *By consensus*, the committee made two formal recommendations:

1. Follow the “opt out” provisions set forth in HB 3400A and continue with the moratorium on medical marijuana dispensaries and recreational marijuana dispensaries, and,
2. Adopt land use code changes. The attached draft code language incorporates the changes recommended by the committee.

The July 10 draft recommendation was revised as follows:

Based upon the marijuana committee meeting with representatives of the Oregon Health Authority (OHA) and based upon the experience of several county agencies with the OHA regulatory oversight of medical marijuana dispensaries, and given the evidence shared by committee members, Umatilla County residents are best served by continuing the moratorium on medical marijuana dispensaries. The OHA will be undergoing changes, including rulemaking and administrative changes, pursuant to HB 3400A. That will hopefully result in increased accountability and monitoring of the program. At some time in the future, when OHA program changes appear sufficient to address local concerns about exposure to youth, leakage to the

black market, inadequate monitoring, inadequate testing, changes to federal laws, etc. the county marijuana committee ~~may~~ will reconvene and consider revising the recommendation to support a moratorium on medical marijuana dispensaries. Currently Umatilla County lacks the resources to develop and implement rules and regulations for medical marijuana dispensaries that satisfy committee members.

Given the clear voter position against ~~both medical and~~ recreational marijuana, the committee recommends the county adopt a moratorium on recreational marijuana dispensaries and commercial grow operations.

DEVELOPMENT ORDINANCE AMENDMENTS (UCDO)

The Development Ordinance amendments are summarized in exhibit 6. Two additional notes are warranted. First, legal clarification is pending on the scope of limitations a county has legal authority to impose on land zoned EFU. Staff interpretation of the bill language is the plain interpretation. That is, “a *county may* allow the growing, harvesting and processing of marijuana.” The attached draft language in the EFU and GF Zones would treat marijuana as a farm use. Further information will be shared at the hearing.

Second, the draft zone amendments include language that prohibits marijuana. Please note that nothing in the land use code can legally supersede what is provided for in state law. So, for example, if state law allows an individual to possess marijuana and grow four plants, the county regulation would not prevent that as a matter of privacy and legal right. As written, the proposed code would allow a medical marijuana grow operation for up to four MMJ cardholders on a parcel of land. A land use permit would not be required; however, the grower would be required to obtain a license from the Oregon Health Authority (OHA), a pre-requisite which requires a Land Use Compatibility Statement from the local planning office. Under this regime, a grow site is treated essentially the same as a garden and allowed without a county land use permit. That garden is however, subject to licensing and oversight of the OHA. A grow facility for more than four MMJ cardholders would not be permitted in any zone

EXHIBITS FOR PLANNING COMMISSION PACKET

1. STAFF MEASURE SUMMARY of HB 3400A, pages 3-5
2. AOC Summary of 2015 Oregon Marijuana Legislation, pages 6-7
3. County Ballot results of Measure 91, Legalize Recreational Marijuana, November 2014, page 8.
4. County Ballot results of Measure 67, Medical Marijuana, November, 1998, page 9.
5. July 10, 2015 MEMO to Marijuana Study Committee, page 10.
6. July 15, 2015 Summary of Proposed Amendments, pages 11-14.
7. “State Marijuana Crimes and Offenses in Oregon after July 1, 2015,” pages 15-17.
8. Draft Code Language (changes shown in highlighted color), pages 18 – 44.

Joint Committee On Implementing Measure 91

Fiscal: Fiscal impact issued
Revenue: No revenue impact, statement issued (Indeterminate Impact)

Action Date: 06/15/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 03/30, 05/20, 05/27, 06/01, 06/03, 06/08, 06/15

Vote:

Senate

Yeas: 5 - Beyer, Burdick, Ferrioli, Kruse, Prozanski

House

Yeas: 5 - Buckley, Helm, Lininger, Olson, Wilson

Prepared By: Adam Crawford, Committee Administrator

WHAT THE MEASURE DOES: Requires Oregon Liquor Control Commission (OLCC) to adopt rules restricting size of mature marijuana canopy. Specifies canopy limits are not applicable to premises licensed to propagate immature plants. Allows OLCC to adopt rules creating tiered system for mature marijuana canopy. Allows OLCC to create license allowing medical marijuana growers to sell immature marijuana plants and usable marijuana to growers, wholesalers, processors and retailers if medical marijuana grower meets specific conditions. Specifies grower licensed by OLCC and registered with Oregon Health Authority (OHA) may not possess more plants than allowable by OHA regulations and must use OLCC seed-to-sale tracking system. Requires licensed marijuana producers (growers), marijuana wholesalers (wholesalers), marijuana processors (processors), and marijuana retailers (retailers) be 21 years of age and resident of Oregon for two years. Repeals provision on January 1, 2020. Allows OLCC to require segregated areas for premises that hold multiple licenses. Requires OLCC to develop seed-to-sale tracking system. Requires growers, wholesalers, processors and retailers licensed by OLCC to use seed-to-sale tracking system when transferring marijuana. Establishes authority for OLCC marijuana regulatory specialists, including authority to inspect, arrest, seize and issue citations. Prohibits inspectors from conducting investigations or inspections for purpose of ensuring compliance with Oregon Medical Marijuana Act (OMMA). Allows OLCC to impose civil penalty of not more than \$5,000 per violation. Requires OLCC to establish system for awarding permits to retail workers participating in sale, possession or securing of marijuana at retail establishment. Requires growers, wholesalers, processors and retailers to maintain surety bond and liability insurance. Defines terms.

Allows city and county governing body to adopt ordinances prohibiting operation or establishment of medical marijuana processors, dispensaries as well as recreational growers, processors, wholesalers or retailers so long as that city or county had at least 55 percent of its electors vote against Measure 91. Requires city or county governing body to adopt ordinance within 180 days of effective date. Provides exemptions from ordinance for medical marijuana processors or retailers if certain conditions are met. Removes exemption if registration of medical marijuana dispensary or processing site is revoked. Requires governing body to submit ordinance to electors for approval. Requires city or county to notify OHA if ordinance is passed.

Establishes Legislative Assembly as sole body with authority to tax and regulate marijuana unless otherwise expressly permitted by state law. Allows cities and counties to establish up to three percent tax on marijuana sold by retailers if approved by electors at statewide election. Establishes Marijuana Control and Regulation Fund.

Allows governing body of city or county to adopt regulations on growers, processors, wholesalers and retailers. Requires regulations be consistent with city and county comprehensive plan, zoning ordinances and public health and safety laws. Confirms marijuana is crop for purposes of exclusive farm use law. Prohibits new dwellings and farm stands in conjunction with marijuana crop on land zoned for exclusive farm use.

Requires OHA and OLCC to require all marijuana items sold by either medical marijuana dispensaries or retailers be tested prior to sale or transfer. Requires OHA, in consultation with OLCC and Oregon Department of Agriculture (ODA), to establish standards for testing marijuana items. Requires OLCC to establish rules for licensing testing lab.

Requires OHA to establish rules for accrediting testing lab. Provides exemptions from testing requirement. Allows OHA to impose civil penalty for violations not exceeding \$500 per day.

Requires OHA and OLCC to require all marijuana items transferred or sold be packaged and labeled in manner that ensures public health and safety. Requires OHA, in consultation with OLCC and ODA, to establish standards for packaging and labeling marijuana items. Prohibits ODA from establishing standards for marijuana as food additive, or considering marijuana an adulterant. Allows OHA to enter into agreement with OLCC to inspect and ensure compliance with labeling and packaging requirements. Provides exemptions from packaging and labeling requirements. Allows OHA to impose civil penalty for violations not exceeding \$500 per day.

