STAFF REPORT
JOSEPHINE COUNTY COMMUNITY DEVELOPMENT

TO: Board of County Commissioners
AGENDA ITEM: Appeal of Director’s Decision
PREPARED BY: Planning Staff
DATE: January 24, 2020

APPEAL INFORMATION

Appellant: Benjamin Runyon, 4327 Leonard Road, GP, OR 97527
Appellant’s Representative: Ross Day, Day Law, PC, P.O. Box 30148, Portland, OR 97294
Owner/Applicant: Benjamin Runyon, 4327 Leonard Road, GP, OR 97527
Statement of Appeal: Appellant objects to the Director’s decision to deny a Determination of Non-Conforming Use (marijuana production facility) located on the subject property. See Appellant’s appeal application attached as Exhibit A.

Legal: 36-06-21-A0, TL 2400
Location: 4327 Leonard Road, Grants Pass, OR 97527
Zone: Rural Residential (RR-5)
150 Day Time Limit: March 26, 2020 (includes 90-day extension)

APPEAL BACKGROUND

An application for a Determination of Non-Conforming Use was submitted for a marijuana production facility on June 21, 2019 by Benjamin Runyon (Exhibit B). The application was deemed complete on July 30, 2019.

The Josephine County Code (JCC) Section 19.13.060 and 19.22.040 provides review process for Non-Conforming Uses. The application is subject to the standards and criteria listed under Section 19.42.050 – Site Plan Review and Section 19.61.020.C – Permitted Uses (Lawfully Established Marijuana Production Site). The Director’s decision, dated October 4, 2019, denied the request based on the application not meeting the certain standards and criteria (significant impacts to neighbors and non-compliance prior to effective date of ordinance) listed under Section 19.42.050, JCC (Exhibit C). Benjamin Runyon filed an appeal of the Director’s decision on October 21, 2019 objecting to the decision of denial (Exhibit A).
APPLICATION EVENT HISTORY

June 21, 2019 Application for Determination of Non-Conforming Use was submitted by Benjamin Runyon (Exhibit B).

June 30, 2019 Letter sent to request for more information (Exhibit D).

July 30, 2019 Application deemed complete (Exhibit E).

August 9, 2019 Notice of Land Use Request mailed (Exhibit F).

August 26, 2019 End of public comment period.

August 27, 2019 Comments submitted to applicant (Runyon) for response (Exhibit G).

October 4, 2019 The Director denies the request based on significant impacts to neighbors and non-compliance prior to effective date of ordinance. (Exhibit C).

October 7, 2019 Notice of Decision mailed; appeal deadline Oct. 21, 2019 (Exhibit H).

October 7, 2019 Email from Day Law indicating response to comments will be provided. Staff provided copy of decision. (Exhibit I)

October 21, 2019 Staff received application to appeal the Director’s decision from Benjamin Runyon. (Exhibit A).


November 11, 2019 Request for 90-day time extension to 150-day rule under ORS 215.427 (Runyon/Day Law). (Exhibit K)

December 24, 2019 Updated courtesy letter mailed to applicant and representative (Runyon/Day Law). Hearing date moved to February 3, 2020. (Exhibit L)

January 7, 2020 Notice of De Novo Evidentiary Appeal Hearing mailed. (Exhibit M)

January 23, 2020 End of public comment period for incorporation into BCC staff report.
The Board of County Commissioners (hereafter BCC) must determine if the application complies with the standards and criteria listed below in order to determine the marijuana production facility as legal non-conforming. In addition, the BCC must consider significant impacts to surrounding properties and decide if those impacts: (1) are mitigated by the applicant, (2) can be mitigated by conditions, or (3) are unable to be mitigated.

Given this hearing is de novo (new), the Board now has the task to decide if the application meets the standards and criteria. The Board may agree, disagree, or alter the findings as needed after receiving testimony during the hearing. The Board may change, add, and delete any conditions listed in the decision if the application is approved. If the application is denied, the Board must make clear findings as such. Written comments received during the notice period (by 5pm on Thursday, January 23, 2020) are included in this staff report for review by the Board.

The appellant’s application challenges the Director’s findings surrounding (1) significant impacts, (2) coordination with surrounding area, and (3) not a lawfully established facility. Item #3 is in reference to Building Safety and Code Enforcement issues (see Exhibit N). The Director’s decision provides findings in which the Board may consider (Exhibit C).

NOTE: If the Board approves the non-conforming use application, staff provides conditions of approval for consideration in Exhibit O.

STANDARDS & CRITERIA (for reference)

Section 19.13.060 JCC – Determination of a non-conforming use

A. Any person may apply to the Planning Director for a determination of the existence and/or extent of a nonconforming use.

B. A request for a determination shall include:

1. An application on forms provided by the Planning Office;

2. The application shall clearly state the purpose of the request, and why the determination is requested;

3. Contain a statement of facts relating to the nonconforming status, including all documents, records, photographs, affidavits or other evidence supporting the statement;
4. Be accompanied by a fee equivalent to a request for the alteration of a nonconforming use.

C. The application shall be processed under the quasi-judicial review procedures set out in Chapter 19.22 JCC. [2005 RLDC § 13.060.]

Section 19.42.050 JCC - Site Plan Review

A. Standards.

1. Development standards contained within this code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the county or the state or federal governments;

2. The Josephine County Transportation System Plan, including the Official Street Map;

3. Standards for construction of required infrastructure and public facilities; and

4. Adequate Access standards contained in Section 19.11.030 (see "Adequate Access").

B. Criteria.

1. All criteria made applicable by the provisions of Chapter 19.44 JCC (Variances), Chapter 19.69 JCC (Overlays), Division VII (General Development Standards), Division VIII (Public Facility Standards), and Division IX (Special Use Standards);

2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("significant (adverse) impact" is defined in JCC 19.11.210);

3. The use will not exceed the carrying capacity of the land as defined in JCC 19.11.050;

4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development. Pursuant to a requirement contained in the County's transportation systems plan, or any other official document containing County road standards, the Review Body may control the location and number of vehicular access points, establish new streets, increase right-of-way and road width, require curbs, sidewalks and traffic circulation features;
5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

6. Any development that includes lands that are subject to flooding, wildfire, or erosion hazards shall present a plan or plans that satisfy the requirements of Chapter 19.69A JCC (Flood Hazard Overlay), Chapter 19.76 JCC (Wildfire and Emergency Safety Standards), and Chapter 19.83 (Erosion Control and Storm Drain Facilities). The approved provisions of the mitigation plan or plans shall become conditions of development for the site. [Amended by Planning Director, 10-28-16; 2005 RLDC § 42.050.]

Section 19.61.020.C JCC – Permitted Uses (Lawfully Established Marijuana Production Sites)

C. Notwithstanding subsection (B) of this section, lawfully established marijuana production sites in rural residential zones that existed prior to the effective date of Ordinance 2018-005 and authorized by state law as of that effective date shall apply for a determination of a nonconforming use pursuant to JCC 19.13.060 within one year of the effective date of this chapter. The non-conforming marijuana production site shall be subject to the following:

1. The person regulated by the state of Oregon must have an interest in the lot or parcel where the marijuana production site is located.

2. With the exception of residents, guests, and employees who serve to guard a marijuana production site, nonconforming marijuana production site regular business hours shall be limited from 7:00 a.m. to 7:00 p.m. Security personnel must be permitted marijuana workers per the state of Oregon and comply with all laws governing the provision of security services.

3. Beginning on September 20th and ending on November 10th annually, nonconforming marijuana production site regular business hours shall be extended to 5:00 a.m. to 9:00 p.m. to accommodate harvest. These extended regular business hours shall be subject to the mechanically generated noise restrictions in subsection (C)(4) of this section.

4. Mechanically generated noise associated with a nonconforming marijuana production site shall not exceed 50 dB(A), measured at the property lines of the nonconforming marijuana production site, from 7:00 a.m. to 7:00 p.m.

HEARING FORMAT

The appeal is subject to the rules and procedures found in Chapter 19.33 of the Josephine County Code (JCC). All appeals of a Director’s decision shall be heard by the Board as
a *de novo* hearing (a fully, open evidentiary hearing). The Board may affirm, reverse or modify a decision on appeal or send the decision back to the Director for additional consideration or action.

The order of procedure for new hearings requires the appeal applicant (appellant) to go first and present the application. The following is a general outline of the order of procedure:

1. Planning Staff Report
2. Appellant’s Case (Runyon et.al.)
3. Public Testimony/Parties in favor or against.
4. Rebuttal by Appellant (Runyon et.al.)
5. Surrebuttal - (discretionary)
6. Summation by Appellant (Runyon et.al.)
7. Summation by Opponent’s representative (if any)
8. Questions by Board to parties and/or staff
9. Close of Public Hearing
10. Deliberations

A more detailed description of the order of procedure for public hearings is contained in Section 19.31.120 JCC.

**ATTACHMENTS**

**APPEAL APPLICATION** (Runyon/October 21, 2019) .................................................. Exhibit "A"

**APPLICATION FOR NON-CONFORMING USE** (Runyon/June 21, 2019) ........ Exhibit "B"

**DIRECTOR’S DECISION** (CDD - Stevenson/Oct. 4, 2019) ................................. Exhibit "C"

**LETTER FOR MORE INFORMATION** (Schmelzer/June 30, 2019) .......................... Exhibit "D"

**TECHNICALLY COMPLETE LETTER** (Black/July 30, 2019) ............................... Exhibit "E"

**NOTICE OF LAND USE REQUEST MAILED** (August 9, 2019) ............................. Exhibit "F"

**COMMENTS SUBMITTED TO APPLICANT** (Black/August 27, 2019) .......................... Exhibit "G"
NOTICE OF CDD LAND USE DECISION W/O HEARING (October 7, 2019) . Exhibit "H"
EMAIL - DAY LAW RE: RESPONSE TO COMMENTS (October 7, 2019) ........Exhibit "I"
COURTESY LETTERS MAILED (Older/October 28, 2019) .........................Exhibit "J"
REQUEST FOR 90-DAY TIME EXTENSION (Day Law/November 11, 2019). Exhibit "K"
UPDATED COURTESY LETTER MAILED (Older/December 24, 2019) ..........Exhibit "L"
NOTICE OF DE NOVO EVIDENTIARY HEARING (January 7, 2019) ..........Exhibit "M"
BUILDING OFFICIAL/CDD COMMENTS (Stevenson/January 23, 2020) ......Exhibit "N"
RECOMMENDED CONDITIONS OF APPROVAL (Planning Staff) .............Exhibit "O"
ZONING, AERIAL (2018), TOPO MAPS (Planning Staff) ......................Exhibit "P"
Exhibit "A"

APPEAL APPLICATION (Runyon/October 21, 2019)
PLANNING APPLICATION FORM

Property Address: 4327 Leonard Rd
Grants Pass, OR 97527

Assessor’s Map & Tax Lot:
31e-NW-21 - AC Tax Lot(s) 2400

Zoning: RR5

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:

Description of Request/Reason for Appeal
(Include name of project and proposed uses):

Please see attached letter

Property Owner:
Ben Runyon
Address: 4327 Leonard Rd
Grants Pass, OR 97527
Phone: 530-356-9347
Email: ben@naturesgold.us

Applicant:
Ben Runyon
Address: 4327 Leonard Rd
Phone: 530-356-9347
Email: ben@naturesgold.us

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) RECEIVED

OCT 21 2019

(JOCO PLANNING)

Fees Paid: $250 Initials: MA

Exhibit A 02

Revised 4/16/19
October 21, 2019

Via electronic mail (jblack@co.josephine.or.us) and first-class mail

Josephine County Land Use Planning Department
c/o Mr. James Black
700 NW Dimmnick, Suite C
Grants Pass, Oregon 97526

RE: Appeal of Non-conforming use decision – 4327 Leonard Road/36-06-A0, TL 2400

Mr. Black

This letter is in regards to the above-referenced decision made by your office denying the application for a non-conforming use verification for the above-referenced property. Please be advised I represent the applicant Mr. Benjamin Runyan.

This letter constitutes an appeal of the above-referenced decision for the reasons discussed below.

As an initial matter, I note the JCRLDC Section 33.040(A) requires all appeals to be made on a form “supplied by the Planning Director.” We have contacted your office and get nothing but voicemail. There is no appeal form on the County’s website. To the extent this is a requirement for an appeal, the County’s action (or more appropriately inaction) has frustrated our ability to file this appeal. My client reserves the right to raise this issue on any further appeals.

JCRLDC Section 33.040(A)(1) and (2) require my client to identify how the law was incorrectly applied or interpreted in the decision, and what information in the record of the decision was pertinent to the decision, but was not considered by your office.

My client specifically appeals the following aspects of your office’s decision:

Decision Section 4.4(b) – The appealed decision incorrectly concludes the “significant adverse impact” test of JCRLDC Section 19.11.210 was not met. Your office did not allow my client sufficient time to submit information in rebuttal to the baseless allegations made by those in opposition to my client’s application. My client reserves the right to introduce evidence at any subsequent appeal hearing to rebut the allegations made by opponents of my client’s application.

Decision Section 4.4(e) – The decision incorrectly concludes my client’s use is not designed to coordinate efficiently with surrounding uses. Your office did not allow my client sufficient time to submit information in rebuttal to the baseless allegations made by those in opposition to my
client’s application. My client reserves the right to introduce evidence at any subsequent appeal hearing to rebut the allegations made by opponents of my client’s application.

**Decision Section 4.6** – The decision incorrectly concludes the proposed non-conforming use was not lawfully established. Your office did not allow my client sufficient time to submit information in rebuttal to the baseless allegations made by those in opposition to my client’s application. My client reserves the right to introduce evidence at any subsequent appeal hearing to rebut the allegations made by opponents of my client’s application.

**Decision Section 4.7** – The decision incorrectly concludes the proposed non-conforming use was not lawfully established. Your office did not allow my client sufficient time to submit information in rebuttal to the baseless allegations made by those in opposition to my client’s application. My client reserves the right to introduce evidence at any subsequent appeal hearing to rebut the allegations made by opponents of my client’s application.

