

Josephine County, Oregon



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Community Development Director / Building Official

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June 20, 2019

Dear Marijuana Production Site Owner/Operator:

Determination of Nonconforming Use

As of February 25, 2019, the production of marijuana is no longer a permitted use on land located in a Rural Residential zoning district in Josephine County, Oregon. However, provided you are a legal, nonconforming use ('grandfathered'), you can continue operating.

To determine if your farming operation is a legal, nonconforming use, the county will need to determine whether your land use is legal, and, the scale at which you are operating. We ask you apply for a 'Determination of Nonconforming Use' by using the enclosed Planning Application Form.

On the enclosed form please complete all areas highlighted in yellow, submit the required attachments, and the non-refundable application fee of \$500. Allow thirty (30) days for processing. No Determinations can be made until the code is effective on February 25.

Please note the following:

- On the form, under *Size of Project*, list the approved recreational canopy size (not tier size, but actual canopy size approved by the OLCC), or, if a medical grower, the number of plants – both mature and immature – OMMP/OHA has approved for your grow site.
- Do not forget to attach your license/state approval, and, a premise sketch.
- If you are not the landowner, attach a signed *Statement of Understanding* (a form has been enclosed for your use).
- Proof the Oregon Water Resources Department has approved the water use for the subject land use.

Be advised that once the county issues a *Determination of Nonconforming Use*, said Determination will 'run with the land'. However, if the land use ceases for a period of one year, the land use will no longer be considered 'grandfathered' and all future use of the property shall be in compliance with Chapter 19 of the Josephine County Code (see Section 19.13.020).

Legal, nonconforming uses can be expanded, provided said expansion has been approved by the county (Section 19.13.050 applies).

A *Determination of Nonconforming Use* cannot be transferred to a different property. Said Determination is solely valid for the parcel for which the application has been made, and the Determination made.

Should the approved land use fall out of compliance with the license or state approval that authorized said land use, it will no longer be considered 'legal' and will lose its legal, nonconforming use status.

Annual Compliance Certificate

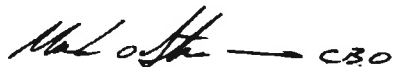
Also effective February 25 is the requirement that all marijuana businesses annually obtain a certificate from the county verifying their operation is in compliance with all county codes. The certificate must be applied for at least thirty (30) days before the anniversary date of the issuance of the license or approval by the state regulatory agency (Ordinance 2018-007). If your anniversary date lies between February 25, 2019 and March 31, 2019, you do not have to file for the certificate in 2019, rather your first review will be in 2020.

Once your land use has been determined to be a legal, nonconforming use, the county will follow-up with you and provide the required *Annual Compliance Certificate Application*.

At such time as the county inspects for your *Determination of Nonconforming Use*, if requested, staff will do a quick courtesy review of your property to make you aware of items that may need correction before the Annual Certificate inspection.

Please be advised I do not have regular office hours; therefore, please apply for your Determination online, at the Community Development Department, or via U/.S. Postal Service, and I will contact you regarding any questions or concerns. You may also e-mail me and I will respond within seven (7) working days.

Respectfully,

Handwritten signature of Mark O. Stevenson in black ink, followed by the initials "CBO".

Mark O. Stevenson CBO
Director / Building Official
Community Development
Josephine County, Oregon

Enc. Planning Application Form
Applicant's Statement of Understanding



Josephine County, Oregon

Community Development - Planning Division

700 NW Dimmick, Suite C / Grants Pass, OR 97526

(541) 474-5421 / Fax (541) 474-5422

E-mail: planning@co.josephine.or.us

PLANNING APPLICATION FORM

Property Address: _____

Assessor's Map & Tax Lot:

_____-_____-_____-_____-_____-_____-_____-_____-_____-
Tax Lot(s)

_____-_____-_____-_____-_____-_____-_____-_____-_____-
Tax Lot(s)

Zoning: _____

Size of Project: (# of Units, Lots, Dimensions, Sq. Ft., Etc.)