Establishes Task Force on Cannabis Environmental Best Practices (Task Force). Establishes Task Force roster and rules. Requires Task Force to study use of electrical and water usage associated with growing marijuana. Requires Task Force to report to committee of Legislative Assembly responsible for regulating cannabis no later than September 15, 2016.

Allows OLCC, in conjunction with OHA and ODA, to establish program identifying and certifying private and public researchers of cannabis.

Requires OHA, State Board of Education and Alcohol and Drug Policy Commission to develop curricula on marijuana abuse prevention. Requires OHA to report to Legislative Assembly on or before February 1, 2016 and on or before February 1 of every odd numbered year thereafter.

Provides exemption to specified licensees from criminal laws of Oregon relating to possession, delivery or manufacture of marijuana. Modifies conditions and class of felony or misdemeanor for specified marijuana laws regarding possession, delivery and production of marijuana.

Requires OLCC to report to Legislative Assembly on or before February 1 of every odd numbered year approximate amount of marijuana produced and sold and whether supply of marijuana in Oregon is commensurate with demand. Requires OLCC to examine available research on influence of marijuana on ability of person to operate vehicle and report to interim committees of Legislative Assembly related to judiciary on or before January 1, 2017.

Requires medical marijuana registry identification cardholders (cardholders), medical marijuana growers (growers), medical marijuana processors (processors) and medical marijuana dispensaries (dispensaries) be registered with OHA. Provides exemptions for licensing. Describes OHA licensing process for cardholders, growers, processors and dispensaries. Requires Oregon residency to receive registry identification card. Requires at least two years of Oregon residency for growers, processors and those persons responsible for dispensaries. Requires OHA to confirm growers, processors, person responsible for marijuana dispensaries are 21 years of age and residents of Oregon for at least two years until January 1, 2020. Limits grower to 24 mature plants if grow site is within city limits and in location zoned for residential use or 96 mature plants if grow site is not in previously described area, so long as grow site was registered with OHA prior to January 1, 2015. Limits grower to 12 mature plants if grow site is within city limits and in location zoned for residential use or 48 mature plants if grow site is not in previously described area if grower registers grow site after December 31, 2014. Limits amount of usable marijuana grower may possess to 12 pounds per outdoor plant or 6 pounds per indoor plant. Requires grower to reduce plant count if specific events occur. Establishes tracking system for growers, processors and dispensaries. Allows OHA to inspect only marijuana grow sites of persons designated to produce marijuana for other cardholders. Allows cardholder to reimburse person responsible for grow site for all costs associated with production of marijuana. Requires OHA to establish by rule, public health and safety standards for processor of cannabinoid edibles, concentrates and extracts. Allows OHA to provide information regarding grow site, processing site or dispensary to law enforcement or regulatory agency of city or county. Prohibits OHA from providing specified information. Requires OHA to provide information to law enforcement agencies if OHA suspends registration, revokes registry or takes disciplinary action against grower, processor or dispensary. Specifies those convicted of Class A or B felony relating to manufacture or delivery of controlled substance may not be designated as person responsible for grow site for two years.

Allows local governments to enact reasonable regulations on grow sites, processing sites and dispensaries. Allows dispensary to remain at current location if school is established within 1,000 feet of dispensary. Allows marijuana processing facilities to be located in residential areas so long as processor does not process cannabinoid extracts.

Establishes January 1, 2016 or March 1, 2016 as operative date for specified parts of measure. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Oregon Medical Marijuana Act provisions
- Requirements for tracking of marijuana
- Recreational marijuana regulatory agencies
- Interaction between medical and recreational markets
- Supply of marijuana currently grown in Oregon

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

In 1998, Oregon voters approved Ballot Measure 67 to allow medical use of marijuana within specified limits. The Oregon Medical Marijuana Program (OMMP) under the Oregon Health Authority (OHA) administers the program regulating medical marijuana. The Oregon Medical Marijuana Act (OMMA) governs the OMMP and has been frequently modified since its passage. In 2014, Oregon voters approved Ballot Measure 91 (Measure 91) to allow the recreational sale and use of marijuana.

House Bill 3400 A would require the OHA to create a database that would track the production, processing and transfer of medical marijuana. The measure requires OLCC to create a seed-to-sale tracking system for recreational marijuana and set limits on the size of recreational grow site canopies for mature marijuana plants. House Bill 3400 A also vests sole authority to tax or impose fees on either medical or recreational marijuana with the Legislative Assembly. The measure would also limit the number of plants allowable under the OMMA at individual grow sites within city limits zoned for residential use and at all other sites. House Bill 3400 A also allows local governing boards to adopt ordinances prohibiting marijuana operations within their jurisdiction. However, if a local jurisdiction prohibits any marijuana operation, they cannot receive any funds from marijuana taxation. The measure creates standards for testing laboratories. The measure also requires OHA and OLCC to create rules regarding the packaging and labeling of marijuana items in the medical and recreational markets.

Brief Summary of 2015 Oregon Marijuana Legislation

As of June 30, 2015

1. House Bill 3400A (Omnibus Bill)

A. Local Option (Sections 133 to 136)

- Provides two paths for local opt out of any one or more category of marijuana businesses. There are four retail categories (producer, processor, wholesaler, retailer) and two medical categories (processor and dispensary):
 - 1. Opt out by action of the county or city governing body for counties, and cities in counties, that voted against Measure 91 by at least 55 percent (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler).
 - Opt out must be done within 180 days of the effective date of HB 3400A.
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
 - If a county or city opts out of any category, local option tax (*see below*) is prohibited, as well as disqualification for shared state tax revenue (*see below*).
 - 2. Opt out by local vote referred by any county or city governing body.
 - Temporary moratorium until election.
 - Election must be held at the next general election (November of even-numbered year).
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
 - If a county or city opts out of any category, local option tax (*see below*) is prohibited, as well as disqualification for shared state tax revenue (*see below*).

B. Local Time, Place and Manner Regulations (Sections 33 and 89)

- Clarifies reasonable time, place and manner regulatory authority over marijuana businesses.

C. Land Use (Section 34)

- Marijuana given status as a farm crop.
- In EFU zones, prohibits farm stands, farm commercial activities, and new farm dwellings based on marijuana crops.
- Allows counties to permit marijuana crops in farm and forest zones, similar to EFU.
- Requires a completed Land Use Compatibility Statement (LUCS) from local government prior to issuance of marijuana business license by OLCC.

D. Local Option Tax (Section 34a)

- Allows local tax on sale of retail marijuana items, if approved by local voters at a general election, not to exceed 3 percent.
- Prohibits local option tax if city or county prohibits any category of marijuana business.

E. OLCC

- Expands powers and duties relating to regulation, investigation, and enforcement with regard to OLCC licensed marijuana businesses.
- Requires handler permit for employees of retail marijuana businesses that handle marijuana.
- Requires a seed-to-sale tracking system.
- Allows OLCC to require age verification scanners for licensed retail stores.
- Provides for state licensed testing laboratories to test all retail marijuana products.
- Provides for packaging, labeling, and dosage standards.
- Provides for state certified public and private research facilities.
- Allows medical marijuana growers to opt-in to the retail marijuana supply chain to sell excess medical marijuana, subject to licensing and regulation by OLCC.

F. OMMA

Tracking

- Requires registration and tracking of all grow sites, processing sites, and dispensaries in an OHA database.
- Requires designated growers, processors, and dispensaries to submit monthly information to the database regarding amounts possessed and transferred.
- Permits law enforcement, and city and county regulatory agencies, to access database, except for transaction information, which requires a subpoena.

Growers and Processors

- Requires registration of designated grow sites and processing sites.
- Prohibits persons convicted of certain drug crimes from being the designated person responsible for a site.