**Objections Relevant to the Entire Decision** – In addition to the specific objections raised above, the applicant makes the following objections, and reserves the right to raise these issues at a subsequent appeals hearing, to the entire decision:

1. The applicant was denied the opportunity to provide the County with evidence in rebuttal to the outlandish statements made by the opponents to the application. The decision states the applicant was given a month to respond, but this is not accurate. The applicant was given the letters from the opponents of the application and sought the advice of counsel. The applicant was never given a deadline to respond, but instead the deadline was arbitrary and only known to the County’s planning staff. This is a violation of the applicant’s basic due process rights. The applicant must be given the opportunity to respond to the allegations made by the application’s opponents.

2. The decision is not supported by substantial evidence in the record. Instead, the decision is based upon conjecture and speculation with absolutely no evidence to support the allegations made by the opponents to the application.

Please confirm this appeal is perfected.

ROSS DAY, Esq.
DAY LAW, PC
ross@daylawpc.com
Exhibit "B"

APPLICATION FOR NON-CONFORMING USE
(Runyon/June 21, 2019)
PLANNING APPLICATION FORM

Property Address: 4327 Leonard Road
Grants Pass, OR. 97527

Assessor's Map & Tax Lot:
36 - 06 - 21 - AO Tax Lot(s) 002400

Zoning: RR5

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

Application/Permit Type: (Please Check All Applicable)
☐ Address Assignment
☐ New Address
☐ Change of Address
☐ Additional Address
☐ Annual Compliance Certificate (Use Form A)
☐ Appeal (See Sec. 19.33.040)
☐ Comp Plan/Area Map Amendment (See Sec. 19.46.030)
☐ 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)
☐ Partition (See Sec. 19.52.040)
☐ Planned Unit Development (See Sec. 19.55.030)
☐ Pre-Application (See Chapters 19.21)
☐ Property Line Adjustment or Vacation (See Sec. 19.54.040)
☐ Plat (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. 19.45)
☐ Development Permit (See Sec. 19.41.020)
☐ Temporary Dwelling (See Chapter. 19.43)
☐ Detached Living Space
☐ Medical Hardship

Other:

Attachments:
(2) Folded Maps/Site Plan to Scale
(1) 8 1/2x 11" Site Plan
Written Narrative/Response to Criteria
Power of Attorney
☐ Statement of Understanding
☐ Statement of Intended Water Use
☐ Floor Plan/Elevations

Description of Request/Reason for Appeal
(Including name of project and proposed uses):

Property Owner: Ben Runyon
Address: 4327 Leonard Road
Grants Pass, OR. 97527
Phone: 530.356.9347
Email: BRunyon1984@yahoo.com

Applicant: Ben Runyon
Address: 4327 Leonard Road
Grants Pass, OR. 97527
Phone: 530.356.9347
Email: BRunyon1984@yahoo.com

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
JUN 21 2013
JOCO - PLANNING

Initials: 3

Exhibit B - 02
APPLICANT'S STATEMENT OF UNDERSTANDING

I, Ben Runyon, 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: 26/20 2019

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.

Revised: 11/19

Exhibit B - 03
CONDITIONAL LETTER OF AUTHORITY TO OPERATE

8/14/2016

This letter is your authority to continue to operate at the 4327 Leonard Rd under the privileges of your Recreational Producers license beyond the current expiration date of 8/13/2018. Any security waivers or security plans approved with your license continue to apply to this authority. We have given you this authority so you can continue to operate your business until we make a final decision about your renewal application. We are investigating the information you disclosed on your renewal application.

This authority does not obligate the Commission to renew your license. The Commission will make a decision on your application after completion of the investigation and may either grant or refuse your license.

This authority is effective on 8/14/2018 and will expire on 8/13/2018 or on the date the Commission takes final action on your renewal application, whichever comes first.

You submitted the application fee with your renewal application. This fee is non-refundable. We will collect the license fee if your renewal application is approved.

You must display this letter at the above premises.

Sincerely,
Oregon Liquor Control Commission

Received

KOCO - PLANNING

Exhibit B - 04
Structure Location:
Zone: RR 5 Minimum Setbacks:
Front: 30' Side: 10'
Rear: 25' Centerline: 60'
Stream:

The information on this map is furnished for general interest purposes only. This information is provided without warranties of any kind, express or implied, and it should not be used to support any purchase or other investment. Josephine County will not accept responsibility for any errors or inaccuracies in the depicted information.

Planner: [Signature]
Applicant Signature: [Signature]

Scale 1:2400
Exhibit B - 07
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6/5/2019

Exhibit B - 08
Josephine County, Oregon
COMMUNITY DEVELOPMENT DIRECTOR’S DECISION
Determination of Non-Conforming Use

SECTION 1. APPLICATION INFORMATION

1.1 Owner/Applicant: Benjamin Runyon, 4327 Leonard Road, Grants Pass, OR 97527

1.2 Location: 4327 Leonard Road/36-06-21-A0, TL 2400

1.3 Zoning: Rural Residential (RR-5)

1.4 Description of Request: Determination of a legal non-conforming marijuana production site located on the subject property. See Exhibit A.

1.5 Noticing Information: A pre-decision notice of the proposed determination application, in conformance with the requirements of ORS 197.763 and Chapter 19.32 of the Josephine County Code (JCC), was mailed on August 9, 2019. Staff received ten (10) comments in opposition within the comment period (see Section 4.5 below). The notice list is attached as Exhibit B.

1.6 Decision: DENIED

SECTION 2. EVIDENCE

2.1 The evidence received is contained in the Director's file, along with all other documentation and evidence received and reviewed as part of this action. Other documentation may include aerial photographs, zoning maps, soil books, water studies, resource maps and inventories, facility plans, reports or comments from other agencies, and other like materials. These materials, in addition to the Director's file, are made a part of these findings by reference.

SECTION 3. CAC NOTIFICATION AND RESPONSE

3.1 The property involved in this request not located within the boundaries of a Citizens Advisory Committee (CAC).

SECTION 4. APPLICABLE REVIEW STANDARDS AND FINDINGS OF FACT

4.1 Section 19.13.060 – Determination of a non-conforming use:

A. Any person may apply to the Planning Director for a determination of the existence and/or extent of a nonconforming use.
Finding: The applicant has filed an application with the Director for a determination of a nonconforming use.

B. A request for a determination shall include:

1. An application on forms provided by the Planning Office;
2. The application shall clearly state the purpose of the request, and why the determination is requested;
3. Contain a statement of facts relating to the nonconforming status, including all documents, records, photographs, affidavits or other evidence supporting the statement;
4. Be accompanied by a fee equivalent to a request for the alteration of a nonconforming use.

Finding: The applicant has submitted application forms, limited statement, attached documents and the fee for review.

C. The application shall be processed under the quasi-judicial review procedures set out in Chapter 19.22 JCC. [2005 RLDC Section 13.060]

Finding: The application was reviewed under quasi-judicial review procedures to include public notice and review against site plan standards and criteria per Section 19.22.040.B & C, Chapter 19.42, JCC.

4.2 Section 19.22.040 – Quasi-judicial review procedures:

This review is a land use decision that requires the interpretation of criteria or the exercise of policy or legal judgement. The Director is authorized to review quasi-judicial land use decisions. The Director is authorized to require site plan review pursuant to the rules contained in Chapter 19.42 JCC. The Director shall mail notice of an application to all persons within notice area as required by Chapter 19.32 JCC. All comments or objections relating to the application shall be submitted in writing within 15 days from the mailing of the notice in order to establish party status for appeal purposes. The Director shall evaluate the application, public and agency comments or objections, if any are received, and the planner’s report from site plan review when required, and then determine whether the application complies with the applicable standards and criteria contained in this title, with or without conditions for development. The Director’s decision shall be rendered in the form of written findings of decision and shall be entered into the Director’s file. The Director is authorized to approve, approve with conditions or deny the request. Written notice of the decision shall be mailed or delivered to all parties to the action. The decision may be appealed to the Board of County Commissioners as set forth in Chapter 19.33 JCC.

Finding: The application was reviewed under these procedures.
4.3 Section 19.42.050.A – Site Review Standards:

a. Development standards contained within this code and all other applicable master plans, rules, ordinances, codes, technical manuals and policies of the county or the state or federal governments;

**Finding:** The applicant has submitted an application in compliance with the provisions of the JCC and all other applicable plans, rules, resolutions, ordinances, codes, technical manuals and policies of the county state and federal governments. The property is zoned Rural Residential (RR-5) which prohibits marijuana production facilities under Section 19.62.020.B of the JCC. However, per Section 19.62.020.C, the applicant has applied for a Non-Conforming Use Determination herein.

b. The Josephine County Transportation System Plan, including the Official Street Map;

**Finding:** Josephine County Public Works indicate the application complies with the Josephine County Roadway and Traffic Management Plan, including the official street map.

c. Standards for construction of required infrastructure and public health facilities; and

**Finding:** No construction of infrastructure and public health facilities is required for this determination.

d. Adequate access standards contained in JCC Section 19.11.030 (see “Adequate Access”).

**Finding:** The property obtains access off Leonard Road a county maintained road. The applicant is required to obtain an approved commercial road approach permit from County Public Works if the decision meets the standards and criteria herein.

4.4 Section 19.42.050.B – Site Review Criteria:

a. All criteria made applicable by the provisions of Chapter 19.44 JCC (Variances), Chapter 19.69 JCC (Overlays), Division VII (General Development Standards), Division VIII (Public Facility Standards), and Division IX of this title (Special Use Standards);

**Finding:** No variance is required for this project. The property does NOT contain deer winter range; wild & scenic rivers; airport overlay under Chapter 69D of the JCC. Any future development is subject to applicable standards under Division VII, of the JCC to include applicable wildfire and emergency safety standards under Chapter 19.76. Division VIII – Public Facility Standards do not apply in that no public road improvements are required; the proposed

Runyon – Determination of Non-Conforming Use

Exhibit C - 04
development site does not have slopes exceeding 15%; and water use will not exceed limits as prescribed by Oregon Water Resources Department. The property does have granitic soils and any future development of the property is subject to erosion control measures as applicable. Division IX does not apply to this application.

b. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("significant (adverse) impact" is defined in JCC 19.11.210);

Finding: Staff received ten (10) comments in opposition from public notice; comments in opposition are discussed under Section 4.6 below. As such, the Director finds the use DOES result in significant impacts to the neighborhood. This criteria is NOT MET.

c. The use will not exceed the carrying capacity of the land as defined in JCC Section 19.11.050;

Finding: The proposed determination does not require additional septic, access or water requirements.

d. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development.

Finding: Public Works has reviewed the application and finds the existing infrastructure (i.e. roads) is county maintained and adequate to serve the use.

e. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

Finding: The use is NOT designed to coordinate efficiently with the surrounding residential area. See Section 4.6 below. This criteria is NOT MET.

f. Any development that includes lands that are subject to flooding, wildfire, or erosion hazards shall present a plan or plans that satisfy the requirements of Chapter 19.69A JCC (Flood Hazard Overlay), Chapter 19.76 JCC (Wildfire and Emergency Safety Standards), and Chapter 19.83 (Erosion Control & Storm Drainage Facilities). The approved provisions of the mitigation plan or plans shall become conditions of development for the site.

Finding: Future development of the property is subject to the applicable Chapter 19.76 & 19.83 JCC standards. There are no flood hazard areas or steep slopes on the property.

4.5 Section 19.42.060 - Site Plan Map Requirements: The site plan map is prepared to scale and contains all required drawings, mathematical data and property information as required by items A through V of this section.

Runyon - Determination of Non-Conforming Use
Finding: The Director finds the site plan map contains all applicable items contained in this section.

4.6 Public Comments: Staff received comments from the following neighbors: (a) The Church of Jesus Christ of Latter-Day Saints c/o Ray Gorze, 4361 Leonard Road, Grants Pass, OR 97527; (b) Hameed & Susan Shakeri, 4245 Leonard Road, Grants Pass, OR 97527; (c) Cindy Hall, 4313 Leonard Road, Grants Pass, OR 97527; (d) Margaret Schmidt, 4260 Linda Lee Lane, Grants Pass, OR 97527; (e) Ron & Kendra Hager, 4279 Leonard Road, Grants Pass, OR 97527; (f) Mary Kelso, 990 Breezy Lane, Grants Pass, OR 97527; (g) Ken & Linda Hoback, 4195 Leonard Road, Grants Pass, OR 97527; (h) Elizabeth & Daryl Barnes, 4300 Leonard Road, Grants Pass, OR 97527; (i) Gary Davidson, 4275 Linda Lee Lane, Grants Pass, OR 97527; and (j) Rod & Pam Stoy, 979 Breezy Lane, Grants Pass, OR 97527. Comments were received within the official comment period between August 9-26, 2019.

Finding: The Director has reviewed all of the letters indicating several issues with the use on the property. Staff has identified the following concerns: (1) Loss of property values; (2) the use was not in compliance when new rules went into effect, therefore cannot be approved; (3) “farm uses shall not interfere with the use of adjoining residential properties” under Section 19.61.050, JCC; (4) traffic, noise, running generators; (5) hardship on neighbors with smell/odor from plants; (5) canopy greater than OLCC approval.

After review of Planning, Building Safety, and Code Enforcement files, the Director finds the marijuana production facility was NOT in compliance by the effective date of BCC Ord. #2018-005. The applicant has not addressed neighbor concerns as of the date of this decision. A month has passed for the applicant to respond; no response was provided. Comments from neighbors clearly indicate the facility interfered with the use of adjoining residential properties. The Director cannot deem the use as “legal” if it was not in compliance and created significant impacts to the neighbors.

4.7 Section 19.61.020.B & C – Permitted Uses (Rural Residential zone/Non-Conforming Marijuana Production Sites):

B. Agriculture, farming and farm use as defined in JCC 19.11.030, subject to the standards provided in JCC 19.61.050 and 19.61.060, and also subject to the further limitations that all products must be produced on the property. Commercial feed lots, indoor and outdoor marijuana production, processing, wholesaling, retailing, research, as well as any buildings, structures or facilities directly associated with these uses, are prohibited. This section does not intend to regulate marijuana grown for personal use up to the limits provided for under Oregon law.

