

COLUMBIA COUNTY SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENTS- MARIJUANA USES

PROPOSAL: To amend the following Sections of the Columbia County Zoning Ordinance to specify marijuana uses that are allowed, in which zoning districts, by what review process and according to what standards. Draft Zoning Ordinance Text amendments are contained in **Attachment 1**. The Staff report for the October 5, 2015 Planning Commission public hearing on the proposed amendments will be available on September 28, 2015 as follows:

On the County's website at:
<http://www.co.columbia.or.us/departments/land-development-services/lds-planning>

By calling Land Development Services at 503-397-1501 x 3 for a nominal copy fee.

Section 100	General Definitions	
Section 300	Primary Agriculture Use	
	Zone-80-	PA-80
Section 400	Forest/Agriculture-80	FA-80
Section 500	Primary Forest Zone-80	PF-80
Section 600	Rural Residential - 5	RR-5
Section 620	Rural Residential - 2	RR-2
Section 650	Rural Community	RC
Section 670	Existing Commercial	EC
Section 680	Resource Industrial-	
	Planned Development	RIPD
Section 800	Highway Commercial	C-5
Section 820	General Commercial	C-3
Section 910	Industrial Park	M-3
Section 920	Light Industrial	M-2
Section 930	Heavy Industrial	M-1
Section 1040	Surface Mining	SM
Section 1803	New Section - Special Use Standards-Marijuana Uses	

APPLICABLE REVIEW CRITERIA:

Notification Requirements

Columbia County Zoning Ordinance
 Section 1606 - Legislative Hearing
 Section 1611 - Notice of Legislative Hearing

Oregon Revised Statute
 ORS 197.610 - DLCD Review
 ORS 215.503 - Measure 56 Notice

Oregon Administrative Rule
 OAR 660-018-0020 - Post Acknowledgment Amendments

Review Criteria

Columbia County Zoning Ordinance

Resource Districts
 Section 300 Primary Agriculture - 80

Section 400 Forest Agriculture - 80
Section 500 Primary Forest- 80

Rural Development Districts

Section 600 Rural Residential - 5
Section 620 Rural Residential - 2

Suburban Districts:

Section 800 Highway Commercial
Section 810 Neighborhood Commercial
Section 820 General Commercial
Section 920 Light Industrial
Section 930 Heavy Industrial

Special Districts, Overlay Districts and Special Provisions

Section 1040 Surface Mining

Discretionary Permits

Section 1503 Conditional Permits
Section 1507 Home Occupations
Section 1606 Legislative Hearing
Section 1607 Consistency with the Comprehensive Plan

Columbia County Comprehensive Plan

Part II Citizen Involvement
Part III Planning Coordination
Part IV Forest Lands
Part V Agriculture
Part VII Rural Residential
Part X Economy
Part XII Industrial Siting
Part XVIII Air, Land and Water Quality
Part I Administrative Procedures

Oregon State Statute and Oregon Administrative Rule

OAR 660-015-0000(1)	Goal 1: Citizen Involvement
OAR 660-015-0000(2)	Goal 2: Land Use Planning
OAR 660-015-0000(3)	Goal 3: Agricultural Lands
OAR 660-015-0000(4)	Goal 4: Forest Lands
OAR 660-015-0000(6)	Goal 6: Air, Water and Land Resources Quality
OAR 660-015-0000(9)	Goal 9: Economic Development

HB 3400-A	Oregon Medical Marijuana Act and Measure 91 As Amended
ORS 215.283	Uses Permitted in Exclusive Farm Use Zones
ORS 215.296	Standards for Approval of Uses in Farm Use Zones
OAR 660-033-0090	Uses on High Value and Non High-Value Farmland
OAR 660-033-0130	Minimum Standards Applicable to Conditional Uses

OAR 660-006-0025	Uses Authorized in Forest Zones
ORS 215.448	Home Occupations

State Law-General Requirements:

- A land use compatibility statement(LUCs) from the County is required prior to issuance of recreational licences by OLCC.
- County may not be less restrictive than State rules but may be more restrictive. County allowed to adopt reasonable time, place and manner regulations of the nuisance aspects medical and recreational marijuana uses provided it makes specific findings the regulated uses would create adverse effects without them.
- CUP - Conditional Use Permit, Planning Commission Hearing

TABLE 1 USE: MARIJUANA GROWING/PRODUCTION(For Others) State Law: Medical Marijuana grows may not be visible from a public place.			
Zoning District		Current Code	Proposed
RESOURCE ZONES State Law: Defines marijuana production as a farm use; is allowed as a permitted use in PA- 80 Zone. Counties <u>may</u> allow marijuana production in the FA-80 or PF-80 zone as a farm use.			
Primary Agriculture - 80	PA-80	Home Occupation/CUP	Permitted
Forest Agriculture - 80	FA-80	Home Occupation/CUP	Based on Predominant Use: Agricultural Use: Permitted Forest Use: CUP w/Special Use Standards
Primary Forest - 80	PF-80	Home Occupation/CUP	CUP w/Special Use Standards
RESIDENTIAL ZONES State Law: Silent on location of grows/production in residential zones.			
Rural Residential Zones			
Rural Residential - 5	RR-5	Home Occupation/CUP	CUP in Enclosed Building w/Special Use Standards
Rural Residential - 2	RR-2	Home Occupation/CUP	Prohibited
Suburban Residential Zones			
Single-Family Residential	R-10	Home Occupation/CUP	Prohibited
Single-Family/Duplex Residential	R-7	Prohibited	Prohibited
Multiple-Family Residential	MFR	Prohibited	Prohibited
Mobile Home Residential	MHR	Prohibited	Prohibited
COMMERCIAL ZONES			
Rural Community	RC	Prohibited	CUP in Enclosed Building w/Special Use Standards
Existing Commercial	EC	Prohibited	Prohibited
Resource Industrial PD	RIPD	Prohibited	Prohibited
Highway Commercial	C-5	Prohibited	Prohibited
Neighborhood Commercial	C-4	Prohibited	Prohibited
General Commercial	C-3	Prohibited	Prohibited
Marine Commercial	C-2	Prohibited	Prohibited
INDUSTRIAL ZONES			
Industrial Park	M-3	Prohibited	CUP in Enclosed Building w/Special Use Standards
Light Industrial	M-2	Prohibited	CUP in Enclosed Building w/Special Use Standards
Heavy Industrial	M-1	Prohibited	CUP in Enclosed Building w/Special Use Standards
Airport Industrial	AI	Prohibited	Prohibited
Resource Industrial PD	RIPD	Prohibited	Prohibited