- Authorizes OHA to inspect sites, and records related to those sites.
- Authorizes OHA to revoke the registration of a site for violation of the OMMA, or local time, place, and manner ordinances.
- Limits the number of plants that may be grown at a single address:
 - 12 mature plants in residential zone in city, with up to 24 for grandfathered sites.
 - 48 mature plants in all other zones, with up to 96 for grandfathered sites.
- Allows designated grower to possess usable marijuana at the rate of 12 pounds per mature outdoor plant, and 6 pounds per mature indoor plant.
- Allows cardholder to assign a portion of the cardholder's possession rights to their designated grower.
- Prohibits marijuana extract processing sites in residential zones.

Dispensaries

- Authorizes OHA to revoke the registration of a dispensary for violation of the OMMA, or local time, place, and manner ordinances.
- Prohibits dispensaries in residential zones.
- Allows dispensary to remain registered if a school opens within 1,000 feet of the dispensary after the dispensary is already operating.

Products and Testing

- Provides for testing of all marijuana items, and requires testing laboratories to be licensed by OHA.
- Provides OHA with regulatory authority over testing, and the production of edibles, extracts, concentrates, and other products.
- Imposes requirements for labeling and packaging.

G. Further Reduction in Marijuana Offense Levels (*see separate pamphlet*)

2. Senate Bill 460A ("Early Start")

- Allows medical marijuana dispensaries to sell limited marijuana retail products, beginning October 1, 2015
 - Seeds.
 - Dried leaves and flowers.
 - Plants that are not flowering.
- Limits amount that can be sold to each customer.
- Allows cities and counties to prohibit these retail sales by ordinance.

House Bill 2041A (Retail Taxation)

- State tax on sale of retail products, in lieu of Measure 91 tax on grower products:
 - 17% tax rate (but see "Early Start" special rate below).
- Retains net distribution formula from Measure 91
 - 40% to the Common School Fund.
 - 25% to substance abuse treatment and prevention.
 - 15% to the Oregon State Police.
 - 10% to cities, and 10% to counties, to assist with enforcing Measure 91.
- Disqualifies a city or county from receiving any distribution if the city or county prohibits any one or more of the six categories of marijuana business licensees.
- "Early Start" special tax rate:
 - 25% tax rate, beginning January 4, 2016.

4. Senate Bill 844A (Miscellaneous)

- Research task force
- Reduces expunction waiting period from three years to one year for person adjudicated or convicted of marijuana offenses when they were under 21.
- Changes OMMA "agitation incident to Alzheimer's disease" qualifying condition to "a degenerative or pervasive neurological condition."
- Allows certain medical organizations to be a designated OMMA caregiver.
- Prohibits transplant hospitals from discriminating against OMMA cardholders.

5. House Bill 2668B (Hemp)

- No growing within 1,000 feet of a school
- Hemp growers to allow research by DOA/OSU
- DOA Rules Advisory Committee (RAC)
- No more hemp licenses until March 1, 2017

City results for Measure 91- Legalize Recreational Marijuana

	<u>Yes</u>	<u>No</u>	% of passed or failed
Umatilla	285	417	59.4% F
Pilot Rock	148	249	66.1% F
Ukiah	31	58	65.2% F
Hermiston	1255	2056	62.1% F
Milton-Freewater	426	704	62.3% F
Pendleton	2141	2715	55.9% F
Stanfield	184	291	61.3% F
Echo	78	85	52.1% F
Helix	28	39	58.2% F
Adams	39	76	66.1% F
Ukiah	24	42	63.6% F
Athena	156	295	65.4% F
Weston	97	92	51.3% P
<hr/>			
Overall Cities	4892	7119	59.3%F
Rural County	2289	5003	68.6%Failed
Total			
Umatilla County	7181	12122	62.8%F

Umatilla County voter turnout was 61.77%

Statewide turnout was 70.90%

November 3, 1998-State Measure 67 Allows medical use of marijuana

City statistics are not available for all cities for this measure. The precincts containing these cities are not totally dedicated to city boundaries. Results for individual measures in these precincts must be done by hand. (The ballots are long gone).

<u>City</u>	<u>Yes vote</u>	<u>No Vote</u>	<u>% of pass or fail</u>
City of Umatilla	235	249	51.4% Failed
City of Pilot Rock	163	224	57.9% F
City of Hermiston	998	1260	55.8% F
Milton-Freewater	539	554	50.7% F
City of Pendleton	1846	2218	54.6% F
<hr/>			
Overall Tallied Cities	3781	4505	54.4% F
Remaining Cities			
Plus Rural	2827	3406	54.6% F
Total County	6608	7911	54.5% F


This Election had a voter turnout of 46.6% for Umatilla County

Voter Participation Statewide was 59.02%

July 10, 2015

MEMO

TO: Medical Marijuana Study Committee

FROM: Tamra Mabbott, Chair 

RE: HB 3400A

House Bill 3400A, passed by the Oregon Legislature, made numerous changes to medical marijuana laws and recreational marijuana laws. This is the legislation we have been long awaiting. We can now reconvene and move forward with our charter, to make recommendations to the Board of Commissioners on a moratorium and other matters relating to marijuana.

Among the more significant changes, the new law allows a "qualifying city or county" the option to adopt ordinances that prohibit the establishment of marijuana related activities. In November 2014, Umatilla County voters were 68.6% against Measure 91. In 1998, Umatilla County voters rejected Measure 67, the medical marijuana bill, with a 54.5% vote.

The county now has the legal authority to continue a moratorium on both recreational marijuana and medical marijuana. All committee recommendations will require a vote of the committee.

In an effort to move our collective efforts forward, and in hopes of reaching a consensus, draft recommendations are provided below as a starting point for our discussion on Tuesday.

I. DRAFT RECOMMENDATION - GENERAL

Based upon the marijuana committee meeting with representatives of the Oregon Health Authority (OHA) and based upon the experience of several county agencies with the OHA regulatory oversight of medical marijuana dispensaries, and given the evidence shared by committee members, Umatilla County residents are best served by continuing the moratorium on medical marijuana dispensaries. The OHA will be undergoing changes, including rulemaking and administrative changes, pursuant to HB 3400A. That will hopefully result in increased accountability and monitoring of the program. At some time in the future, when OHA program changes appear sufficient to address local concerns about exposure to youth, leakage to the black market, inadequate monitoring, inadequate testing, changes to federal laws, etc. the county marijuana committee may reconvene and consider revising the recommendation to support a moratorium.

Given the clear voter position against both medical and recreational marijuana, the committee recommends the county adopt a moratorium on recreational marijuana dispensaries and commercial grow operations.

II. DRAFT RECOMMENDATION – LAND USE

Please see attached land use code amendments.

III. OTHER

July 15, 2015

Summary of Proposed Amendments to Umatilla County Development Ordinance

I. Definitions UCDO Section 152.003

The following are proposed amendments/additions to the definition section of the UCDO Section 152.003.

152.003 Medical Marijuana Dispensary (MMJ) or Laboratory.

A Medical Marijuana Dispensary shall be the same as defined in OAR 333-008-1050 and licensed by the Oregon Health Authority and registered as a business with the Office of the Secretary of State.

152.003 Medical Marijuana (MMJ) Grow Facility or Operation property.

A Medical Marijuana (MMJ) Grow Site or Grow operation shall be the same as defined in OAR 333 Division 8 where a single parcel of land is used as a grow operation for more than four MMJ cardholders (or patients). A medical marijuana grow facility may also be defined as an operation (single parcel of land) where marijuana is grown for four or more medical marijuana cardholders or persons who consume marijuana for medical purposes.

152.003 Medical Marijuana Processing Facility.

A Medical Marijuana Processing Facility is a place where marijuana is processed for human consumption.

152.003 Pain Management Clinic.

A pain management clinic is a business or clinic where professional treatment is provided to persons who have chronic pain or addictions.

