

# City Council Action Item Cover Sheet

DATE: December 12, 2018

**Agenda Item:**

Building Processes & Procedures

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**Question Before Council:**

None. Informational.

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**Person/Group Initiating Request:**

Council

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**Item Summary/Background:**

Council requested information on the Building Permit Process and Marijuana Dispensary review and approval. Attached are a summary from Planner Larry Lewis on the Building process and dispensary approval process, the OLCC Land Use Compatibility Statement that includes a "Life of a License Application", and OLCC Licensee Required Documents & Postings.

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I did not include the 47 page OLCC Business Readiness Guidebook for Recreational Marijuana Operations. The guidebook can be viewed at:  
<https://www.oregon.gov/olcc/marijuana/Pages/Recreational-Marijuana-Licensing.aspx>

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## **BUILDING PERMIT PROCESS**

1. Applicant completes application forms including the building permit application form, contractor's responsibilities form, and three (3) sets of drawings. In addition to building plans, a site plan is required. The site plan must be drawn to scale and include the property lines, building(s) footprint, setbacks for the building from property lines, and other features, e.g. driveways, parking, accessory structures, drainage ways if any, etc.
2. Applicant submits application to the Lincoln County Planning & Building Department, 210 SW Second Street, Newport OR 97365.
3. Lincoln County Building Division reviews application to ensure all information has been submitted, then forwards the application to the City.
4. City reviews the application for compliance with code standards, water and sewer availability, and determines applicable System Development Charges (SDCs) and water/sewer connection fees. Applicant pays required fees to the City.
5. Once the application is approved by the City and the applicant pays required City fees, the City forwards the application to Lincoln County.
6. Lincoln County reviews the application for structural, electrical, plumbing, and mechanical improvements. Once the County approves the application, they contact the applicant to pick up the building permit and pay required County fees.
7. Lincoln County conducts all inspections during construction.

## **MARIJUANA DISPENSARY REVIEW AND APPROVAL**

Marijuana dispensaries are viewed as a retail use. Specifically, a marijuana dispensary is permitted per Yachats Municipal Code Title 9, Section 9.28.010.C Permitted uses (in the C-1 Retail Commercial zone). Item 'C' states "Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments". Marijuana dispensaries are not permitted in any other zoning districts within the City.

When an application for a marijuana dispensary is submitted to the Oregon Liquor Control Commission (OLCC), the City completes one section of the application that confirms whether or not the proposed dispensary is permitted in the zoning district where it is to be located.

Marijuana dispensaries are required to adhere to all State of Oregon regulations. The City has not placed any additional regulations on dispensaries.





# OREGON LIQUOR CONTROL COMMISSION REQUEST Land Use Compatibility Statement

CITY/COUNTY USE ONLY	
Date delivered by license applicant:	
Received by (print):	
Initial:	

**What is a land use compatibility statement (LUCS)?** The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government's comprehensive plan and land use regulations.

**Why is a LUCS required?** OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

**When is a LUCS required?** A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

**How to complete a LUCS:**

- **Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- **Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
  - Applicant completes payment to local jurisdiction for processing application.
  - Local jurisdictions are **NOT required** to begin processing LUCS forms until **January 4, 2016 at 8:30 AM.**
- **Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

**Section 1 – To be Completed by Applicant**  
*\*Sections marked with an asterisk should be verified with the local planning department prior to submitting this form.\**

Applicant Name:	Phone:
Mailing Address:	Rm/Ste:
City:	State: ZIP:

Site plan of the subject property and proposed development attached? *(required)*

Proposed Premises Address:	Rm/Ste:
City:	County: ZIP:
Tax Lot #*:	Range/Section* Latitude:
Township*:	Map* Longitude:

Proposed use/permit type sought *(A separate LUCS may be necessary for each proposed use even if it is on the same property):*

Producer <small>Note indoor or outdoor below</small>	Wholesaler	Processor <small>List endorsements below</small>	Retailer	Laboratory	Research Certificate
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Details of proposed use (note any attachments):

Section 2 – To be Completed by Local Jurisdiction

Site Location:

Inside city limits

Inside UGB

Outside UGB

Name of Jurisdiction:

Property Zoning of  
Proposed Premises:

The proposed land use has been reviewed and **is prohibited.**

The proposed land use has been reviewed and **is not prohibited.**

*If the proposed land use is allowable only as a conditional use, permits are required as noted below.*