TABLE 2 USE: MARIJUANA PROCESSING & WHOLESALING			
Zoning District		Current Code	Proposed
RESOURCE ZONES State Law: Prohibits farm stands, farm commercial activities and new farm dwellings based on marijuana crops in the PA-80 zone.			
Primary Agriculture - 80	PA-80	Home Occupation/CUP	Prohibited
Forest Agriculture - 80	FA-80	Home Occupation/CUP	Prohibited
Primary Forest - 80	PF-80	Home Occupation/CUP	Prohibited
RESIDENTIAL ZONES State Law: Prohibits medical marijuana extract processing sites in residential zones.			
Rural Residential Zones			
Rural Residential - 5	RR-5	Home Occupation/CUP	Prohibited
Rural Residential - 2	RR-2	Home Occupation/CUP	Prohibited
Suburban Residential Zones			
Single-Family Residential	R-10	Home Occupation/CUP	Prohibited
Single-Family/Duplex Residential	R-7	Prohibited	Prohibited
Multiple-Family Residential	MFR	Prohibited	Prohibited
Mobile Home Residential	MHR	Prohibited	Prohibited
COMMERCIAL ZONES			
Rural Community	R C	CUP	Prohibited
Existing Commercial	EC	CUP	Prohibited
Resource Industrial PD	RIPD	Prohibited	Prohibited
Highway Commercial	C-5	Prohibited	Prohibited
Neighborhood Commercial	C-4	Prohibited	Prohibited
General Commercial	C-3	Prohibited	Prohibited
Marine Commercial	C-2	Prohibited	Prohibited
INDUSTRIAL ZONES			
Industrial Park	M-3	Prohibited	CUP in Enclosed Building w/Special Use Standards
Light Industrial	M-2	Prohibited	CUP in Enclosed Building w/Special Use Standards
Heavy Industrial	M-1	Prohibited	CUP in Enclosed Building w/Special Use Standards
Airport Industrial	AI	Prohibited	Prohibited
Resource Industrial PD	RIPD	Prohibited	Prohibited

TABLE 3**USE: MARIJUANA DISPENSARIES/RETAIL STORES**

State Law: Medical marijuana dispensary may not be located:

- On same site as grow.
- Within 1000 feet of a public elementary or secondary school or a private or parochial school.
- Within 1000 feet of another medical marijuana dispensary.

Zoning District	Current Code	Proposed
RESOURCE ZONES State Law: Prohibits farm, stands, farm commercial activities and new farm dwellings based on marijuana crops in the PA-80 zone.		
Primary Agriculture - 80	PA-80	Prohibited
Forest Agriculture - 80	FA-80	Prohibited
Primary Forest - 80	PF-80	Prohibited
RESIDENTIAL ZONES State Law: Prohibits medical dispensaries in residential zones.		
Rural Residential Zones		
Rural Residential - 5	RR-5	Prohibited
Rural Residential - 2	RR-2	Prohibited
Suburban Residential Zones		
Single-Family Residential	R-10	Prohibited
Single-Family/Duplex Residential	R-7	Prohibited
Multiple-Family Residential	MFR	Prohibited
Mobile Home Residential	MHR	Prohibited
COMMERCIAL ZONES State Law Dispensaries may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school. The County may not require a separation of recreational retail marijuana sites by more than 1,000 feet. Medical dispensaries may not be located within 1,000 feet of another medical dispensary. Medical Dispensary May Not Be on Same Site as Grow or a Site with Another Licenced Medical Marijuana Dispensary		
Rural Community	RC	CUP
Existing Commercial	EC	CUP
Highway Commercial	C-5	Permitted
Neighborhood Commercial	C-4	Permitted
General Commercial	C-3	Permitted
Marine Commercial	C-2	Prohibited
INDUSTRIAL ZONES		
Industrial Park	M-3	Prohibited
Light Industrial	M-2	Prohibited
Heavy Industrial	M-1	Prohibited
Airport Industrial	AI	Prohibited
Resource Industrial PD	RIPD	Prohibited

A new Section, “1803 Marijuana Uses” within, Article IX (Special Use Standards) is proposed to be added to the Zoning Ordinance as part of this amendment. Section 1803 addresses State and local County standards specific to marijuana uses which are in addition to those applicable in individual zoning districts in which those uses are located. These standards incorporate State law requirements related to land use and add County reasonable time, place and manner regulations of the nuisance aspects of medical and recreational marijuana uses. Findings justifying the proposed additional County standards in terms of the need to address related potential adverse effects of marijuana uses are contained in the Staff Report available one week prior to the October 5, 2015 Planning Commission hearing.

A summary of State standards to be included in Section 1803 and proposed additional local special use standards are summarized in the table below:

TABLE 4**PROPOSED SECTION 1803
SPECIAL USE STANDARDS FOR MARIJUANA USES**

In addition to the standards of the Zoning District in which they are located, or any other applicable Zoning Ordinance standards, the following additional Special Use Standards apply to marijuana uses.

State Standard(County Must Include Provision): Small Case
PROPOSED COUNTY SPECIAL USE STANDARD: ALL CAPS

ALL MARIJUANA USES

POTENTIAL ADVERSE IMPACT	STANDARDS IN ZONES IN WHICH THE USE IS ALLOWED
Unlicensed Marijuana Uses	MUST PROVIDE DOCUMENTATION OF STATE LICENCE AT TIME OF ANY REQUIRED APPLICATION FOR LAND USE APPROVAL.

