Josephine County
2005 Ordinances

#	Date Signed	Date Effective	Description
2005-001	1-26-05	4-26-05	An Ordinance amending the Josephine County Rural Land Development Code (Ord. 94-4, as originally adopted & subsequently amended) to adopt & implement a new Article 69.1 - Flood Hazard Overlay, to repeal & replace definitions in Section 11.030 - Definitions, and to repeal & implement a new Section 10.050 - Repealer.
2005-002	2-9-05	5-10-05	An Ordinance amending the Josephine County Rural Land Development Code (Ord. 94-4) to delete Articles 62.1 (Tourist Commercial Zone), 62.2 (Rural Commercial Center Zone), 62 (Rural Commercial Zone), and to adopt a new Article 62 (Rural Commercial Zone) and rezone lands accordingly, as shown by attachment to this ordinance; and to delete Article 63 (Light Industrial Zone), to renumber article 63.1 (Rural Industrial Zone) to Article 63, and replace Article 63 with a new article and rezone lands accordingly, as shown by attachment to this ordinance; and to amend Goal 10, Policies 1.F and 1.G of the Goals & Policies of the Josephine County Comprehensive Plan (Ord. 81-11) to conform to these changes.
2005-005	5-18-05	8-16-05	An Ordinance amending the Josephine County Rural Land Development Code (Ordinance 81-11 as amended) from Forest to Residential and amending the zoning map of Josephine County (Ordinance 85-1 as amended) from Woodlot Resource to Rural Residential (5-Acre Minimum) for 40 acres of property identified as Assessor's Map **36-06-34-D0, Tax Lot 1500.** Property Owner: Allen Eliason.
2005-007	7-20-05	10-18-05	An Ordinance amending the Josephine County Rural Land Development Code (Ord. 94-4, as heretofore amended), by deleting the existing Article 76 (Rural/Wildland Fire Safety Standards) and replacing it with a new Article 76 (Wildfire and Emergency Safety Standards); and amending Article 42 (Site Plan Review), at Article 42.050.B.6 regarding site plan review criteria; and amending Article 45 (Conditional Use Permits) at 45.030.B.6 regarding Conditional Use Criteria).
2005-008	8-17-05	11-15-05	An Ordinance amending the Comprehensive Plan of Josephine County (Ordinance 81-11 as amended), from Residential to Commercial and amending the Zoning Map of Josephine County (Ordinance 85-1 as amended), from Rural Residential (1 acre minimum) to Rural Commercial for property identified as Assessor's map **37-5-19A, Tax Lots 200 & 300.** Property Owner: Damon Watters.
2005-010	10-26-05	1-24-06	An Ordinance amending the Comprehensive Plan of Josephine County (Ordinance 81-11 as amended), from Agriculture to Aggregate and amending the Zoning Map of Josephine County (Ordinance 85-1 as amended) from Exclusive Farm to Mineral and Aggregate Resources, and add to the Inventory of Significant

			Aggregate Sites for 14.3 acres of the property identified as Assessor's Map 36-06-20, Tax Lot 600. Property owner: Copeland Sand & Gravel, Inc.
2005-011	12-21-05	3-21-06	An Ordinance amending the Comprehensive Plan of Josephine County from Residential to Industrial; and, amending the Zoning Map from Rural Residential 2.5 Acre to Rural Industrial (as supported by an Exception to Statewide Goal 14 on Urbanization) for properties identified as portions of Assessor's Map 36-05-15-C0, Tax Lots 100, 300 & 2500. Property Owner: Colvin Oil Company. And further amending the Comprehensive Plan of Josephine County by designating certain lands as a Committed Urban Exception Area (UEA-C) for properties identified as Assessor's Map 36-05-15-C0, Tax Lots 100, 300, 304 and 2500. Property Owner: Colvin Oil Company.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY STATE OF OREGON

ORDINANCE NO. 2005-001

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD 94-4, AS ORIGINALLY ADOPTED AND SUBSEQUENTLY AMENDED) TO ADOPT AND IMPLEMENT A NEW ARTICLE 69.1 - FLOOD HAZARD OVERLAY, TO REPEAL AND REPLACE DEFINITIONS IN SECTION 11.030 - DEFINITIONS, AND TO REPEAL AND IMPLEMENT A NEW SECTION 10.050 - REPEALER.

WHEREAS, the Josephine County Planning Director proposed certain amendments to the Rural Land Development Code (RLDC) relating to the items captioned above for consideration by the Josephine County Planning Commission; and

WHEREAS, the Planning Commission, pursuant to the review authority granted in Section 46.020 of the Rural Land Development Code, and Goal 11, Policy 1, of the Josephine County Goals and Policies of the Comprehensive Plan, conducted public hearings on September 20 and November 8, 2004, regarding the proposed text amendments, after required notice by publication, in addition to community advertisement and mailed notice to interested persons, agencies and organizations; and

WHEREAS, pursuant to the authority to make the final decision granted in Section 46.020.B of the Rural Land Development Code, after due consideration of the proposed amendments and the testimony and evidence from those participating in the hearing, the Planning Commission concluded by a vote of 5-0 to approve the amendments; and

WHEREAS, written findings of approval were prepared and approved by the Planning Commission at its regularly scheduled meeting on November 29, 2004, which findings have been entered into the official record of the proceedings kept by the Planning Director; and

WHEREAS, pursuant to Article 32.020.B.2 of the Josephine County Rural Land Development Code, all parties in the hearing were sent notice of the decision, and no appeal was filed by the appeal deadline of December 13, 2004; and

WHEREAS, the Josephine County Board of Commissioners, after having reviewed the record of the Planning Commission proceedings and the written Findings of Approval, and after discussing these matters with the Josephine County Planning Director, find the approved text amendments advance the policies and purposes of the Josephine County Comprehensive Plan; and

WHEREAS, the authority to implement legislative amendments to the county's comprehensive plan by ordinance resides solely with the Board of Commissioners, as specified in Goal 11, Policy 1.D[2], and the Rural Land Development Code, Section 46.020.B.2;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordain the following amendments to the text of the Rural Land Development Code.

Section 1. Text Amendments

ONE: Amend the Rural Land Development Code, Article 69.1 - Flood Hazard Overlay by repealing the existing Article 69.1 and replacing it with the following new Article 69.1:

ARTICLE 69.1 - FLOOD HAZARD OVERLAY

69.110 - PURPOSE

A. It is the purpose of this Overlay to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money and costly flood control projects;

3. To qualify residents of the county for flood insurance through the Federal Emergency Management Administration, Federal Insurance Administration.

4. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

5. To minimize prolonged business interruptions;

6. To minimize damage to public facilities and utilities including water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

7. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

8. To ensure that potential buyers are notified property is in an area of special flood hazard;

9. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. In order to accomplish its purposes, this Article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses and related structures and facilities which are vulnerable to floods, are protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

C. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of flood hazard areas or uses permitted within those areas will be free from flooding and flood damage. This Article shall not create liability on the part of Josephine County including any officer or employee, or the Federal Insurance Administration, for any flood damages that result from reliance on this Article or any administrative decision lawfully made under the provisions of this code or Article.

69.120 - FLOOD HAZARD AREAS

A. This Article shall apply to all areas of flood hazard within Josephine County as identified in the Federal Flood Insurance Study by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, and revised September 27, 1991, with the accompanying Flood Insurance Rate Maps. The study is adopted by reference as part of this code and is on file in the Josephine County Planning Office. Flood hazard areas include the following: Approximate Floodplain (or Unnumbered "A" Zones),

Floodway Fringe (or Numbered "A" Zones), and Floodway *(See Section 11.030 for these and other related definitions)*.

69.130 - GENERAL RULES OF ADMINISTRATION

A. The Planning Director is designated the floodplain administrator for Josephine County and has the authority to administer and implement this Article by granting or denying development permit applications in accordance with its provisions. The duties and responsibilities shall include, but not be limited to:

1. Interpret the location of the boundaries for all flood hazard areas and impose any conditions upon development which are reasonably necessary to accomplish the purposes of this Article.

2. Determine that the permit requirements of this ordinance have been satisfied.

3. Determine that all necessary Federal, State, and local permits have been obtained.

4. Assure all development where a base flood elevation has not been provided meets the requirements of Section 69.140 of this Code.

5. Assure all development where a base flood elevation data has been provided meets requirements of Section 69.150 of this Code.

6. Assure all development located in a floodway meets requirements of Section 69.160 of this Code.

7. Maintain and make available to the public all permit applications, elevation certificates, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), and Letters of Map Revision - Based on Fill (LOMR-F).

B. For all new or substantially improved structures, the Building Safety Director's duties and responsibilities shall include, but not be limited to:

1. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement).

2. Implement building requirements for flood hazard areas.

3. Maintain flood-proofing certificates.

C. In order to best accomplish the purposes of this Article, the administration of any of its provisions shall be subject to the following special rules:

1. Any condition or requirement imposed on development within a flood hazard area shall be considered the minimum requirement, and this Article shall not preclude more restrictive measures from being imposed by the county or any other jurisdiction or agency having concurrent authority, now or in the future;

2. Where conditions imposed by this Article are less restrictive than corresponding requirements imposed by any other jurisdiction or agency also having authority within a flood hazard area, the Planning Director is authorized to administer such other requirements as necessary to promote the purposes of this Article; and

3. Questions of interpretation shall be liberally construed to protect the public health, safety and welfare by restricting development in flood hazard areas.

69.140 - ADMINISTRATION IN APPROXIMATE FLOODPLAIN (or UNNUMBERED "A" ZONE) FLOOD HAZARD AREAS

When the proposed development is located on a site subject to periodic flooding, the development is subject to the requirements of Section 69.150 of this Article. If the proposed development is "reasonably safe from flooding" because of geographical, elevation, historical flood patterns, or other factors, the application for development shall support the request by submitting the following information:

A. The applicant shall obtain a statement from a licensed professional, such as a geologist, soil scientist, engineer, surveyor or other similarly qualified professional, certifying the development is reasonably safe from flooding. The statement shall discuss the basis for the certification, and shall reference and attach the sources of information used to support the statement. If helpful in the evaluation, the Director may require the submission of a scaled map of the property with the location of the flood hazard area delineated.

B. Whether a development site is reasonably safe from flooding is a question of local judgment based on historic sources of information, which may include any of the following:

1. Notarized statements from eyewitnesses of flood conditions at the site during a time of known flooding;

2. Old newspaper articles or other self-authenticating records or documents which depict or describe flood conditions at the site during a time of known flooding;

3. Old photographs depicting flood conditions at the site at a time of known flooding;

4. Documented conditions at the site, which may include high water marks, soil or vegetation disturbances, or other physical or geological circumstances which are relevant to establish the historic flood location.

C. The Director shall review the information submitted pursuant to paragraph B above, along with any other evidence the Director believes may be helpful in making a determination as to the exact location of the flood hazard area at the site. The Director's determination as to the location of the flood hazard area in relationship to the proposed development shall be documented by attachment to the development permit, together with a description of special conditions, if any, placed on the development.

