

## For your information

### The Oregon Liquor Control Commission has:

Amended

Adopted

Suspended

OAR 845-025-1090  
**PERMANENT**

Effective Date: May 16, 2021

Note: **Bold and underlined** = new text; ~~*italics and strikethrough*~~ = deleted text

#### **845-025-1090**

#### **Application Review**

(1) Once the Commission has determined that an application is complete it must review the application to determine compliance with ORS Chapter 475B and these rules.

(2) The Commission:

**(a) Must receive a land use compatibility statement from the city or county that authorizes land use in the city or county in which the applicant's proposed premises is located** prior to acting on an application for a new license, a change to a larger producer canopy designation, a change to producer cultivation method designation or change in processor endorsement type.

(b) May, in its discretion, prior to acting on an application:

(A) Contact any applicant or individual with a financial interest and request additional documentation or information; and

(B) Verify any information submitted by the applicant.

(3) The requirements of section (2)(a) of this rule do not apply to applicants for a producer license if the applicant demonstrates in a form and manner specified by the Commission that:

(a) The applicant is applying for a license at an address where a marijuana grow site

registered under ORS 475B.810 is located;

(b) The address is outside of city limits;

(c) At least one person responsible for a marijuana grow site located at the address first registered with the Authority under ORS 475B.810 before January 1, 2015, and was registered with the Authority under ORS 475B.810 on the date on which the applicant submitted the application for a producer license;

(d) Each person responsible for a marijuana grow site located at the address first registered with the Authority under ORS 475B.810 before February 1, 2016 and was registered with the Authority under ORS 475B.810 on the date on which the applicant submitted the application for a producer license; and

(e) The applicant is applying for a mature marijuana plant grow canopy of:

(A) 5,000 square feet or less, if the marijuana is produced outdoors; or

(B) 1,250 square feet or less, if the marijuana is produced indoors.

(4) For purposes of section (3) of this rule an applicant for a license under ORS 475B.070 is not required to demonstrate that:

(a) At least one person responsible for a marijuana grow site located at the address for which the applicant is applying for a license was continuously registered with the Authority under ORS 475B.810 between January 1, 2015, and the date on which the applicant applies for a producer license; or

(b) Each person responsible for a marijuana grow site located at the address for which the applicant is applying for a license has been continuously registered with the Authority under ORS 475B.810 between February 1, 2016, and the date on which the applicant applies for a producer license.

(5) The Commission may require an inspection of the proposed premises prior to issuing a license.

(6) If during an inspection as described in (5) of this rule, the Commission determines the applicant is not in compliance with these rules, the applicant will be provided with a notice of the failed inspection and the requirements that have not been met."

(a) An applicant that fails an inspection will have 30 calendar days from the date the notice was sent to submit a written response that demonstrates the deficiencies have been corrected.

(b) An applicant may request in writing one extension of the 30-day time limit in subsection (a) of this section, not to exceed 45 days.

(7) If an applicant does not submit a timely plan of correction or if the plan of correction

does not correct the deficiencies in a manner that would bring the applicant into compliance, the Commission may deny the application.

(8) If the plan of correction appears, on its face, to correct the deficiencies, the Commission will schedule another inspection.

(9) If an applicant fails a second inspection, the Commission may deny the application unless the applicant shows good cause for the Commission to perform additional inspections.

**Statutory/Other Authority:** ORS 475B.025 & ORS 475B.040

**Statutes/Other Implemented:** ORS 475B.045, ORS 475B.060, ORS 475B.063, ORS 475B.074 & 2019 OL Ch. 391