ALL RECREATIONAL MARIJUANA USES

POTENTIAL ADVERSE IMPACT	STANDARDS IN ZONES IN WHICH THE USE IS ALLOWED
State Law: State Licenced Uses Not Compatible with County Plan or ordinance.	A land use compatibility statement(LUCS) must be completed for all recreational marijuana uses in all Zoning Districts in which they are permitted outright or by conditional use permit.

MARIJUANA GROWS/PRODUCTION

POTENTIAL ADVERSE IMPACT	STANDARDS IN ZONES IN WHICH THE USE IS ALLOWED
State Law: Co-location of Uses	Medical Grow May Not Be on Same Site as a Dispensary.
State Law- Justification for Farm Dwelling	No new farm dwelling in conjunction with a marijuana use is allowed in the PA-80 Zoning District.(Note: Included in PA-80 District Regs Not Section 1803)
Impacts on minors Odor Pollen Noise Glare Security	IN RR-5, RC, M-3, M-2 AND M-1 ZONES MUST BE GROWN/PRODUCED WITHIN AN ENCLOSED BUILDING. MAY INCLUDE A GREENHOUSE. (Note: Included in Both Applicable Zoning District Regulations and in Section 1803). MINIMUM FRONT, SIDE AND REAR SETBACKS IN THE APPLICABLE ZONING DISTRICTS FOR BUILDINGS HOUSING MARIJUANA GROWING AND PRODUCING USE SHALL BE INCREASED BY 100 FEET.

MARIJUANA PROCESSING/WHOLESALE

POTENTIAL ADVERSE IMPACT	STANDARDS IN ZONES IN WHICH THE USE IS ALLOWED
State Law: Hazardous extraction processes	No marijuana extract processing in residential zones.

MARIJUANA DISPENSARIES/RETAIL STORES

POTENTIAL ADVERSE IMPACT	STANDARDS IN ZONES IN WHICH THE USE IS ALLOWED
State Law-Co-location of Dispensary with Grow or Another Dispensary Concentration of Dispensaries and Retailing Uses.	Medical Dispensary May Not Be on Same Site as Grow or a Site with Another Licenced Medical Marijuana Dispensary. Medical dispensary may not be closer than 1,000 feet of another medical dispensary. County may not require that a recreational retailing site be more than 1,000 feet from another recreational retailing site. A MARIJUANA DISPENSARY OR RETAILING SITE MAY NOT BE WITHIN 1,000 FEET OF ANOTHER MARIJUANA DISPENSARY OR RETAILING SITE.
State Law-Impacts on minors County Std: Add Child Care Centers	Medical Dispensary May Not Be Within 1000 Ft of Elementary, Secondary School or a Private or Parochial School. A Marijuana dispensary or RETAILING Site May Not Be Within 1000 Feet of an Elementary, Secondary School, a Private or Parochial School, PARK OR CHILD CARE CENTER.
State Law-Retail impacts on residential areas	Medical dispensaries prohibited in residential zones

ATTACHMENT 1

PROPOSED MARIJUANA LAND USE AMENDMENTS

Added Text: **ALL CAPS BOLD**
Deleted Text: ~~Small Letters Strikeout~~

ARTICLE I – GENERAL DEFINITIONS

Section 100 GENERAL DEFINITIONS:

For the purpose of this ordinance, the following terms are hereby defined:

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- .29 Farm Use: 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 other agricultural or horticultural use or animal husbandry, or any combination thereof and includes the preparation and storage of products raised on such land for human use and animal use and disposal by marketing or otherwise. **MARIJUANA IS A CROP FOR THE PURPOSES OF "FARM USE" AS DEFINED BY ORS 215.203**
- .30 Fence, Sight Obscuring: A fence, consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

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- .44 HOME OCCUPATION: AN ACCESSORY NON-RESIDENTIAL USE CONDUCTED WITHIN OR ADMINISTERED FROM A PORTION OF A DWELLING OR ITS PERMITTED ACCESSORY BUILDING PURSUANT TO ORS 215.448 EXCEPT MARIJUANA GROWING OR PRODUCING WHICH IS OTHERWISE REGULATED AS A FARM USE AND THE PROCESSING, WHOLESALING, DISPENSING OR RETAILING OF MARIJUANA IN CONJUNCTION WITH A DWELLING.**

- ~~.44~~ .45 Horticulture: The cultivation of plants, garden crops, trees and/or nursery stock.

[Renummer the subsections which follow]

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- .60 MARIJUANA: MEANS THE PLANT CANNABIS FAMILY CANNABACEAE, ANY PART OF THE PLANT CANNABIS FAMILY CANNABACEAE AND THE SEEDS OF THE PLANT CANNABIS FAMILY CANNABACEAE. MARIJUANA DOES NOT INCLUDE INDUSTRIAL HEMP AS DEFINED IN ORS 571.300.**

- I. MARIJUANA GROWING OR PRODUCING MEANS THE MANUFACTURE, PLANTING, CULTIVATION, GROWING, TRIMMING OR HARVESTING OF MARIJUANA OR THE DRYING**

OF MARIJUANA LEAVES AND FLOWERS AT A LOCATION REGISTERED UNDER ORS 475.304 WHERE MEDICAL MARIJUANA IS PRODUCED FOR USE BY AN OMA REGISTRY IDENTIFICATION CARDHOLDER OR PRODUCED BY A MARIJUANA PRODUCER ISSUED A PRODUCTION LICENCE BY THE OLCC. IT DOES NOT INCLUDE THE DRYING OF MARIJUANA BY A MARIJUANA PROCESSOR, IF THE MARIJUANA PROCESSOR IS NOT OTHERWISE PRODUCING MARIJUANA; OR THE CULTIVATION AND GROWING OF AN IMMATURE PLANT BY A MARIJUANA PROCESSOR, MARIJUANA WHOLESALER OR MARIJUANA RETAILER IF THE MARIJUANA WAS PURCHASED OR OTHERWISE RECEIVED FROM A MARIJUANA PRODUCER.