Comments:

Name of Reviewing Local Official (print):

Title:

Date:

Email:

Phone:

Signature:

Check this box if there are attachments to this form:

**REMINDER: Local jurisdictions are NOT required to begin processing  
LUCS forms until January 4, 2016 at 8:30 AM**

# Life of a License Application

## Submitted

*Applicant submits marijuana license application in online licensing system and paid application fee.*

## Received

*OLCC License Investigator receives application and begins review.*

## Local Government

*Land Use Compatibility Statement and local opt-out reviewed for prohibited use.*

## Prohibited Use

*House Bill 3400 prohibits the OLCC from issuing a recreational marijuana license if the proposed use is prohibited by the local governing body.*

## Completeness Review

*License Investigator and Applicant collect all additional necessary information.*

## Possible Denial

*The OLCC must review for compliance with administrative rules and Oregon law. In some cases, a potential denial may be overcome if the applicant can correct the issue or otherwise show good cause to overcome the denial basis.*

## Application Review

*License Investigator reviews application to determine if submitted information meets requirements.*

## Non-Compliant

## Premises Inspection

*OLCC Inspector visits site to determine compliance with physical requirements: Security, operations, etc.*

## Non-Compliant

## Possible Denial

*A failed inspection means that a premises does not meet security, operational, or other requirements. An opportunity is provided to correct any compliance issues, but failure to do so or a second failed inspection may result in application denial.*

## Approved

*Applicant has met all requirements of application and premises inspection.*

## License Fee Due

*Applicant pays the licensing fee in the online system.*

## All Fees Paid

## License Issued

*The license is issued and can be printed by the applicant. It must be displayed prominently at the location.*







## OREGON LIQUOR CONTROL COMMISSION

# Licensee Required Documents & Postings

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### What is this document?

Licensees are responsible for compliance with all OLCC administrative rules and for maintain knowledge of current rules and regulations. In addition licensees are responsible for compliance with all local laws and regulations. This notice is provided as a summary of certain responsibilities but does not provide a complete list of requirements. Current administrative rules regarding recreational marijuana licensees can be found at <http://marijuana.oregon.gov>.

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### Required Signage:

All signs must be legible, not less than 12 inches wide and long and composed of letters not less than one half-inch in height. The following must be in both English and Spanish. All signs must be posted in a conspicuous location where the signs can be easily read by individuals on the licensed premises.

In a location visible while on the licensed premises:

#### ENGLISH

- No minors permitted anywhere on this premises
- No on-site consumption of marijuana

#### SPANISH

- Se prohíbe menores de edad en este local
- Prohibido consumir marihuana en este sitio

At the entry points of all limited access areas

#### ENGLISH

- Do not enter – Limited access area – Access limited to licensed personnel and escorted visitors

#### SPANISH

- No entrar – Área de acceso limitado – Acceso limitado a personal autorizado y visitantes acompañados

### Retailer Signage:

A retailer must post the following signs available from <http://marijuana.oregon.gov>. These signs must be placed in a conspicuous location and measure at least 17 inches by 22 inches:

- A pregnancy warning poster
- A poisoning prevention poster
- An "Educate Before you Recreate" poster available from [whatslegaloregon.com](http://whatslegaloregon.com)

A retailer must also post a sign that reads "Security Cameras in Use" and must distribute a 3.5 by 5 inch Marijuana Information Card with each sale of any marijuana item.

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### Recordkeeping:

The following records must be kept and maintained for a three-year period and be made available for inspection if requested by an employee of the Commission:

- Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase
- Bank statements for any accounts relating to the licensed business
- Accounting and tax records related to the licensed business
- Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business
- All employee records, including training.



## OREGON LIQUOR CONTROL COMMISSION

# Licensee Required Documents & Postings

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### **Cannabis Tracking System (CTS):**

A licensee must use CTS as the primary inventory and recording keeping system and have a CTS account activated and functional prior to operating or exercising any privileges of the license and must maintain an active account while licensed.

A licensee must:

- Maintain an accurate and complete list of all CTS administrators and CTS users for each licensed premises and must update the list when a new CTS user is trained
- Train and authorize any new CTS users before those users are permitted to access CTS or input, modify, or delete any information in CTS
- Cancel any CTS administrator or user from an associated CTS account if that individual is no longer a licensee representative or the administrator or user has violated OAR 845-025-7500 to 845-025-7590.
- Correct any data that is entered into CTS in error.
- Use UID tags issued by a Commission-approved vendor.
- Have an adequate supply of UID tags at all times.