D. Failure to elevate at least two feet above grade in this flood hazard area may result in higher insurance rates.

69.150 - ADMINISTRATION IN FLOODWAY FRINGE (or NUMBERED "A" ZONE) AREAS

A. The Director is authorized to review all applications for development and to impose mitigating conditions upon development which are reasonably necessary to accomplish the purposes of this Article. At a minimum, all development shall meet the following requirements:

1. Structures shall be located at the site which is least impacted by inundation. In administering this condition, the Director is authorized to consider evidence of past flooding, as well as the geographic and geologic circumstances of the property. Whenever the director believes it is helpful in making this determination, the director is authorized to require the applicant to submit evidence as required in Section 69.140.B.

2. All Development Permit requirements of Section 69.180.

3. All Property Development requirements per Section 69.190

69.160 - ADMINISTRATION IN FLOODWAY AREAS

A. The Director is authorized to review all applications for development and to impose mitigating conditions which are reasonably necessary to accomplish the purposes of this Article. At a minimum, all development shall meet the following requirements:

1. All encroachments (including fill, new construction, substantial improvements and all other development) are prohibited unless a floodway study is provided from a registered engineer or architect demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices

that the proposed encroachment will not result in any increase ("no-rise") in flood levels within the community during the occurrence of the base flood discharge.

2. All Development Permit requirements of Section 69.180.

3. All Property Development requirements of Section 69.190.

B. An application shall be accompanied by the following information:

1. A site review application which meets the requirements of Section 42.050 and which includes the following additional information:

   a. The nature, location, dimensions, contours and elevations for all areas of development, including those involving excavation and/or fill; and

   b. The location of existing or proposed structures, areas of fill, storage areas and drainage facilities;

2. A written description of the kind and location of the on-site waste disposal system, together with an explanation of how the system has been designed and located so as to avoid impairment of use or leakage during times of flooding;

3. A written description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

4. Hydraulic Backwater Computer Models of the 100 year flood and floodway water-surface profiles;

5. A copy of the National Flood Insurance Program map showing the existing floodway with the project location identified;

6. Topographic mapping of the entire project area indicating the locations of all cross sections used in the modified hydraulic model and a plan view of all project elements;

7. Construction plans for all project elements, including measures employed to provide additional effective conveyance certified by a registered engineer;

8. A loss of conveyance hand computation;

9. Documentation that measures compensating for lost conveyance will be maintained perpetually;

10. An executed "no-rise" certificate from a registered engineer.

69.170 - DIVISIONS OF LAND IN FLOOD HAZARD AREAS

All proposals for the division of land within a flood hazard area shall comply with the following standards:

A. Demonstrate building sites on all lots are in compliance with all the provisions of this Article. This standard does not apply to lots which will be created around dwellings already lawfully developed prior to the division.

B. All new lots shall have available public utilities and facilities, including sewer, gas, electric, and water systems located and constructed so as to minimize damage due to flooding;

C. Adequate drainage shall be provided to reduce the risk of damage to the development and surrounding lands due to flooding;

D. Provide base flood elevation data when this information is not available from another authoritative source and the division will create 50 lots or the original parcel is larger than 5 acres.

69.180 - DEVELOPMENT PERMIT **REQUIREMENTS**

A. A Development Permit shall be obtained before any development as defined in Section 11.030 occurs on lands located within a flood hazard area.

B. A Development Permit within Approximate Floodplain areas (or Unnumbered "A" Zones) or Floodway Fringe (or Numbered "A" Zones) shall be processed using Ministerial Review Procedures as set forth in Article 22.

C. A Development Permit within a floodway shall require pre-application for site plan review as provided in Article 42.030.

D. Non-structural development such as mining, dredging, filling, grading, paving, stockpiling of materials and excavation, must be authorized by a development permit.

69.190 - PROPERTY DEVELOPMENT STANDARDS

The property development standards in the underlying zone shall apply to all development regulated by this Article. The standards contained in this Article shall be in addition to the standards of the underlying zone.

A. General Standards for all flood hazard areas:

1. Anchoring

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific standards for all flood hazard areas where base flood elevation data has been provided (Numbered A or AE Zones - Floodway & Floodway Fringe).

1. All residential construction (except manufactured homes).

a. New construction and substantial improvement of any conventional residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

[2] The bottom of all openings shall be no higher than one foot above grade.

[3] Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Manufactured Homes

a. All manufactured homes to be placed or substantially improved on sites:

[1] Outside of a manufactured home park or subdivision;

[2] In a new manufactured home park or subdivision;

[3] In an expansion to an existing manufactured home park or subdivision; or

[4] In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated eighteen inches above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30 and

AE (or Floodway and Floodway Fringe) that are not subject to the above manufactured home provisions must be elevated so that either:

[1] The lowest floor of the manufactured home is elevated 18 inches above the base flood elevation; or

[2] The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

3. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods for construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 69.190.B.1 of this Article.

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below.)

4. Recreation Vehicles

Recreation vehicles placed within flood hazard areas are required to either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the requirements of Section 3 above and the elevation and anchoring requirements for manufactured homes.

69.191 - ALTERATION OF WATER COURSES

A. The Director shall notify the Oregon Department of Land Conservation and Development, the Division of State Lands, the Water Resources Board, and any abutting municipality whenever a development proposes to alter or relocate a watercourse, and submit evidence of the notification to the Federal Insurance Administration. The Director shall review all agency and municipal comments and incorporate any recommended conditions for development in the permit where it is appropriate in the Director's opinion. At a minimum, the Director shall assure that:

1. Any alteration or relocation shall not diminish the capacity of a watercourse to carry flood waters; and

2. Maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

69.192 - VARIANCE TO ELEVATION STANDARDS

A. Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property, are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the items listed below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. The application for a variance from the flood standards shall contain the following information:

1. A description of the variance requested, why it is necessary, and how failure to grant the variance will result in exceptional hardship to the applicant;

2. A plot plan which meets the requirements of Section 41.020.B.3 in duplicate, which shows the following additional information:

   a. The nature, location, dimensions, contours and elevations of the area in question;

   b. Existing or proposed structures, fill, storage of materials, drainage facilities.

3. The developer shall obtain a certificate from a qualified professional (i.e., soil geologist, engineer, surveyor) that the development is reasonably safe from flooding as set forth in Section 69.140.A of this Article.

4. A description of the on-site waste disposal systems which shall be located to avoid impairment to them or contamination from them during flooding;

5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

6. A statement discussing if the variance will grant a special privilege not normally enjoyed by property owners in the vicinity.

69.193 - VARIANCE PROCEDURE

A. An application for a variance under this Section shall be processed as follows:

   1. The application shall be processed using Quasi-Judicial Review Procedures as set forth in Article 22 and shall be subject to the standards set out in Section 69.194;

   2. Upon consideration of the factors of this Section and the purposes of this Article, the review body may attach any conditions deemed necessary to further the purposes of this Article;

   3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased rise resulting from the reduced lowest floor elevation.

B. A decision of review body may be appealed within 10 days under Article 33 of this Code.

C. The review body shall maintain the records of all variances, including technical information, and shall report any variances to the Federal Insurance Administration upon request.

69.194 - VARIANCE CRITERIA

The following criteria shall be considered before granting a variance:

A. All technical evaluations, all relevant factors, and standards specified in other sections of this Article;

B. The justification for the variance must address:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of any damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations on the property for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. The costs of providing services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

C. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section;

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

F. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 69.194.B, or conflict with existing local laws or codes; and

4. A finding that the variance will not result in special privileges not normally enjoyed by property owners in the vicinity.

G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 69.194.B and the standards required by the Building and Safety Department.

TWO: Amend the Rural Land Development Code, Section 11.030 - Definitions, as follows:

11.030 — TERMS DEFINED

FLOOD HAZARD AREAS (SPECIAL FLOOD HAZARD AREAS). Areas identified in the Federal Flood Insurance Study as the 100-year floodplain or the area of a floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A. For the purpose of the administration of provisions contained in Article 69, *Flood Hazard Overlay*, flood hazard areas include the following definitions:

A. APPROXIMATE FLOODPLAIN (or UNNUMBERED "A" ZONE). That area of the 100-year floodplain in which base flood elevations and flood hazard factors have not been determined and where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.

B. BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

C. BASE FLOOD ELEVATION (BFE). The crest elevation, in relation to mean sea level, expected to be reached by the base flood. A standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "Base Flood" or the "100-year Flood.

D. BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

E. DEVELOPMENT. Any alteration of improved or unimproved real estate, including but not limited to a land division, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

F. FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

G. FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

H. FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

I. FLOODPLAIN. An area adjacent to a watercourse that is subject to a one percent or greater chance of flooding in any given year.

J. FLOODWAY. The area within the floodplain consisting of the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

K. FLOODWAY FRINGE (or NUMBERED "A" ZONE). The area of the floodplain outside the floodway, but within the boundary of the floodplain, in which base flood elevations and flood hazard factors have been determined and where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.

L. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's

lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 69.190.

M. SHALLOW FLOODING. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

N. SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, beginning when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure, the cost of which equals or exceeds 50 percent of the market value of the structure as shown on the current Assessor's rolls or as determined by M.A.I. qualified appraiser either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred.

C. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

N. VARIANCE. A grant of relief from the requirements of this code which permits construction in a manner that would otherwise be prohibited by this code.

DEFINITIONS TO BE REPEALED:

SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

THREE. Amend the Rural Land Development Code, Section 10.050 - Repealer as follows:

REVISE SECTION 10.050

10.050 - REPEALER

A. The Josephine County Zoning Ordinance, Ordinance 85-1, as amended except for Sections 14.100.C, 15.237, 15.238, 15.239, 15.240, and Ordinance 90-4 - the Josephine County Land Use Hearing Rules, are appealed. The following ordinances will no longer apply to the area covered under this code unless otherwise specified:

1. Ordinance 90-1 - The Josephine County Subdivision Ordinance;

2. Ordinance 90-8 - The Flood Hazard Ordinance;

3. Ordinance 90-22 - The Aquifer Ordinance.

B. All actions taken under any previously enacted Josephine County zoning or subdivision or other land use ordinance shall remain in effect subject to the original conditions of approval.

Section 2. Affirmation

Except as specifically amended by the provisions of this ordinance, the Rural Land Development Code (Ord 94-4) is hereby affirmed in all other respects.

Section 3. Effective Date

First reading by the Board of County Commissioners this 12 day of January, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 26th day of JANUARY, 2005.