ii. **MARIJUANA PROCESSING MEANS THE PROCESSING, COMPOUNDING OR CONVERSION OF MARIJUANA INTO CANNABINOID PRODUCTS, CANNABINOID CONCENTRATES OR CANNABINOID EXTRACTS AT A MARIJUANA PROCESSING SITE REGISTERED WITH THE OHA OR LICENCED BY OLCC. PROCESSING DOES NOT INCLUDE PACKAGING OR LABELING.**

iii. **MARIJUANA WHOLESALING MEANS THE PURCHASING OF MARIJUANA ITEMS IN OREGON FOR RESALE TO A PERSON OTHER THAN A CONSUMER AT A SITE LICENCED BY THE OLCC.**

iv. **MARIJUANA RETAILING MEANS THE SELLING OF MARIJUANA ITEMS TO A CONSUMER AT A SITE REGISTERED AS A MARIJUANA DISPENSARY BY OHA OR LICENCED AS A RETAIL LOCATION BY OLCC.**

~~60~~ .61 May: as Used in this Ordinance, May Is Permissive and Shall Is Mandatory.

[Renumber the subsections which follow]

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Section 300 PRIMARY AGRICULTURE USE ZONE - 80 PA-80

302 Definitions. For purposes of the PA-80 Zone, the definitions in ORS 215.203, the Statewide Planning Goals, OAR Chapter 660 and the following definitions apply:

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.7 “Farm use” as defined in ORS 215.203 **INCLUDING MARIJUANA GROWING OR PRODUCING SUBJECT TO STANDARDS IN SECTION 1803.**

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303 Table of Authorized Uses and Development. The following uses, activities and development are authorized in the Primary Agriculture Zone, subject to review and approval under applicable regulatory standards:

Key

HV	High-Value Farm Land
NHV	Other lands, not defined as High-Value Farm Land
P	Permitted
AR	Subject to administrative review and approval process described in Section 1601
CUP/PC	Subject to Planning Commission review and approval for Conditional Use described in Section 1503

Note: The CCZO Section Column below lists only subsections of authorization and specific criteria of this PA Zone. Other criteria of this ordinance may apply to a proposed use, including but not limited to site design review, conditional use permit review, special use standards, and overlay zoning.

<u>TABLE OF AUTHORIZED USES & DEVELOPMENT</u>			
RESOURCE USES	*HV	*NHV	PA-80 SECTION
Farm Use as Defined in ORS 215.203 SUBJECT TO STANDARDS IN SECTION 1803.	P	P	304.1
Use and Management of Forest Lands	P	P	304.2
Farm and Forest Accessory Structures	P	P	304.3
Forest Product Primary Processing Facility	AR	AR	305.19, 307, 308
Wetland Creation/Restoration and Enhancement; Fish & Wildlife Habitat Projs.	P	P	304.4
Aquaculture and Insect Cultivation	AR	AR	305.20 307
RESIDENTIAL	HV	NHV	PA - 80 SECTION
NEW DWELLING IN CONJUNCTION WITH A MARIJUANA CROP	NP	NP	
Farm Dwelling	AR	AR	305.1, .2, .3, .4, 307, 308
Family Farm Help Dwelling	AR	AR	305.8, 307, 308
Lot of Record Dwelling – High Value Farmland – Not High Value Farmland	AR NA	NA AR	305.5, 307, 308 305.6, 307, 308
Nonfarm Dwelling	NP	AR	305.7, 307, 308
Replacement Dwelling	AR	AR	305.9, 307, 308
Replacement of Historic Dwelling	AR	AR	305.10, 307, 308
Temporary Medical Hardship Manufactured Home	AR	AR	305.12, 307, 308
Accessory Farm Dwelling(s)	AR	AR	305.11, 307, 308
Residential Care/Training/Foster Home or Facility	AR	AR	305.13, 307, 308
Dwellings provided for in ORS 215.799 for wildlife habitat land	AR	AR	305.14, 307, 308
COMMERCIAL	HV	NHV	PA - 80 SECTION
Farm Stands EXCEPT WHEN USED IN CONJUNCTION WITH A MARIJUANA CROP	AR	AR	305.18, 307, 308
Facilities for the processing of farm crops and related commercial activities or for the production of biofuel as defined in ORS 315.141 that are not permitted under ORS 215.203(2)(b)(L) or ORS 215.283 (1)(u) EXCEPT COMMERCIAL ACTIVITY CARRIED ON IN CONJUNCTION WITH A MARIJUANA CROP.	AR	AR	305.22, 307, 308

TABLE OF AUTHORIZED USES & DEVELOPMENT

Home Occupations Type I - Type II -	AR CUP/PC	AR CUP/PC	305.21, 307, 308, 306.1, 307, 308,
Kennels	NP	CUP/PC	306.2, 308
Training and Stabling Horses for Profit	P	P	304.1
Destination Resort	NP	CUP/PC	306.3, 307, 308
Winery	AR	AR	305.24, 307
Landscaping Business in conjunction with a Nursery	AR	AR	305.23, 307, 308
INDUSTRIAL	HV	NHV	PA - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	CUP/PC	306.18, 307, 308
MINERAL AND AGGREGATE	HV	NHV	PA - 80 SECTION
Mineral Exploration defined in ORS 517	P	P	304.5
Exploring, Mining and Processing of Geothermal Resources defined in ORS 520 & 522	CUP/PC	CUP/PC	306.4, 307, 308
Mining and Processing of Mineral and Aggregate Materials defined in ORS 517	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Aggregate into Asphalt or Portland Cement	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Other Mineral Resources	CUP/PC	CUP/PC	306.4, 307, 308
TRANSPORTATION	HV	NHV	PA - 80 SECTION
Personal Use Airports and Helipads	CUP/PC	CUP/PC	306.5, 307, 308
Climbing and Passing Lanes within right-of-way existing on July 1, 1987	P	P	304.6
Construction of additional passing and travel lanes, requiring acquisition of right-of-way	CUP/PC	CUP/PC	306.6, 307, 308
Reconstruction or modification of public roads, not including addition of travel lanes, removal or displacement of buildings or creation of new parcels	P	P	304.7
Reconstruction or modification of public roads involving the removal or displacement of buildings, but no new parcels	CUP/PC	CUP/PC	306.7, 307, 308
Temporary public road detours that will be abandoned and restored to original condition or use at such time as no longer needed	P	P	304.8
Minor improvements to existing road and highway-related facilities within right-of-way	P	P	304.9
Improvement to public highway related facilities, new weigh stations, rest areas etc	CUP/PC	CUP/PC	306.8, 307, 308
Roads, highways and other transportation facilities, requiring an exception	CUP/PC	CUP/PC	306.9, 307, 308