152.003 Recreational Marijuana.

Recreational marijuana is marijuana consumed for non-medical purposes. The definition shall be the same as defined in (Measure 91, Oregon Revised Statutes) and as subsequently amended in Oregon Revised

Statute. The growing, harvesting or processing of marijuana for recreational purposes is considered a for-profit business.

152.003 Recreational Marijuana Business.

A recreational marijuana facility or business is a place where marijuana is sold or traded for profit and intended for non-medical purposes.

152.003 Hemp or Industrial Hemp.

Hemp or industrial hemp shall have the same meaning as defined in ORS 571.305. Growing of Hemp requires a permit from the Oregon Department of Agriculture. Hemp is prohibited in residential zones.

152.003 Farm Use.

UCDO definition of farm Use¹ is the same as ORS 215.203. HB 3400A Section 34 makes clear that marijuana is a farm use as defined in ORS 215.203.²

¹ FARM USE. (as defined in ORS 215.203) (1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any agriculture or horticulture use; animal husbandry or any Umatilla County Development Code, Revision Date: April 28, 2015, Page 23 of 436 combination thereof. FARM USE includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. FARM USE also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. FARM USE also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subdivision (3) of this definition or land as defined in ORS 321.267 (3) or 321.824 (3). (2) CURRENT EMPLOYMENT OF LAND FOR FARM USE means: (a) Farmland, the operation or use of which is subject to any farm-related government program; (b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (c) Land planted in orchards or other perennials, other than land specified in subdivision (2) (d) of this definition, prior to maturity; (d) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees, or vineyards for at least three years; (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use; (f) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283 (2)(a); (g) Water impoundments lying in or adjacent to and in common ownership with farm use land; (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of the land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use. (i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or infirmity whether or not such illness results in death; (j) Any land described under ORS 321.267 (3) or 321.824 (3); (k) Land used for the processing of farm crops into biofuel, as defined in § 152.003 as BIO-FUEL, if: (i) Only the crops of the landowner are being processed; Umatilla

II. Zones

HB 3400A allows a county to prohibit a medical marijuana dispensary or laboratory, a medical marijuana grow facility or grow operation.

- A. **Residential Zones** – See attached proposed amendments.
- B. **Commercial and Industrial Zones** – See attached proposed amendments.
- C. **Exclusive Farm Use (EFU) Zones.** HB 3400A defines marijuana as a farm crop. However, the law also provides that a “county **may** (emphasis added) allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in EFU zones under this section and ORS 215.213 and 215.283. HB 3400A Section 34(3). Further legal opinion on this is pending, however, it may be that a county may be allowed to prohibit growing marijuana as a crop in the EFU Zone.

What is clear in the bill, relative to EFU Zones, are three land uses that are prohibited in the EFU Zone. Section 34(1) lists the following uses that are prohibited in the EFU Zone:

- (a) A new dwelling used in conjunction with a marijuana crop;
 - (b) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
- and

County Development Code, Revision Date: April 28, 2015, Page 24 of 436 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or, (iii) The landowner is custom processing crops into biofuels from other landowners in the area for their use or sale

² HB 3400A Section 34. (1) Notwithstanding any other provision of law, marijuana is:

- (a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;
- (b) (b)A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined in ORS 30.930; A product of farm use as described in ORS 308A.062; and The product of an agricultural activity for purposes of ORS 568.909.

(c) A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a)m, carried on in conjunction with a marijuana crop.

See attached proposed amendments.

D. **Grazing Farm Zone (GF).** Umatilla County GF Zone is a mixed farm and forest zone. See notes above relative to HB 3400A Section 34 (3).

E. **Other Zones.** – See attached proposed amendments.

State Marijuana Crimes and Offenses in Oregon after July 1, 2015
(and also assuming passage of HB 3400A)

<p>DRAFT</p> <p>11/6/2014 and 6/16/2015</p>
--

Unlawful possession of marijuana (ORS 475.864, as amended by Measure 91, Section 79)

Person under 21

Leaves, stems, flowers

< 1 ounce	Violation	ORS 475.864(3)(c)
1 to [4] 8 ounces	B Misdemeanor	ORS 475.864(3)(b), HB 3400A §123
[4] 8 ounces or more	[C Felony] A Misdemeanor	ORS 475.864(3)(a) HB 3400A §123

Products

[< 1/4 ounce] 16 ounces or more of solid or 72 ounces or more of liquid	B Misdemeanor	ORS 475.864(4)(b), HB 3400A §123
[1/4 ounce or more] > 16 ounces of solid or more than 72 ounces of liquid	[C Felony] A Misdemeanor	ORS 475.864(4)(a) HB 3400A §123

Person 21 and older (who is not an OLCC licensee)

> 1 ounce in public place	}	See immediately below
> 8 ounces		
> 16 ounces of solid products		
> 72 ounces of liquid products		
> 1 ounce of extracts		

Not > 2 times the amount	B Violation	ORS 475.864(7)(c)
> 2 times the amount	B Misdemeanor	ORS 475.864(7)(b)
> 4 times the amount	[C Felony] A Misdemeanor	ORS 475.864(7)(a) HB 3400A §123

Extract not purchased from OLCC retailer

Not > 1/4 ounce	B Misdemeanor	ORS 475.864(8)(b)
> 1/4 ounce	C Felony	ORS 475.864(8)(a)

Unlawful delivery of marijuana (ORS 475.860, as amended by Measure 91, Section 78)

Delivery of non-homemade marijuana or product by non-licensee

[For consideration] All other	[B Felony] A Misdemeanor	ORS 475.860(2)(a), HB 3400A §122(2)
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For no consideration

< 5 grams of leaves, stems, flowers	Violation	HB 3400A §122(3)(b)
[To adult within 1,000' school	C Misdemeanor	ORS 475.860(4)(b)]
[Other	Violation	ORS 475.860(3)(b)]
< 1 ounce of leaves, stems, flowers	[A Misdemeanor] A Violation	ORS 475.860(3)(a), HB 3400A §122(3)(a)
[All other	C Felony	ORS 475.860(2)(b)]

To person < 18 by person [>3 years] 21 or older	[A] C Felony	ORS 475.860(4)(a), HB 3400A §122(4)
---	--------------	---

Delivery of homemade marijuana or homemade products (other than extracts) to person over 21

> 1 ounce

> 16 ounces of solid products

> 72 ounces of liquid products

Any amount of extract

}
}

See immediately below

Same as above for delivery of non-homemade marijuana or product by non-licensee

Unlawful delivery of marijuana within 1,000 feet of a school (ORS 475.862; unamended by M91)

(except for licensees, and personal allowances)

A Felony

ORS 475.862

HB 3400A §119

Unlawful manufacture of marijuana (ORS 475.856, as amended by Measure 91, Section 77)

Manufacture by non-licensee that is 21 or older

> 4 plants but not > 8 plants

> 8 plants

> 16 ounces of solid products

> 72 ounces of liquid products

Any amount of extract

}
}

B Misdemeanor

ORS 475.856(3)

[B] C Felony

ORS 475.856(2),

HB 3400A §121

[B] C Felony

ORS 475.856(2),

HB 3400A §121

Manufacture by person under 21

Use of Marijuana while Driving

B Violation

M91 §73

Unlawful manufacture of marijuana within 1,000 feet of a school (ORS 475.858; unamended by M91)

(except for licensees, and personal allowances)

A Felony

ORS 475.858,

HB 3400A §119

Use of minor in controlled substance offense (ORS 167.262; unamended by M91)

Manufacture, transport, delivery

< 5 grams for no consideration

Other

A Misdemeanor

ORS 167.262(1)/(2)(b)

A Felony

ORS 167.262(1)/(2)(a)

Other (for Licensee by CLCC)

Failure to pay marijuana tax

[B] A Misdemeanor

M 91 §40(1)(a), [§69(2)]