C. Notwithstanding subsection (B) of this section, lawfully established marijuana production sites in rural residential zones that existed prior to the effective date of Ordinance 2018-005 and authorized by state law as of that effective date shall apply for a determination of a nonconforming use pursuant to JCC 19.13.060 within one year of the effective date of this chapter. The nonconforming marijuana production site shall be subject to the following:

Runyon – Determination of Non-Conforming Use

Exhibit C - 06
1. The person regulated by the state of Oregon must have an interest in the lot or parcel where the marijuana production site is located.

2. With the exception of residents, guests, and employees who serve to guard a marijuana production site, nonconforming marijuana production site regular business hours shall be limited from 7:00 a.m. to 7:00 p.m. Security personnel must be permitted marijuana workers per the state of Oregon and comply with all laws governing the provision of security services.

3. Beginning on September 20th and ending on November 10th annually, nonconforming marijuana production site regular business hours shall be extended to 5:00 a.m. to 9:00 p.m. to accommodate harvest. These extended regular business hours shall be subject to the mechanically generated noise restrictions in subsection (C)(4) of this section.

4. Mechanically generated noise associated with a nonconforming marijuana production site shall not exceed 50 dB(A), measured at the property lines of the nonconforming marijuana production site, from 7:00 a.m. to 7:00 p.m.

Finding: The Director finds indoor and outdoor marijuana production, processing, wholesaling, retailing, research, as well as any buildings, structures or facilities directly associated with these uses, are prohibited in Residential zones. The applicant has applied for the non-conforming use. However, the application does not meet certain criteria listed herein; therefore, Section 19.61.020.C (operation standards for approved non-conforming use facilities) need not apply in this case.

SECTION 5. DECISION

Based on the evidence and the findings of fact entered herein, the Director hereby DENIES the Determination of the Non-Conforming Use as described in Section 1 of this document.

Done and dated this 4th day of October, 2019.

Mark Stevenson, CBO - Community Development Director
By: James Black, CFM - Community Development Deputy Director

Attachments: Exhibit A – Site Plan Map
Exhibit B – Notice List
<table>
<thead>
<tr>
<th>State Code</th>
<th>City</th>
<th>Address</th>
<th>Name</th>
</tr>
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<tbody>
<tr>
<td>OR</td>
<td>Grants Pass</td>
<td>4300 Leonard Rd</td>
<td>Barnes, Darryl M</td>
</tr>
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<td>OR</td>
<td>Grants Pass</td>
<td>1080 S Belle Ave Dr</td>
<td>Barraza, Hamed &amp; Shakeri, Susan Elizabeth</td>
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<tr>
<td>OR</td>
<td>Salt Lake City</td>
<td>4279 Leonard Rd</td>
<td>Dillingham, John</td>
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<td>OR</td>
<td>Grants Pass</td>
<td>271 Stewert St, Suite 201</td>
<td>Easley, Quinton</td>
</tr>
<tr>
<td>OR</td>
<td>Grants Pass</td>
<td>707 NW Dimmick St, Suite C</td>
<td>Forr, Benjamin</td>
</tr>
<tr>
<td>OR</td>
<td>Medford</td>
<td>9079 SE McLoughlin Blvd</td>
<td>Galloway, Jordan</td>
</tr>
<tr>
<td>OR</td>
<td>Grants Pass</td>
<td>1440 Parkdale Dr</td>
<td>Hall, Ronald B &amp; J</td>
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<td>OR</td>
<td>Grants Pass</td>
<td>220 Peach St, Suite A</td>
<td>Hesacker, Sean</td>
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<tr>
<td>OR</td>
<td>Grants Pass</td>
<td>PO Box 729</td>
<td>Hock, Lindsey D &amp; Linda M</td>
</tr>
<tr>
<td>OR</td>
<td>Grants Pass</td>
<td>PO Box 160</td>
<td>Ivey, Michael J</td>
</tr>
<tr>
<td>OR</td>
<td>Grants Pass</td>
<td>1495 E Gregory Rd</td>
<td>Kellso, Mary</td>
</tr>
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<td>OR</td>
<td>Grants Pass</td>
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<td>Stoy, Rodney B &amp; J</td>
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<td>4275 Linda Loe</td>
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<td>Grants Pass</td>
<td>97527</td>
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<td>OR</td>
<td>Grants Pass</td>
<td>97526</td>
<td>Wyckoff, Michael J</td>
</tr>
</tbody>
</table>
Exhibit "D"

LETTER FOR MORE INFORMATION (Schmelzer/June 30, 2019)
June 30, 2019

Benjamin Runyon
4327 Leonard Road
Grants Pass, OR 97527

Re: Application for a Determination of Nonconforming Use

Dear Mr. Runyon,

We are in receipt of your application for a Determination of Nonconforming Use. Be advised before I can determine your application complete, I will need proof of your water rights. Once I am in receipt of that information, I can determine the application complete, and send it out for notice.

You can mail or e-mail me a copy of the water rights. E-mail is preferable in that I am only in the office on weekends.

Sincerely,

[Signature]

Julie A. Schmelzer
Exhibit "E"

TECHNICALLY COMPLETE LETTER (Black/July 30, 2019)
July 30, 2019

Benjamin Runyon
4327 Leonard Road
Grants Pass, OR 97527

RE: Determination of Non-Conforming Use (Marijuana Production Facility)
Map # 36-06-21-A0, TL 2400
Situs: 4327 Leonard Road
Zone: Rural Residential (RR-5)

Mr. Runyon,

This letter is to confirm that your materials in support of an application for Determination of Non-Conforming Use has been reviewed by staff and deemed technically COMPLETE. Staff will continue to review the application (to include public notice) under the regulations of the Josephine County Code (JCC), Oregon State statutes and any other applicable regulations. A decision will be made within the timeline stipulated in ORS 215.427.

If you have any questions about your application or the review process, please feel free to contact me.

Sincerely,

James Black, CFM
Community Development Deputy Director
541-474-5421, ext. 5418
E-mail: jblack@co.josephine.or.us

e-copy:  Eric Heesacker, County Public Works
         Kayla Wallace, Assistant Planner
         Mark Stevenson, Community Development Director
         Denise Montijo, County Code Enforcement

Exhibit E - 02
Exhibit "F"

NOTICE OF LAND USE REQUEST MAILED (August 9, 2019)
NOTICE OF LAND USE REQUEST

The planning division has received an application for the land use described below. Review and approval of this request does not require a public hearing. Josephine County Code (JCC) requires notice of the request be mailed to nearby property owners, affected agencies and organizations 15 days before a decision is made. This provides the public and others an opportunity to review the proposal and submit comments. The comments and other pertinent information are considered in making a final decision. The comments must address the standards and criteria that apply to the application and submitted within 15 days from the date of this notice in order to be considered.

The application materials, as well as the applicable criteria, are available for review at the planning division upon request & please call 541-474-5421 for an appointment. You may also talk to the planner listed below. Once the 15 day comment period closes, the planning staff will make a final decision. A decision notice is mailed to affected persons, agencies and organizations.

APPLICATION INFORMATION

[Map Attached]

APPLICANT: Benjamin Runyon

LOCATION: 4327 Leonard Road

LEGAL: 36-06-21-A0, Tax Lot (TL) 2400

ZONE: Rural Residential (RR-5)

REQUEST: If approved, this request will allow, determination of a legal non-conforming marijuana production site located on the subject property.

CRITERIA: The criteria (listed by citation and caption only) applicable to the request:


PLANNER: James Black (541) 474-5418; Email: jblack@co.josephine.or.us

DEADLINE: Comments to be submitted ‘must be in writing’ and are due no later than 5PM August 26, 2019, on the 15th day from the postmark date. If the deadline falls on a weekend, the deadline shall be extended to the following Monday.

Exhibit F - 02
AGENCY TRANSMITTAL

TO: Assessor’s Office
   Building Safety ~ Stevenson
   Legal ~ Ogu
   Public Works ~ Heesacker
   DEQ ~ Easter
   ODFW ~ Street
   Code Enforcement

OLCC
Water Resources ~ Scott Ceciliani
Two Rivers SWCD
County Fire
Rural Metro Fire
Three Rivers
-Sheriff
RVCOG ~ MRMPO

DATE: August 9, 2019

RE: Determination of Non-Conforming Use

APPLICANT: Benjamin Runyon

LOCATION: 4327 Leonard Road

LEGAL: 36-06-21-A0, Tax Lot (TL) 2400

ZONE: Rural Residential (RR-5)

REQUEST: If approved, this request will allow, determination of a legal non-conforming marijuana production site located on the subject property.

CRITERIA: The criteria (listed by citation and caption only) applicable to the request:
Josephine County Code: Section 19.13.060 ~ Determination of a Non-conforming Use; Section 19.22.040 ~ Quasi-Judicial Review Procedures; Section 19.42.050 ~ Site Review Standards & Criteria; Section 19.61.020.C ~ Permitted Uses (Lawfully Established Marijuana Production Site).

PLANNER: James Black (541) 474-5418; Email: jblack@co.josephine.or.us

DEADLINE: Comments to be submitted ‘must be in writing’ and are due no later than 5PM August 26, 2019, on the 15th day from the postmark date. If the deadline falls on a weekend, the deadline shall be extended to the following Monday.

If we do not receive a response by our comment date, we will assume there are no concerns.
Exhibit "G"

COMMENTS SUBMITTED TO APPLICANT
(Black/August 27, 2019)
Hello Bridgette Lee,

As per our conversation, see the attached letters received. We look forward to your response.

Thank You,

James Black, CFM
Community Development Deputy Director
Josephine County Community Development - Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526
Office (541)-474-5418
Fax (541)-474-5422
jblack@co.josephine.or.us

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From: James Black
Sent: Tuesday, August 27, 2019 11:49 AM
To: 'brunyon1984@yahoo.com' <brunyon1984@yahoo.com>
Cc: Mark Stevenson <MStevenson@co.josephine.or.us>; Denise Montijo <DMontijo@co.josephine.or.us>; 'Nature’s Gold' <ben@naturesgold.us>; Eric Heesacker <EHeesacker@co.josephine.or.us>
Subject: ISSUES - 4327 Leonard Road/Application for Non-Conforming Use
Importance: High

Hello Ben,

We tried to calling you today but your contact number said the voice box was full. Please contact me regarding substantial issues with your application as soon as possible. We have received over 10 letters in opposition to your facility from neighbors. We want to provide you time in which to respond to those letters before the Director makes a final decision.

Again, due to time limits for decisions, you must contact us asap so you may address these concerns. If we DO NOT hear from you, the decision may not be favorable.

Thank You,
****CONFIDENTIALITY NOTICE****
This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. It is intended for use solely by the above referenced recipient, and any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.
Mr. James Black, please note the attached comments towards the Notice of Land Use Request dated August 9, 2019.

Thank you,

Rod and Pam Stoy
Mr. Black,

you for the notice of the request by Benjamin Runyon to have his marijuana product ed a nonconforming use. I am writing this letter to voice my objection and our collect orhood to the county declaring this a nonconforming use. We all are hoping to get ou of living, safety and our property values back.

er to obtain a declaration of nonconforming use, the applicant must prove they are a nforming use. I argue they were not in compliance with the code at the time the rules ed, and therefore, the request should be denied.

ically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satis fied 19.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall re with the use of adjoining residential properties”. As evidenced by the complaints of our code Enforcement Division, it is well documented there are concerns with this ty. Late night cars, and the excessive volume of cars, are inappropriate in a residential. There have been reports of commercial activity from this property as well, which is not ed. The code says the farm use cannot create a health hazard and my wife and I have licing issues from the pungent odor from the farm. In addition, we have lost sleep due and noise at odd hours of the night; we also are concerned about the loss of property to argue the canopy that exists on site is greater than documented by the OLCC, and thi to be researched and addressed. And, if indeed in violation of the canopy limits, it is nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to th y by OLCC, which shows canopy sizes as of the first of the year compared to aerial graphy.)

you for the opportunity to comment on this matter.

ly,

nd Pam Stoy
reezy Lane
s Pass, OR 97527  

Exhibit G - 05
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection to the county declaring this a nonconforming use. We are enduring noise and many other issues with this operation, please help us.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satisfy Section 19.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and I have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

Gary Davidson
4275 Linda Lee Lane
Grants Pass, OR 97527
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection to the county declaring this a nonconforming use.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satisfy Section 19.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and I have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

Elizabeth and Daryl Barnes
4300 Leonard Rd
Grants Pass, OR 97527

Exhibit G - 07
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection to the county declaring this a nonconforming use. Please consider the hardship on the neighborhood this operation has caused.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production ('farming') is allowed in the RR5 zone only if they satisfy Section 19.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and my wife, I have been experiencing hardship due to the pungent odor from the farm, and we worry about the loss of property value being next to a pot farm. I have also filed a complaint with the County code enforcement office. We request you pay special attention to the safety and health of this neighborhood as a whole.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

Ken and Linda Hoback
4195 Leonard Rd
Grants Pass, OR 97527

Exhibit G - 08
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection and our collective neighborhood to the county declaring this a nonconforming use. We all are hoping to get our peace of living, safety and our property values back.

We have endured three years of traffic, noise, loss of safety and peace of living, please consider the years we have lived and invested in this neighborhood before this pot farm came about and ruined it for us all.

Thank you for the opportunity to comment on this matter.

Sincerely,

Mary Kelso
990 Breezy Lane
Grants Pass, OR 97527
August 24, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection and our collective neighborhood to the county declaring this a nonconforming use. We all are hoping to get our peace of living, safety and our property values back.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production ('farming') is allowed in the RR5 zone only if they satisfy Section 19.61.050, Criteria for Farm Use. That section of the code says, "Farm uses shall not interfere with the use of adjoining residential properties". As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and my wife, I and our young children are suffering from this pot farm and greatly are worried about the health issues and have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

[Signature]

Ron and Kendra Hager
4279 Leonard Rd
Grants Pass, OR 97527
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection to the county declaring this a nonconforming use. We have constant noise of running generator, dogs, staff, all hours of work, RVs and on and on issues.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satisfy Section 19.61.050, *Criteria for Farm Use*. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and I have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

Margaret J. Schmidt
4260 Linda Lee Lane
Grants Pass, OR 97527
Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection to the county declaring this a nonconforming use. I have lost my peaceful life as it was; this operation has cost me a great deal of problems, constant traffic for most of the year almost on a 24-hour basis. I cannot sleep due to the traffic of the adjacent driveway to the pot farm, I have show dogs that will bark any time these folks go in and out of their property, noise and speed from their workers, the list is too long and constant. I had decided to move due to the problems with the pot farm, I have lost property value and I cannot sell my house for what I paid for. I am in constant fear for my dogs and myself.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satisfy Section 21.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and I have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter. I beg for your help to get my peace and life back.