TABLE OF AUTHORIZED USES & DEVELOPMENT

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	HV	NHV	PA - 80 SECTION
Utility facilities necessary for public service, excepting commercial power generating facilities and transmission towers	CUP/PC	CUP/PC	306.10, 307, 308
Transmission Towers / Communication Facilities	CUP/PC	CUP/PC	306.11, 307, 308
Utility facilities service lines	P	P	304.10
Rural fire protection facilities	AR	AR	305.15
Solid Waste Disposal Sites granted under ORS 459.245 by the Department of Environmental Quality	NP	CUP/PC	306.12, 307, 308
Composting Facilities exempt from DEQ permits under OAR 340-093-0050(3)	AR	AR	305.16, 307, 308
Commercial Power Generating Facilities	CUP/PC	CUP/PC	306.13.1, 307, 308
Commercial Wind Power Generating Facilities	CUP/PC	CUP/PC	306.14 ¹ , 307
Irrigation canals, delivery lines and those structures and accessory operational facilities associated with Irrigation, Drainage, Water Improvement or Water control Districts defined in ORS 540.505	PC	PC	305.17, 307, 308
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	HV	NHV	PA - 80 SECTION
Schools, public or private, & all essential buildings	NP	CUP/PC	306.16, 307, 308
Churches and Associated Cemeteries	NP	PC	305.26, 307, 308
Parks, private, including playgrounds, hunting/fishing preserves and campgrounds	NP	CUP/PC	306.14, 307, 308
Parks, public or nonprofit, including playgrounds or community centers	CUP/PC	CUP/PC	306.15, 307, 308
Community Centers owned by a governmental agency or a nonprofit organization	AR	AR	305.25, 307
Living History Museum	AR	AR	305.27, 307
On-site Filming and associated facilities			
- 45 days or less	P	P	304.12
- More than 45 days	AR	AR	305.28, 307
Model Aircraft takeoff and landing facilities	P	P	304.13,
Extraction and Bottling of Water	AR	AR	305.29, 307

TABLE OF AUTHORIZED USES & DEVELOPMENT

Any outdoor gathering subject to land use review	CUP/PC	CUP/PC	306.18
Land application of reclaimed water or biosolids	P	P	304.14
Golf Courses	NP	CUP/PC	306.17, 307, 308

304 Permitted Uses. The following specific development and uses are permitted in the PA-80 Zone and are subject to compliance with the procedures and criteria under Section 308 Development Standards, the prescriptive standards specified herein, and other applicable state, federal, and local regulations.

- .1 Farm use as defined by ORS 215.203(2) **INCLUDING MARIJUANA GROWING AND PRODUCING SUBJECT TO STANDARDS IN SECTION 1803;**
- .2 Propagation or harvesting of a forest products;
- .3 Accessory buildings and structures related to the use and management of farm uses, including roadside stands selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located **EXCEPT WHEN USED IN CONJUNCTION WITH A MARIJUANA CROP;**

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305 Administrative Review. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein, in Sections 307, 308, & 1550 and as may otherwise be **NOTED IN THIS SECTION AND** indicated by federal, state and local regulations and permits.

SINGLE FAMILY RESIDENCES – 305 AR

THE FOLLOWING SINGLE FAMILY RESIDENCES MAY BE ALLOWED EXCEPT FOR NEW DWELLINGS USED IN CONJUNCTION WITH A MARIJUANA CROP .

- .1 Dwelling for the Farm Operator on High Value Farmland. A farm dwelling may be authorized on a tract of land classified as High Value Farmland where the tract meets the following criteria

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COMMERCIAL RESOURCE RELATED USES – 305 AR

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- .18 Farm Stand. Structures that are designed and used for the sale of farm crops **EXCEPT WHEN USED IN CONJUNCTION WITH A MARIJUANA CROP** and livestock grown on farms in the local agricultural area may be allowed, including the retail sale of incidental items and fee based activity to promote the sale of farm crops or livestock sold at the stand. Together, these accessory items may account for no more than 25% of the total annual sales of the farm stand. Farm stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops and livestock, nor do they include processing of farm crops, or structures for banquets, public gatherings or entertainment. Farm crops or livestock includes both fresh and processed farm crops and livestock grown on the farm operation or grown on other farm operations in the local agricultural area. Processed crops and livestock includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items. Local agricultural area includes adjacent counties bordering the property on which the farm stand is located and include adjacent counties in the State of Washington that border the farm stand(s).

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- .21 Type I Home Occupations, as defined by and subject to the applicable provisions in Sections 307, 308 and 1507. **HOME OCCUPATIONS DO NOT INCLUDE COMMERCIAL ACTIVITIES CARRIED ON IN CONJUNCTION WITH A MARIJUANA CROP.**
- .22 Facilities for the processing of farm crops and related commercial activities or for the production of biofuel, as defined in ORS 315.141. These include activities related to the processing, distribution and retail marketing of farm

products grown on-site and on farms within Columbia County or contiguous counties, where at least one-quarter of the farm crops were grown at the site of the farm processing operation. **THESE MAY NOT INCLUDE COMMERCIAL ACTIVITIES CARRIED ON IN CONJUNCTION WITH A MARIJUANA CROP.** The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. An application is subject to compliance with Sections 307, 308 and 1550.

