

# Marijuana uses under current zoning in Wasco County\*

**\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area**

The following information is based on a preliminary review of the Wasco County Land Use and Development Ordinance and the information currently available to staff regarding Measure 91 and House Bill 3400. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

## Possible marijuana business uses as a result of Measure 91 and House Bill 3400:

1. Medical Marijuana processing sites;
2. Medical Marijuana dispensaries;
3. Recreational Marijuana producers (growers);
4. Recreational Marijuana processors;
5. Recreational Marijuana wholesalers; or
6. Recreational Marijuana retailers;

## Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:

Medical or Recreational Marijuana processing =	Depends on scale, could be home occupation (e.g. small batch baked goods), could be industrial (e.g. processing to extract oils for use by other manufacturers).
Medical Marijuana dispensaries =	Similar use to pharmacy unless recreation retail is included
Recreational Marijuana production =	Farm use (if grown for commercial gain)
Recreational Marijuana wholesaling =	Warehouse that stores packaged products and resells to retail
Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for zones and the possible review process currently available.*

## Important notes:

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

## Please Note:

The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how current zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.

**The County still needs to make policy level decisions about process and opt out options, as well as next steps.**

**Key to Table: PLEASE READ THIS FIRST**

	<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Watermaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

**Based on a preliminary review, the uses listed above could potentially be applied for in the following zones:**

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>	<b>Comments:</b>
Forest (F-1)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Forest (F-2)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Maybe (D)(C)	Maybe (E)	Maybe (C)	Retail as Home Occ
Forest-Farm (F-F)	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
Agriculture-Recreation (A-R)	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (10))	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (5))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (2))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Commercial (R-C)	Yes (A)	No	No	No	Maybe (D)(E)	Retail or Medical
Rural Industrial (R-I)	Yes (A)	No	Maybe (D)(C)	No	Maybe (E)	Retail or Medical
<b>Tygh Valley Rural Center Zones</b>						
Residential (RC-TV-R)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-TV-C)	Yes (A)	No	No	No	Maybe (C)(E)	Retail or Medical
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Maybe (C)	Maybe (C)	Maybe (E)	Retail or Medical
Medium Industrial (RC-TV-M2)	Yes (A)	No	Maybe (C)	Maybe (C)	No	
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No	
Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ

<b>Wamic Rural Center Zones</b>						
Residential (RC-Wam-R2)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Residential (RC-Wam-R5)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Maybe (C)(D)(E)	Retail or Medical
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Maybe (D)	Maybe (D)		
<b>Overlay Zones</b>						
Big Muddy Limited Use	Yes (A)	No	No	No	No	
Badger Creek Limited Use	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Pine Hollow Airport	Yes (A)	No	No	No	No	
Camp Morrow Limited Use	Yes (A)	No	No	No	No	