Sincerely,

Cindy Hall
4313 Leonard Rd
Grants Pass, OR 97527

Exhibit G - 12
Thank You. I will place your comments into the record.

James Black, CFM
Community Development Deputy Director
Josephine County Community Development - Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526
Office (541)-474-5418
Fax (541)-474-5422
jblack@co.josephine.or.us

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From: Hameed Shakeri <shakeri.hameed@gmail.com>
Sent: Friday, August 23, 2019 3:36 PM
To: James Black <JBlack@co.josephine.or.us>
Subject: Land use Request

Hello Mr. Black,

I like to thank you and your department for considering the appropriate measures regarding the marijuana operation application for change of land use on 4327 Leonard Rd Grants Pass, OR. Our neighborhood collectively and unitedly oppose the continuation of operation of this large cannabis farm in the rural residential zone. Every ones health, safety, and property investments have been effected adversely by this operation. We hope that Josephine County Planning department will make the right decision on bringing back all that has been lost in the past few years. None of the neighboring property owners and families especially ones with young children desire to have this marijuana operation continue beyond this years crop.

I have attached our response which indicated the criteria that why this marijuana farm should not be allowed to continue operation.

Please fell free to contact me with any question you may have and I appreciate all your efforts and respect your well thought out decision regarding this neighborhood.

Hameed Shakeri
This email is for the use of the intended recipient(s) only. If you have received this email in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not use, disclose or distribute this email without the author's prior permission.
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection and our collective neighborhood to the county declaring this a nonconforming use. We all are hoping to get our peace of living, safety and our property values back.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satisfy Section 19.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and my wife and I have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

Hameed and Susan Shakeri
4245 Leonard Rd
Grants Pass, OR 97527
Thank You. I will place your comments into the record.

James Black, CFM
Community Development Deputy Director
Josephine County Community Development - Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526
Office (541)-474-5418
Fax (541)-474-5422
jblack@co.josephine.or.us

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From: Ray Gorze <GorzeRT@ChurchofJesusChrist.org>
Sent: Friday, August 23, 2019 2:14 PM
To: James Black <JBlack@co.josephine.or.us>
Subject: Concerns about Leonard Road Property

Mr. Black,
Attached you will find a letter voicing our concern regarding the proposed use at 4327 Leonard Road.

Regards,

Ray Gorze
Medford FMG
7575 Pacific Ave
White City OR 97503
Office: 541-879-3182
August 22, 2019

Dear Mr. Black,

Thank you for the notice of the request by Benjamin Runyon to have his marijuana production declared a nonconforming use. I am writing this letter to voice my objection to the county declaring this a nonconforming use. Our concern is for the families living near this operation and lose of property value being adjacent to this cannabis farm.

In order to obtain a declaration of nonconforming use, the applicant must prove they are a legal nonconforming use. I argue they were not in compliance with the code at the time the rules changed, and therefore, the request should be denied.

Specifically, marijuana production (‘farming’) is allowed in the RR5 zone only if they satisfy Section 19.61.050, Criteria for Farm Use. That section of the code says, “Farm uses shall not interfere with the use of adjoining residential properties”. As evidenced by the complaints on file with your code Enforcement Division, it is well documented there are concerns with this property. Late night cars, and the excessive volume of cars, are inappropriate in a residential zone. There have been reports of commercial activity from this property as well, which is not allowed. The code says the farm use cannot create a health hazard and neighbors confirm they have been experiencing nausea and headaches from the pungent odor from the farm.

I also argue the canopy that exists on site is greater than documented by the OLCC, and this needs to be researched and addressed. And, if indeed in violation of the canopy limits, it is not a legal, nonconforming use, and cannot be approved. (Refer to the Excel sheet provided to the county by OLCC, which shows canopy sizes as of the first of the year compared to aerial photography.)

Thank you for the opportunity to comment on this matter.

Sincerely,

[Signature]

Land Owner
The Church of Jesus Christ of Latter-Day Saints
4361 Leonard Rd
Grants Pass, OR 97527

Exhibit G - 17
Exhibit "H"

NOTICE OF CDD LAND USE DECISION W/O HEARING
(October 7, 2019)
October 7, 2019

NOTICE OF COMMUNITY DEVELOPMENT DIRECTOR'S LAND USE DECISION
MADE WITHOUT A HEARING

Notice is hereby given that the Josephine County Community Development Director has made a land use decision regarding the following application:

OWNER: Benjamin Runyon

DECISION: Denial of a determination of a legal non-conforming marijuana production site located on the subject property.

LOCATION: 4327 Leonard Road

LEGAL: 36-06-21-A0, Tax Lot (TL) 2400

ZONE: Rural Residential (RR-5)

PLANNER: James Black, (541) 474-5418; Email: jblack@co.josephine.or.us.

INFORMATION: The application materials, as well as the applicable criteria, are available for review at the planning division upon request & please call 541-474-5421 for an appointment. Copies are available for a cost.

Any person who is adversely affected, aggrieved or who is entitled to this notice according to law, may appeal the Community Development Director's decision to the Josephine County Board of County Commissioners. The appeal must be in writing using forms provided by the planning division. The fee is $250.00 and the appeal must satisfy all ordinance requirements. Land use regulations governing appeals are available at the planning division. The decision is not final until the appeal period expires without an appeal. The Board of County Commissioners decision may be appealed to LUBA.

DEADLINE DATE FOR APPEALS: Appeals to be submitted 'must be in writing' are due no later than 5PM October 21, 2019, on the 12th day from the postmark date. If the deadline falls on a weekend, the deadline shall be extended to the following Monday.

Exhibit H - 02
Exhibit "I"

EMAIL - DAY LAW RE: RESPONSE TO COMMENTS
(October 7, 2019)
Mr. Day,

See the attached land use decision mailed out today. The final decision was made on Friday, October 4, 2019.

Thank You,

James Black, CFM
Community Development Deputy Director
Josephine County Community Development - Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526
Office (541)-474-5418
Fax (541)-474-5422
jblack@co.josephine.or.us

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Mr. Black-

I am in receipt of an email from you regarding my clients, their application for a non-conforming use, and the property at 4327 Leonard Road.

I am in the process of preparing a response. I just wanted to reach out to you and let you know that a response is forthcoming.

Thank you in advance.
This communication may consist of attorney privileged and confidential information intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and/or return the original message to us at the above e-mail address. Thank you.

PLEASE NOTE NEW ADDRESS AND NAME CHANGE
Exhibit "J"

COURTESY LETTERS MAILED (Older/October 28, 2019)
October 28, 2019

Ben Runyon  
4327 Leonard Road  
Grants Pass, OR 97527  

Ross Day, Day Law, P.C., Attorney at Law  
14945 SW Sequoia Parkway, Suite 150A  
Portland, OR 97224

RE: An appeal of the Community Development Director’s decision to deny a Determination of Non-Conforming Use (marijuana production facility) located on the subject property.

Dear Mr. Runyon & Mr. Day:

THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS WILL HEAR ABOVE APPEAL ON MONDAY, DECEMBER 16, 2019 AT 9:00 A.M. IN THE ANNE BASKER AUDITORIUM ANNEX OF THE COUNTY COURTHOUSE.

The evidence and documents you intend to use in the hearing should be submitted to the Planning Division no later than DECEMBER 2, 2019. This will allow the staff writer to reference or incorporate the materials into the staff report, which will in turn help prepare the Commissioners to understand the request. Items submitted for the first time at the hearing increase the likelihood of continuances or other delays.

The Deputy Director handling your file is James Black

If the date set presents a serious conflict (e.g., if you are out of state) please contact this office, and we will attempt to place it on the nearest available date following the original scheduling.

Sincerely,

Melissa K. Older  
Office Manager  
Community Development  
Planning Division  
541-474-5423  
molder@josephinecounty.gov

cc: Code Enforcement  
Board of County Commissioners  
Deputy Director, James Black/Mark O. Stevenson  
Josephine County Legal  
Josephine County Public Works

Exhibit J - 02
October 28, 2019

Ben Runyon  
4327 Leonard Road  
Grants Pass, OR 97527

Ross Day, Day Law, P.C., Attorney at Law  
14945 SW Sequoia Parkway, Suite 150A  
Portland, OR 97224

RE: An appeal of the Community Development Director’s decision to deny a Determination of Non-Conforming Use (marijuana production facility) located on the subject property.

Dear Mr. Runyon & Mr. Day,

You have filed an appeal regarding the Community Development Director's decision referenced above. The Josephine County Code, (JCC), Section 19.33.070, requires the Community Development Director to prepare a report of the action. The report contains all the material, documents, and exhibits considered by the Community Development Director in reaching the decision. This report will be used for reference in the appeal hearing.

The JCC also requires the Community Development Director to make a copy of the report available to the parties of the appeal for inspection or copying. There is no fee for inspection, but a reasonable fee is charged for a copy of the report ($20.00).

This letter is to notify you the report is completed and available for your inspection during our office hours. The office is open Monday through Friday 8:00 a.m. to 12 noon & 1pm to 3pm.

If you would like a copy, please call in advance to avoid waiting and/or a return trip. The entire report will be incorporated into the staff report which will be available and mailed to you, without cost, approximately 7-10 days prior to the hearing. To avoid the fee, you may wish to wait until the staff report is available.

Staff will send you another letter within the next few weeks with a hearing date and time.

Sincerely,

Melissa K. Older  
Office Manager  
Community Development  
Planning Division  
541-474-5423  
molder@josephinecounty.gov

cc: Code Enforcement  
Board of County Commissioners  
Deputy Director, James Black/Mark O. Stevenson  
Josephine County Legal  
Josephine County Public Works

Exhibit J - 03
Exhibit "K"

REQUEST FOR 90-DAY TIME EXTENSION (Day Law/November 11, 2019)

Exhibit K - 01
Hand-delivery only

Mr. James Black, CFM
Community Development Deputy Director
Josephine County Community Development
Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, Oregon 97526

RE: Application for 4327 Leonard Road – Applicant/Owner Benjamin Runyon

EXTENSION OF 150-DAY TIME LIMIT

I hereby request an extension of the 150-day processing time for the above-referenced file number/application required by ORS 215.427. I hereby request an extension of 90 days.

Benjamin Runyon
Exhibit "L"

UPDATED COURTESY LETTER MAILED
(Older/December 24, 2019)
December 24, 2019

Ben Runyon
4327 Leonard Road
Grants Pass, OR 97527

Ross Day, Day Law, P.C., Attorney at Law
14945 SW Sequoia Parkway, Suite 150A
Portland, OR 97224

RE: An appeal of the Community Development Director’s decision to deny a Determination of Non-Conforming Use (marijuana production facility) located on the subject property.

Dear Mr. Runyon & Mr. Day:

THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS WILL HEAR ABOVE APPEAL ON MONDAY, FEBRUARY 3, 2020 AT 9:00 A.M. IN THE ANNE BASKER AUDITORIUM ANNEX OF THE COUNTY COURTHOUSE.

The evidence and documents you intend to use in the hearing should be submitted to the Planning Division no later than JANUARY 17, 2020. This will allow the staff writer to reference or incorporate the materials into the staff report, which will in turn help prepare the Commissioners to understand the request. Items submitted for the first time at the hearing increase the likelihood of continuances or other delays.

The Deputy Director handling your file is James Black

If the date set presents a serious conflict (e.g., if you are out of state) please contact this office, and we will attempt to place it on the nearest available date following the original scheduling.

Sincerely,

Melissa K. Older
Office Manager
Community Development
Planning Division
541-474-5423
molder@josephinecounty.gov

cc: Code Enforcement
Board of County Commissioners
Deputy Director, James Black
Josephine County Legal
Josephine County Public Works

Exhibit L - 02
Exhibit "M"

NOTICE OF DE NOVO EVIDENTIARY HEARING
(January 7, 2019)

Exhibit M - 01
January 7, 2020

NOTICE OF DE NOVO EVIDENTIARY APPEAL HEARING

Before the Josephine County Board of Commissioners

The Josephine County Board of Commissioners will conduct a de novo (means completely new) appeal hearing to review a decision made by the planning director without a hearing. This hearing will be fully open to the public and anyone interested in testifying or submitting other kinds of evidence may do so. The hearing procedures are governed by Chapter 19.31, Public Hearings, of the Josephine County Code (JCC). Anyone interested in participating in the hearing should examine or purchase a copy of Chapter 19.31 at the planning office (the basic hearing format is described below). A copy of the application, all documents and evidence relied upon by the applicant, and the applicable criteria may be inspected at the planning office during business hours without cost. Copies may be purchased. If a staff report is published, it will be available for inspection, without cost, at least seven days before the hearing. Copies of the staff report may also be purchased.

APPEAL & HEARING INFORMATION

APPELLANT: Ross Day, Day Law, P.C., Attorney at Law

OWNER: Benjamin Runyon

PROPERTY LOCATION: 4327 Leonard Road

ASSessor’s LEgal: 36-06-21-A0, Tax Lot (TL) 2400

ZONE: Rural Residential (RR-5)

REQUEST: Appeal to the Board of County Commissioners of the Community Development Director’s decision to deny a Determination of Non-Conforming Use (marijuana production facility) located on the subject property.