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COMMERCIAL ACTIVITIES – 306 CUP

- .1 Type II Home Occupations, as defined by and subject to Section 1507, may be allowed pursuant to Sections 307, 308 and 1503 with an associated public hearing. **HOME OCCUPATIONS DO NOT INCLUDE COMMERCIAL ACTIVITIES CARRIED ON IN CONJUNCTION WITH A MARIJUANA CROP.**

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Section 400 FOREST/AGRICULTURE - 80 FA - 80

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404 Permitted **AND CONDITIONAL** Uses: Permitted and Conditional Uses, partitioning, and development standards will be determined by the Predominant Use Test described in Section 402 above. Notwithstanding the Predominant Use Test, **THE FOLLOWING ARE CONDITIONAL USES SUBJECT TO SECTION 1503 AND OTHER APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**

- .1 ~~—tThe rezoning and conversion of abandoned or diminished mill sites on farm or forest land to industrial uses pursuant to ORS 197.719. will be conditionally permitted subject to the applicable provisions of the Zoning Ordinance.~~
- .2 MARIJUANA GROWING OR PRODUCING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.**

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Section 500 PRIMARY FOREST ZONE - 80 PF-80

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502 Table of Authorized Uses & Development. The following uses, activities, and development are authorized in the Primary Forest Zone, subject to review and approval under applicable regulatory standards:

Key

P	Permitted outright.
AR	Subject to administrative review pursuant to Section 1601.
CUP/PC	Subject to Planning Commission review and approval as a conditional use pursuant to Section 1503.

Note: The CCZO Section Column lists only subsections of authorization and specific criteria of this PF-80 zone. Other criteria may apply to a proposed use such as site design review, overlay zoning, special use standards, or conditional use permits.

TABLE OF AUTHORIZED USES & DEVELOPMENT

RESOURCE USES	AUTHORIZATION	PF - 80 SECTION
Forest Operations and Practices	P	503.1
Physical Alterations of the Land Auxiliary to Forest Practices	P	503.4
Farm Use as defined in ORS 215.203 EXCEPT MARIJUANA GROWING AND PRODUCING	P	503.2
MARIJUANA GROWING AND PRODUCING SUBJECT TO STANDARDS IN SECTION 1803	CUP/PC	505.18
Soil, Air and Water Conservation Activities	P	503.5
RESOURCE-RELATED USES AND DEVELOPMENT	AUTHORIZATION	PF - 80 SECTION
Temp. Structures Auxiliary to Forest Practices	P	503.3
Utility Distribution Lines in Existing Rights-of-Way	P	503.6
Portable Facilities for Primary Processing of Forest Products	P	503.7
Exploration for Mineral and Aggregate as defined in ORS Chap. 517	P	503.8
Wild Fire Towers and Stations	P	503.9
Irrigation Water intake facilities, canals and distribution lines for farm irrigation and ponds	P	503.10
Temporary Labor Camps - No Permanent Structures	P	503.12
Exploring, Mining and Processing of Subsurface resources as defined in ORS Chap. 520; and the mining and processing of aggregate and mineral resources as defined in ORS Chap. 517	CUP/PC	505.2, 508 - 510
Permanent Facility for Primary Processing of Forest Products	AR	504.6, 508 - 510
Permanent Logging Equipment Repair and Storage Facility	AR	504.7, 508 - 510
Log Scaling and Weigh Stations	AR	504.3, ,508- 510
Research and Experimentation Facilities as defined by ORS 526.215 or where accessory to forest operations	AR	504.8, 508- 510
SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
“Lot-of-Record” Forest Land Dwelling	AR	504.1 & 506.1, 507- 510
Large & Multiple Tract Forest Land Dwelling	AR	504.1 & 506.2, 507 - 510
“Template” Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510
Temporary Dwelling for Medical Hardship defined in ORS 215.213 & 215.283	AR	504.2,507- 510

TABLE OF AUTHORIZED USES & DEVELOPMENT

Caretaker Residence for Public Parks and Hatcheries	AR	503.14, 507- 510
INDUSTRIAL	AUTHORIZATION	PF - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	505.13, 508- 510
COMMERCIAL	AUTHORIZATION	PF - 80 SECTION
Home Occupation as defined in ORS 215.448 per CCZO Section 1507	AR (Type1) CUP/PC Type 2)	504.4, 505.1, 507 - 510
Kennel as a Home Occupation	CUP/PC	505.17, 507 - 510
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	AUTHORIZATION	PF - 80 SECTION
Private Parks, Campgrounds, and Youth Camps	CUP/PC	505.4, 505.11, 508 - 510
Public Parks	CUP/PC	505.14, 508 - 510
Destination Resorts approved per ORS 197.435 through ORS 197.465 and Statewide Planning Goal 8	CUP/PC	505.15, 508 - 510
An outdoor gathering of less than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	P	503.18
A mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period	CUP/PC	505.12, 508
Communication Towers and Facilities	CUP/PC	505.5, 508 - 510
Rural Fire Protection District Stations	AR	504.5, 508 - 510
Power Generating Facilities	CUP/PC	505.6, 508- 510
Solid Waste Disposal Site under ORS 459.245.	CUP/PC	505.3, 508 - 510
Aids to Navigation and Aviation	AR	504.11 508 - 510
Domestic Water intake facilities and related treatment facilities, pumping stations, & distribution lines	AR	504.12, 508 - 510
Reservoirs and Water Impoundments	AR	504.13, 508 - 510
Firearms Training Facility	CUP/PC	505.16, 508 - 510
Cemeteries	AR	504.9, 508 - 510
Hunting/Fishing Operations w/o Accommodations	P	503.15, 508 - 510
Temporary Private Seasonal Hunting/Fishing Operations with Accommodations	AR	504.10,504.14, 508 - 510
New electric transmission lines w/ROW up to 100 ft. wide as specified in ORS 772.210	CUP/PC	505.7, 508

TABLE OF AUTHORIZED USES & DEVELOPMENT

Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.	P	503.17, 508 -510
Temporary Asphalt and Concrete Batch Plants	CUP/PC	505.8, 508 - 510
Expansion of Existing Airport	CUP/PC	505.9, 508 - 510
Public Road and Highway Projects	AR	504.16, 508- 510
Structures Accessory to Fish and Wildlife Enhancement	P	503.5, 508 -510
Widening of Roads within Existing Right-of-Way for public roads and highway projects as described in ORS 215.283(1)(k) through (n)	P	503.16
Public road and highway projects as described in ORS 215.283(2)(q through (s)	AR	504.16

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503 Permitted Uses. The following uses are permitted in the Primary Forest Zone:

- .1 Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.
- .2 Farm Uses as defined by ORS 215.203 **EXCEPT MARIJUANA GROWING AND PRODUCING**

....