Application/Permit Type: (Please Check All Applicable)

- Address Assignment
 - New Address
 - Change of Address
 - Additional Address
- Annual Compliance Certificate (See Form A)
- Appeal (See Sec.19.33.040)
- Comp Plan/Zone Map Amendment (See Sec.19.46.030)
- Conditional Use Application (Chapter. 19.45)
- Determination of Nonconforming Use (See Sec.19.13.060)
 - Marijuana Prod. Site on RR (Attach License and Premise Sketch)
 - Alteration/Expansion of Nonconforming Use/Structure (See Div. 19.13.050)
- Final Plat (See Sec.19.56.030)
- Mass Gathering (See Sec. 19.43.B - Use Mass Gathering Form)
- Partition (See Sec.19.52.040)
- Planned Unit Development (See Sec.19.55.030)
- Pre-Application (See Chapter. 19.21)
- Property Line Adjustment or Vacation (See Sec.19.54.040)
- Replat (See Sec.19.53.040)
- Riparian Landscape Plan (Attach Plan or Use Form B)
- Site Plan Review (See Chapter 19.42)
- Subdivision (See Sec.19.51.040)
- Text Amendment (See Sec.19.46.030)
- Variance (See Chapter.19.44)

- Conditional Use Permit (Chapter. 19.92)
- Development Permit (See Sec.19.41.020)
- Temporary Dwelling (See Chapter. 19.43)
 - Detached Living Space
 - Medical Hardship
- Other: _____

Attachments:

- (2) Folded Maps/Site/Tentative Plan to Scale
- (1) 8 1/2x 11" Site/Tentative/Plot Plan
- Written Narrative/Response to Criteria
- Power of Attorney
- Statement of Understanding

- Statement of Intended Water Use
 - Floor Plan/Elevations
 - Access Permit
 - Proof of Fire Protection
 - Erosion Control Plan/Fire Safety Plan
- Other: _____

Description of Request/Reason for Appeal

(Include name of project and proposed uses):

Property Owner: _____

Address: _____

Phone: _____

Email: _____

Applicant: _____

Address: _____

Phone: _____

Email: _____

Authorized Representative/ Surveyor or Engineer:

(If Different From Applicant) (If Applicable)

Address: _____

Phone: _____

Email: _____

CERTIFICATION: I hereby certify that the information on this application is correct and that I own the property or the owner has executed a Power of Attorney authorizing me to pursue this application (attached).

(Signature of Owner or Attorney-in-Fact) Date

(Signature of Owner or Attorney-in-Fact) Date

(For Office Use)