CRITERIA: The criteria (listed by citation and caption only) applicable to the request: Josephine County Code: Section 19.13.080 ~ Determination of a Non-conforming Use; Section ~ 19.22.040 ~ Quasi-Judicial Review Procedures; Section 19.42.050 ~ Site Review Standards & Criteria; Section 19.61.020.C ~ Permitted Uses (Lawfully Established Marijuana Production Site) Link to the Rural Land Development Code: http://www.co.josephine.or.us/Code.asp

DATE & TIME: MONDAY, February 3, 2020 ~ 9:00 a.m.

PLACE: Anne Basker Auditorium Annex of the Courthouse, 800 NW 6th Street, GPO

HEARING: The hearing is conducted according to Chapter 19.31, Public Hearings, of the JCC. The hearing uses the following format: [1] the Chair explains the hearing procedures; [2] a planner summarizes the request, identifies the applicable criteria and explains the issues; [3] the applicant makes a presentation; [4] others in favor may speak; [5] opponents may speak; [6] the applicant may offer rebuttal; [7] opponents, if allowed, may offer surrebuttal; [8] if requested by the Board, the planner summarizes the request, criteria, and evidence; [9] the Board may question participants and/or involved county staff (participants may question staff with the Board's permission); [10] the Board closes the hearing for deliberation and decision.

CONTACT PERSON: The planner for the application is Deputy Director, James Black (541) 474-5418.

APPEAL ISSUES: Failure to raise an issue at the hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the Board to respond to the issue, precludes a later appeal on that issue. It is important to clearly and accurately state your issue when you testify at the hearing.

NOTICE: If you are a mortgagee, lienholder, vendor or seller, state law requires that you promptly forward this notice to the purchaser of the property. (ORS 215.513)

DEADLINE: Comments to be submitted ‘must be in writing’ and are due no later than 5PM January 23, 2020, on the 15th day from the postmark date. If the deadline falls on a weekend, the deadline shall be extended to the following Monday.
Exhibit "N"

BUILDING OFFICIAL/CDD COMMENTS
(Stevenson/January 23, 2020)
January 23, 2020

Re: 4327 Leonard Road
36-06-21 A0 002400

The following are comments for the record related to the application for the Determination of Non-Conforming Use and the upcoming Appeal.

It was brought to my attention, as Building Official, in July of 2018 of structures built and placed without permits and a generator connected to wiring installed without permits. I immediately sent a Notice of Electrical Violation on July 16, 2018 and received a response on July 24, 2018 through e-mail from Natures Gold. See attached documents.

I made it clear through e-mail and a phone conversation with Mr. Runyon, an Oregon Licensed Electrical Contractor was required to review the systems installed for Code compliance and to provide information to the Building Safety Division for review and issuance of the required permits. It was clear, in our conversation, and my verification, the generator was not connected to the serving utility. I determined it was not an immediate life safety hazard and requested they pursue the permit process in short order and until then shut the generators off.

I directed staff to make a site visit in July of 2019 as no staff member had heard from the property owner or business representatives. We had a building permit from August of 2017, 06-187-17) for an 80 x 40 shop building which had only received a foundation inspection. We also had a low voltage permit for a camera system from March of 2018 (03-218-180 with no inspections.

Two inspectors went to the site to check on the progress of both permits and found there to be multiple violations for mechanical, plumbing and electrical installations without permits as well as those we knew of.

Deputy Building Official, Frank Wharregard, personally walked through the project with Mr. Runyon indicating the need for the permits and inspections. Mr. Runyon stated he had been gone from the site and apologized as they were too busy with the business.

On August 19th 2019 Mr. Runyon applied and received agricultural exemptions on the structures placed without permits and one to replace the inactive building permit 06-187-17, as they elected not to provide the required ADA bathrooms and access. No other permits were applied for, as required, and no further inspections have been made.

On January 21, 2020, an electrical contractor requested a 400 amp service to serve the 80x40 structure without other information as to the existing illegal installations, the contractor was denied this permit until such time as the use of the structure, commercial or residential, could be determined through this appeal, and the minimum requirements were met as stated to Mr. Runyon.

Respectfully,

Mark O. Stevenson CBO
Director / Building Official
Community Development

Exhibit N - 02
July 16, 2018
Benjamin Runyon
4327 Leonard Road
Grants Pass, Oregon 97527
36-06-21-AO-2400

9171 9690 0935 0135 1379 68

Notice of Electrical Violation

It has come to the attention of the Building Safety Division electrical installations have occurred on the property located at 4327 Leonard Road without permits or inspections. The Building Safety Division of Josephine County under Oregon Revised Statute # 479.550 and Oregon Administrative Rule # 918-309-0080 requires a permit prior to the installation and or modification of any electrical. We have no records of any permits for electrical and or electrical generators.

Oregon Revised Statute 479.520 states the purpose of the Electrical Safety Law is to protect the health and safety of the people of Oregon from the danger of electrically caused shocks, fires and explosions and to protect property located in Oregon. Installation of electrical is required to comply with the 2014 National Electrical Code.

It is the Building Safety Division’s determination the electrical installed on the property and possibly within structures could constitute an immediate hazard to life or property. Under Oregon Revised Statute 479.820 this illegal electrical installation will require this Department to cut or disconnect any power serving the property and or structures due to the possibility the generators could back feed the existing utilities service.

I have referred this to our Ordinance Administrator, Denise Montijo for further review.

Please contact me at mstevenson@co.josephine.or.us. To abate the violation.

Respectfully,

Mark O. Stevenson CBO
Building Official
Building Safety Division
Josephine County Community Development

Cc: Denice Montijo
Cc: Oregon Liquor Control Commission
Thank you for your quick response, both generators and all electrical connected will need to be permitted and will require a Oregon Licensed Electrical Contractor. Please have the contractor contact our office for a site visit and inspection. Once we verify all systems installed we will issue all necessary permits and complete the process. Until such time as we can verify the systems are safe, the generators and corresponding electrical are not to be used. We are available for a site visit 5 days a week.

Mark O. Stevenson CBO
Building Official
Josephine County Community Development
Building Safety Division

“We shape our dwellings, and afterwards our dwellings shape us” Winston Churchill

Mr. Stevenson and Ms. Montijo,
Please accept this email on behalf of Benjamin Runyon, the owner of 4327 Leonard Rd.
We received a letter from your offices for a “Notice of Electrical Violation”. We would like to do whatever is necessary to remedy the issue.
We have two generators on the property that provide electricity to the garden area. We need to file a permit for these electrical generators.

The letter states that, “Under Oregon Revised Statute 479.820 this illegal electrical installation will require this Department to cut or disconnect any power serving the property and or structures due to the possibility the generators could back feed existing utilities service.”
Please note that these generators are not wired to the residence on the property and do not tie into any shore power from the electrical provider. The generators are only serving the garden area on the property.

Separately, there have been multiple instances of uncontrolled, loud, barking dogs and loose dogs that appear to be hound dogs running around our property and on Leonard road. Specifically, on Monday July 23, 2018, there were multiple loud, barking dogs on Leonard road for a long duration.
I just wanted to clarify that these were not dogs that live on this property, in case you receive complaints.

Teague @ Nature’s Gold
Cell: 281-793-0718
Office: 541-916-8023
www.NaturesGold.us
Check us out on Social Media @NaturesGold_us
COMMERCIAL BUILDING PERMIT & OCCUPANCY APPLICATION

DESCRIPTION OF WORK  
**80 x 40 Shop**  
LEGAL  
36-06-21-40-2460

SITE ADDRESS  
4327 Leonard Road

OWNER NAME  
Benjamin Runyon

ADDRESS  
4327 Leonard Road, Grants Pass OR 97527

CONTRACTOR BUSINESS NAME  

PHONE  
530-356-9347

LICENSE  

PHONE  

CCB#  

EXPIRATION  

CONTACT  

LICENSE  

DATE OF APPLICATION  
5-11-2017

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CERTIFICATION

I CERTIFY THIS APPLICATION TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE READ, UNDERSTOOD, AND AGREED TO THE FOLLOWING:

1. Permits expire if work is not started within 180 days or if work is suspended for 180 days. Limited exceptions may be available, please inquire before expiration. Note: It is the responsibility of the permittee to call for inspection.
2. Work shall not proceed past approved inspection stage. All required inspections shall be called for in advance.
3. Any modification in approved plans shall be submitted for reapproval in advance.
4. Separate additional permits shall be obtained prior to proceeding with electrical plumbing, and mechanical work.
5. Responsibility for complying with all applicable federal, state, or local laws, ordinances or regulations rest solely with the applicant.
6. It is the responsibility of the permittee to call for inspection.
7. A Reinspect fee of $75 plus the applicable surcharge may be charged.
8. If you are disturbing any existing building material, contact Medford DEQ about asbestos, 541-776-8010.

Note: Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining necessary permits shall be subject to an investigation fee in addition to the required permit fees. As established in ORS 455.058, the investigation fee shall be the average or actual additional cost of the investigation as determined by the established hourly rates. Exception: Temporary repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next 5 business days.

The installation is being made on residential or farm property I own which is not intended for sale, lease, or rent.

Permittee Name  

Owner Agent Contractor (work performed is limited to scope of license)  

Exhibit N-06  

Date  

Issued By
### Foundation Inspections

<table>
<thead>
<tr>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Setback/footing
- Foundation / retaining wall
- Slab Building Insulation
- Plumbing
- MH Runners
- Concrete Encased Electrode

*Place no concrete until the above has been signed*

### Floor Support

<table>
<thead>
<tr>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Building - Floor Frame
- Mechanical - Ducts below
- Plumbing - Rough

### Framing Inspection

<table>
<thead>
<tr>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Building Rough Frame
- Shear Panels
- Mech. Ducts above
- Chimney
- Fireplace
- Gas Test
- Gas piping

- Plumbing Topout
- Shower pan
- Sewer
- Water

### Insulation Inspection

<table>
<thead>
<tr>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Ceiling
- Walls
- Floors
- Required Vapor Barriers

*Do not cover until the above has been signed*

### Interior Wall Covering Inspection

<table>
<thead>
<tr>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Drywall Firewall
- Lath, Plaster

### Final Inspections

<table>
<thead>
<tr>
<th>Date</th>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Building
- Mechanical
- Plumbing

*Structure was converted to an Agriculture Exempt Structure 8/19/2019

See Permit #08-185-19

---

### Special Flood Zone Inspections

- This location is below the one hundred year base flood elevation.
- Note: A FEMA NFIP Elevation Certificate must be received, approved and recorded on the building permit prior to floor support inspection.

---

### Floodplain / Floodway

<table>
<thead>
<tr>
<th>Material Below 100 Yr Base Flood</th>
<th>Elev. Is Flood Resistant</th>
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</thead>
<tbody>
<tr>
<td>DATE SIGN</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Electrical Located Above 100 Yr Base Flood Elevation</th>
<th>Service</th>
<th>Plumbing</th>
<th>HVAC</th>
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</thead>
<tbody>
<tr>
<td>DATE SIGN</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Flood Vents Provided
- Bottom of Vents Within One Foot of Grade
- Openings Meet Flow-Thru Design

*Under no circumstances may construction below the 100 Yr Base Flood Elev. Be converted to habitable use*

Exhibit N - 07
Applicant: RUNYON BENJAMIN JACOB  
Applicant Address: 4327 LEONARD RD GRANTS PASS, OR 97527

Owner: RUNYON BENJAMIN JACOB  
Owner Address: 4327 LEONARD RD GRANTS PASS, OR 97527

SPECIAL REQUIREMENTS

- Assigned Site/Space Number
- Address Card
- County Road
- State Highway
- Other
- Access Permit in File
- Violation - Development Permit to resolve violations
- Comment

- Approximate Flood Hazard Area
- Professional Certificate in File
- NA
- Reason
- Floodway - Base Flood Elevation
- NA
- Reason
- Floodway - Approved Engineer's "No-Rise" Study in File
- NA
- Reason
- LOMA Letter of Map Amendment on file

- Stream Waterway - BLM Authorization in File
- Stream - Name
- Class 1 Stream
- Class 2 Stream
- Wellhead - Division of State Lands Authorization in File
- NA
- Reason
- Nesting Site - ODFW Authorization in File
- NA
- Reason
- Erosion Hazard - Plan in File
- NA
- Reason
- Fire Hazard - Plan in File
- NA
- Reason
- Aggregate - Restriective Covenant, Aggregate Impact Area Agreement in File
- Airport Overlay - Declaration in File
- NA
- Reason
- Enterprise Zone
- Historical - Historical Committee Review
- NA
- Reason
- Schools
- District
- Part of Total - map no.

EXISTING STRUCTURES

- GENERAL PURPOSE BUILDING
- CONCRETE FLAT WORK
- HOBBY STABLE
- MAIN AREA (3 BEDROOMS)
- GARAGE DETACHED

Proposed:

- Shop - 30'X40' including electricity

SETBACKS

- Front Setback: 10'
- Side Setback: 10'
- Rear Setback: 25'
- Stream Setback: 25'

Additional Terms:

Permits Required: A permit is required from the County Public Works Dept or State Highway Division. All structures approved by this permit must also be authorized by separate permits from the Department of Building Safety and Environmental Quality. Failure to comply with the terms of this permit will result in revocation. Falseification of information is a violation of State Law.

Signature: 

Date: 5-11-17

Contractor Name: 

License: 

Approved: 

Date: 5-11-17

Note: Authorized Uses must be underway with all required permits within 1 year from date of issuance of this permit.

