

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO  
SENATE BILL 365**

1 On page 1 of the printed bill, line 3, after “223.301” insert “, 475B.063,  
2 475B.486”.

3 On page 2, after line 25, insert:

4 **“SECTION 4.** ORS 475B.063 is amended to read:

5 “475B.063. (1) Prior to receiving a license under ORS 475B.070, 475B.090,  
6 475B.100 or 475B.105, an applicant shall request a land use compatibility  
7 statement from the city or county that authorizes the land use. The land use  
8 compatibility statement must demonstrate that the requested license is for  
9 a land use that is allowable as a permitted or conditional use within the  
10 given zoning designation where the land is located. The Oregon Liquor  
11 Control Commission may not issue a license if the land use compatibility  
12 statement shows that the proposed land use is prohibited in the applicable  
13 zone.

14 “(2) Except as provided in subsection (3) of this section, a city or county  
15 that receives a request for a land use compatibility statement under this  
16 section must act on that request within 21 days of:

17 “(a) Receipt of the request, if the land use is allowable as an outright  
18 permitted use; or

19 “(b) Final local permit approval, if the land use is allowable as a condi-  
20 tional use.

21 “(3) A city or county that receives a request for a land use compatibility

1 statement under this section is not required to act on that request during  
2 the period that the commission discontinues licensing those premises pursu-  
3 ant to ORS 475B.968 (4)(b).

4 “(4) A city or county action concerning a land use compatibility state-  
5 ment under this section is not a land use decision for purposes of ORS  
6 chapter 195, 196, 197, 215 or 227.

7 “(5) **For purposes of this section, the production of marijuana is an**  
8 **outright permitted use of land that is located within an exclusive farm**  
9 **use zone.**

10 “**SECTION 5.** ORS 475B.486 is amended to read:

11 “475B.486. (1) For purposes of this section, ‘reasonable regulations’ in-  
12 cludes:

13 “(a) Reasonable conditions on the manner in which a marijuana producer  
14 that holds a license issued under ORS 475B.070 may produce marijuana **on**  
15 **premises that are not located within an exclusive farm use zone** or in  
16 which a researcher of cannabis that holds a certificate issued under ORS  
17 475B.286 may produce marijuana or propagate immature marijuana plants  
18 **on premises that are not located within an exclusive farm use zone;**

19 “(b) Reasonable conditions on the manner in which a marijuana processor  
20 that holds a license issued under ORS 475B.090 may process marijuana or in  
21 which a researcher of cannabis that holds a certificate issued under ORS  
22 475B.286 may process marijuana;

23 “(c) Reasonable conditions on the manner in which a marijuana whole-  
24 saler that holds a license issued under ORS 475B.100 may sell marijuana at  
25 wholesale;

26 “(d) Reasonable conditions on the manner in which a marijuana retailer  
27 that holds a license issued under ORS 475B.105 may sell marijuana items;

28 “(e) Reasonable limitations on the hours during which a premises for  
29 which a license has been issued under ORS 475B.010 to 475B.545 may operate;

30 “(f) Reasonable requirements related to the public’s access to a premises

1 for which a license or certificate has been issued under ORS 475B.010 to  
2 475B.545; and

3 “(g) Reasonable limitations on where a premises for which a license or  
4 certificate may be issued under ORS 475B.010 to 475B.545 may be located.

5 “(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing  
6 body of a city or county may adopt ordinances that impose reasonable regu-  
7 lations on the operation of businesses located at premises for which a license  
8 or certificate has been issued under ORS 475B.010 to 475B.545 if the premises  
9 are located in the area subject to the jurisdiction of the city or county, ex-  
10 cept that the governing body of a city or county may not:

11 “(a) Adopt an ordinance that prohibits a premises for which a license has  
12 been issued under ORS 475B.105 from being located within a distance that  
13 is greater than 1,000 feet of another premises for which a license has been  
14 issued under ORS 475B.105.

15 “(b) Adopt an ordinance that imposes a setback requirement for an agri-  
16 cultural building used to produce marijuana located on a premises for which  
17 a license has been issued under ORS 475B.070 if the agricultural building:

18 “(A) Was constructed on or before July 1, 2015, in compliance with all  
19 applicable land use and building code requirements at the time of con-  
20 struction;

21 “(B) Is located at an address where a marijuana grow site first registered  
22 with the Oregon Health Authority under ORS 475B.810 on or before January  
23 1, 2015;

24 “(C) Was used to produce marijuana pursuant to the provisions of ORS  
25 475B.785 to 475B.949 on or before January 1, 2015; and

26 “(D) Has four opaque walls and a roof.

27 “(c) **Except as provided in subsection (3) of this section, adopt an**  
28 **ordinance that applies to premises for which a license has been issued**  
29 **under ORS 475B.070 and that are located within an exclusive farm use**  
30 **zone unless the ordinance applies to any farm use, as defined in ORS**

1 **215.203, of land that is located in an exclusive farm use zone.**

2 **“(3) For premises located within an exclusive farm use zone, the**  
3 **governing body of a city or county may adopt an ordinance that ap-**  
4 **plies to premises for which a license has been issued under ORS**  
5 **475B.070 and that:**

6 **“(a) Prohibits the outdoor production of marijuana within 100 feet**  
7 **from the boundary of a lot or parcel that is used for the production**  
8 **of marijuana; and**

9 **“(b) Imposes reasonable regulations to shield from the view of**  
10 **passersby agricultural buildings not described in subsection (2)(b) of**  
11 **this section, if the requirements do not:**

12 **“(A) Substantially interfere with the production authorized by the**  
13 **license issued under ORS 475B.070; or**

14 **“(B) Significantly increase production costs.”.**

15 In line 26, delete “4” and insert “6”.

16 On page 3, line 44, delete “5” and insert “7” and after “223.301” insert “,  
17 475B.063, 475B.486”.

18 In line 45, after “4” insert “to 6”.

19 On page 4, line 5, delete “6” and insert “8”.

20 In line 17, delete “7” and insert “9”.

21 In line 30, delete “8” and insert “10”.

22 In line 42, delete “9” and insert “11”.

23 On page 5, line 10, delete “10” and insert “12”.

24 In line 14, delete “11” and insert “13”.

25 In line 20, delete “12” and insert “14”.

26 Delete line 21 and insert “137.542, 144.086, 223.301 475B.063, 475B.486 and  
27 475B.968 by sections 1, 4 to 6 and 8 to 11 of this 2019 Act become op-”.

28 In line 27, after “223.301” insert “, 475B.063, 475B.486”.

29 Delete line 28 and insert “4 to 6 and 8 to 11 of this 2019 Act.”.

30 In line 29, delete “13” and insert “15”.