This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COMMISSIONERS:

Jim Riddle, Chair

Vice-Chair - Dwight F. Ellis

Commissioner - Jim Raffenburg

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

ORDINANCE NO. 2005-002

(Development Standards for Rural Commercial and Industrial Uses Based on Statewide Goal 14)

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4) TO DELETE ARTICLES 62.1 (TOURIST COMMERCIAL ZONE), 62.2 (RURAL COMMERCIAL CENTER ZONE), 62 (RURAL COMMERCIAL ZONE), AND TO ADOPT A NEW ARTICLE 62 (RURAL COMMERCIAL ZONE) AND REZONE LANDS ACCORDINGLY, AS SHOWN BY ATTACHMENT TO THIS ORDINANCE; AND TO DELETE ARTICLE 63 (LIGHT INDUSTRIAL ZONE), TO RENUMBER ARTICLE 63.1 (RURAL INDUSTRIAL ZONE) TO ARTICLE 63, AND REPLACE ARTICLE 63 WITH A NEW ARTICLE AND REZONE LANDS ACCORDINGLY, AS SHOWN BY ATTACHMENT TO THIS ORDINANCE; AND TO AMEND GOAL 10, POLICIES 1.F AND 1.G OF THE GOALS AND POLICIES OF THE JOSEPHINE COUNTY COMPREHENSIVE PLAN (ORD. 81-11) TO CONFORM TO THESE CHANGES.

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called plan) at Goal 11, Policies 1, and the Rural Land Development Code (hereinafter called code) at Article 49, the Rural Planning Commission conducted public hearings regarding the amendments as set forth herein on January 19 and April 5, 2004, after notice by publication and mailing as required and made; and

WHEREAS, the Planning Commission rendered a decision on the amendments as set forth in its findings of fact dated April 12, 2004, to approve the proposed amendments with some changes; and

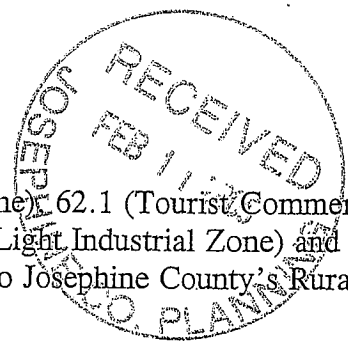
WHEREAS, the Board of County Commissioners, pursuant to Article 46.020.B.2.b of the Josephine County Rural Land Development Code, initiated and conductd its own hearings on the amendments on July 21, September 15 and December 15, 2004; and

WHEREAS, the County is required by Oregon Revised Statutes, Chapter 197, and Oregon Administrative Rules, Division 660-19, to make periodic revisions to its plan and code to address changes in circumstances and law; and

WHEREAS, the County is now obligated pursuant to an approved periodic review work program, dated January 10, 1995, as subsequently revised, under the heading of Task #5.c, to submit the proposed amendments to the county's rural land development code to the Oregon Department of Land Conservation and Development for review and acknowledgment to assure that only rural commercial and industrial uses will be authorized outside of urban growth boundaries and unincorporated communities; and

NOW, THEREFORE, based on the foregoing authority and procedures, the Board of County Commissioners for Josephine County, Oregon, hereby takes the following legislative

action to amend the plan and code in the following respects.



Section 1. Adoption

The attached amendments to Articles 62 (Rural Commercial Zone), 62.1 (Tourist Commercial Zone), 62.2 (Rural Commercial Center Zone) and Articles 63 (Light Industrial Zone) and 63.1 (Rural Industrial Zone) are hereby adopted and implemented into Josephine County's Rural Land Development Code and Plan Goals and Policies.

Section 3. Affirmation

Except as specifically amended by the provisions of this ordinance, Josephine County Ordinances 81-11 (Comprehensive Plan), 85-1 (Zoning Maps) and 94-4 (Rural Land Development Code) are hereby affirmed.

Section 4. Effective Date

First reading by the Board of County Commissioners this 26th day of JANUARY, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 9th day of FEBRUARY, 2005. This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COMMISSIONERS

Jim Riddle, Chair

Dwight Ellis, Vice-Chair

Jim Raffenburg, Commissioner

ATTEST:

Vicki Bustrum
Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

AMENDMENTS TO THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE

(To Bring Commercial & Industrial Zones Into Compliance With Statewide Goal 14 - Urbanization)

I. COMMERCIAL ZONES

Delete Article 62.1 (*Tourist Commercial Zone*) and Article 62.2 (*Rural Commercial Center Zone*) and rezone all properties formerly designated within these zones to the Rural Commercial Zone.

II. NEW RURAL COMMERCIAL ZONE

Delete and Replace Article 62 (*Rural Commercial Zone*) with the following new Article:

ARTICLE 62 – RURAL COMMERCIAL ZONE

62.010 – PURPOSE

The purpose of the Rural Commercial zone is to provide for small-scale commercial uses that are intended to serve nearby residents and the traveling public in a way that remains rural in character.

62.020 – PERMITTED USES

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless criteria based Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 62.050. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

A. **Commercial – Recreation**

1. Automobile, go-carts or motorcycle race track
2. Guide service
3. Marina
4. Miniature golf course
5. Signs subject to Article 74
6. Swimming pool
7. Theater
8. Workout facility

B. **Commercial - Traveler Accommodations**

1. Bed and breakfast inns
2. Boarding house

3. Campground and conference ground
4. Destination resort
5. Lodge
6. Existing motel
7. Recreational Resort
8. Recreational vehicle park

C. **Commercial – General**

1. Appliance, radio, television and electronics sales and repair
2. Automobile and truck repair, service station, car wash
3. Automobile sales
4. Bank
5. Barber, beauty shop
6. Bicycle shop
7. Book or stationer
8. Building materials store to include outdoor storage and sales on a lot that is adjacent and/or across the street from the main store
9. Business and office machines and supplies, sales and repair
10. Cabinet shop
11. Contractor establishments, including retail sales and servicing, for uses such as carpentry, plumbing, sheet metal, blacksmith, electric, pump, welding, septic installation, cleaning and repair, janitorial, furnace and chimney cleaning, masonry, stove, ornamental iron work, plastering and similar contracting services
12. Convenience store
13. Dance studio
14. Farm equipment and/or implement sales, repair
15. Farm or forest product sales stand
16. Feed store
17. Florist and gift store
18. Food service, such as restaurant, lounge, café, coffee kiosk, deli, bakery, catering
19. Frozen storage lockers
20. Furniture repair and upholstery
21. Garden supply store
22. General store
23. Greenhouse, including wholesale and retail sales

24. Grocery store
25. Gunsmith
26. Hardware and paint store
27. Health facilities, such as medical and dental office, physical therapy, masseuse
28. Hobby store
29. Jewelry store
30. Lapidary shop
31. Laundry
32. Manufactured dwelling, recreational vehicle, automobile retail sales, and repair
33. Meat processing and packing, excluding slaughter house
34. Mini-warehouse which may include quarters
35. Music store and/or studio
36. Parking facility when operated in conjunction with an authorized use
37. Pharmacy
38. Photographic equipment store
39. Printing and copying services
40. Professional office, such as those for real estate sales, insurance, attorney, architect, engineer, planner, physician, accountant, surveyor, psychiatrist, tax consultant, minister, forester, optician, and similar profession
41. Rental service store and yard
42. Roofing establishment
43. Restaurant
44. Saw shops, including sales and service
45. Septic tank installers
46. Service station and automobile or truck repair garage
47. Signs as authorized by Article 74
48. Sign painting shop
49. Tack and saddlery shop
50. Tailor or dressmaker
51. Tavern
52. Taxidermy
53. Tourist based shops (antique, art and craft studio and sales, art gallery, arcade, souvenir, gift, book, boutique, music, recreational equipment and other similar goods and services)
54. Towing service with or without an impound yard that is limited to 20 stored vehicles screened from view

55. Veterinary hospital or clinic

56. Wholesale sales and distribution

D. **Commercial – Institutional and Service**

1. Ambulance and emergency medical facility

2. Church, except the review standards and criteria applicable to a church shall be qualified as follows:

   a. Churches shall be allowed the reasonable use of the site for all activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education unless the educational uses are authorized separately by other provision contained in this code; and

   b. The review body may subject the church uses to reasonable regulations, including site review or design criteria concerning the physical characteristics of the uses only, or may prohibit or restrict the use of the site if it finds the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the uses.

3. Community building

4. Fraternal lodge

5. Historical preservation project

6. Library or museum

7. Police and fire station, post office

8. Public or private school, including day care facility

9. Public park or recreation site

10. Recycling Centers subject to Article 86

11. Road maintenance shop

12. Sewage transfer sites subject to Article 86

13. Signs as authorized by Article 74

14. Transportation terminal or depot

15. Utility facility, including hydroelectric and transmission facility

E. **Commercial – Care Providers and Dwellings**

1. Family day care dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status

2. Manufactured dwelling and single-family dwelling shall only be allowed when in conjunction with a business located on the same parcel and when occupied by

the owner/operator of the business. All services and requirements for both the dwelling and the business shall be located on the same lot. When the business ceases to operate, then the manufactured dwelling shall be removed. A waiver of remonstrance shall be recorded with the deed which recognizes the right of commercial operations to exist and that the normal conduct of business shall not be considered a nuisance.

3. Residential care home or residential care facilities

4. Single-family and/or manufactured dwelling only when lawfully existing (alteration or replacement only; subject to the time limits contained in Section 13.030 of this code)

62.030 - CONDITIONAL USES

The following uses, with accessory uses, shall be permitted using Quasi-Judicial Review Procedures (Article 22), subject to the requirements for Conditional Uses (Article 45) and Site Plan Review (Article 42). Uses shall also meet the applicable development standards listed in Section 62.250. In all cases, a Development Permit (Article 41) shall be required as the final permit approval.

A. Sewage treatment plants

B. Water treatment plants, water reservoirs

62.040 - TEMPORARY USES

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), subject to Temporary Use requirements (Article 43). Uses shall also meet the applicable development standards listed in Section 62.250. A Development Permit (Article 41) shall be required as final permit approval.