Exhibit N - 08
### RESIDENTIAL □ ELECTRICAL PERMIT APPLICATION

**DESCRIPTION OF WORK:** CAMERA SYSTEM

**SITE ADDRESS:** 437 LEONARD ROAD GRANTS PASS, OR 97526

**DIRECTIONS:**

**OWNER:** Name: GED RUNION

**ADDRESS:** 437 LEONARD RD 60, OR 97526

**CONTRACTOR:** BUSINESS NAME: FEDERAL SECURITY

**ADDRESS:** P.O. Box 833 CONVALL, OR 97536

**LICENSE NO:** 103255  

**CC#:**  

**EXPIRATION:** 2-7-2019  

**PHONE:** (541) 474-5405  

**E-mail:** buildingsafety@co.josephine.or.us  

**Inspections:** 24HR. & #474-5408 or www.co.josephine.or.us

---

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<tr>
<th>Items</th>
<th>Cost(e.a.)</th>
<th>Total</th>
<th>Insp. allowed</th>
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<tr>
<td>(1) New Residential-Single or Multi-Family per dwelling unit.</td>
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<tr>
<td>(A) 1000 sq. ft. or less</td>
<td>$166.00</td>
<td></td>
<td>4</td>
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<tr>
<td>(B) Ea. additional 500 sq. ft.</td>
<td>28.80</td>
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<tr>
<td>(C) Limited Energy (please mark all applicable items in Section 6)</td>
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<tr>
<td>(D) Multi-family limited energy</td>
<td>94.80</td>
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</tr>
<tr>
<td>(E) Ea. MH feeder or service</td>
<td>94.80</td>
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<td>2</td>
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<tr>
<td>(2) Services or Feeders — Installations, Alterations, or Relocation</td>
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<td></td>
<td></td>
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<tr>
<td>(A) 200 amps or less</td>
<td>94.80</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(B) 201 amps to 400 amps</td>
<td>112.80</td>
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<td>2</td>
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<tr>
<td>(C) 401 amps to 600 amps</td>
<td>187.20</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(D) 601 amps to 1000 amps</td>
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<tr>
<td>(E) Over 1000 amps</td>
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<td>2</td>
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<tr>
<td>(F) Reconnect Only</td>
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<td>2</td>
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<tr>
<td>(3) Temporary Services or Feeders — Installation, Alterations, or Relocation</td>
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<tr>
<td>(A) 200 amps or less</td>
<td>94.80</td>
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<tr>
<td>(B) 201 amps to 400 amps</td>
<td>112.80</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(C) 401 amps to 600 amps</td>
<td>187.20</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(D) Over 600 amps or 1000 volts see &quot;2&quot; above</td>
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<td></td>
<td></td>
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<tr>
<td>(4) Interior Branch Circuits — New, Alteration or Extension Per Panel</td>
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<tr>
<td>(A) Branch circuit with purchase of service or feeder</td>
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<td></td>
<td>2</td>
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<tr>
<td>(B) Branch circuits without purchase of service or feeder</td>
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<td></td>
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<td>First branch circuit</td>
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<tr>
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<tr>
<td>(5) Ea. additional Inspection over the allowable</td>
<td>$25.00</td>
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<td></td>
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</tbody>
</table>

---

**Items in section 6, 7 & 8 are subject to 2 allowable inspections.**

**Limited Energy Fee for all Systems**

| (A) Alarm | $84.80 |
| (B) Audio/Stereo | |
| (C) Remote Control/HVAC | (6)FEE |
| (D) Data Communication | |
| (E) Doorbell | |
| (F) Garage Door Opener | |
| (G) Central Vacuum | |
| (H) Landscape Lighting | |
| (I) Sprinkler Control | |
| (J) Other | |

**Misc. Exterior Systems (Service or Feeder Not Included)**

| (A) Pump (Well, Septic, Irrig.) | (7)FEE |
| (B) Sign or outline lighting | |
| (C) Pool Bonding | |
| (D) Signal Circuit(s) or a Limited Energy Panel | |

**Reinspect Fee $75 per inspection**

**PERMIT FEE:**

| SERVICE: | 94.80 |
| TRENCH: | |
| FEEDER: | |
| ROUGH: | 11.38 |
| FINAL: | |

**TOTAL FEE:** 106.18

---

A reinspect fee of $75 plus the applicable surcharge may be charged. 

Permits Expire if work is not started within 180 days or if work is suspended 
for 180 days. Limited exceptions may be available please inquire before expiration.

Note: It is the responsibility of the permittee to call for inspection.

Note: Work commencing before permit issuance.

Any person who commences any work on a building or structure before obtaining necessary permits shall be subject to an investigation fee in addition to the required permit fees. As established in ORS 455.056, the investigation fee shall be the average or actual additional cost of the investigation as determined by the established hourly rates.

Exception: Temporary repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next 5 business days.

The installation is being made on residential or farm property or own which is not intended for sale, lease or rent.

Permittee Name: JIM CATE

Signature: Exhibit N - 10

Date: 3-18-18

Owners Initials: [Signature]

Issuer: [Signature]
AGRICULTURAL OR EQUINE BUILDING EXEMPTION

Description of Work: Convert Existing 835x35 Metal Bldg to AG USE

Site Address: 4327 Leonard Rd TP OR Parcel 360421A0002400

Owner Name: Ben Runyon

Address: Same

Planning Permit: Permit stating on farm and farm use by owner PL-2019-01007

Check applicable designation: ☑ Agricultural ☐ Equine

☐ Septic approval from D.E.Q. Date: __________ Sq. Ft. __________

☐ Electric ☐ Plumbing ☐ Mechanical (HVAC)

☐ Check all the systems below that will be installed in the structure. Individual permits are required.

☐ Agricultural structures are defined in ORS 455.315 and the designation as such is determined by the planning department. Structures determined to meet the requirements are exempt from state building codes, permits and inspections.

Check the applicable use(s) proposed (as specified in ORS 455.315(2)):

☐ Storage, maintenance or repair of farm or forestry machinery and equipment.

☐ The raising, harvesting and selling of crops or forest products.

☐ The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees.

☐ Dairying and the sale of dairy products.

☐ Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.

Per ORS 455.315(2), the following uses/conditions are not permitted in an Ag Exempt structure:

- A dwelling.
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time.
- A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476.
- A structure used by the public.
- A structure located in a flood hazard area.

Josephine County is an affirmative action/opportunity employer and complies with Section 504 of the Rehabilitation Act of 1973.

SASBUL, MUNICIPAL GOVERNMENT, WATER, EQUINE EXEMPT, BUILDINGS, AG/BLDGS DOC

Last printed 01/11/2019

Exhibit N - 11
EQUINE

Equine structures are defined in ORS 455.315 and the designation as such is determined by the Planning Department. Structures determined to meet the requirements are exempt from state building codes, permits and inspections.

Check the applicable use(s) proposed (as specified in ORS 455.315(2)):

Equine facility means a building located on a farm and used by the farm owner or the public for:

- Stabling or training equines; or
- Riding lessons and training clinics.

Per ORS 455.315(2), the following uses/conditions are not permitted in an Equine Exempt structure:

- A dwelling.
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time.
- A structure regulated by the State Fire Marshal pursuant to ORS chapter 476
- A structure used by the public
- A structure located in a flood hazard area.

Note: The use(s) of the structure must be used in accordance with ORS 455 315(2) as noted above and may not be used for other uses such as storage of autos/RV’s, recreation rooms, storage of furniture, etc.

I certify the structure described above is an AGRICULTURAL/EQUINE BUILDING as defined in ORS 455 315(2).

[Signature]

[Date]
Frank Wharregard

From: Frank Wharregard
Sent: Monday, August 26, 2019 3:53 PM
To: 'ben@naturesgold.us'
Subject: RE: Permits

Bridget,

The electrical work needs to be done by a licensed electrician and this includes obtaining an electrical permit. All commercial work done on the facility or to any of the commercial use structures must be done by licensed contractors in accordance with state licensing guidelines. As far as the generator, you will want to review the manufacturers' installation instructions on approved locations for its installation. If it can be installed indoors but exhaust piped outdoors, then your electrician can follow those guidelines. The sound decibel level can be found in the Josephine County Code on the County website. I do not know what it is since it is a land use code requirement. Your planner might be able to help you locate it in their code.

The application process for non-conforming use is something I am not a part of nor do I have any knowledge of its timeline. The planning department is processing this and would be the best place to get that information. I will help in any way I can with what pertains to building safety requirements, otherwise you will need to speak with whomever your contact is for the Planning Department and Code Enforcement.

Speaking of, you need to contact Denise in the Code Enforcement Department here at Community Development at 541-474-5425 or via email: enforcement@co.josephine.or.us. They have had an open case on this property for some time and has attempted multiple times to make contact and come out for a site walkthrough and organize a plan with the owners to get them into compliance.

Let me know if you have any more questions.

Thanks,

Frank Wharregard c/o
Frank Wharregard CBO
Deputy Building Official
Josephine County Building Safety Division
541-474-5169 x2410 Fax: 541-474-5422
fwharregard@co.josephine.or.us

"Pleasure in the job puts perfection in the work" - Aristotle

*******This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, immediately advise the sender by reply email and destroy this message.

***************
Frank,

This is Bridget from Nature's Gold. I have a couple questions I hope you can clear up. Can we pull our own electrical permits and then have it inspected for approval or do we need to have an electrician pull the permit for the warehouse? Also, what is the decimal limit for the generator? How long does it take for the non conforming to be approved?

We chopped the top off the hoop houses so they are no longer, we have put exhaust on the generator and redirected the noise. We moved the water tanks, is there anything I am missing that will help this be approved and done faster?

I appreciate all your help.

Sincerely,

Bridget Lee
Exemption from DEQ permit:

Date: 8/19/19

Development Permit #: PL-2019-01007

Applicant Information:

Name: Ben Runyon

Address: 4327 Leonard Rd

City / State: Grants Pass OR 97527

Site Address: Same

Parcel: 340621A0002400

Description of work exempt from DEQ permit: Class A Stream 25 ft setback required

1. We certify this addition or alteration will not result in additional bedrooms or sewage flow. No structure will be within 5' of the septic tank or 10' of the drain field. The septic system is not surfacing, failing or malfunctioning.

Applicant's Signature / Date

Exhibit N - 15
CERTIFICATION

I CERTIFY THIS APPLICATION TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE READ, UNDERSTOOD, AND AGREED TO THE FOLLOWING:

1. Permits expire if work is not started within 180 days or if work is suspended for 180 days. Limited exceptions may be available; please inquire before expiration. Note: It is the responsibility of the permittee to call for inspection.
2. Work shall not proceed past approved inspection stage. All required inspections shall be called for in advance.
3. Any modification in approved plans shall be submitted for reapproval in advance.
4. Separate additional permits shall be obtained prior to proceeding with electrical, plumbing, and mechanical work.
5. Responsibility for complying with all applicable federal, state, or local laws, ordinances, or regulations rests solely with the applicant.
6. It is the responsibility of the permittee to call for inspection.
7. A Reinspect fee of $75 plus the applicable surcharge may be charged.
8. If you are disturbing any existing building material, contact Medford DEQ about asbestos, 541-776-6000

The installation is being made on residential property I own, which is not intended for sale, lease, or rent.

Note: Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining necessary permits shall be subject to an investigation fee in addition to the required permit fees. As established in ORS 456.056, the investigation fee shall be the average of actual additional cost of investigation as determined by the established hourly rates. Exception: Temporary repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next 5 business days.

RUNYON, BENJAMIN JACOB
Permitting Name
Owner / Agent / Contractor

[Signature]

8-19-19
Date

Exhibit N - 16
PARCEL: 360621A0002400
SITUS: 4327 Leonard Rd
ACRES: 5.01
PERMIT NUMBER: PL-2019-01007
ZONE: RR5
SCHOOL DISTRICT: District 7

APPLICANT: RUNYON, BENJAMIN JACOB
APPLICANT PHONE #: 530-356-9347
APPLICANT ADDRESS: 4327 LEONARD RD
GRANTS PASS, OR 97527
OWNER: RUNYON, BENJAMIN JACOB
OWNER ADDRESS: 4327 LEONARD RD
GRANTS PASS, OR 97527

SPECIAL REQUIREMENTS
* Stream Name Class 2 Stream 25 ft setback required. Unknown
* Erosion Hazard - Plan in File NA  Reason: existing

EXISTING STRUCTURES
Residential Dwelling, detached garage, general purpose building, hobby stable, (3) cargo containers, fencing, metal warehouse building, (3) water tanks

PROPOSAL
Convert existing 45' x 80' warehouse (Permit # 2017-276) to agriculture use structure.

SETBACKS
Front Setback: 35 ft.
Side Setback: 10 ft.
Rear Setback: 20 ft.
Stream Setback: 0 ft.
Height: 35 ft.

ADDITIONAL TERMS:
* Resource Building in accordance with ORS 455.315.

ALL DEVELOPMENT MUST COMPLY WITH THE REQUIREMENTS OF THE DEQ CONSTRUCTION STORMWATER BEST MANAGEMENT PRACTICES MANUAL, WHICH IS AVAILABLE ONLINE.

OTHER PERMITS REQUIRED: *ACCESS PERMIT REQUIRED FROM COUNTY PUBLIC WORKS DEPT OR STATE HIGHWAY DIVISION. ALL STRUCTURES APPROVED BY THIS PERMIT MUST ALSO BE AUTHORIZED BY SEPARATE PERMITS FROM THE DEPARTMENTS OF BUILDING SAFETY AND ENVIRONMENTAL QUALITY. FAILURE TO COMPLY WITH THE TERMS OF THIS PERMIT WILL RESULT IN REVOCATION. FALSIFICATION OF INFORMATION IS A VIOLATION OF STATE LAW.

SIGNATURE:

DATE: 8-19-19

CONTRACTOR NAME:

LICENSE#:

APPROVED:郁郁华华

DATE: 8/16/19

NOTE: AUTHORIZED USES MUST BE UNDERWAY WITH ALL REQUIRED PERMITS WITHIN 1 YEAR FROM DATE OF ISSUANCE OF THIS PERMIT

Exhibit N - 17
Josephine County, Oregon

AGRICULTURAL STRUCTURE USE COVENANT

This covenant shall be binding upon the owner(s), their heirs, successors and assigns.

The undersigned owner(s) of Ben Runyon hereby agrees that the structure at the proposed site located on the real property, as described on Exhibit "A" Township 16S, Range 10W, West, Section 21, Quarter Section 16, Tax Lot 1060, and Exhibit "B" (the plot plan attached hereto) will be used solely as an agricultural building as defined by ORS 455.315 (2) (see below). This agreement further serves as notice to the owner and successors in interest that no change in use of the structure shall be allowed.