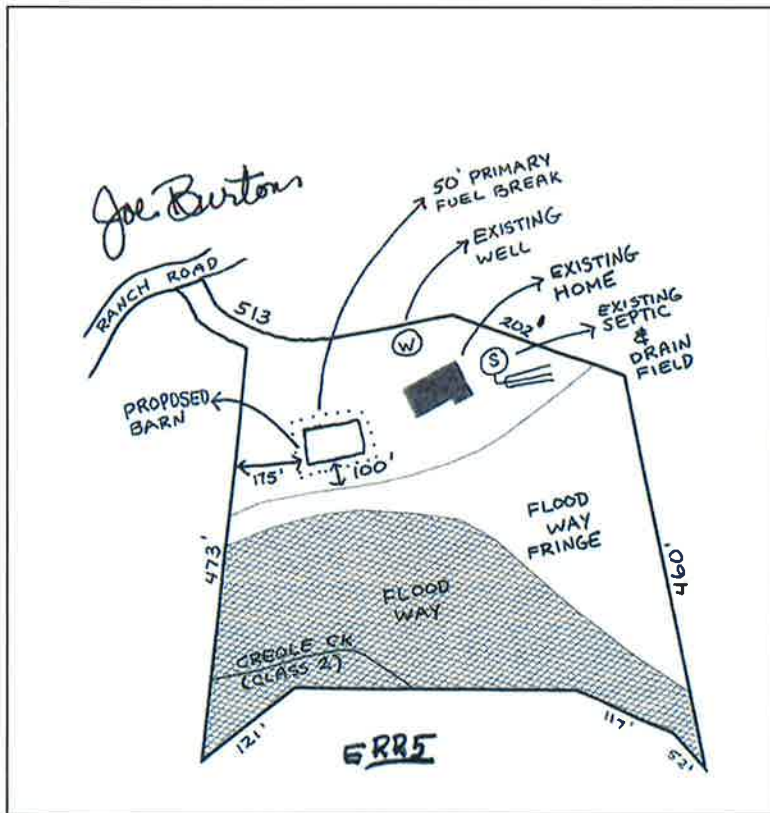
Fees Paid: _____ Initials: _____



PLANNING APPLICATION FORM

Example of Plot Plan

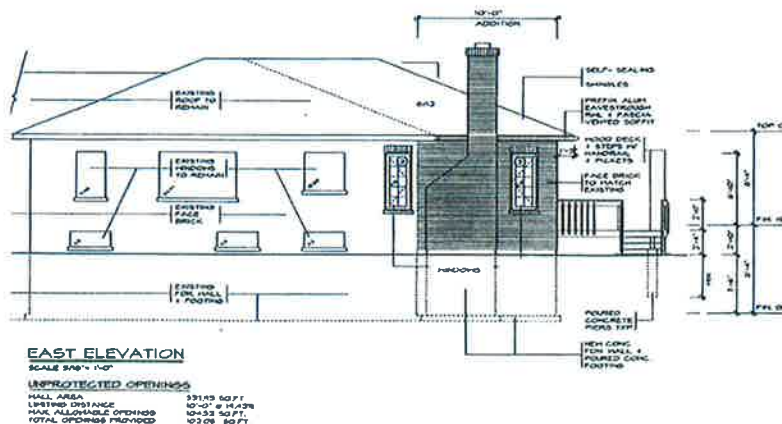
Examples of Floor Plan and Elevation Plan



A plot plan must be drawn so the features are in realistic proportion, and must include all of the following information:

- Date, Assessor's legal description (township, range, section, tax lot number) and street address.
- North arrow.
- Shape of property, showing all property lines with approximate lengths in feet.
- Location and names of adjacent roads.
- Location of all existing structures. Also show location of all proposed structures, including size, distance from two closest property lines, distance to the ordinary high water mark of any water features (stream, river, etc.) on the property.
- Height and dimensions, in feet, of all proposed structures.
- Location of water supply (well, spring, etc.).
- Location of septic tank and field (whether existing or approved for installation).
- Location of all driveways, easements or roads crossing the property.
- Signature of property owner, contractor or legal representative.

SETBACKS FROM PROPERTY LINES			
ZONE	FRONT	SIDES	REAR
AG	30	30	30
EF	30	30	30
FC	30	30	30
FR	30	30	30
LD	30	30	30
RC	10	10	10
RI	10	10	10
RR	30	10	25
S	30	30	30
WR	30	30	30



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APPLICANT'S STATEMENT OF UNDERSTANDING

I, _____, have filed an application with the Community Development – Planning Division to be reviewed and processed according to state and county requirements. My signature below affirms I have discussed my application with planning staff, and that I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the application review of this request do not constitute final authority or approval, and that I am not entitled to rely upon any such expressions in lieu of formal approval of my request.
2. I understand I may ask questions and receive input from the planning staff, but acknowledge that I am ultimately responsible for all information or documentation submitted with this application. I further understand the Planning Staff cannot legally bind the county to any fact or circumstance, which conflicts with state or local laws, and in the event a conflict occurs, the statement or agreement is void.
3. I understand it is my responsibility to show my request meets code requirements, and I must provide all of the required documentation or information necessary to justify a permit. The standards for approving or denying my request have been furnished to me as part of this application.
4. I understand the planning staff is entitled to ask for additional information or documentation any time after the submission of this application if it is determined such information is required for review and approval.
5. I understand the processing of my application may require a site visit, which may include officials from other agencies, and photographs are commonly taken. Advance notice of the visit will be provided when the site is also a personal residence.

Date: _____ 20____

OWNER (*Owner signatures*)

OWNER (*Owner signatures*)

**If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application*
