

Annual Compliance Certificate (Ord. 2018-007)

1. Applicant must apply for the Annual Compliance Certificate, Planning Application is provided by the Community Development Department, at least thirty (30) days prior to the anniversary date of their state authorization. Failure to submit a completed form and fee by the deadline shall render the marijuana business out of compliance with Ord. 2018-007.
2. The business will be inspected by staff of the Community Development Department to determine compliance with Title 19 of the Josephine County Code (JCC), formerly the Rural Land Development Code (RLDC), the Building Safety Codes, and JCC Title 5 Chapter 5.35.
3. The county has the right to inspect the business during the compliance period.
4. The marijuana business shall immediately inform the county in writing of any proposed substantial changes submitted to the regulating state agency, including, but not limited to, a change in ownership or interest; changes in the scope, management, location, or size of the marijuana business; and, a change in extraction or processing methodologies.
5. Be advised no marijuana production site located on Rural Residential zoned land can obtain a Compliance Certificate unless it has been deemed a legal nonconforming use.
6. A **Site Observation Inspection** shall be made first and foremost prior to the Staff Review. The Inspector will contact the applicant and schedule the appointment. Access will be necessary to all structures. This first Inspection is only related to Oregon Structural Specialty Codes and county planning / Land Use.

Staff Review

1. Planning staff must review the application to ensure:
 - a. There are no open violations with the Code Enforcement Division. (Cannot accept applications if the file has already been referred to Code Enforcement.)
 - b. Completeness and fee.
 - c. Valid state authorization (timely copy of the authorization submitted, and the authorization is current).
 - d. The lot on which the business is located was legally created. (If permits have already been issued on the property the assumption is it is a legally created lot.)
 - e. A road number has been assigned.
 - f. The business is not located in a wetland; no fill has been placed in a floodplain without prior authorization; no filling, grading, or construction occurred on a slope or granitic soils that should have required storm water review; the site was cleared in compliance with state rules (ODF). (Requires inspection.)
 - g. All structures associated with the business received all required Planning permits, site plan reviews, or other reviews as required by the JCC. (Requires inspection.)
 - h. Water and septic were approved and installed per code.

- i. There are no camping violations or multiple occupancy violations on the property. (Requires inspection.)
 - j. Lighting (including night-sky review), landscaping and parking compliance. (Requires inspection.)
 - k. Compliance with the standards for odor and security in Ord. 2018-007, JCC Title 5 Chapter 5.35. (Requires inspection.)
2. Building Safety staff shall review the application, and conduct a field inspection, to ensure:
 - a. Compliant electrical installation to the property.
 - b. Compliance with all state building codes—Structural (if applicable), HVAC, electric, plumbing, etc.
 - c. If a processor, compliance with equipment standards.

Violation Notice and Issuance of Certificate

1. If found to be in violation of any of the above, the Director shall send the applicant, with a copy to the landowner (if different), a written notice, via certified mail, there is a violation, what is required to remedy said violation, and thirty (30) days from receipt of the certified letter to fix the violation(s).

If the business feels more time is needed to correct the violation(s), they can request, in writing, a thirty (30) day extension—provided said request is made within the initial thirty (30) day compliance period.

If no extension is requested within the initial thirty (30) days, compliance is due on the initial 30th day, or, the business shall not receive the Annual Compliance Certificate.

If an extension is granted by the Director, compliance is due by the 60th day. The Director is not obligated to grant a thirty (30) day extension.

If compliance is not obtained by day sixty (60) (or the initial 30th day), the business owner and landowner are notified by certified mail that no Compliance Certificate can be issued, the activity must immediately cease, the appropriate state agency notified of the county's notice, and a copy forwarded to law enforcement informing them of an unauthorized marijuana business.

The file is then referred to the Code Enforcement Division to ensure the use does not commence again, and, any JCC or Building Safety violations rectified. Even with violations rectified, the use can no longer operate since it did not receive its Certificate during the timeframe allowed.

2. If the business is found to be in compliance, whether immediately or by day thirty (30) or Sixty (60), the Director shall issue the Annual Compliance Certificate.