A. Temporary roadside stand

B. Mass gathering

62.050 - PROPERTY DEVELOPMENT STANDARDS

All uses authorized by this Article are subject to certain additional permit, process and property development standards that are contained elsewhere in this code. The following is a list of Articles that are or may be applicable:

A. **Permit Review Requirements**

1. Basic Review Provisions – Article 20
2. Pre-Application Review – Article 21
3. Permit Review Procedures – Article 22
4. Basic Application Requirements – Article 40
5. Administration of Permits – Article 41

6. Site Plan Review – Article 42
7. Temporary Uses – Article 43
8. Variances – Article 44
9. Conditional Uses – Article 45

B. **Property Development Standards**

1. Minimum lot size - ½ Acre
   1 Acre when dwelling or quarters in conjunction with authorized commercial use
2. Setbacks – Front (10') Side (10') Rear (10')
3. Access & transportation – See Article 81
4. Airport overlay – See Article 69.4
5. Archeological resources – See Article 93
6. Building size, heights, setbacks and yard dimensions and accessory building size limits shall conform to the provisions of Article 72
7. Buildings, new and expanded, shall be or remain rural in character. Buildings shall be considered rural when they meet one of the following standards:
   a. A new commercial building is less than 3,500 square feet in size; or
   b. A lawfully existing building on a single authorized lot or parcel is expanded and the expansion results in one of the following circumstances:
      [1] The expanded building does not exceed 4,000 square feet in size; or
      [2] The expanded building does not exceed a size that is equivalent to a 50% increase of the cumulative size(s) of buildings already lawfully existing on the same authorized lot or parcel; or
   c. The use primarily serves the needs of the non-resident traveling public to specific tourist or recreation destinations outside of urban areas and unincorporated communities; or
   d. The application demonstrates that the proposed use and buildings(s) are rural in character based upon findings that show compliance with the following requirements:
      [1] The use is located is located 3 or more miles from an urban growth boundary, and 1 or more miles from an unincorporated community;
      [2] The use employs no more than the equivalent of 20 full time employees at the site;
      [3] The use primarily serves rural markets (i.e., markets that are outside of local urban growth boundaries and local unincorporated communities);

[4] Public sewer and water facilities are not available to the site, or are not reasonably expected to be extended to the site, from an established urban growth boundary or an established unincorporated community (the Director shall provide land use notice pursuant to Section 32.030.A of this code to the planning official for an affected city);

[5] Traffic generated to and from the site will not exceed the prescribed capacity limits for rural roads serving the proposed use; and

[6] The review body may assure the rural character of uses and structures is achieved and maintained by placing specific limits on the use, such as, the number of employees, structure size, traffic generation, parking, kinds of permitted activities.

e. Buildings for uses listed in Section 62.020.D (Commercial – Institutional and Service) and 62.020.E (Commercial – Care Providers and Dwellings) are not subject to the size and proof requirements of subsection 7.a above.

f. Space approved as a dwelling for the business operator shall not be counted against the building size limit in subsections 7.a and 7.b above.

g. Lawfully existing commercial buildings that exceed the size limit contained in these rules at the time of adoption (and the uses contained within them) shall not be considered non-conforming structures or uses pursuant to Article 13 (*Non-Conforming Lots, Uses & Structures*).

8. Deer Overlay – See Article 69.2
9. Erosion, sediment control, storm drainage facilities – See Article 83
10. Fences, wall and screens – See Article 73
11. Flood hazard overlay – See Article 69.1
12. Historic resources – See Article 94
13. Mineral & aggregate resources – See Articles 72.040.A & 91
14. Parking – See Article 75
15. RV parks, lodges and campgrounds – Article 98
16. Signs – See Article 74
17. Solid waste – See Article 86
18. Stream setbacks – See Article 72
19. Utilities – See Article 85
20. Water hazard overlay – See Article 69.5
21. Water standards – See Article 84
22. Wild & scenic rivers overlay – See Article 69.3

III. INDUSTRIAL ZONES

Delete Article 63 (*Light Industrial Zone*) and rezone all properties formerly designated within this zone to the Rural Industrial Zone.

IV. NEW RURAL INDUSTRIAL ZONE

Renumber and recaption Article 63.1 to Article 63 (*Rural Industrial Zone*) and replace it with the following new Article:

ARTICLE 63 - RURAL INDUSTRIAL ZONE

63.010 - PURPOSE

The Rural Industrial zone is intended to provide appropriate areas for the development of small scale industrial uses which, by their nature, are essential to a balanced economic base in the county and do not require full urban services. This zone is generally intended to be applied in areas that can provide the limited services necessary or in areas already committed to industrial use.

63.020 - PERMITTED USES

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless criteria-based Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 63.140. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

A. **Industrial – Institutional**

1. Airport and related aviation uses, including hanger and maintenance facilities
2. Animal shelter
3. Commercial power generating facility
4. Freight, train, bus or taxi terminals
5. Public and semi-public building, such as police or fire station, ambulance service, emergency medical facility, library, museum, post office, community building
6. Utility structure and yard
7. Recycling center, resource recovery facility, sewage disposal plant, pumping or treatment facility, water storage reservoir, sewage transfer site, waste transfer center

B. **Industrial – Sale and/or Service**

1. Automobile, truck and heavy equipment sales, parts and accessory stores

2. Automobile and truck service stations
3. Equipment sales, service, rental or repair
4. General laboratories and research facilities
5. Heavy equipment and farm implement sales and repair
6. Lockers, ice houses and cold storage facilities
7. Photographic film processing, photo engraving, photocopying establishments
8. Plumbing and sheet metal shops
9. Printing, lithographing, blueprinting or publishing and distribution facilities
10. Saw shops, including sales and repair
11. Scientific research or experimental development of products
12. Taxidermy
13. Tire store, repair and recapping
14. Upholstery, automobile and furniture
15. Veterinary clinic and hospital

C. **Industrial – Repair, Assembly and Manufacturing**

1. Automotive, truck and heavy equipment garages and repair, including paint and body shops, towing services and impound yard
2. Cement and asphalt batching, rock processing and crushing
3. Compounding, processing, packaging or treatment of products
4. Foundry
5. Manufacture of textiles, cloth, or fiber products
6. Manufacture, assembly or repair of products
7. Metal reduction, milling, and refining
8. Metal fabrication, welding and repair
9. Printing, photocopying, publishing, binding
10. Processing or packaging of food or drink products
11. Smelting
12. Wood products manufacturing, including secondary and tertiary processing

D. **Industrial – Storage and Distribution**

1. Agricultural cooperative
2. Automobile wrecking yard
3. Equipment storage and rental yards

4. Fuel distribution facility

5. Mini-storage units with office and/or quarters

6. Storage or sale yards for building materials or new and used equipment, contractor's equipment, overnight truck or trailer parking

7. Warehousing, receiving and shipping

8. Wholesale sales or distribution of equipment or products, which may also include retail sales

E. **Industrial - Support Services**

1. Administrative, educational and other related activities and facilities in conjunction with an authorized rural industrial use

2. Building maintenance service

3. Caretaker or night watchman (quarters or manufactured dwelling); the unit must be related to the business, and the manufactured dwelling must be removed when the business ceases to operate; the resident must be an employee of the business, rent must not be charged and employee status must be documented

4. Commercial parking lot

5. Restaurant, lounge, food stand, coffee kiosk, food catering

6. Signs as authorized by Article 74

7. Tavern

63.050 - PROPERTY DEVELOPMENT STANDARDS

All uses authorized by this Article are subject to certain additional permit, process and property development standards that are contained elsewhere in this code. The following is a list of Articles that are or may be applicable:

A. **Permit Review Requirements**

1. Basic Review Provisions – Article 20
2. Pre-Application Review – Article 21
3. Permit Review Procedures – Article 22
4. Basic Application Requirements – Article 40
5. Administration of Permits – Article 41
6. Site Plan Review – Article 42
7. Temporary Uses – Article 43
8. Variances – Article 44
9. Conditional Uses – Article 45

B. **Property Development Standards**

1. Minimum lot size - ½ Acre

1 Acre (when dwelling or quarters in conjunction with authorized industrial use)

2. Setbacks – Front (10') Side (10') Rear (10')
3. Access & transportation – See Article 81
4. Airport overlay – See Article 69.4
5. Archeological resources – See Article 93
6. Building size, heights, setbacks and yard dimensions and accessory building size limits shall conform to the provisions of Article 72
7. Buildings, new and expanded, shall be or remain rural in character. Buildings shall be considered rural when:
   a. New buildings are less than 35,000 square feet in size; or
   b. A lawfully existing building on a single authorized lot or parcel is expanded and the expansion results in one of the following circumstances:
      [1] The expanded building does not exceed 40,000 square feet in size; or
      [2] The expanded building does not exceed the size amount that is equivalent to a 50% increase of the cumulative size(s) of buildings already lawfully existing on the same authorized lot or parcel; or
      [3] The application demonstrates that the proposed use and buildings(s) are rural in character based upon findings that show compliance with the following requirements:
         (a) The use is located is located 3 or more miles from an urban growth boundary, and 1 or more miles from an unincorporated community;
         (b) The use employs no more than the equivalent of 30 full time employees at the site;
         (c) The use primarily serves rural markets (i.e., markets that are outside of local urban growth boundaries and local unincorporated communities);
         (d) Public sewer and water facilities are not available to the site, or are not reasonably expected to be extended to the site, from an established urban growth boundary or an established unincorporated community (the Director shall provide land use notice pursuant to Section 32.030.A of this code to the planning official for an affected city);
         (e) Traffic generated to and from the site will not exceed the prescribed capacity limits for rural roads serving the proposed use; and
         (f) The review body may assure the rural character of uses and buildings is achieved and maintained by placing

specific limits on the use, such as, the number of employees, structure size, traffic generation, parking, kinds of permitted activities.

c. Space approved for a caretaker or night watchman shall not be counted against the building size limit set forth in subsections 7.a and 7.b above.

d. There shall be no floor area limitation for new or expanded industrial uses, including accessory uses subordinate to the industrial development in areas planned and zoned for industrial use on January 1, 2004, where the land is more than three miles outside of the urban growth boundary for the city of Grants Pass, or outside the urban growth boundary for the city of Cave Junction. The county shall provide written notice to the cities of Grants Pass or Cave Junction for any development proposed pursuant to this subsection, when the development is within 10 miles of either urban growth boundary. The authority granted in this subsection shall terminate on January 2, 2006, unless extended by Oregon law.

e. There shall be no floor area limitation for new industrial uses, sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that was zoned for industrial uses on October 28, 1994.

f. There shall be no building size limitation on new or expanded buildings for uses listed in Section 63.020.A (Industrial – Institutional).

g. There shall be no building size limitation on new or expanded buildings for uses that require proximity to rural resources (examples of such resources include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river ports).

h. Lawfully existing industrial buildings that exceed the size limits contained in these rules at the time of adoption (and the uses contained within them) shall not be considered non-conforming structures or uses and shall not be subject to the requirements of Article 13 (*Non-Conforming Lots, Uses & Structures*).

8. Deer Overlay – See Article 69.2
9. Erosion, sediment, storm drainage facilities – See Article 83
10. Fences, wall and screens – See Article 73
11. Flood hazard overlay – See Article 69.1
12. Historic resources – See Article 94
13. Mineral & aggregate resources – See Articles 72.040 & 91
14. Parking – See Article 75
15. RV parks, lodges and campgrounds – See Article 98
16. Signs – See Article 74
17. Solid waste – See Article 86
18. Stream setbacks – See Article 72

19. Utilities – See Article 85
20. Water hazard overlay – See Article 69.5
21. Water standards – See Article 84
22. Wild & scenic rivers overlay – See Article 69.3

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AMENDMENTS TO THE JOSEPHINE COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES

(To Bring Commercial & Industrial Zones Into Compliance With Statewide Goal 14 - Urbanization)

GOAL 10: TO DEPICT A LAND USE PATTERN TO GUIDE FUTURE USES, TO IMPLEMENT THE DESIRES OF THE COUNTY AND TO MEET THE REQUIREMENTS OF THE STATE OF OREGON

OVERVIEW:

It is in the best interest of the citizens of Josephine County to have a stable land use pattern. A comprehensive plan map is an acceptable method to show existing and desired land use patterns for the planning period.