505 Conditional Uses. The following conditional uses may be allowed subject to the general review standards and process in Sections 1507 and 1603 of the Zoning Ordinance. All authorized uses and permanent structures shall also meet the applicable standards listed in Sections 506, 507, and 508 of the Zoning Ordinance and all other local, state, and federal laws pertaining to these uses.

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.18 MARIJUANA GROWING AND PRODUCING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.

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Section 600 RURAL RESIDENTIAL - 5 RR-5

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602 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined in ORS 215.203(2) **EXCEPT MARIJUANA GROWING AND PRODUCING.**

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603 Conditional Uses:

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.6 MARIJUANA GROWING AND PRODUCING WITHIN AN ENCLOSED STRUCTURE SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.

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Section 620 RURAL RESIDENTIAL - 2 RR-2

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622 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined in ORS 215.203(2) **EXCEPT MARIJUANA GROWING AND PRODUCING.**

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624 Prohibited Uses

.... **.2 MARIJUANA GROWING AND PRODUCING.**

Section 650 RURAL COMMUNITY RC

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652 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined by ORS 215.203(2) **EXCEPT MARIJUANA GROWING AND PRODUCING.**

653 Conditional Uses: The following uses may be approved in accordance with the conditions noted for each use:

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.6 The following small-scale, low-impact commercial and industrial uses may be approved if the proposed use has been determined to be necessary for the continuation of the Rural Community and its surrounding environs, and if approved by the Planning Commission according to Section 1550, Design Review Standards. See Sections 654.8 and 654.9 for area limitations of commercial and industrial uses permitted in the RC zone

....

B. General retail trades, including groceries, bakeries, hardware stores, seed and feed stores, **MARIJUANA RETAILING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803** and similar uses.

....

J. Industrial uses necessary for the primary processing or manufacture of locally available natural resources, such as timber, minerals and agricultural produce, as per OAR 660-04-022(3)(a) **EXCEPT MARIJUANA PROCESSING AND WHOLESALING.**

.9 MARIJUANA GROWING AND PRODUCING WITHIN AN ENCLOSED STRUCTURE SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.

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Section 670 EXISTING COMMERCIAL EC

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673 Conditional Uses:

- .1 Lawful commercial activities existing on the effective date of this Ordinance.
- .2 Accessory buildings may be allowed if they fulfill the following requirements:
 - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
 - B. If detached from the main building, they must be located behind the main building or a minimum of 30 feet from the front lot or

C. parcel line, whichever is greater.
Detached accessory buildings shall have a minimum setback of 5 feet from the rear and/or side lot line.

- .3 Signs as provided in Section 1300.
- .4 Off-street parking and loading as provided in Section 1400.
- .5 Home occupations consistent with ORS 215.448.
- .6 Churches when sited in accordance with Section 1550, Site Design Review, and other provisions of this ordinance.
- .7 MARIJUANA RETAILING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.**

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Section 680 RESOURCE INDUSTRIAL - PLANNED DEVELOPMENT RIPD

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682 Permitted Uses:

- .1 Farm use as defined by Subsection 2 of ORS 215.203 **EXCEPT MARIJUANA GROWING AND PRODUCING.**

683 Uses Permitted Under Prescribed Conditions: The following uses may be permitted subject to the conditions imposed for each use:

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- .5 Home occupations consistent with ORS 215.448. **HOME OCCUPATIONS DO NOT INCLUDE COMMERCIAL ACTIVITIES CARRIED ON IN CONJUNCTION WITH A MARIJUANA CROP.**

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683 Prohibited Uses:

- .1 MARIJUANA GROWING AND PRODUCING.**

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Section 800 HIGHWAY COMMERCIAL C - 5

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802 Permitted Uses:

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- .10 Retail trade establishment such as a food store, drug store, or gift shop **EXCEPT MARIJUANA RETAILING**

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804 Conditional Uses:

- .1 Greenhouses **EXCEPT FOR THE GROWING OR PRODUCING OF MARIJUANA;**
- .2 Kennels, provided the use complies with standards contained in Section 1802.
- .3 MARIJUANA RETAILING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.**

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Section 810 NEIGHBORHOOD COMMERCIAL C - 4

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812 Permitted Uses:

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- .6 Drug Store **EXCEPT MARIJUANA RETAILING**

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812 PROHIBITED USES

.1 MARIJUANA RETAILING

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Section 820 GENERAL COMMERCIAL C - 3

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822 Permitted Uses:

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.16 Retail trade establishment such as food store, drug store, gift shop, hardware store, and furniture store **EXCEPT MARIJUANA RETAILING.**

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824 Conditional Uses:

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.2 **MARIJUANA RETAILING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.**

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Section 830 MARINE COMMERCIAL C - 2

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832 Permitted Uses:

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.5 Retail sale of sporting goods, groceries, or similar commodities **EXCEPT MARIJUANA RETAILING.**

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835 PROHIBITED USES:

.1 MARIJUANA RETAILING

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~~835~~ 836 Standards

[Renumber the subsections which follow]

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Section 910 INDUSTRIAL PARK M - 3

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913 CONDITIONAL USES:

.1 MARIJUANA GROWING AND PRODUCING WITHIN AN ENCLOSED BUILDING, MARIJUANA WHOLESALING AND RETAILING SUBJECT TO STANDARDS CONTAINED IN SECTION 1803.