HB 3400A §66, §77

Falsifying marijuana tax record

[B] A Misdemeanor

M 91 §40(1)(b), [§69(2)]

HB 3400A §66, §77

Records offenses

A Misdemeanor

M 91 §40(2), §69(1)

Refusal to permit inspection

Failure to keep

Failure to retain for at least two years

Falsifying

Importing or exporting marijuana item by licensee

For no consideration

A Misdemeanor

M 91 §45(2)(b)

For consideration

C Felony

M 91 §45(2)(a)

Giving marijuana item as prize	A Misdemeanor	M 91 §46, §69(1)
Providing marijuana to visibly intoxicated person	A Misdemeanor	M 91 §47(1), §69(1)
Permitting person under 21 to consume	A Misdemeanor	M 91 §47(2), §69(1)
False statement to OLCC to induce or prevent action	A Misdemeanor	M 91 §48(1), §69(1)
Noisy, lewd, disorderly, or insanitary licensed premises	A Misdemeanor	M 91 §48(2), §69(1)
Licensee supplying impure or deleterious item	A Misdemeanor	M 91 §48(2), §69(1)
Licensee misrepresenting marijuana item	A Misdemeanor	M 91 §48(3), §69(1)
<i>[Attempted purchase by person under 21</i>	<i>B Violation</i>	<i>M 91 §49(1) and (3)]</i>
Possession, consumption, by person under 21	B Violation	M 91 §49(1) and (3), HB 3400A §25
Entry of posted licensed premises by person under 21	B Violation	M 91 §49(2) and (3)
Licensee offering to sell item not in compliance	A Misdemeanor	M 91 §50(1), §69(1)
Mislabeling or deceptive labelling by licensee	A Misdemeanor	M 91 §51, §69(1)
Licensee employing someone under the age of 21	A Misdemeanor	M 91 §52, §69(1)
Licensee (other than producer) possession or sale of mature marijuana plant	A Misdemeanor	M 91 §53, §69(1)
Use in public place	B Violation	M 91 §54
<i>[Possession in correctional facility</i>	<i>B Violation</i>	<i>M 91 §55]</i>
		HB 3400A §137
Homegrown or homemade in view from public place	B Violation	M 91 §56
Produce, process, or store homemade extracts	A Misdemeanor	M 91 §57, §69(1)
Violation of OLCC rule	C Violation	M 91 §69(3)
Other violation of M91	A Misdemeanor	M 91 §69(1)

EFU, EXCLUSIVE FARM USE ZONE

Sub-Sections

<u>152.055</u>	<u>Description and purpose</u>
<u>152.056</u>	<u>Uses permitted outright</u>
<u>152.057</u>	<u>Uses permitted with a farm use exempt permit</u>
<u>152.058</u>	<u>Uses permitted with a zoning permit</u>
<u>152.059</u>	<u>Land Use Decisions</u>
<u>152.060</u>	<u>Conditional uses permitted</u>
<u>152.061</u>	<u>Limitations on conditional uses</u>
<u>152.062</u>	<u>Parcel sizes</u>
<u>152.063</u>	<u>Development standards</u>

§ 152.055 DESCRIPTION AND PURPOSE.

The purposes of the EFU, Exclusive Farm Use Zone, are to preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural products, forest and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm and non-farm uses and related and supportive uses which are deemed appropriate. It is also the purpose of this use zone to provide the automatic farm use valuation for farms, which qualify under the provisions of [ORS Chapter 308](#).

The provisions in this use zone are subject to automatic legislative amendments as described in [§152.004](#). (Ord. [2005-02](#), passed 1-5-05; Ord. [2012-02](#) passed 1-26-12)

§ 152.056 USES PERMITTED OUTRIGHT.

In an EFU zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to [§ 152.007](#):

(A) Farm use, as defined in [ORS 215.203](#) and set out in [§ 152.003](#), except the dwellings and other buildings customarily provided in conjunction with farm use referred to in [ORS 215.283\(1\)](#). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), which are permitted subject to approval of a zoning permit per [§ 152.026](#).

Notwithstanding (A) above, the following are not permitted uses in the EFU Zone:

- (1) A new dwelling used in conjunction with a marijuana crop;**
- (2) A farm stand in conjunction with a marijuana crop; and**
- (3) A commercial activity carried on in conjunction with a marijuana crop.**

GF, GRAZING/FARM ZONE

Sub-Sections

<u>152.080</u>	<u>Description and purpose</u>
<u>152.081</u>	<u>Uses permitted outright</u>
<u>152.082</u>	<u>Uses permitted with a farm exempt permit</u>
<u>152.083</u>	<u>Uses permitted with a zoning permit</u>
<u>152.084</u>	<u>Land Use Decisions</u>
<u>152.085</u>	<u>Conditional uses permitted</u>
<u>152.086</u>	<u>Limitations on conditional uses</u>
<u>152.087</u>	<u>Parcel sizes</u>
<u>152.088</u>	<u>Development standards</u>
<u>152.089</u>	<u>General siting and fire siting standards</u>

§ 152.080 DESCRIPTION AND PURPOSE.

The GF, Grazing/Farm, Zone is designed to protect grazing lands, forest uses, and inclusions of agricultural land that are found within the county's mixed use farm/forest areas. The predominant use of the land is for grazing of livestock; however, there are some areas that are under agricultural cultivation and other areas where forest uses occur. The zone is also designed to conserve and protect watersheds, wildlife habitat and scenic values and views within the Blue Mountains. Certain land uses may be allowed conditionally. It is also the purpose of this zone to provide the automatic farm use valuation for farms and ranches which qualify under the provisions of [ORS Chapter 308](#). Please see definition of farm use in [§ 152.003](#).

§ 152.081 USES PERMITTED OUTRIGHT.

In a GF Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §§ [152.007](#):

- (A) Farm use, as defined in [ORS 215.203](#) and [§ 152.003](#), except the dwellings and other buildings customarily provided in conjunction with farm use referred to in [ORS 215.283\(1\)](#). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), which are permitted subject to approval of a zoning permit per [§ 152.026](#).

Notwithstanding (A) above, the following are not permitted uses in the GF Zone:

- (1) A new dwelling used in conjunction with a marijuana crop;**
- (2) A farm stand used in conjunction with a marijuana crop; and**
- (3) A commercial activity carried on in conjunction with a marijuana crop.**

NR, NON-RESOURCE ZONE

(Ord. [2000-10](#), passed 10-18-00)

Su-Sections

<u>152.100</u>	<u>Purpose</u>
<u>152.101</u>	<u>Applicability</u>
<u>152.102</u>	<u>Uses Permitted</u>
<u>152.103</u>	<u>Conditional Uses Permitted</u>
<u>152.104</u>	<u>Limitations on Use</u>
<u>152.105</u>	<u>Development/Dimensional Standards</u>
<u>152.106</u>	<u>Site Plan Review</u>

§152.100 PURPOSE

The NR (Non-Resource) Zone is designed to allow for the development of residential and recreational uses on land that is not suitable for resource uses while protecting open space and natural resource values. The zone is designed to implement the Non-Resource (NR) land use designation of the Comprehensive Plan.

The purposes of the NR zone are to:

(1) Allow rural development densities, while preserving large areas of open space by clustering development;

(2) Avoid the creation of new urban areas; and

(3) Allow very large lot development which preserves sensitive areas and a sense of open space.

(Ord. [2000-10](#), passed 10-18-00)

§152.101 APPLICABILITY

The Non-Resource Zone applies to lands that are designated Non-Resource (NR) in the Comprehensive Plan.

§152.102 USES PERMITTED

(A) *Uses permitted outright.* In a NR Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to [§152.027](#): farm use, as defined in [ORS 215.203](#) and set out in [§152.003](#), except livestock feed yards and sale yards; hog or poultry farms and the raising of fur-bearing animals or hogs; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in [ORS 215.203\(2\)\(a\)](#).