POLICIES:

1. **Plan Categories and Zones.** The Comprehensive Plan Map shall be used as a guide and shall show the land use in Josephine County. The general land use categories and their implementing zones are as follows:

* * * * *

F. COMMERCIAL (C). Areas ~~that are used~~ designated for rural commercial activities ~~that range from a neighborhood convenience store to more intensive rural commercial uses~~ shall be ones that recognize a broad list of uses based upon historic commercial locations and new locations that are attractive and appropriate for the development of such activities. The Rural Land Development Code shall implement standards that assure rural commercial uses are or remain rural in character pursuant to Statewide Goal 14 on urbanization. This designation shall be implemented through the ~~following zones:~~ the Rural Commercial Zone.

~~(1) Rural Commercial - Limited areas to provide for neighborhood commercial needs without the necessity for urban services.~~

~~(2) Tourist Commercial - Areas to promote tourism in the County by providing traveler oriented services and recreational opportunities. These~~

~~areas are intended to enhance the local economy and to promote the natural beauty and resources of the area.~~

~~(3) Rural Convenience Center Commercial - Limited areas that provide a core area for community services in a rural setting. Additional commercial and residential needs shall be provided to conserve energy and transportation costs for unwarranted trips to urban areas.~~

G. INDUSTRIAL (I). Lands designated for industrial development ~~that~~ shall include a range of uses that recognize ~~from~~ resource dependent industrial sites, abandoned or diminished mill sites, and industrial sites that afford effective opportunities for a wide range of general rural industrial activities, such as, industrial institutional uses, sales and/or service, repair, assembly and manufacturing, storage and distribution, and support services ~~to limited areas of light industrial uses recognizing historic land use patterns and existing industrial uses.~~ The Rural Land Development Code shall implement standards that assure rural industrial uses are or remain rural in character pursuant to Statewide Goal 14 on urbanization. This designation shall be implemented through the ~~following zones:~~ Rural Industrial Zone.

~~(1) Light Industrial - An area intended for industrial uses that has minimal impact on adjoining land uses or public facilities. This zone shall be limited to apply only to existing areas being developed or to an area that is needed for industrial use when it can be demonstrated that the use cannot be located in an urban area.~~

~~(2) Rural Industrial - Areas for industrial use that are located in close proximity to the natural resources on which they rely for raw materials. These uses shall not require full urban services and linkage shall be established to demonstrate that the location is appropriate and necessary for resource utilization.~~

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

RECEIVED
MAY 20 2005
JOSEPHINE CO. PLANNING

ORDINANCE NO. 2005-005

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO RURAL RESIDENTIAL (5-ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R6, SECTION 34-D0, TAX LOT 1500. THE PROPERTY OWNER IS ALLEN ELIASON.

WHEREAS, the Board of County Commissioners held public hearings on January 14 and February 4, 2004 to consider the request pursuant to certain criteria contained within the Josephine County Comprehensive Plan at Goal 11, Policies 1 and 2 (Ordinance 81-11 As Amended); and

WHEREAS, the Josephine County Planning Commission at an earlier occasion held a public hearing to consider the above identified Comprehensive Plan and Zone Change request, and thereupon made a recommendation for approval to the Board; and

WHEREAS, the Board of Commissioners held public hearings, heard testimony, received evidence from the Josephine County Planning Staff, the applicant and any remonstrators, and thereupon concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters; and

WHEREAS, the Board of County Commissioners' decision was affirmed by LUBA on November 10, 2004 (LUBA Order No. 2004-83);

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Residential for property identified as Assessor's Map Township 36, Range 6, Section 34-D0, Tax Lot 1500.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential - 5 acre for property identified as Assessor's Map Township 36, Range 6, Section 34-D0, Tax Lot 1500.

SECTION 3: **Affirmation**

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: **Effective Date**

First reading by the Board of County Commissioners this 4th day of May, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 18th day of May, 2005. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

Jim Riddle, Chair

Dwight F. Ellis, Vice Chair

Jim Raffenburg, Commissioner

ATTEST:

Recording Secretary 5-16-05

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

ORDINANCE NO. 2005- 007

(Wildfire and Emergency Safety Standards)

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4, AS HERETOFORE AMENDED), BY DELETING THE EXISTING ARTICLE 76 (RURAL/WILDLAND FIRE SAFETY STANDARDS) AND REPLACING IT WITH THE FOLLOWING NEW ARTICLE 76 (WILDFIRE AND EMERGENCY SAFETY STANDARDS); AND AMENDING ARTICLE 42 (SITE PLAN REVIEW), AT ARTICLE 42.050.B.6 REGARDING SITE PLAN REVIEW CRITERIA; AND AMENDING ARTICLE 45 (CONDITIONAL USE PERMITS) AT 45.030.B.6 REGARDING CONDITIONAL USE CRITERIA.

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called plan) at Goal 11, Policies 1, and the Rural Land Development Code (hereinafter called code) at Article 49, the Rural Planning Commission conducted public hearings regarding the amendments as set forth herein on February 17, March 15, March 22, March 29, April 19, June 7, August 30 and November 1, 2004, after notice by publication and mailing as required and made; and

WHEREAS, the Planning Commission rendered a decision to recommend certain amendments to Article 76, as set forth in the minutes of its hearing on November 1, 2004; and

WHEREAS, the Board of County Commissioners, pursuant to Article 46.020.B.2.a of the Josephine County Rural Land Development Code, initiated and conducted public hearings on the proposed amendments on March 2, March 16, April 6 and June 15, 2005, all of which were noticed as required by the Rural Land Development Code and Oregon law; and

WHEREAS, on June 15, 2005, the Board unanimously approved the deletion of Article 76 (Rural/Wildland Fire Safety Standards) and then replaced it with a new Article 76 (Wildfire and Emergency Safety Standards), and then made amendments to Articles 42 (Site Plan Review) and 45 (Conditional Use Permits), all as documented in the minutes for this meeting and as shown below;

NOW, THEREFORE, based on the foregoing authority and procedures, the Board of County Commissioners for Josephine County, Oregon, hereby takes the following legislative action to amend the plan and code in the following respects.

Section 1. Delete

The Board hereby deletes the current Article 76 (Rural/Wildland Safety Standards) from the Rural Land Development Code (Ordinance 94-4, as heretofore amended).

Section 2. Adoption

The Board hereby adopts the attached new Article 76, now entitled Wildfire and Emergency Safety Standards, together with certain additional amendments to the texts of Article 42, Site Plan Review, and Article 45, Conditional Use Permits.

Section 3. Affirmation

Except as specifically amended herein, all other provisions of Josephine County Ordinance 94-4 (Rural Land Development Code) existing on this date are hereby affirmed.

Section 4. Effective Date

First reading by the Board of County Commissioners this 29th day of June, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 20 day of July, 2005. This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COMMISSIONERS

Jim Riddle, Chair

Dwight Ellis, Vice-Chair

Jim Raffenburg, Commissioner

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

Amend the Josephine County Rural Land Development Code by deleting the existing Article 76 (Rural/Wildland Fire Safety Standards) and replacing it with the following new Article 76 (Wildfire and Emergency Safety Standards):

ARTICLE 76 - WILDFIRE AND EMERGENCY SAFETY STANDARDS

76.010 - PURPOSE

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

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

76.020 - APPLICATION OF WILDFIRE AND EMERGENCY SAFETY STANDARDS

The development and construction standards contained in this Article shall be applied during the review and approval of the following land use actions:

A. Land Divisions. Land divisions in any zone approved pursuant to Chapter 5 of this code shall be required to develop wildfire mitigation plans that assure safety of the whole development, and that assure individual lots or parcels within the land division are able to comply with the provisions of this Article. The review body shall apply the standards contained in this Article to the extent needed to assure that its purposes are met.

B. Site Plan Review and Conditional Use Permits. Any land development that requires review and approval pursuant to the provisions of Article 42 (*Site Plan Review*) or Article 45 (*Conditional Use Permits*) shall be required to develop wildfire mitigation plans that assure safety of the development. The review body shall apply the standards contained in this Article to assure that its purposes are met.

C. Forest Zones. The development of new structures, the substantial improvement of existing structures, the relocation of structures and the replacement of structures in Forest Zones (Article 65) shall meet the requirements of this Article.

D. Other Zones. The development of new dwellings in any zone other than the Forest Zones shall demonstrate compliance with all of the applicable standards of this Article. The relocation or replacement of existing dwellings in any zone other than the Forest Zones, shall be required to demonstrate compliance with the standards for construction (Section 76.030), fire protection service or on-site fire protection plan (Section 76.060) and vegetation mitigation (Section 76.080) only. Improvements to existing dwellings must only comply with the standards for construction (Section 76.030), except for

roofing requirements, as they apply to the new construction and not the existing structure or structures. Compliance for all types of development under this section shall be accomplished by meeting the application and self-certification requirements contained in Section 76.100.A of this Article.

E. Other Requirements. Nothing in this Article is intended to waive or diminish any other development standard, regulation or other provision required in this code or elsewhere.

76.030 - SITE DEVELOPMENT AND CONSTRUCTION STANDARDS

A. Steep Slopes. Slopes in excess of 40% may be disturbed or altered only after the disturbance or alteration is authorized pursuant to the requirements for modification of standards contained in Section 76.090 of this Article. Dwellings in Forest Zones shall not be sited on slopes greater than 40%.

> **NOTE: Site development that disturbs ground with slopes at or above 15%, or that have granitic soils, requires an approved erosion control plan prepared by a registered engineer before disturbance. See Article 83, Erosion and Storm Drain Facilities.**

B. Construction of Structures. The development of new structures and the substantial improvement, relocation and replacement of existing structures shall implement the following construction features:

1. Roofing materials shall meet Fire Rating Class A or B as established by the National Fire Protection Association. Exterior wood roofing of any type is prohibited.

2. Chimneys and stove pipes shall be capped with a spark arrester that meets the standards established by the National Fire Protection Association.

3. The exposed undersides of porches, decks and balconies 3' or less above the ground shall be enclosed with 1/4" or smaller, non-combustible, corrosion resistant metal mesh.

4. Areas beneath decks, porches, balconies and roofs greater than 3' above the ground shall be maintained free of combustible materials.

5. Attic openings, soffit vents, foundation louvers and vents and other direct openings in outside walls, overhangs and roofs shall be no larger than 144 square inches and shall be covered with 1/4" noncombustible, corrosion resistant metal mesh.

76.040 - ACCESS

Driveways and new public roads shall meet the following requirements:

A. Driveways.

1. Driveways shall be developed to within 50' of all habitable structures and 150' of non-habitable structures.

2. Driveways shall be constructed to meet all of the following minimum standards:

   a. WIDTH. Driveways shall be at least 12' wide in straight sections and at least 14' wide in all curves that have a centerline radius at any point less than 150'. It may be advisable to increase further the width of driveways in some curves to assure that emergency equipment remains on the developed surface throughout the entire turn.

   b. TURNING DIMENSIONS. Driveway curves shall have a minimum curve radius of 48'. Driveway approaches to public roads shall have an inner radius of 20' in both directions.

   c. GRADE. Driveways shall comply with the following grade limitations:

      [1] Driveway development that disturbs areas with slopes at or above 15% or that involves granitic soils requires an approved erosion control plan prepared by a registered engineer before disturbance. See Article 83 (*Erosion and Storm Drain Facilities*).