~~913~~ 914 Standards

[Renumber the subsections which follow]

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Section 920 LIGHT INDUSTRIAL M - 2

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923 Conditional Uses:

.1 Kennels, subject to standards contained in Section 1802.

.2 MARIJUANA GROWING AND PRODUCING WITHIN AN ENCLOSED BUILDING, MARIJUANA WHOLESALING, PROCESSING AND RETAILING SUBJECT TO STANDARDS IN SECTION 1803.

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Section 930 HEAVY INDUSTRIAL M - 1

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933 Conditional Uses:

.1 Kennels, subject to standards contained in Section 1802.

.2 MARIJUANA GROWING AND PRODUCING WITHIN AN ENCLOSED BUILDING, MARIJUANA WHOLESALING, PROCESSING AND RETAILING SUBJECT TO STANDARDS IN SECTION 1803.

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Section 940 AIRPORT INDUSTRIAL AI

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942 Uses Permitted Outright:

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.10 Farm uses EXCEPT MARIJUANA GROWING AND PRODUCING

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Section 1040 SURFACE MINING SM

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1042 Permitted Uses: The following uses shall be permitted subject to compliance with Section 1044 and all other applicable rules, standards, or statutes governing such uses, including the Columbia County Comprehensive Plan, the Surface Mining and Land Reclamation Ordinance, the Zoning Ordinance of Columbia County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

....

.4 Agricultural practices EXCEPT MARIJUANA GROWING AND PRODUCING.

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Section 1800 SPECIAL USE STANDARDS

1801 GENERAL PROVISIONS

Special uses are those included in Section 1800. Due to their public convenience and necessity and their effect upon the surrounding area, these uses are subject to conditions and standards that differ from those required of other uses. Special uses shall be subject to the provisions of the section that regulates the specific use and the provisions of the zoning district in which the special use will be located. Special uses are permitted only when specified as a primary, accessory, or conditional use in the subject zoning district. Where a dimensional or development standard for a special use differs from that of the subject zoning district, the standard for the special use shall apply.

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1803 MARIJUANA LAND USES

1) **STATE ISSUED MARIJUANA LICENCE OR REGISTRATION REQUIRED: ALL MARIJUANA LAND USES EXCEPT F OR THOSE NOT REQUIRED TO BE LICENCED BY THE OREGON LIQUOR CONTROL COMMISSION OR REGISTERED BY THE OREGON HEALTH AUTHORITY SUCH AS HOME GROWN OR HOME MADE**

MARIJUANA SHALL PROVIDE TO THE LAND DEVELOPMENT SERVICES DEPARTMENT DOCUMENTATION OF THE ISSUANCE OF THE APPLICABLE STATE ISSUED MARIJUANA LICENCE OR REGISTRATION AT THE TIME OF APPLICATION FOR A REQUIRED LAND USE PERMIT. APPLICANTS FOR RECREATIONAL MARIJUANA LAND USES INCLUDING PRODUCING, PROCESSING, WHOLESALING, AND RETAILING SHALL ALSO SHOW EVIDENCE OF A COMPLETED COUNTY LAND USE COMPATIBILITY STATEMENT FOR THE USE FOR WHICH THE APPLICATION IS BEING SUBMITTED.

2) **MARIJUANA GROWING OR PRODUCING USES: THE FOLLOWING STANDARDS SHALL APPLY TO MARIJUANA GROWING OR PRODUCING USES :**

- A. **CO-LOCATION WITH A DISPENSARY:** MEDICAL GROWS MAY NOT BE ON THE SAME SITE AS A DISPENSARY.
- B. **WITHIN AN ENCLOSED BUILDING IN CERTAIN ZONES:** GROWING AND PRODUCING MUST BE WITHIN AN ENCLOSED BUILDING IN THE RR-5, RC, M-3, M-2, AND M-1 ZONES. AN ENCLOSED BUILDING FOR THE PURPOSES OF THIS SECTION INCLUDES AN ENCLOSED GREENHOUSE .
- C. **ADDITIONAL SETBACKS:** MINIMUM FRONT, SIDE AND REAR YARD SETBACKS IN ZONES IN WHICH BUILDINGS ACCOMMODATING MARIJUANA GROWING AND PRODUCING ARE LOCATED, SHALL BE INCREASED BY 100 FEET.

.3 **MARIJUANA PROCESSING AND WHOLESALING USES: THE FOLLOWING STANDARDS SHALL APPLY TO MARIJUANA PROCESSING AND WHOLESALING USES:**

- A. **WITHIN AN ENCLOSED BUILDING:** MARIJUANA PROCESSING AND WHOLESALING USES IN THE M-3, M-2, AND M-1 ZONES SHALL BE WITHIN AN ENCLOSED BUILDING.
- B. **EXTRACT PROCESSING IN RESIDENTIAL ZONES:** MARIJUANA EXTRACT PROCESSING IS PROHIBITED IN RESIDENTIAL ZONES.

.4 **MARIJUANA DISPENSARY AND RETAILING USES: THE FOLLOWING STANDARDS SHALL APPLY TO MARIJUANA DISPENSARY AND RETAILING USES:**

- A. **SEPARATION FROM CERTAIN USES:** MARIJUANA DISPENSARY AND RETAILING USES MAY NOT BE LOCATED WITHIN 1,000 FEET OF A PUBLIC ELEMENTARY OR SECONDARY SCHOOL, PRIVATE OR PAROCHIAL ELEMENTARY OR SECONDARY SCHOOL, PARK OR CHILD CARE CENTER.
- B. **SEPARATION FROM EACH OTHER:** MARIJUANA DISPENSARY AND RETAILING USES MAY NOT BE LOCATED WITHIN 1,000 FEET OF ANOTHER MARIJUANA DISPENSARY OR RETAILING USE.