Exempt Structure: Warehouse
Dimensions: 45' x 36'

1995 ORS 455.315 Exception of agricultural buildings, agricultural grading and equine facilities

(1) The provisions of this chapter do not authorize the application of any industrial special use to any agricultural building, agricultural grading or equine facilities.
(2) As used in this section:

Agricultural building means a structure located on a farm for livestock production and used for:
(a) Storage, maintenance or repair of farm machinery and equipment;
(b) The cutting, harvesting, and feeding of crops or forest products;
(c) The feeding, housing, management and care of livestock, poultry, and equine animals;
(d) Driving, and the sale of farm products;
(e) Any other agricultural, forestry, or agricultural use or industrial buildings or any combination thereof, including the preparation and storage of these products and the disposal, by marketing or otherwise, of farm products or forest products.

Agricultural grading means grading related to a farming practice as defined in ORS 309.350 (Definitions for ORS 309.300 to 309.500).

Agricultural structure means a building, located on a farm, and used by the farm owner or the public for:
(a) Grazing or boarding purposes; or
(b) For feeding, training or equine or other animal training clinics.

Agricultural structure does not mean:
(a) A building, structure or use where more than 10 persons are resident or employed.
(b) Those structures regulated by the State Fire Marshal pursuant to ORS Chapter 176, or those buildings subject to the regulations of the United States Code (the National Flood Insurance Act of 1968) as amended and regulations promulgated thereunder.

Dated this 15th day of August 2016

STATE OF OREGON

County of Josephine

In witness whereof the above-named Ben Runyon and acknowledge the foregoing

executed on this 15th day of August 2016.

Official Seal

NOTARY PUBLIC
OREGON
COMMISSION NO. 977410
MY COMMISSION EXPIRES JULY 23, 2022

Exhibit N - 18
08-186-19

SITE ADDRESS: 4327 Leonard Rd
Grants Pass, OR 97527

PARCEL: 380621A0002400

PROJECT DESCRIPTION: Demolish 3x 40 Container Box for Storage Container

APPLICANT: RUNYON, BENJAMIN JACOB
4327 LEONARD RD
GRANTS PASS, OR 97527
541-344-9241

OWNER: RUNYON, BENJAMIN JACOB
4327 LEONARD RD
GRANTS PASS, OR 97527

CONTACTOR: 

LICENSE EXPIRES

.stdout

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<th>VALUE</th>
<th>FEES</th>
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<th>DUE</th>
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Building Permit - Exempt from Fee
Total: $0.00

EXEMPT STRUCTURE RESIDENTIAL

ISSUED: 08/19/2019
EXPIRES: 02/15/2020

ADDITIONAL PERMIT INFORMATION

Planning Zone: RRS
Erosion Hazard - Plan in File  NA Reason
Stream Name  Class 2 Stream 25 ft. setback required.
JOSEPHINE COUNTY COMMUNITY DEVELOPMENT
BUILDING SAFETY DIVISION
P.O. BOX 1151, GRANTS PASS, OR 97528
PHONE: 541-474-5408
FAX: 541-474-5410
E-mail: buildingsafety@co.josephine.or.us
Inspections 24 HR: #474-5408 or www.co.josephine.or.us

CERTIFICATION

I CERTIFY THIS APPLICATION TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE READ, UNDERSTOOD, AND AGREED TO THE FOLLOWING:

1. Permits expire if work is not started within 180 days or if work is suspended for 180 days. Limited exceptions may be available; please inquire before expiration. Note: Item responsibility of the permittee to call for inspection.
2. Work shall not proceed past approved inspection stage. All required inspections shall be called for in advance.
3. Any modification in approved plans shall be submitted for reapproval in advance.
4. Separate additional permits shall be obtained prior to proceeding with electrical, plumbing, and mechanical work.
5. Responsibility for complying with all applicable federal, state, or local laws, ordinances or regulations rests solely with the applicant.
6. It is the responsibility of the permittee to call for inspection.
7. A Reinspect fee of $75 plus the applicable surcharge may be charged.
8. If you are disturbing any existing building materials, contact Medford DEQ about asbestos. 541-776-6010.

The installation is being made on residential property I own which is not intended for sale, lease, or rent.

Note: Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining necessary permits shall be subject to an investigation fee in addition to the required permit fees. As established in ORS 455.058, the investigation fee shall be the average or actual additional cost of the investigation as determined by the established hourly rates. Exception: Temporary repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next 5 business days.

RUNYON, BENJAMIN JACOB
Permittee Name

[Signature]

[Signature]

[Signature]

[Signature]

8-19-19

[Signature]

[Signature]

[Signature]

[Signature]

Exhibit N - 20
Exemption from DEQ permit:

Date: 8-19-19

Development Permit #: PL-2019-01009

Applicant Information:

Name: Ben Runyon
Address: 4327 Leonard Rd
City / State: Grants Pass, OR 97527

Site Address: Same
Parcel: 3601621A0002400

Description of work exempt from DEQ permit: Convert existing 8x40 Connex storage container

I certify this addition or alteration will not result in additional bedrooms or sewage flow. No structure will be within 5' of the septic tank or 10' of the drain field. The septic system is not surging, failing or malfunctioning.

Applicants Signature / Date
AGRICULTURAL OR EQUINE BUILDING EXEMPTION

Description of Work: Convert existing 8'x40' Connex

Date of Application: 8.19.19

Site Address: 4327 Leonard Rd GP OR 97527

Parcel: 360621A 0002 040

Owner Name: Ben Runyon

Phone: 530-356-9347

Planning Development Permit stating "on farm and farm use by owner PL-2019-01009"

Check applicable designation: ☑ Agricultural ☐ Equine

☐ Septic approval from D.E.Q. Date __________________ Sq. Ft. __________

Check all the systems below that will be installed in the structure. Individual permits are required.

☐ Electric ___________________ ☐ Plumbing ___________________ ☐ Mechanical (HVAC) ___________

AGRICULTURAL

Agricultural structures are defined in ORS 455.315 and the designation as such is determined by the Planning Department. Structures determined to meet the requirements are exempt from state building codes, permits and inspections.

Check the applicable use(s) proposed (as specified in ORS 455.315(2)):

☐ Storage, maintenance or repair of farm or forestry machinery and equipment.

☐ The raising, harvesting and selling of crops or forest products.

☐ The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees.

☐ Dairying and the sale of dairy products.

☐ Any other agricultural, forestry or horticultural use or animal husbandry or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.

Per ORS 455.315(2), the following uses/conditions are not permitted in an Ag Exempt structure:

- A dwelling
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time.
- A structure regulated by the State Fire Marshal pursuant to ORS chapter 476.
- A structure used by the public.
- A structure located in a flood hazard area.

Josephine County is an Alternative Agricultural Opportunity Community and complies with Section 041 of the Rehabilitation Act of 1973.

Exhibit N - 22
EQUINE

Equine structures are defined in ORS 455.315 and the designation as such is determined by the Planning Department. Structures determined to meet the requirements are exempt from state building codes, permits and inspections.

Check the applicable use(s) proposed (as specified in ORS 455.315(2)):

- Equine facility means a building located on a farm and used by the farm owner or the public for:
  - Stabling or training equines; or
  - Riding lessons and training clinics.

Per ORS 455.315(2), the following uses/conditions are not permitted in an Equine Exempt structure:

- A dwelling
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time.
- A structure regulated by the State Fire Marshal pursuant to ORS chapter 476.
- A structure used by the public.
- A structure located in a flood hazard area.

Note: The use(s) of the structure must be used in accordance with ORS 455.315(2) as noted above and may not be used for other uses such as storage of autos/RV's, recreation rooms, storage of furniture, etc.

I certify the structure described above is an AGRICULTURAL/EQUINE BUILDING as defined in ORS 455.315 (2).

[Signature] 8-19-19

Print Name

Exhibit N - 23
JOSEPHINE COUNTY PLANNING DIVISION - DEVELOPMENT PERMIT

PARCEL: 360621A0002400
SITUS: 4327 Leonard Rd
ACRES: 5.01

PERMIT NUMBER: PL-2019-01009
ZONE: RR5
SCHOOL DISTRICT: District 7

APPLICANT: RUNYON, BENJAMIN JACOB
APPLICANT ADDRESS: 4327 LEONARD RD
GRANTS PASS, OR 97527
APPLICANT PHONE #: 541-358-9347

OWNER: RUNYON, BENJAMIN JACOB
OWNER ADDRESS: 4327 LEONARD RD
GRANTS PASS, OR 97527

SPECIAL REQUIREMENTS
- Erosion Hazard - Plan in File
- Stream Name Class 2 Stream 25 ft setback required

EXISTING STRUCTURES
- Residential Dwelling
garage, general purpose
building, hobby stable, (3) cargo
containers, fencing, metal
warehouse building, (3) water
tanks

PROPOSAL
- Convert existing 8 x 40' connex storage container (Permit # 2017-108) to agriculture structure

SETBACKS
- Front Setback: 10 ft.
- Side Setback: 15 ft.
- Rear Setback: 25 ft.

ADDITIONAL TERMS:
- Resource Building in accordance with ORS 455.315

ALL DEVELOPMENT MUST COMPLY WITH THE REQUIREMENTS OF THE DEQ CONSTRUCTION STORMWATER BEST MANAGEMENT PRACTICES MANUAL, WHICH IS AVAILABLE ONLINE.

OTHER PERMITS REQUIRED: ACCESS PERMIT REQUIRED FROM COUNTY PUBLIC WORKS DEPT OR STATE HIGHWAY DIVISION. ALL STRUCTURES APPROVED BY THIS PERMIT MUST ALSO BE AUTHORIZED BY SEPARATE PERMITS FROM THE DEPARTMENTS OF BUILDING SAFETY AND ENVIRONMENTAL QUALITY. FAILURE TO COMPLY WITH THE TERMS OF THIS PERMIT WILL RESULT IN REVOCATION. FALSIFICATION OF INFORMATION IS A VIOLATION OF STATE LAW.

SIGNATURE: __________________________________________ DATE: 8/17/19
CONTRACTOR NAME: __________________________________ LICENSE#: __________________
APPROVED: _________________________________________ DATE: 8/14/19

NOTE: AUTHORIZED USES MUST BE UNDERWAY WITH ALL REQUIRED PERMITS WITHIN 1 YEAR FROM DATE OF ISSUANCE OF THIS PERMIT.
Josephine County, Oregon

AGRICULTURAL STRUCTURE USE COVENANT

This covenant shall be binding upon the OWNER(S), their heirs, successors and assigns.

The undersigned OWNER(S) hereby agree(s) that the structure at the proposed site located on the real property as described on Exhibit "A", Township 27, South, Range 8E, West, Section 21, Quarter Section A, Tax Lot 2500 and Exhibit "B" the plot plan attached hereto, will be used solely as an agricultural building as defined by ORS 455.315(2) (see below). This agreement further serves as notice to the owner and successors in interest that no change in use of the structure(s) shall be allowed.

Exterior Structure: Storage Container
Dimensions: 8x10

2013 ORS 455.315 Exemption of agricultural buildings, agricultural grading and equine facilities

(1) The provisions of this chapter do not authorize the application of a state structural specialty code to any agricultural building, agricultural grading or equine facility.

(2) As used in this section:

(a) "Agricultural building" means a structure located on a farm or agricultural operation and used for:

(B) Storage, maintenance or repair of farm machinery and equipment;
(C) The raising, harvesting and setting of crops or forest products;
(D) The handling, processing, and sale of, or the production of livestock or poultry, horticulture or honey bees;
(E) Any other agricultural, forestry, or horticultural or animal husbandry, or any combination thereof, including the preparation and storages, fresh produce and the disposal, by marketing and processing, of farm produce or forest products.

(b) "Agricultural grading" does not mean:

(A) A structure used for a purpose other than grading plants in which 10 or more persons are present at any one time; or
(B) Structure intended for the storage, bulk storage, grading, or packaging of agricultural products;

(c) "Equine Facility" means a building located on a farm and used by the farm owner or the public for:

(A) Stabling or maintenance of equines; or
(B) Riding lessons and boarding classes.

(d) "Equine Facility" does not mean:

(A) A structure which is a structure in which more than 10 persons are present at any one time; or
(B) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476, or
(C) A structure subject to sections 4127, title 412, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

Dated this 15 day of January, 2019

STATE OF OREGON

County of Josephine

Personally appeared the above named BEAU BROWN and acknowledged the foregoing instrument to be her voluntary act and deed before me this 15th day of August, 2019.

[Signature]
Notary Public in and for the State of Oregon

My commission expires July 29th, 2022

Exhibit N - 25
Exhibit "A"

Real property in the County of Josephine, State of Oregon, described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, AMENT TRACTS, A SUBDIVISION IN SECTION 21, TOWNSHIP 36 SOUTH, RANGE 6 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, AS PLATTED AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JOSEPHINE COUNTY, OREGON; THENCE WEST 350 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF LOT 4 A DISTANCE OF 912.3 FEET TO THE SOUTHERLY EDGE OF THE COUNTY ROAD; THENCE NORTH 41°26' EAST 37.8 FEET; THENCE SOUTH 354.2 FEET; THENCE EAST 325 FEET TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH 586.4 FEET TO THE PLACE OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.
**Exempt Structure Residential**

**08-187-19**

**SITE ADDRESS:** 4327 Leonard Rd
Grants Pass, OR 97527

**Parcel:** 360621A00002400

**Project Description:** 4' x 40' Conex Box (to storage container)

**Applicant:** Runyon, Benjamin Jacobs
4327 Leonard RD
Grants Pass, OR 97527
541-366-9947

**Owner:** Runyon, Benjamin Jacobs
4327 Leonard RD
Grants Pass, OR 97527

**Contractor:**

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**Additional Permit Information**

Planning Zone: R25

Erosion Hazard: Plan in File ______ NA ______ Reason

Stream Name: ______ Class 2 Stream 25 ft setback required.
CERTIFICATION

I CERTIFY THIS APPLICATION TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE READ, UNDERSTOOD, AND AGREED TO THE FOLLOWING:

1. Permits expire if work is not started within 180 days or if work is suspended for 180 days. Limited exceptions may be available, please inquire before expiration. Note it is the responsibility of the permittee to call for inspection.
2. Work shall not proceed past approved inspection stage. All required inspections shall be called for in advance.
3. Any modification in approved plans shall be submitted for reapproval in advance.
4. Separate additional permits shall be obtained prior to proceeding with electrical, plumbing, and mechanical work.
5. Responsibility for complying with all applicable federal, state, or local laws, ordinances or regulations rest solely with the applicant.
6. It is the responsibility of the permittee to call for inspection.
7. A Reinspect fee of $75 plus the applicable surcharge may be charged.
8. If you are disturbing any existing building material, contact Medford DEQ about asbestos, 541-776-6010.