      [2] No portion of any driveway shall have grades that exceed 15%, except grades may increase to 18% for intervals of not more than 100' as long as there are no more than three 100' sections in excess of 15% per 1,000' of driveway.

      [3] All areas within curves that have a centerline radius of less than 150' shall not exceed a 15% grade.

      [4] Changes in grades within driveways shall not exceed 1% in 3'.

   d. CLEARANCES. Areas around driveways shall be cleared as follows:

      [1] The area above the entire length and width of driveways shall be cleared and kept clear of all obstructions for a minimum vertical distance of 13.5'.

      [2] A strip at least 2' wide along both sides of the prescribed width of the driveway, and for its entire length, shall be established to the standards for Secondary Safety Zones in Section 76.080.C.2, provided, however, that the vegetation in these areas cannot exceed 6" in height.

   e. SURFACES. Driveways shall be surfaced as follows:

      [1] Driveways with slopes below 15% shall be constructed as follows:

[a] A base course of 6"- 8" of pit run rock, and

[b] A leveling course of 2" - 3" of 3/4" minus angular gravel, and

[c] Compacted by proof-rolling the rocked and graveled courses with a fully loaded 10 cubic yard dump truck or other vehicle with equivalent weight; or

[d] Base and leveling courses and compaction standards for a Restricted Rural Residential road when the driveway is paved with asphalt; or

[e] To standards different from the ones specified in subsection [a] through [c] above, provided the alternative standards are supported by a driveway construction plan prepared by a registered engineer that contains a certification that the surface, as built, will support 50,000 pounds, provide adequate drainage and traction and prevent significant degradation or deterioration as a result of rain or freezing and thawing.

[2] Driveways on granitic soils or with slopes of 15% or greater shall be constructed to the surface standards specified in a driveway construction plan prepared by a registered engineer that contains a certification that the surface, as built, will support 50,000, pounds, provide adequate drainage and traction and prevent significant degradation or deterioration as a result of rain or freezing and thawing.

[3] In transitions from dirt, rock or gravel to hardened surfaces, the hardened surface shall be extended 25' on each end beyond the slope to minimize dig outs and other deterioration of the surface.

f. **STRUCTURES.** A structure or fill and culvert shall be provided to cross all live streams, ravines, gullies, irrigation ditches and similar features. These structures shall have the same width as the width required for the driveway at the structure or fill and culvert location. Bridges shall be certified by a registered engineer as being capable of supporting at least 50,000 pounds. Culverts shall be a minimum of 12" in diameter and shall be designed carry American Association of State Highway and Transportation Officials HS-20 Loading.

g. **TURNAROUNDS.** Driveways leading to structures or to water sources used for fire suppression shall terminate in a turnaround area that is surfaced consistent with the surface requirements for the connecting driveway and has a minimum inner radius of 27' and a minimum outer radius of 42'.

h. **TURNOUTS.** Driveways in excess of 600' shall have vehicle turnouts at a maximum spacing of every 400'. Turnouts at more frequent intervals may be advisable when conditions caused by steep grades, dense vegetation, and/or frequent curves create unsafe passage. Turnouts shall consist of a 12' wide by 25' long driving area immediately adjacent to the driveway. Turnouts shall be surfaced with the same surface as the adjoining driveway.

i. **GATES.** Gates on private driveways shall provide a clear opening of at least 12' on straight stretches and 14' on all curves. Gates must be set back at least 30' from the public road or highway to allow emergency vehicles to clear the roadway when stopped at the gate.

j. **MAINTENANCE:** Driveways shall be maintained to these standards in order to assure the accessibility of property and to protect fire fighters and other emergency personnel.

B. Public Roads. New public roads longer than 800' in length that are created by a land division pursuant to Chapter 5 of this code shall provide access for residents and emergency service personnel consistent with the following requirements.

1. **LOOPED ROADS.** When it is both feasible and practical, new public roads shall connect to existing public maintained or non-maintained roads to create a looped road system.

2. **EMERGENCY ACCESS.** When a looped road system cannot be achieved, and it is feasible and practical to do so, new public roads shall be developed with emergency access. Emergency access is easement access that lawfully connects a new public road to a another public road, street plug, public usage road, way of necessity or service road under control of the United States Departments of Agriculture or Interior. An emergency access may be gated or temporarily blocked in compliance with the standards and procedures set forth in Josephine County Board of Commissioner Order No. 2001-13 (*Gated Streets*), or as otherwise approved by the fire authority having jurisdiction under the Order.

3. **SPECIAL MITIGATION MEASURES.** When it is not feasible or practical to develop new public roads with looped or emergency access as required above, then the tentative plan shall be reviewed using the *Modification of Standards* procedures contained in Section 76.090. The Wildfire and emergency safety standards Review Committee may develop a fire mitigation plan for the land division and for individual lots within the land division that offset, to the greatest extent feasible, the lack of looped or emergency access through other practical measures.

76.050 - SIGNS

Address and direction signs shall be permanently posted and maintained at driveway entrances and at any subsequent driveway intersections so that they clearly and effectively direct approaching emergency traffic to structure locations. Signs shall be posted and kept visible to indicate the nature and location of water sources that can be used for fire suppression. Numbers or letters used in the signs shall be at least 3 inches high and consist of light reflective material.

76.060 - FIRE PROTECTION SERVICE OR ON-SITE FIRE PROTECTION PLAN

As a condition of a permit to develop, the owner shall provide proof of fire protection service or fire protection measures that meets one of the following options:

A. Fire Protection District. The property upon which a structure or structures are to be developed is located within a fire protection district and the district agrees in writing to cover the structures, or the property is not located within a fire district, but the owner has requested to be included in the district and the district agrees in writing to include the property within the district before the development of any structure begins; or

B. Contract Fire Protection. If the property cannot be located within a fire protection district, but fire protection service is available from a commercial fire service provider that is listed on the State Fire Marshal Roster and the owner provides a contract for fire protection to cover the property before the development of any structure begins; or

C. On-Site Fire Protection Plan. If the options described in Subsections A and B above are not achieved, the owner shall devise and implement a special on-site fire protection plan as a condition of the permit. The plan shall include measures such as on-site water storage, fire sprinkling systems, additional safety zones, the placement of structures in the most defensible locations, storage of on-site fire-fighting equipment, and any other practical and effective measures given the conditions at the site. The special on-site fire mitigation measures shall be reviewed and approved utilizing the modification of standards procedures contained in Section 76.090. Note: In the Forest zones, a dwelling shall be located in accordance with A or B above and only C if residential fire protection is determined to be impracticable per OAR 660-006-0035.

76.070 - ON SITE WATER FOR FIRE PROTECTION

On site water sources required for fire protection pursuant to Subsection 76.060.C shall comply with the following requirements:

A. Water Source. Water sources shall meet one of the following requirements:

1. A pond, swimming pool, noncombustible storage tank, lake or a similar body of water, that contains at least 4,000 gallons of water year around; or

2. A stream or spring having a continuous year around flow of at least 1 cubic foot per second.

B. Authorization. The application shall include a written statement from the Oregon Water Resources Department verifying that permits or registrations required for any water diversion or storage are obtained or not required.

C. Access. Driveway access and a turnaround meeting the requirements of Section 76.040.A.2 shall be developed to within 10' of the water source.

D. Signs. Permanent signs meeting the requirements of Section 76.050 shall be posted along the driveway to direct emergency vehicles to approved water sources. "No Parking" signs shall be posted and maintained to prevent interference with equipment attempting to gain access to such water sources.

76.080 - VEGETATION MITIGATION

A. Purpose. The purpose of this section is to establish and implement fire safety zones. A fire safety zone is an area in which fire hazard is mitigated by the reduction, removal or limitation of vegetative fuels around structures. Safety zones can also be enhanced by the selection and placement of special fire resistant landscaping.

1. Fire safety zones shall be established to reduce the risk to structures from advancing wildfire, the risk to residents and emergency personnel who may be evacuating or accessing the site during wildfire conditions, and the threat to surrounding neighborhoods from structure fires.

2. Fire safety zones shall not be imposed in streamside setbacks established in Article 72 to protect riparian vegetation. The presence of protected riparian vegetation within a fire safety zone shall not require the relocation of a site proposed for a structure or the denial of a permit sought under this Article.

B. Fire Safety Zones.

1. **PURPOSE.** A fire safety zone is a fuel break designed to slow the speed and intensity of fire to or from structures, and to create an area in which fire suppression operations may more safely and effectively occur.

2. **CHARACTER.** Fire safety zones shall be a natural or a human-made area where material capable of allowing fire to spread either does not exist or has been cleared, modified or treated in a way that significantly reduces the speed and intensity of fire to move to and from structures.

3. **TYPES OF ZONES.** There shall be two types of fire safety zones, designated as the primary safety zone and the secondary safety zone. In all cases the primary safety zone shall be developed for a distance of 50' in all directions from structures as measured along the ground from the farthest extension of the structure, to include attached carports, decks or eaves. A secondary safety zone shall be established around the primary safety zone for an additional 50' in all directions. On sites on which the slope abutting any structure exceeds 20%, the secondary safety zone shall extend an additional 50' in all directions.

C. Fuel Mitigation. Fuel mitigation within fire safety zones shall conform to all of the following requirements:

1. PRIMARY SAFETY ZONES.

a. Ground cover within the primary safety zone shall consist of one or more of the following conditions:

[1] An area of asphalt, bare soil, concrete, rock or other nonflammable material; or

[2] An area of dead grass cut to 4" or less, leaves, needles, twigs and other similar flammable materials, provided such materials do not create a continuous fuel bed and are at least 4' away from structures; or

[3] An area of low growing vegetation species such as green grass, ivy, succulents and other similar species, provided that it is maintained in a green condition and substantially free of dead plant material.

b. Other vegetation within the primary safety zone shall consist of single specimens or isolated groupings of native trees and shrubs, and fire resistant ornamental trees, shrubs and other plants, provided that they are:

[1] Maintained in a green condition;

[2] Maintained substantially free of dead plant material;

[3] Pruned and maintained so that crowns are separated by a distance of 15' and limbs below 8' in height are removed; and

[4] Pruned and maintained so that no limbs touch a structure, or overhang a roof or are within 15' of a chimney or stovepipe.

[5] Live fruit trees shall not be required to meet the requirements of Subsections [3] and [4] above.

c. Open firewood storage shall not occur within 30' from structures.

2. SECONDARY SAFETY ZONES. Trees within the secondary safety zone shall be pruned and maintained so that trunks are separated by a distance of 15' and any branches below 8' in height are removed. Live fruit trees shall not be required to meet these spacing and limbing requirements. Small trees, brush growing underneath the remaining trees and dead vegetation and other debris shall be removed.