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### **Notification of Changes:**

Licensees are required to provide notice or an application to the Commission when making certain changes to the business or premises, or in certain occurrences.

Licensees must notify the Commission within 24 hours of

- The theft of marijuana or money from the premises.
- The arrest or conviction for any misdemeanor or felony of a licensee or individual with financial interest.

Licensees must notify the Commission within 10 days of:

- A change of an applicant/licensee or financial interest.
- A change in contact information for any applicant/licensee or financial interest.
- Any disciplinary proceeding or licensing enforcement action by another agency.
- The filing of bankruptcy and/or the closure of bank or credit accounts by a financial institution.
- The closure of the business for any period longer than 30 days.

Licensees must notify the Commission before performing the following:

- Before making changes in financial interest or business structure. This may require a Change of Ownership application.
- Before making any change of location; A Change of Location application is required.
- Before making any physical changes to the licensed premises. Changes must be approved before they are made.



## OREGON LIQUOR CONTROL COMMISSION

# Licensee Required Documents & Postings

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### Required Logs and On-Site Documentation:

#### A licensee must maintain the following logs:

- A licensee must keep a daily log of all employees, contractors and license representatives who perform work on the licensed premises. All employees, contractors and licensee representatives must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee, contractor or licensee representative.
- A licensee must maintain a log of all visitor activity. The log must contain the first and last name and date of birth of every visitor and the date they visited. A government official with jurisdiction over some aspect of the premises or licensee is not considered a visitor for the purposes of this requirement. A customer in the consumer sales area of a Retailer establishment is not considered a visitor.
- A licensee must keep a current list of all authorized employees and service personnel who have access to the surveillance system and room on the licensed premises.
- Licensees must keep a surveillance equipment maintenance activity log on the licensed premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.

#### A producer must maintain, at all times and on the licensed premises:

- The material safety data sheet (MSDS) for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana. Any pesticides used must be on the list of products approved by the Oregon Health Authority for use in cannabis cultivation.
- The original label or a copy thereof for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana; and
- A log of all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana. The log must include: the information required to be documented by a pesticide operator in ORS 634.146; and the unique identification tag number of the cultivation batch or individual mature marijuana plant to which the product was applied, or if applied to all plants on the licensed premises a statement to that affect.

#### A processor must create and maintain a written:

- Detailed standard operation policy (SOP) that includes the details of safe and proper processing for each type of product created on the premises in accordance with OAR 845-025-3230.
- Training plan for all employees that covers SOP, hazards presented by products used in processing as described on the MSDS for each product.
- Record of employee training at time of hire and at least once yearly.
- Copy of the MSDS and a receipt of purchase for all solvents to be used in extraction.



## Inspections

An approved copy of the plans must be kept on the job site at all times. At each stage of construction you will be required to call the Planning & Development Division for an inspection.

## Completion

After your project has been completed and initialed by the Building, Mechanical, Plumbing, and Electrical inspectors, you may occupy the building. Your signed final inspection is considered your "Certificate of Occupancy."

## Changes

After the permit has been issued, the Building Division must approve any changes to the plans. Two (2) sets of the proposed changes must be submitted to the Planning Department for review.

## Time Limits

You must pick up your permit within 180 days from the date of application, or submit a written request for an extension prior to the 180th day.

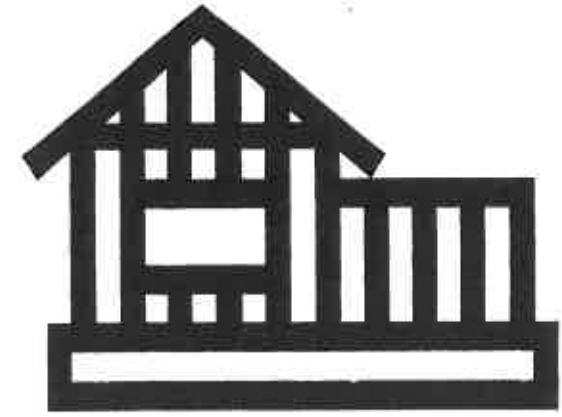
If this time span should lapse, your plan fee will be forfeited. After the permit has been issued to you, you have 180 calendar days from the date of issuance to start work on your project and call for an inspection by the Building Division.