The installation is being made on residential property (own which is not intended for sale, lease, or rent).

Note: Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining necessary permits shall be subject to an investigation fee, in addition to the required permit fees. As established in ORS 455.058, the investigation fee shall be the average or actual additional cost of the investigation as determined by the established hourly rates. Exception: Temporary repairs performed in an emergency on an existing structure. The authority having jurisdiction shall be notified of this work within 72 hours and permit application for the temporary work shall be submitted within the next 5 business days.

RUNYON, BENJAMIN JACOB  
Authorized Signature  

Exhibit N - 28
Exemption from DEQ permit:

Date: 8-19-19

Development Permit #: PL 2019-01008

Applicant Information:

Name: Ben Runyon
Address: 4327 Leonard Rd
City / State: Grants Pass, OR 97527

Site Address: Same
Parcel: 3601621A0002400

Description of work exempt from DEQ permit: Convert 8x40 Connex box to Storage Container

I / We certify this addition or alteration will not result in additional bedrooms or sewage flow. No structure will be within 5' of the septic tank or 10' of the drain field. The septic system is not surfacing, failing or malfunctioning.

Applicants Signature / Date: 8-19-19

Exhibit N - 29
AGRICULTURAL OR EQUINE BUILDING EXEMPTION

Description of Work: Convert existing 8x10 storage container
Conex

Site Address: 4327 Leonard Rd GP 0R451
Parcel: 360621A 0002400
Owner Name: Ben Runyon
Address: Same

Planning Development Permit stating on farm and farm use by owner DL-2019-01008

Check applicable designation: □ Agricultural □ Equine

□ Septic approval from D.E.Q. Date: ___________________________ Sq. Ft. ___________________________

Check all the systems below that will be installed in the structure. Individual permits are required.

□ Electric ___________________________ □ Plumbing ___________________________ □ Mechanical (HVAC) ___________________________

AGRICULTURAL

Agricultural structures are defined in ORS 455.315 and the designation as such is determined by the Planning Department. Structures determined to meet the requirements are exempt from state building codes, permits and inspections.

Check the applicable use(s) proposed (as specified in ORS 455.315(2)):

□ Storage, maintenance or repair of farm or forestry machinery and equipment.

□ The raising, harvesting and selling of crops or forest products.

□ The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees.

□ Dairying and the sale of dairy products.

□ Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.

Per ORS 455.315(2), the following uses/conditions are not permitted in an Ag Exempt structure:

- A dwelling.
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time.
- A structure regulated by the State Fire Marshal pursuant to ORS chapter 476.
- A structure used by the public.
- A structure located in a flood hazard area.
EQUINE

Equine structures are defined in ORS 455.315 and the designation as such is determined by the Planning Department. Structures determined to meet the requirements are exempt from state building codes, permits and inspections.

Check the applicable use(s) proposed (as specified in ORS 455.315(2)):

- Equine facility means a building located on a farm and used by the farm owner or the public for:
  - Stabling or training equines; or
  - Riding lessons and training clinics.

Per ORS 455.315(2), the following uses/conditions are not permitted in an Equine Exempt structure:

- A dwelling.
- A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time.
- A structure regulated by the State Fire Marshal pursuant to ORS chapter 476.
- A structure used by the public.
- A structure located in a flood hazard area.

Note: The use(s) of the structure must be in accordance with ORS 455.315(2) as noted above and may not be used for other uses such as storage of autos/RV's, recreation rooms, storage of furniture, etc.

I certify the structure described above is an AGRICULTURAL/EQUINE BUILDING as defined in ORS 455.315 (2).

[Signature]

[Date]

[Issued by]
JOSEPHINE COUNTY PLANNING DIVISION - DEVELOPMENT PERMIT

PARCEL: 360621A0002400
SITUS: 4327 Leonard Rd
ACRES: 5.01

PERMIT NUMBER: PL-2019-01008
ZONE: RR5
SCHOOL DISTRICT: District 7

APPLICANT: RUNYON, BENJAMIN JACOB
APPLICANT ADDRESS: 4327 LEONARD RD
GRANTS PASS, OR 97527
OWNED: RUNYON, BENJAMIN JACOB
OWNER ADDRESS: 4327 LEONARD RD
GRANTS PASS, OR 97527

APPLICANT PHONE #: 530-356-9347

SPECIAL REQUIREMENTS
- Erosion Hazard - Plan in File NA ✓ Reason existing
- Stream Name - Class 2 Stream 25 ft setback required unknown

EXISTING STRUCTURES
Residential Dwelling, detached garage, general purpose building, hobby stable, (3) cargo containers, fencing, metal warehouse building, (3) water tanks

PROPOSAL
Convert existing 8' x 40' connex storage container (Permit # 2017-108) to agriculture structure

SETBACKS
Front Setback: 30 ft.
Side Setback: 10 ft.
Rear Setback: 25 ft.
Stream Setback: 0 ft.
Height: 35 ft.

ADDITIONAL TERMS:
- Resource Building in accordance with ORS 455.310

ALL DEVELOPMENT MUST COMPLY WITH THE REQUIREMENTS OF THE DEQ CONSTRUCTION STORMWATER BEST MANAGEMENT PRACTICES MANUAL, WHICH IS AVAILABLE ONLINE.

OTHER PERMITS REQUIRED: "ACCESS PERMIT REQUIRED FROM COUNTY PUBLIC WORKS DEPT OR STATE HIGHWAY DIVISION. ALL STRUCTURES APPROVED BY THIS PERMIT MUST ALSO BE AUTHORIZED BY SEPARATE PERMITS FROM THE DEPARTMENTS OF BUILDING SAFETY AND ENVIRONMENTAL QUALITY. FAILURE TO COMPLY WITH THE TERMS OF THIS PERMIT WILL RESULT IN REVOCATION. FALSIFICATION OF INFORMATION IS A VIOLATION OF STATE LAW.

SIGNATURE: [Signature]
DATE: 3/19/19
LICENSE#: [License number]

CONTRACTOR NAME: [Contractor name]
APPROVED: [Approval date]
DATE: 8/16/19

NOTE: AUTHORIZED USE MUST BE UNDERWAY WITH ALL REQUIRED PERMITS WITHIN 1 YEAR FROM DATE OF ISSUANCE OF THIS PERMIT.
Josephine County, Oregon

AGRICULTURAL STRUCTURE USE COVENANT

This covenant shall be binding upon the OWNER(S), their heirs, successors and assigns.

The undersigned OWNER(S) hereby agree(s) that the structure at the proposed site located on the real property as described on Exhibit "A", Township 36 North, Range 18 West, Section 21, Quarter Section 240, Tax Lot 240, and Exhibit "B" attached hereto, will be used solely as an agricultural building as defined by ORS 455.315 (1) (see below). This agreement further serves as notice to the owner and successors in interest that no change in use of the structure(s) shall be allowed.

Exempt Structure: Storage Container Dimensions 3x4x10

2015 ORS 455.315 Exemption of agricultural buildings, agricultural grading and equine facilities

1. The provisions of this chapter do not authorize the application of a state structural quality code to any agricultural building, agricultural grading or equine facility.

2. As used in this section:

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

(i) Storage, maintenance or repair of farm machinery and equipment;
(ii) The growing, harvesting, and selling of crops or forest products;
(iii) The feeding, breeding, management and care of livestock or the produce of livestock, poultry, farm and forestry products of the farm, or (iv) Any other agricultural activity or agricultural use on the farm, including the preparation and storage of farm products and the disposal, or marketing of any agricultural products.

(b) "Agricultural building does not mean:

(i) A building, structure used for a purpose other than growing, harvesting and selling of crops or forest products, which does not make use of agricultural activities as defined above.

(c) "Agricultural grading" means grading related to a farming practice as defined in ORS 690.310, Definitions for ORS 690.910 to 690.945.

(d) "Facility" means a building located on a farm and used by the farm owner or the public for:

(i) Storing or growing farm products, and
(ii) Feeding, breeding, managing and raising farm animals.

(e) "Equine Facility" does not mean:

(i) A dwelling; (ii) A structure in which more than 10 persons sleep at any one time; (iii) A structure exempted by the State Fire Marshal pursuant to ORS Chapter 476; or (iv) A structure exempted by sections 4901-4913, title 42, United States Code (the National Flood Insurance Act of 1968), as amended, and regulations promulgated thereunder.

Date this __5__ day of August, 2019
Signed
County of Josephine

Personally appeared the above named Ben Kuroy
and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 15th day of August, 2019.

[Signature]
My commission expires July 29th, 2022

Exhibit N - 33
Exhibit "A"

Real property in the County of Josephine, State of Oregon, described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, AMENT TRACTS, A SUBDIVISION IN SECTION 21, TOWNSHIP 36 SOUTH, RANGE 6 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, AS PLATTED AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JOSEPHINE COUNTY, OREGON; THENCE WEST 350 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF LOT 4 A DISTANCE OF 912.3 FEET TO THE SOUTHERLY EDGE OF THE COUNTY ROAD; THENCE NORTH 41° 26' EAST 37.8 FEET; THENCE SOUTH 354.2 FEET; THENCE EAST 325 FEET TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH 586.4 FEET TO THE PLACE OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.
Exhibit "O"

RECOMMENDED CONDITIONS OF APPROVAL
(Planning Staff)
RECOMMENDED CONDITIONS OF APPROVAL – Runyon/4327 Leonard Road

Based on the evidence and the findings of fact entered herein, the BCC hereby APPROVES the Determination of the Non-Conforming Use as described herein. **The applicant is subject to the following conditions:**

1. The person regulated by the state of Oregon must have an interest in the lot or parcel where the marijuana production site is located. (Section 19.61.020.C.1, JCC)

2. With the exception of residents, guests, and employees who serve to guard a marijuana production site, nonconforming marijuana production site regular business hours shall be limited from 7:00 a.m. to 7:00 p.m. Security personnel must be permitted marijuana workers per the state of Oregon and comply with all laws governing the provision of security services. (Section 19.61.020.C.2, JCC)

3. Beginning on September 20th and ending on November 10th annually, nonconforming marijuana production site regular business hours shall be extended to 5:00 a.m. to 9:00 p.m. to accommodate harvest. These extended regular business hours shall be subject to the mechanically generated noise restrictions in #4 below. (Section 19.61.020.C.3, JCC)

4. Mechanically generated noise associated with a nonconforming marijuana production site shall not exceed 50 dB(A), measured at the property lines of the nonconforming marijuana production site, from 7:00 a.m. to 7:00 p.m. (Section 19.61.020.C.4, JCC)

5. The applicant shall obtain a Development Permit ($300) for final authorization to operate the legal non-conforming use (marijuana production facility). The applicant must also obtain permits from Building Safety as applicable. (Section 19.41.020.B.4, JCC)

6. As per the applicant, the outdoor production site is limited to 39,300 square feet; immature canopy is limited to 972 square feet; see site plan map (Exhibit B-4). Per Section 19.72.060.A.2, JCC, the maximum allowed accessory building square footage on the property is 6,000 square feet. The cumulative size of ALL buildings on the lot cannot exceed 50% of the lot area.

7. Legal nonconforming use is limited by Section 19.13.020 of the Josephine County Code (JCC) which specifies that as long as the property is used for the nonconforming use (production of commercial marijuana), at least once every twelve months, the property will retain its status as a legal nonconforming use. (Section 19.13.020, JCC)

8. Josephine County requires all marijuana businesses to apply for and receive an Annual Compliance Certificate that verifies the operation is in compliance with all state and local codes. The applicant shall apply for an Annual Compliance Certificate at least 30 days before the anniversary date of the issuance of the marijuana business’ license by the OLCC, OHA, or other appropriate state regulatory agency. (Chapter 5.35, JCC)

9. There shall be no camping for workers on-site; the facility shall abide to noise regulations indicated herein, and the placement of any structures shall meet all setback requirements from property lines. (Section 19.42.050.B.2, JCC)

10. The project shall comply with all Josephine County Building Safety requirements. (Section 19.42.050.A.1, JCC)

Exhibit O – 02
11. No foreign waste or hazardous material from the development shall enter into any waters of the state. (Section 19.42.050.A.1, JCC)

12. The owner must comply with DEQ regulations regarding the environment (air, water and land) that may apply to the uses authorized by this approval. (Section 19.42.050.A.1, JCC)

13. Address and direction signs shall be permanently posted and maintained at driveway entrances and at any subsequent driveway intersections (or divided driveways) so that they clearly and effectively direct approaching emergency traffic to structure locations. Numbers or letters used in the signs shall be at least 3 inches high and address numbers consist of light reflective material. (Section 19.76.050, JCC)

14. Gates on private driveways shall provide a clear opening of at least 12 feet. Gates must be setback at least 30 feet from the public road to allow emergency vehicles to clear the roadway when stopped at the gate. (Section 19.76.020.B & 19.76.040.A.2.i, JCC)

15. All existing and new lighting used to illuminate the premises shall be designed or arranged so that light reflects away from residually zoned properties. (Chapter 19.75, JCC)

16. No indoor lighting used in or by an indoor marijuana growing area, or indoor marijuana processing facility, shall be visible from dwellings on adjacent properties, nor cast light onto adjacent properties nor upward into the night sky, between dusk and dawn. (Section 19.72.060.D, JCC)

17. Approval is conditioned upon the applicant, owner and/or developer obtaining all required permits by non-county agencies or jurisdictions as they pertain to the development of the property. Failure to acquire and maintain permits in good stead throughout development shall constitute a failure of this condition for approval. (Section 19.42.050.A.1, JCC)

18.

19.

20.
Exhibit "P"

ZONING, AERIAL (2018), TOPO MAPS (Planning Staff)