3. FIRE RESISTANT PLANTS. Characteristics and examples of appropriate landscape plants can be found in "Fire-Resistant Plants for Oregon Home Landscapes", published in 2002 by Oregon State University Extension Service as Forest Resource Note No. 6. Additional information is available from firewise.org and other internet sites.

4. MODIFICATION OF SAFETY ZONES. In the event a property owner is unable to meet the space requirements for primary or secondary safety zones because the proposed homesite is too close to one or more property lines, it is the policy of this Article to resolve space issues using the following priority of actions:

   a. The homesite shall be relocated to an alternative site that allows the space requirements to be met; or

   b. If an alternative and qualifying homesite is infeasible or impractical, the property owner shall obtain the necessary easement(s) from the adjoining property owner(s) that allows the needed safety zone area to be added, developed and maintained; or

   c. If the actions described in a. and b. above cannot be achieved, then the request to modify the space requirements shall be reviewed using the *Modification of Standards* procedures contained in Section 76.090.

76.090 - MODIFICATION OF STANDARDS

A. Purpose. The purpose of this Section is to establish procedures for the review and possible modification of certain wildfire and emergency safety standards.

B. Standards Subject to Modification. The standards that may be modified under this Section are subject to the following rules:

1. GENERAL STANDARDS SUBJECT TO MODIFICATION. The following wildfire and emergency safety standards may be modified under the authority of this Section:

   a. Site development and construction standards (§76.030)

   b. Special Mitigation Measures for Public Roads (76.040.B.3)

   c. On-site fire protection plan (76.060.C)

   d. Vegetation Mitigation (76.080).

2. ACCESS STANDARDS SUBJECT TO MODIFICATION.

   a. **Driveway Connects To Maintained Public Road.** When a driveway wholly on the applicant's property connects to a road that is maintained by the county or state, the access standards contained in Section 76.040 may be modified, except that the provisions of Section 76.040.A.2.c (maximum driveway grade of 18%), Section 76.040.A.2.e (driveway surfaces), and Section 76.040.A.2.f (driveway structures) shall not be modified.

b. **Driveway Connects To Private or Non-Maintained Public Access.** When a driveway connects to an easement or public usage road, or the applicant's property is served by a non-maintained public road (or any combination of these circumstances), the Wildfire and Emergency Standards Review Committee is authorized to recommend modifications to any of the access standards contained in Section 76.040.

C. Application Requirements. Modification of wildfire and emergency safety standards shall be initiated by site plan review application pursuant to the review procedures contained in Article 42 (*Site Plan Review*) of this code. The Director shall develop wildfire and emergency safety standards modification application and mapping requirements consistent with the functions of this Article and Article 42.

D. Wildfire and Emergency Safety Standards Review Committee. All requests to review and modify wildfire and emergency safety standards shall be reviewed by a special site plan review committee called the Wildfire and Emergency Safety Standards Review Committee.

1. COMPOSITION. The Director shall notify and involve other appropriate county departments, government agencies, political jurisdictions and fire protection districts. In addition, other wildfire and safety experts may be involved as the Director determines necessary or helpful to review applications.

2. FUNCTION. It is the function of the Committee to review all requests to modify the standards noted above in Subsection B. The Committee may recommend or oppose proposed modifications. If the Committee recommends modification, it may also recommend other mitigation measures that are designed to offset risks resulting from modification. If the Committee recommends against modification, it shall explain why the modification should not occur. The Committee's recommendation shall be in writing.

3. AUTHORITY. Action by the Committee shall not be considered a land use decision or final decision for appeal. The Director shall consider the recommendations of the Committee in making the final decision as specified in Section 42.040.C. The Director, however, shall not modify any wildfire or safety standard without Committee review.

E. Variances. The wildfire and emergency safety standards contained in this Article shall not be modified by procedures for variances (Article 44, *Variances*).

F. Forest Zones. The wildfire and emergency safety standards for new dwellings in Forest Zones, as established by Oregon Administrative Rule, Chapter 660, Division 006, Sections 0029 and 0035 shall not be made less restrictive using the procedures in this Article or Article 44 (*Variances*).

76.100 - APPLICATIONS FOR OTHER DWELLINGS

The development of new, remodeled, relocated or replaced dwellings in any zone other than the Forest Zones shall comply with the following application and approval procedures.

A. Application Requirements. Prior to issuance of a Development Permit for the development of dwellings in Other Zones, the owner shall submit to the Planning Office for review and approval:

1. A plot plan meeting the requirements of subsection 41.020.B.3 of this code;

2. Proof of fire protection service meeting the requirements of subsection 76.060.A. or B (if fire protection service is not available, the application shall be subject to the requirements of subsection C set forth below).

3. Proof of on-site water supply.

B. Certification of Compliance. Prior to obtaining a Certificate of Occupancy from the county Building and Safety Department, the owner(s) shall complete a certificate of compliance on forms provided by the Planning Office. The certificate of compliance shall certify, by the signature of all owners of record for the property, that all applicable wildfire and emergency safety standards required by this Article have been satisfied. The Planning Director shall maintain the original certificate of compliance in the Planning Office file for the property.

C. Absence of Fire Protection Service. In the event that the lot or parcel cannot demonstrate proof of fire protection as required by subsection A.2 above, the owners shall submit an on-site fire protection plan as described in subsection 76.060.C of this Article. The plan shall be reviewed pursuant to Section 76.090 (*Modification of Standards*).

76.110 - APPLICATIONS REQUIRING FULL REVIEW

Applications for new, remodeled, relocated and replaced dwellings and other structures within the Forest Zones, and as may be determined during application review for Land Divisions, Site Plan Reviews and Conditional Use Permits, shall include the following information and plot plans.

A. Information.

1. **SITE DESCRIPTION.** The site shall be described with current photographs depicting all areas proposed for the development of driveways, turnarounds and structures, together with a brief written description of the understory and over story vegetation present on the property. The description shall include an explanation of the clearing, thinning or landscaping planned on the property.

2. **FIRE PROTECTION.** As required by the provisions of Section 76.060, fire protection shall be demonstrated in one of the following ways:
   a. A written statement from the appropriate fire protection district stating the district agrees to include the property within the district before the development of any structure; or

   b. A copy of the contract for fire protection by a commercial fire service provider that will be effective before the development of any structure; or

c. A proposed on-site fire protection plan.

3. **WATER SUPPLY.** Documentation shall be included showing the existing or proposed domestic water supply is authorized by the Oregon Department of Water Resources.

4. **EROSION CONTROL PLAN.** If any development of the property will disturb areas that exhibit slopes that are 15% or greater, or involve granitic soils, a proposed erosion control plan pursuant to Article 83 (*Erosion & Storm Drain Facilities*) shall be included. No disturbance shall occur until the plan is approved.

5. **DRIVEWAY CONSTRUCTION PLAN.** If a driveway construction plan is used or required to meet the surface requirements in Section 76.040.A.2.e, the proposed driveway construction plan and surface certification shall be included.

6. **SAFETY ZONE DOCUMENTATION.** Copies of recorded easements shall be included if any part of the safety zones are to be implemented on other property.

7. **PUBLIC ROADS.** Land divisions involving public roads longer than 800' in length shall include a mapped and written description of the looped road or emergency access features of the development plan. If the plan is supported by agreements with other landowners, copies of the agreements should be included with the application. If looped or emergency access is not practical or feasible, the application shall include a brief statement explaining why this is so.

8. **GATE FEATURES.** If a gate is to be constructed within the driveway, a written description of the gate's features, and how these features comply with the requirements of Article 76.040.A.2.i, shall be supplied.

B. Homesite Plot Plan. A plot plan for the homesite development shall be prepared that contains the following features:

1. **BASIC MAPPING REQUIREMENTS.** The plot plan shall be drawn to a common, even scale (e.g., 1" = 50', 100', 200', 400') that accurately depicts development features at practical dimensions, and includes a north arrow. Inserts or breakout diagrams may be used when a single common scale is ineffective.

2. **MAP FEATURES.** The plot plan shall depict or note the following features at scale:

   a. Contour at intervals not greater than 40'

   b. All structure locations with distances from the two closest property lines noted

   c. The location of driveways and required turnaround areas in the vicinity of the homesite demonstrating a 48' radius that utilizes an authorized design

d. The location and kind of domestic water source

e. The location of the existing or proposed septic system

f. The location, dimension and capacity of water storage structures

g. The location of the primary and secondary safety zones

C. Driveway Plot Plan.

1. **BASIC MAPPING REQUIREMENTS.** The driveway plot plan shall be a separate drawing from the homesite plot plan and shall be drawn to a common, even scale (e.g., 1" = 50', 100', 200', 400') that accurately depicts development features at practical dimensions, and includes a north arrow. Inserts or breakout diagrams may be used when a single common scale is ineffective.

2. **MAP FEATURES REQUIRED.** The plot plan shall depict the entire length of the driveway, to include turnaround areas, and consist of both flat and cross-sectional (plan and profile) views. The plot plan shall contain or note the following features at scale:

a. Location of all water sources capable of being used for fire suppression

b. Minimum width of the driveway with wider areas noted and measured

c. Radius and grade dimension within curves

d. Centerline radius of the driveway approach to a public road

e. Turnout locations and dimensions

f. Proposed driveway surface materials

g. Percentage of grade at regular intervals and transition points

h. Places of natural streams, ditches, ravines and drainage ways

i. Places of proposed driveway structures (bridges, fill and culverts, etc.) and cuts and fills that may exceed 4'

j. Areas of vegetation modification adjacent to the driveway

k. Gate locations

l. Survey data or maps if available

Amend Article 42 (*Site Plan Review*) and 45 (*Conditional Use Permits*) as follows:

Article 42.050.B.6

6. ~~Special hazards (flooding, fire, erosion, etc.) and special environmental circumstances (watershed, wetland, wildlife, or plant habitat, etc.) are adequately mitigated, provided for or protected.~~ 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 Article 69.1 (*Flood Hazard Overlay*), Article 76 (*Wildfire and Emergency Safety Standards*), and Article 83 (*Erosion Control & Storm Drain Facilities*). The approved provisions of the mitigation plan or plans shall become conditions of development for the site.

Article 45.030.B.6

6. ~~Special hazards (flooding, fire, erosion, etc.) and special environmental circumstances (watershed, wetland, wildlife, or plant habitat, etc.) are adequately mitigated, provided for or protected.~~ 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 Article 69.1 (*Flood Hazard Overlay*), Article 76 (*Wildfire and Emergency Safety Standards*), and Article 83 (*Erosion Control & Storm Drain Facilities*). The approved provisions of the mitigation plan or plans shall become conditions of development for the site.

RECEIVED
AUG 17 2005
JOSEPHINE CO. PLANNING

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

ORDINANCE NO. 2005-008

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM RESIDENTIAL TO COMMERCIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL (1-ACRE MINIMUM) TO RURAL COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T37, R5 , SECTION 19-A0, TAX LOTS 200 & 300. THE PROPERTY OWNER IS VANCE WATTERS.