If you are unable to meet this time frame, you may submit a written request for an extension up to 180 days from issuance.

## Summary of process

- File permit application with two sets of plans and two plot plans. If applying for a placement permit, submit two sets of plot plans.
- Plans will undergo review by the Planning Division and On-Site Division, if applicable. **Note: If you are within city limits, a city planner needs to sign your application first.**
- Once approved by Planning and On-Site Waste, plans are reviewed for building code compliance by the Building Division.
- Plans are approved and the building permit is ready for issuance. You will be notified of fees to be paid when you come into the office to pick up your permit.
- Electrical, Plumbing, and Mechanical permits are purchased separately and require separate inspections.
- Start construction. Call for inspections at appropriate progress points. If uncertain when inspections are required, call the Building Division at (541) 265-4192.
- Inspectors will finalize the project and occupancy is permitted.

# RESIDENTIAL BUILDING PERMIT PROCESS



**Lincoln County Planning Department  
Public Service Building  
210 SW 2nd Street  
Newport, OR 97365**

**Phone: (541) 265-4192  
Fax: (541) 265-6945**

**Open: Monday - Friday  
8:00 AM - 5:00 PM  
Except Holidays**



# **Building Permits**

Any new construction, or any additional alteration or repair to an existing building requires a Building Permit. A Building Permit may be issued only to a licensed contractor or to an owner-builder.

## **How to Obtain a Building Permit**

The first step is to contact the Planning Division (541) 265-4192 to determine what may be required by land use ordinances.

Any required planning actions, such as a conditional use permit approval, must be completed and the conditions of approval complied with before applying for a Building Permit.

If you will be using a septic system, please check with our On-Site Waste Management Division to determine the requirements for using an existing system or installing a new system.

Septic, electrical, plumbing and mechanical permits require separate fees and inspections.

Once you have established compliance with applicable zoning and septic requirements you are ready to apply for your building permit.

## **Filing of Application and Submittal Requirements**

Your next step is to complete a Building Permit Application for submittal to the Building Division, together with two complete sets of plans and two plot plans. If applying for a Placement Permit, please submit two complete plot plans.

### **The plans must include the following:**

- A. **Site Plan:** Draw your entire parcel fully dimensioned and to scale. Show all existing and proposed structures including existing septic system location and repair areas. Show measurements of the front, side and rear lot lines and other buildings. Show all easements existing driveways, walks, and location of water and sewer service lines. Show corner elevations on sloped lots.
- B. **Floor Plan:** Show measurements, location, size, and use of each room, location and size of windows and doors: show electrical outlets, plumbing and heating fixtures. List floor area, window area and furnace size on plans. Show energy features and how compliance requirements are met.

- C. **Foundation Plan:** Draw a completely measured plan, including interior footing. Label and locate porches, patios, garage, etc. Locate post straps and tie-downs where required.
- D. **Building Elevations:** Provide a minimum of four elevation views showing all opening, wall covering material, original and finished grade, stepped footing outline, roof pitch, and covering material.
- E. **Framing Plans for Floors and Roof:** Draw these to the same scale as the plans.
- F. **Cross-Section:** Provide section views throughout the building showing at least two structural elements, the fireplace section, and other sections as needed; earth-to-wood clearances and floor-to-ceiling heights.
- G. **Details:** Submit foundation, floor, wall and roof details, beam connections support of beams at fireplace, etc. Include special details as required. Requirements for lateral bracing must be included.
- H. Some projects may require the services of an architect or engineer to design the structure.

***Please Note:*** The omission of any of the above items may result in the delay of the plan review or return of the plan.

## **Fees**

All plan review and permit fees are based upon the project valuation. "Project Valuation" means the total value of all construction for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

## **Issuance of the Building Permit**

When your plans have been reviewed, required corrections made, and final approval obtained, your permit is ready to be issued. The Building Division Specialist will contact you to come to the office, pay the applicable fees, and pick up your permit.

Please remember the septic, electrical, plumbing and mechanical permits require separate fees and inspections. This is also true for manufactured home placement permits. These permits also have to be signed by the individual actually doing the work.

Contractors must present evidence of a current contractor's license and owner-builders must sign a form stating they will be doing their own work.