

RPC Summary

PROPOSED TEXT AMENDMENTS TO JOSEPHINE COUNTY, OREGON, RURAL LAND DEVELOPMENT CODE (RLDC) TO ADDRESS GROWING OLCC REGULATED MARIJUANA ON RURAL RESIDENTIAL LANDS

The below include the changes recommended to the Board of Commissioners from the Rural Planning Commission on August 31, 2017.

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11.030 - TERMS DEFINED

AGRICULTURAL ENTERPRISE, COMMERCIAL. A farm operation that contributes in a substantial way to the area's existing agricultural economy, and which helps maintain agricultural processors and established farm markets.

ANNUAL COMPLIANCE INSPECTION CERTIFICATE. A certificate issued annually by the Community Development Department verifying a marijuana production site is in compliance with all codes administered by the department. The certificate can only be issued upon application and finding the property to be in compliance.

LEGAL MARIJUANA PRODUCTION SITE. A lot or parcel with an OLCC regulated marijuana crop on site that meets the standards within this code. ~~Said lot or parcel must be owned by the party holding the OLCC license.~~ (Moved to 61.050)

OLCC. The Oregon Liquor Control Commission.

PRODUCTION YEAR. The year a marijuana crop is grown on a lot or parcel.

13.050 - ALTERATION OF A NON-CONFORMING USE OR STRUCTURE

D. For the purpose of verifying the nature and extent of a lawful nonconforming use, the applicant may not be required to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of the application. As for determining whether a medical marijuana production site is a lawful nonconforming use, the site would have had to been legally established after Oregon Ballot Measure 67 in 1998, and be in compliance with the codes administered by the Community Development Department at the time of adoption of this amendment, as verified by an annual compliance inspection certificate. To determine if an OLCC regulated marijuana production site is a lawful nonconforming use a landowner must have secured a LUCS from OLCC prior to the adoption of these amendments, or applied for a LUCS prior to the adoption of these amendments and said LUCS is being actively processed by OLCC with the intent to issue a license, and provided the property was in compliance with the codes administered by the

Community Development Department and the time of adoption of this amendment as verified by an annual compliance inspection certificate. Although permits run with the land, OLCC licenses do not; therefore, when the property is transferred to a different owner, the production site will lose its lawful nonconforming status.

E. For the purposes of verifying the nature and extent of a lawful nonconforming structure, the structure would have had to exist in its current state and use prior to Josephine County adopting zoning (1973) and prior to the adoption of a Building Safety program (1974).

13.060 - DETERMINATION OF A NON-CONFORMING USE

D. Failure for a lawful nonconforming marijuana production site to ~~obtain~~ **submit a completed application for** a Determination of Nonconforming Use within six months of the date this section of the code becomes effective, shall deem the nonconforming use unlawful.

61.020 - PERMITTED USES

A. Accessory buildings, including private garage or carport, ~~guest house~~, greenhouse, stable, barn, pen, coop, or other similar buildings normally required in connection with a use specified in Section 61.020 and subject to the provisions of Sections 61.050, 61.060 and 72.060, provided a single family dwelling is on the lot or parcel.

B. Agriculture, farming and farm use as defined in Section 11.030, subject to the standards provided in Sections 61.050, 61.060, and also subject to the further limitations that all products must be produced on the property and commercial feed lots are prohibited. Commercial Agricultural Enterprises are not allowed.

61.050 - CRITERIA FOR FARM USE

Farm uses in the Rural Residential Zone shall meet the following provisions:

E. OLCC regulated marijuana production is only allowed if the land owner has secured a license from OLCC and an Annual Compliance Inspection Certificate from the Community Development Department verifying the property is in compliance with the Rural Land Development Code and the codes administered by the Building Safety Division. Failure to secure an Annual Compliance Inspection Certificate by July 1 of the production year shall deem the property to be in non-compliance. If the production site does not meet the requirements of this code, but was a legal production site prior to the adoption of this section of the code, it shall be treated as a lawful nonconforming use subject to Sections 13.020, 13.040, 13.050 and 13.060. Failure for a lawful nonconforming marijuana production site to ~~obtain~~ **submit a completed application for** a Determination of Nonconforming Use within six months of the date this section of the code becomes effective, shall deem the nonconforming use unlawful.

F. The lot or parcel with a marijuana production site shall be owned by the party being regulated by the OLCC. (Note: Was proposed in the definition section and moved here.)

61.060 - PROPERTY DEVELOPMENT STANDARDS

B. Property Development Standards

1. Minimum lot size - RR-5: 5 Acres

RR-2.5: 2.5 Acres

RR-1: 1 Acre

OLCC regulated marijuana production site that is an indoor Micro-tier I grow: 2.5 acres

2. Minimum lot width - RR-5: 300'

RR-2.5: 250'

RR-1: 150'

3. Minimum setbacks from property lines – Front (30') Side (10') Rear (25')

OLCC regulated indoor Micro-tier I grow site: Front, Side, and Rear (150').

All other OLCC regulated marijuana production sites: Front, Side, and Rear (300')

13. Lighting – See Article 77

ARTICLE 76 - WILDFIRE AND EMERGENCY SAFETY STANDARDS

76.010 – PURPOSE

The purpose of this Article is to establish minimum wildfire and safety mitigation standards for some development, and the replacement, substantial improvement or relocation of structures. This Article is intended to reduce threats to human life and safety, to structures and to wild lands, and to improve access in emergencies.

It is also the intent of this Article to achieve the greatest possible application of wildfire and emergency safety standards by covering new dwellings where authorized as permitted uses. In order to achieve this objective, this Article shall provide for reduced review and approval procedures for new, replacement of, substantially improved and relocated dwellings in Other Zones, as specified in Sections 76.020.D and 76.100.A of this Article.

76.020.E. -- OTHER REQUIREMENTS

E. Other Requirements. The proposed utility serving a lot or parcel, including but not limited to, generators, solar, wind and hydroelectric, shall comply with the National Electrical Code and Oregon State Law. Permits and inspections are required for all systems. Any and all installations contrary to the

Code such as, exposed NM cable, extension cords, splices and improper grounding and bonding, are direct violations of the Oregon Safety Law, ORS 479.520, and the National Electrical Code. All systems are required to be approved by the Building Safety Division prior to use. Nothing in this Article is intended to waive or diminish any other development standard, regulation or other provision required in this code or elsewhere.

ARTICLE 81 - ACCESS STANDARDS

81.020 - ACCESS STANDARDS

C. No OLCC regulated marijuana production site located in a Rural Residential zone shall be accessed off of a private road or easement unless the producer owns all the land abutting said private road or easement.

ARTICLE 84 - WATER STANDARDS

84.020 – APPLICATION

K. No OLCC regulated marijuana production site on Rural Residential zoned land shall use water trucked onto the site. ~~A water right must exist prior to marijuana being grown on the lot or parcel.~~