UC, UNINCORPORATED COMMUNITY ZONE

Sub-Sections

<u>152.115</u>	<u>Purpose</u>
<u>152.116</u>	<u>Uses permitted</u>
<u>152.117</u>	<u>Conditional uses permitted</u>
<u>152.118</u>	<u>Limitations on use</u>
<u>152.119</u>	<u>Dimensional standards</u>

ORS 215.203(2)(9). For the purpose of this section, *FARM USE* includes customary accessory uses (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators, or personal use chemical storage facilities);

§ 152.115 PURPOSE.

The UC, Unincorporated Community, Zone is designed to provide for the continuation and in filling of the small rural trading centers in the county that are located at some distance from developed or developing urban areas. The purpose of this use zone is to provide for needed facilities and services to maintain rural life styles while preserving the natural resources which are adjacent to these designated areas and to maintain the viability of incorporating these communities.

(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.116 USES PERMITTED.

(A) *Uses permitted outright.* In a UC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § 152.003, except livestock feed yards and sales yards; hog or poultry farms and the raising of fur-bearing animals or hogs; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in

RR-2, RURAL RESIDENTIAL ZONE

Statutes; and except the dwelling and other buildings customarily provided in conjunction with farm use referred to in [ORS 215.203\(2\)\(a\)](#).

Sub-Sections

<u>152.130</u>	<u>Purpose</u>
<u>152.131</u>	<u>Uses permitted</u>
<u>152.132</u>	<u>Conditional uses permitted</u>
<u>152.133</u>	<u>Limitations on use</u>
<u>152.134</u>	<u>Dimensional standards</u>

§ 152.130 PURPOSE.

The RR-2, Rural Residential, Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.

(Ord. [83-4](#), passed 5-9-83)

§ 152.131 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-2 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in [ORS 215.203](#) and set out in § [152.003](#), except livestock feed yards and sale yards; hog or poultry farms and the raising of fur-bearing animals or hogs; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised**

RR-4, RURAL RESIDENTIAL ZONE

the dwellings and other buildings customarily provided in conjunction with farm use referred to in [ORS 215.203\(2\)\(a\)](#).

Sub-Sections

<u>152.155</u>	<u>Purpose</u>
<u>152.156</u>	<u>Uses permitted</u>
<u>152.157</u>	<u>Conditional uses permitted</u>
<u>152.158</u>	<u>Limitations on use</u>
<u>152.159</u>	<u>Dimensional standards</u>

§ 152.155 PURPOSE.

The RR-4, Rural Residential, Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.

(Ord. [83-4](#), passed 5-9-83)

§ 152.156 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-4 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in [ORS 215.203](#) and set out in § [152.003](#), except livestock feed yards and sale yards; hog or poultry farms and the raising of fur-bearing animals or hogs; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and except

RR-10, RURAL RESIDENTIAL ZONE

Sub-Sections

<u>152.160</u>	<u>Purpose</u>
<u>152.161</u>	<u>Uses permitted</u>
<u>152.162</u>	<u>Conditional uses permitted</u>
<u>152.163</u>	<u>Limitations on use</u>
<u>152.164</u>	<u>Dimensional standards</u>

accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

§ 152.160 PURPOSE.

The RR-10 Rural Residential Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.

(Ord. 2004-13, passed 8-17-04)

§ 152.161 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §152.027:

(1) Farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards and sale yards; hog or poultry farms and the raising of fur bearing animals or hogs; **the growing, harvesting and processing of marijuana in**

MUF, MULTIPLE USE FOREST ZONE

Sub-Sections

<u>152.170</u>	<u>Purpose</u>
<u>152.171</u>	<u>Uses permitted</u>
<u>152.172</u>	<u>Conditional uses permitted</u>
<u>152.173</u>	<u>Dimensional standards</u>

§ 152.170 PURPOSE.

The MUF, Multiple Use Forest, Zone is intended to provide medium size acreages within recreation-residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain Residential (MR) or Forest Residential (FR) land.

(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12)

§ 152.171 USES PERMITTED.

(A) *Uses permitted outright.* In a MUF Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards, mink farms, poultry farms, the raising of hogs, **and the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes;**

FR, FOREST RESIDENTIAL ZONE

Sub-Sections

<u>152.215</u>	<u>Purpose</u>
<u>152.216</u>	<u>Uses permitted</u>
<u>152.217</u>	<u>Conditional uses permitted</u>
<u>152.218</u>	<u>Dimensional standards</u>

§ 152.215 PURPOSE.

The FR, Forest Residential, Zone is intended to provide medium size acreages within recreation-residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain Residential (MR) land. (Ord. [83-4](#), passed 5-9-83)

§ 152.216 USES PERMITTED.

(A) *Uses permitted outright.* In an FR Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in [ORS 215.203](#) and set out in [§152.003](#), except livestock feed yards, mink farms, poultry farms, the raising of hogs, **and ; the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes;**

MR, MOUNTAIN RESIDENTIAL ZONE

Sub-Sections

<u>152.230</u>	<u>Purpose</u>
<u>152.231</u>	<u>Uses permitted</u>
<u>152.232</u>	<u>Conditional uses permitted</u>
<u>152.233</u>	<u>Dimensional standards</u>

§ 152.230 PURPOSE.

The MR, Mountain Residential, Zone is designed to provide areas for outdoor recreational and related residential development, and is appropriate in areas having a high recreational value, such as beside lakes, rivers and streams, and close to major recreational facilities such as winter sport areas.

(Ord. 83-4, passed 5-9-83)

§ 152.231 USES PERMITTED.

(A) *Uses permitted outright.* In a MR Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use as defined in ORS 215.203 and set out in § 152.003, excluding livestock feed yards, mink farms, poultry farms, the raising of hogs; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and private or public schools;

DI, DEPOT INDUSTRIAL ZONE

Sub-Sections:

<u>152.235</u>	<u>Purpose</u>
<u>152.236</u>	<u>Applicability and subarea descriptions</u>
<u>152.237</u>	<u>Uses permitted</u>
<u>152.238</u>	<u>Conditional uses permitted; general criteria</u>
<u>152.239</u>	<u>Limitations on use</u>
<u>152.240</u>	<u>Master plan and design review</u>
<u>152.241</u>	<u>Dimensional standards</u>

§ 152.235 PURPOSE.

The DI, Depot Industrial, Zone is intended to recognize the regional and statewide significance of the former Umatilla Army Depot (Depot) and to apply appropriate zoning to accommodate planned uses as lands are transferred out of federal ownership.

Leaders of the region (Morrow County, Umatilla County, Morrow and Umatilla Port Districts and Confederated Tribes of the Umatilla Indian Reservation) have been planning for future use of the Depot since the early 1990's. Three overarching goals have guided the planning process for the Depot and are reflected on the consolidated Redevelopment Plan approved by the Umatilla Army Depot Reuse Authority for Morrow and Umatilla Counties.

(A) Military Reuse – accommodating the needs and plans of the Oregon National Guard;

(B) Wildlife Habitat – with a special emphasis on the shrub-steppe habitat; and

(C) Economic Development – job creation and tax base.

The DI Zone will be applied to the portions of the Depot under Umatilla County jurisdiction that are identified for industrial development in the Redevelopment Plan and acknowledged for exceptions to Statewide Planning Goals 11 (Public Facilities & Services) and 14 (Urbanization).

§ 152.239 LIMITATIONS ON USE.

(A) *Retail Sales & Service Uses in the DI Zone.* Retail sales and service uses permitted in the DI Zone are subject to the following limitations:

(1) A maximum of 5 percent of the developable acreage within the Depot Industrial Zone (excluding the restricted area of Subarea 3) may be allocated to retail and service uses.

(2) Retail and service uses may only be located in Subarea 1.

(B) *Use Limitations in Portion of Subarea 3.* Retail sales and service uses permitted in the DI Zone are subject to the following limitations:

(1) A portion of Subarea 3 (Coyote Coulee) will not be available for industrial development because on on-going environmental monitoring requirements and habitat values.

(2) The limited use area is shown with cross-hatch on Figure 1.

(C) *General Limitations on all uses.*

(1) A use is prohibited and shall be in violation of this chapter if it violates an

environmental quality statutes or regulation of the state or federal government.

(2) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard.

(3) Points of access from a public street or county road to properties in the Depot Industrial Zone shall be located so as to minimize traffic congestion and shall comply with the county Transportation System Plan and obtain necessary Road Access Permits.

(D) The growing, harvesting or processing of marijuana is prohibited in this zone.

RSC, RETAIL/SERVICE COMMERCIAL ZONE

Sub-Sections

<u>152.245</u>	<u>Purpose</u>
<u>152.246</u>	<u>Uses permitted</u>
<u>152.247</u>	<u>Conditional uses permitted</u>
<u>152.248</u>	<u>Limitations on uses</u>
<u>152.249</u>	<u>Design review</u>
<u>152.250</u>	<u>Dimensional standards</u>

§ 152.245 PURPOSE.

The RSC, Retail/Service Commercial, Zone is designed to provide areas outside of urban growth boundaries where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service- oriented commercial activities to accommodate rural residences.

(Ord. 83-4, passed 5-9-83)

§ 152.248 LIMITATIONS ON USES.

In the RSC Zone, the following limitations and conditions shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property;

(B) Outside display of any scrap or salvage material shall be prohibited.

(Ord. 83-4, passed 5-9-83)

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.

**RRSC, RURAL
RETAIL/SERVICE
COMMERCIAL ZONE**

Sub-Sections

<u>152.251</u>	<u>Purpose</u>
<u>152.252</u>	<u>Uses permitted</u>
<u>152.253</u>	<u>Conditional uses permitted</u>
<u>152.254</u>	<u>Limitations on uses</u>
<u>152.255</u>	<u>Design review</u>
<u>152.256</u>	<u>Dimensional standards</u>

§ 152.251 PURPOSE.

The RRSC, Rural Retail/Service Commercial, Zone is designed to comply with Goal 14 and provide areas outside of urban growth boundaries and unincorporated communities where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service-oriented commercial activities to accommodate rural residences. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Retail/Service Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact. (Ord. [2005-09](#), passed 10-13-05)

§ 152.254 LIMITATIONS ON USES.

In the RRSC Zone, the following limitations and conditions shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that

the area shall not be exposed to view from without the property;

(B) Outside display of any scrap or salvage material shall be prohibited.

(C) Except as provided in Paragraphs D through F of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Greenhouses, nurseries, mobile home parks, travel trailer parks, and animal hospitals or veterinary clinics primarily devoted to the treatment of large animals may have buildings in excess of 3,500 square feet of floor space.

(E) New hotels and motels are allowed up to a maximum of 35 units, with no limitation on square footage.

(F) Structures that existed on July 1, 2005 may expand to a building size of 4,500 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(G) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size. (Ord. [2005-09](#), passed 10-13-05)

(H) The growing, harvesting or processing of marijuana is prohibited in this zone.

CRC, COMMERCIAL RURAL CENTER ZONE

Sub-Sections

<u>152.260</u>	<u>Purpose</u>
<u>152.261</u>	<u>Uses permitted</u>
<u>152.262</u>	<u>Conditional uses permitted</u>
<u>152.263</u>	<u>Limitations on uses</u>
<u>152.264</u>	<u>Dimensional standards</u>

§ 152.260 PURPOSE.

The CRC Commercial Rural Center is designed to provide primary local rural commercial service for rural residences. The purpose of this use zone is to provide standards and review procedures for local rural commercial services that meet the needs of the rural residence and limit any conflicts between these uses and the prevailing rural residential uses. (Ord. [83-4](#), passed 5-9-83; Ord. [2005-09](#), passed 10-13-05)

§ 152.261 USES PERMITTED.

(A) *Uses permitted outright.* In a CRC Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to § [152.027](#):

(1) Farm use, as defined in [ORS 215.203](#) and set out in §[152.003](#), except livestock feed yards and sale yards; hog or poultry farms; the raising of fur-bearing animals; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in [ORS 215.203\(2\)\(a\)](#).

TC, TOURIST COMMERCIAL ZONE

Sub-Sections

<u>152.275</u>	<u>Purpose</u>
<u>152.276</u>	<u>Uses permitted</u>
<u>152.277</u>	<u>Conditional uses permitted</u>
<u>152.278</u>	<u>Limitations on uses</u>
<u>152.279</u>	<u>Design review</u>
<u>152.280</u>	<u>Dimensional standards</u>

§ 152.275 PURPOSE.

The TC Tourist Commercial Zone is designed to serve the traveling public along major traffic corridors or at appropriate recreational locations. Facilities may include service station, eating establishments or over-night accommodation. The TC Zone is appropriate along major interstate interchange as discussed in the Comprehensive Plan.

(Ord. 83-4, passed 5-9-83)

§ 152.278 LIMITATIONS ON USES.

In the TC Zone, the following limitations on uses shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties;

(B) Storage of scrap or salvage materials shall be prohibited.

(Ord. 83-4, passed 5-9-83)

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.

RTC, RURAL TOURIST COMMERCIAL ZONE

Sub-Sections

<u>152.281</u>	<u>Purpose</u>
<u>152.282</u>	<u>Uses permitted</u>
<u>152.283</u>	<u>Conditional uses permitted</u>
<u>152.284</u>	<u>Limitations on uses</u>
<u>152.285</u>	<u>Design review</u>
<u>152.286</u>	<u>Dimensional standards</u>

§ 152.281 PURPOSE.

The RTC Rural Tourist Commercial Zone is designed to serve the traveling public along major traffic corridors or at appropriate recreational locations outside unincorporated communities and urban growth boundaries. Facilities may include service stations, eating establishments or over-night accommodations. The RTC Zone is appropriate along major interstate interchanges as discussed in the Comprehensive Plan. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Tourist Commercial Zone is to permit the continuation and expansion of existing uses and to provide rural scale tourism-related employment uses.
(Ord. [2005-09](#), passed 10-13-05)

§ 152.284 LIMITATIONS ON USES.

In the RTC Zone, the following limitations on uses shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from

the traveling public and surrounding properties;

(B) Storage of scrap or salvage materials shall be prohibited.

(C) Except as provided in Paragraphs D and E of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Motels and hotels that existed on July 1, 2005 may expand up to 35 units or up to 50% of the number of existing units, whichever is larger, with no limitation on square footage.

(E) Structures that existed on July 1, 2005 may expand to a building size of 4,500 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(F) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.
(Ord. [2005-09](#), passed 10-13-05)

(G) The growing, harvesting or processing of marijuana is prohibited in this zone.

AB, AGRI-BUSINESS ZONE

Sub-Sections

<u>152.290</u>	<u>Purpose</u>
<u>152.291</u>	<u>Uses permitted</u>
<u>152.292</u>	<u>Conditional uses permitted</u>
<u>152.293</u>	<u>Limitations on use</u>
<u>152.294</u>	<u>Dimensional standards</u>

§ 152.290 PURPOSE.

The AB Agribusiness Zone is designed to provide areas of certain types of agriculturally oriented businesses and services which may not otherwise need to be located in more intensive commercial or industrial areas. It may be appropriate for storage, handling or processing of agricultural products, or provide area for agriculturally oriented businesses which require larger areas.
(Ord. 83-4, passed 5-9-83)

§ 152.291 USES PERMITTED.

(A) *Uses permitted outright.* In an AB Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant:

(1) Farm use as defined in ORS 215.203 and set out in §152.003, except livestock feed yards and sale yards; hog or poultry farms and the raising of fur-bearing animals; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

LI, LIGHT INDUSTRIAL ZONE

Sub-Sections

<u>152.301</u>	<u>Purpose</u>
<u>152.302</u>	<u>Uses permitted</u>
<u>152.303</u>	<u>Conditional uses permitted</u> <u>general criteria</u>
<u>152.304</u>	<u>Limitations on use</u>
<u>152.305</u>	<u>Design review</u>
<u>152.306</u>	<u>Dimensional standards</u>

§ 152.301 PURPOSE.

The LI Light Industrial Zone is designed to provide areas for industrial use that are less intensive than heavy industrial uses, and are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads, and waterways. (Ord. 83-4, passed 5-9-83)

§ 152.304 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an LI, Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off-street loading areas shall be

screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations. (Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-05)

(D) The growing, harvesting or processing of marijuana is prohibited in this zone.

RLI, RURAL LIGHT INDUSTRIAL ZONE

Sub-sections

<u>152.307</u>	<u>Purpose</u>
<u>152.308</u>	<u>Uses permitted</u>
<u>152.309</u>	<u>Conditional uses permitted: general criteria</u>
<u>152.310</u>	<u>Limitations on use</u>
<u>152.311</u>	<u>Design review</u>
<u>152.312</u>	<u>Dimensional standards</u>

§152.307 PURPOSE.

The RLI Rural Light Industrial Zone is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The RLI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned industrial prior to January 1, 2004, that are outside unincorporated communities and urban growth boundaries.

The intent of the Rural Light Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, mineral and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. [2005-09](#), passed 10-13-05)

§152.310 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an RLI, Rural Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(D) A lawfully approved or lawfully constructed structure existing as November 12, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.
(Ord. [2005-09](#), passed 10-13-05)

(E) The growing, harvesting or processing of marijuana is prohibited in this zone.

LRLI, LIMITED RURAL LIGHT INDUSTRIAL ZONE

Sub-Sections

<u>152.313</u>	<u>Purpose</u>
<u>152.314</u>	<u>Uses permitted</u>
<u>152.315</u>	<u>Conditional uses permitted: general criteria</u>
<u>152.316</u>	<u>Limitations on use</u>
<u>152.317</u>	<u>Design review</u>
<u>152.318</u>	<u>Dimensional standards</u>

§152.313 PURPOSE.

The LRLI, Limited Rural Light Industrial Zone, is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LRLI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned industrial outside unincorporated communities and urban growth boundaries after January 1, 2004.

The intent of the Limited Rural Light Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, mineral and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. 2005-09, passed 10-13-05)

§152.316 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an LRLI, Limited Rural Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(D) Expansion of structures that existed on November 12, 2005, shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on November 12, 2005, whichever is larger

(E) Notwithstanding the size limitations for structures contained in this section, a lawfully approved or lawfully constructed structure existing as November 12, 2005, shall not be considered a non-conforming use, and in the event the structure is

destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(Ord. [2005-09](#), passed 10-13-05)

(F) The growing, harvesting or processing of marijuana is prohibited in this zone.

HI, HEAVY INDUSTRIAL ZONE

Sub-Sections

<u>152.320</u>	<u>Purpose</u>
<u>152.321</u>	<u>Uses permitted</u>
<u>152.322</u>	<u>Conditional uses permitted;</u> <u>general criteria</u>
<u>152.323</u>	<u>Limitations on use</u>
<u>152.324</u>	<u>Design review</u>
<u>152.325</u>	<u>Dimensional standards</u>

§ 152.320 PURPOSE.

The HI Heavy Industrial Zone is designed to provide for industrial uses where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The HI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways.
(Ord. 83-4, passed 5-9-83)

§ 152.323 LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street

or county road to properties in a HI Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.
(Ord. 83-4, passed 5-9-83)

(E) The growing, harvesting or processing of marijuana is prohibited in this zone.

RHI, RURAL HEAVY INDUSTRIAL ZONE

Sub-Sections

<u>152.326</u>	<u>Purpose</u>
<u>152.327</u>	<u>Uses permitted</u>
<u>152.328</u>	<u>Conditional uses permitted; general criteria</u>
<u>152.329</u>	<u>Limitations on use</u>
<u>152.330</u>	<u>Design review</u>
<u>152.331</u>	<u>Dimensional standards</u>

§152.326 PURPOSE.

The RHI Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The RHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways.

This zone is applied to industrial lands outside unincorporated communities and urban growth boundaries where an exception to Goal 14 has not been approved. This rural zone will apply to lands that were zoned industrial prior to January 1, 2004.

The intent of the Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. [2005-13](#), passed 5-31-2005; Ord. [2006-04](#), passed 3-1-2006)

§152.329 LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in an RHI Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.
(Ord. [2005-13](#), passed 5-31-2005; Ord. [2006-04](#), passed 3-1-2006)

(E) The growing, harvesting or processing of marijuana is prohibited in this zone.

LRHI, LIMITED RURAL HEAVY INDUSTRIAL ZONE

Sub-Sections

<u>152.332</u>	<u>Purpose</u>
<u>152.333</u>	<u>Uses permitted</u>
<u>152.334</u>	<u>Conditional uses permitted:</u> <u>general criteria</u>
<u>152.334A</u>	<u>Limitations on use</u>
<u>152.334B</u>	<u>Design review</u>
<u>152.334C</u>	<u>Dimensional standards</u>

§ 152.332 PURPOSE.

The LRHI Limited Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The LRHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways. This zone is applied to lands outside unincorporated communities and urban growth boundaries zoned after January 1, 2004 for industrial use.

The intent of the Limited Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. 2006-04, passed 3-1-2006)

§ 152.334A LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in an LRHI Limited Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

(E) Expansion of structures that existed on the date of this ordinance shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on the date of adoption of this ordinance, whichever is larger

(F) Size limits on uses permitted in the LRHI Zone shall not apply to any properties for which an exception to Statewide Planning Goal 14, Urbanization, has been approved.

(G) Notwithstanding the size limitations for structures contained in this ordinance, a lawfully approved or lawfully constructed structure existing as of the effective date of this ordinance shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(Ord. [2006-04](#), passed 3-1-2006)

(H) The growing, harvesting or processing of marijuana is prohibited in this zone.

FU-10, FUTURE URBAN ZONE

farm uses referred to in [ORS 215.203\(2\)\(a\)](#).

Sub-Sections

<u>152.335</u>	<u>Purpose</u>
<u>152.336</u>	<u>Uses permitted</u>
<u>152.337</u>	<u>Conditional uses permitted</u>
<u>152.338</u>	<u>Limitations on use</u>
<u>152.339</u>	<u>Dimensional standards</u>

§ 152.335 PURPOSE.

The FU-10 Future Urban Zone is designed to implement the growth management policies around the Hermiston Urban Growth Boundary; to provide for interim uses consistent with the plan policies until conversion to urban uses; to retain the land suitable for future urban development in large parcels which will enable more cost effective urban redevelopment of the land. Lots are kept large as urban services are not yet available to these areas and development is limited to the land capability of accepting septic tanks and drainfields while still providing safe drinking water. (Ord. [83-4](#), passed 5-9-83)

§ 152.336 USES PERMITTED.

(A) *Uses permitted outright.* In a FU-10 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in [ORS 215.203](#) and set out in § [152.003](#), except livestock feed yards and sales yards; hog or poultry farms; the raising of fur-bearing animals; **the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes**; and except the dwellings and other buildings customarily provided in conjunction with