WHEREAS, the Josephine County Planning Commission held a public hearing on March 7, 2005 to consider the request pursuant to certain criteria contained within the Josephine County Comprehensive Plan at Goal 11, Policies 1 and 2 (Ordinance 81-11 As Amended); and

WHEREAS, the Josephine County Planning Commission heard testimony, received evidence from the Josephine County Planning Staff, the applicant and any remonstrators at the public hearing, and thereupon concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: **Comprehensive Plan Amendment**

The Josephine County Comprehensive Plan is hereby amended from Residential to Commercial for property identified as Assessor's Map Township 37, Range 5, Section 19-A0, Tax Lots 200 & 300.

SECTION 2: **Zoning Change**

The Josephine County Zoning Map is hereby amended from Rural Residential - 1 acre to Rural Commercial for property identified as Assessor's Map Township 37, Range 5, Section 19-A0, Tax Lots 200 & 300.

SECTION 3: **Affirmation**

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: **Effective Date**

First reading by the Board of County Commissioners this 3rd day of August, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 17th day of August, 2005. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

Jim Riddle, Chair

absent @ signing
Dwight F. Ellis, Vice Chair

Jim Raffenburg, Commissioner

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

ORDINANCE NO. 2005-010

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM AGRICULTURE TO AGGREGATE AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM EXCLUSIVE FARM TO MINERAL AND AGGREGATE RESOURCES, AND ADD TO THE INVENTORY OF SIGNIFICANT AGGREGATE SITES FOR 14.3 ACRES OF THE PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R6, SECTION 20, TAX LOT 600. THE PROPERTY OWNER IS COPELAND SAND & GRAVEL, INC.

WHEREAS, the Board of County Commissioners held public hearings on April 13 and May 18, 2005 to consider the request pursuant to certain criteria contained within the Josephine County Comprehensive Plan at Goal 11, Policies 1 and 2 (Ordinance 81-11 As Amended); and

WHEREAS, the Josephine County Planning Commission at an earlier occasion held a public hearing to consider the above identified Comprehensive Plan and Zone Change request, and thereupon made a recommendation for approval to the Board; and

WHEREAS, the Board of Commissioners held public hearings, heard testimony, received evidence from the Josephine County Planning Staff, the applicant and any remonstrators, and thereupon concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: **Inventory of Significant Aggregate Sites**

The Josephine County Comprehensive Plan is hereby amended to add 14.3 acres of the 45.81 total acres of the property identified as Assessor's Map Township 36, Range 6, Section 20, Tax Lot 600 to the Josephine County Inventory of Significant Aggregate Sites.

SECTION 2: **Comprehensive Plan Amendment**

The Josephine County Comprehensive Plan is hereby amended from Agriculture to Aggregate for 14.3 acres of the 45.81 total acres of the property identified as Assessor's Map Township 36, Range 6, Section 20, Tax Lot 600 for a period of five years from the effective date of this ordinance, after which the comprehensive plan designation shall revert back to Agriculture. The area covered by this change in plan designation is depicted on the map attached as Exhibit A to this ordinance.

SECTION 2: **Zone Change**

The Josephine County Zoning Map is hereby amended from Exclusive Farm to Mineral and Aggregate Resource Zone for 14.3 acres of the 45.81 total acres of the property identified as Assessor's Map Township 36, Range 6, Section 20, Tax Lot 600, for a period of five years from the effective date of this ordinance, after which the comprehensive plan designation shall revert back to Agriculture. The area covered by this change in plan designation is depicted on the map attached as Exhibit A to this ordinance.

SECTION 3: **Affirmation**

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: **Effective Date**

First reading by the Board of County Commissioners this 12th day of October, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 26th day of October, 2005. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

Jim Riddle, Chair

Dwight F. Ellis, Vice Chair

Jim Raffenburg, Commissioner

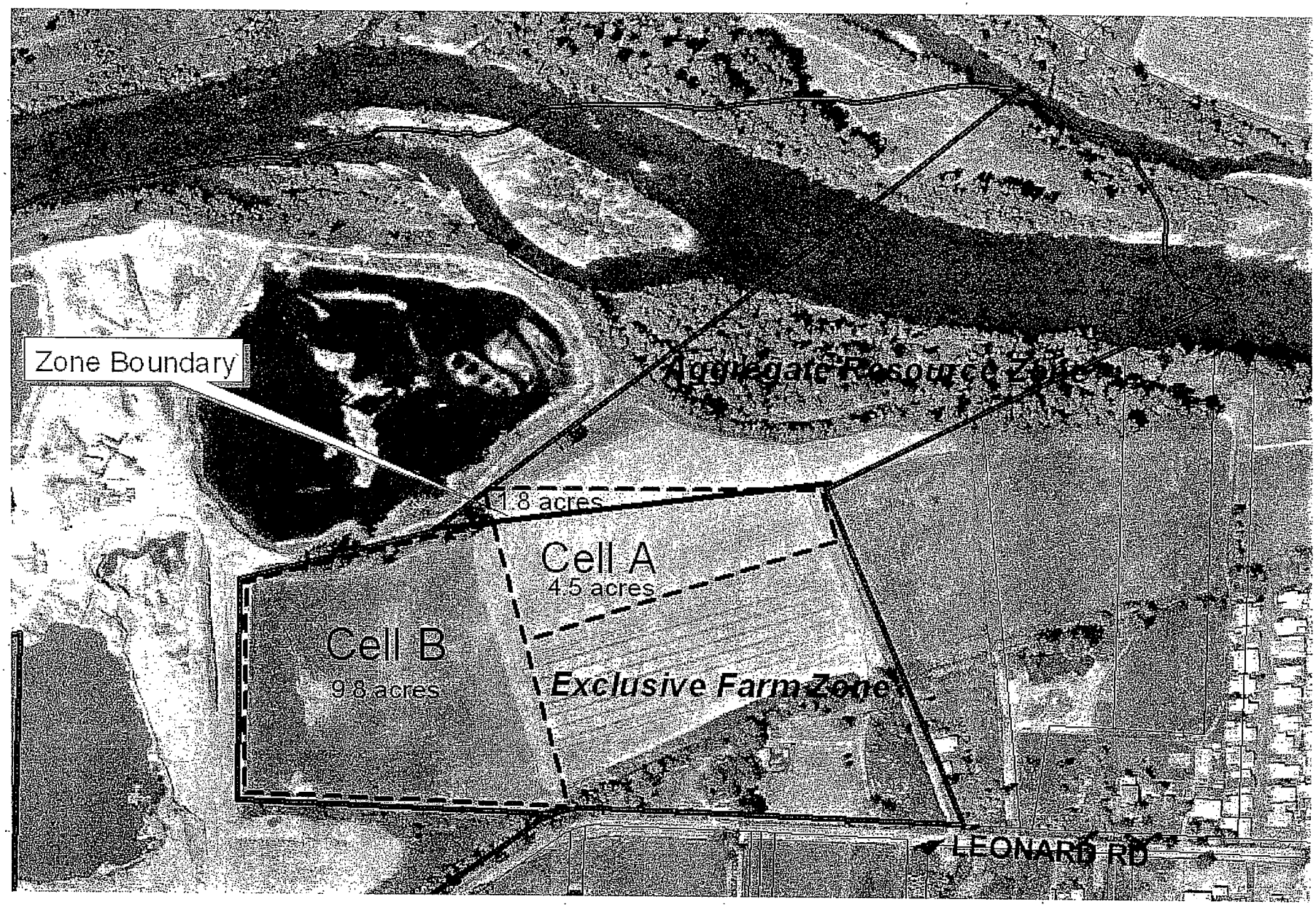
ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

EXHIBIT A


Zone Boundary
Aggregate Resource Zone
1.8 acres
Cell A
4.5 acres
Cell B
9.8 acres
Exclusive Farm Zone
LEONARD RD

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

ORDINANCE NO. 2005-011

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF JOSEPHINE COUNTY, FROM RESIDENTIAL TO INDUSTRIAL; AND, AMENDING THE ZONING MAP FROM RURAL RESIDENTIAL 2.5 ACRE TO RURAL INDUSTRIAL (AS SUPPORTED BY AN EXCEPTION TO STATEWIDE GOAL 14 ON URBANIZATION) FOR PROPERTIES IDENTIFIED AS PORTIONS OF ASSESSOR'S MAP T36, R5, SECTION 15-C, TAX LOTS 100, 300 AND 2500. THE PROPERTY OWNER IS COLVIN OIL COMPANY.

AND FURTHER AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY BY DESIGNATING CERTAIN LANDS AS A COMMITTED URBAN EXCEPTION AREA (UEA-C), FOR PROPERTIES IDENTIFIED AS ASSESSOR'S MAP T36, R5, SECTION 15-C, TAX LOTS 100, 300, 304 AND 2500. THE PROPERTY OWNER IS COLVIN OIL COMPANY.

WHEREAS, the Board of County Commissioners held public hearings on February 25, 2004, March 17, 2004 and April 21, 2004; and

WHEREAS, the Josephine County Planning Commission at an earlier occasion held a public hearing on December 13, 2003 to consider the above identified changes to the county's Comprehensive Plan and Zone maps, and thereupon recommended approval of the changes to the Board; and

WHEREAS, the Board of Commissioners, at the conclusion of its public hearings, concluded the applicant had met the burden of proof for showing the proposed changes complied with county and state standards, criteria and procedures pertaining to such requests;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan and Zone Map Amendments

The Josephine County Comprehensive Plan and Zoning Maps are hereby amended to change the plan designation for certain lands from Residential to Industrial, and from Rural Residential - 2.5 Acre (RR-2.5) to Rural Industrial (RI). The areas being changed are depicted on the map attached as Exhibit A. The areas of map change are located within properties described on Assessor's map T36, R5, Section 15-C, Tax Lots 100, 300 and 2500.

SECTION 2: Urban Exception Area - Committed (UEA-C)

The Josephine County Comprehensive Plan is hereby amended to designate all of the properties described on Assessor's map T36, R5, Section 15-C, Tax Lots 100, 300, 304 and 2500 as Urban Exception Area – Committed (UEA-C). The properties so designated are depicted on the map attached Exhibit B.

SECTION 3. Exception Area Authorizes Limited Industrial Uses.

Consistent with the findings of fact entered by the Josephine County Board of Commissioners, dated September 29, 2004, granting a limited exception to statewide Goal 14 (Urbanization), the Industrial/Rural Industrial plan and zone designations authorized by Sections 1 and 2 of this Ordinance shall be limited to the specific uses and intensity of uses as justified by the Goal 14 exception. The limitation on uses and intensity of uses are described in Exhibit C.

SECTION 3: Affirmation

Except as otherwise provided herein, the Josephine County Plan and Zone Maps are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 7th day of December, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 21st day of December, 2005. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

Jim Riddle, Chair

Dwight F. Ellis, Vice Chair

Jim Raffenburg, Commissioner

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

Colvin Oil – Areas of Comprehensive Plan & Zone Map Changes

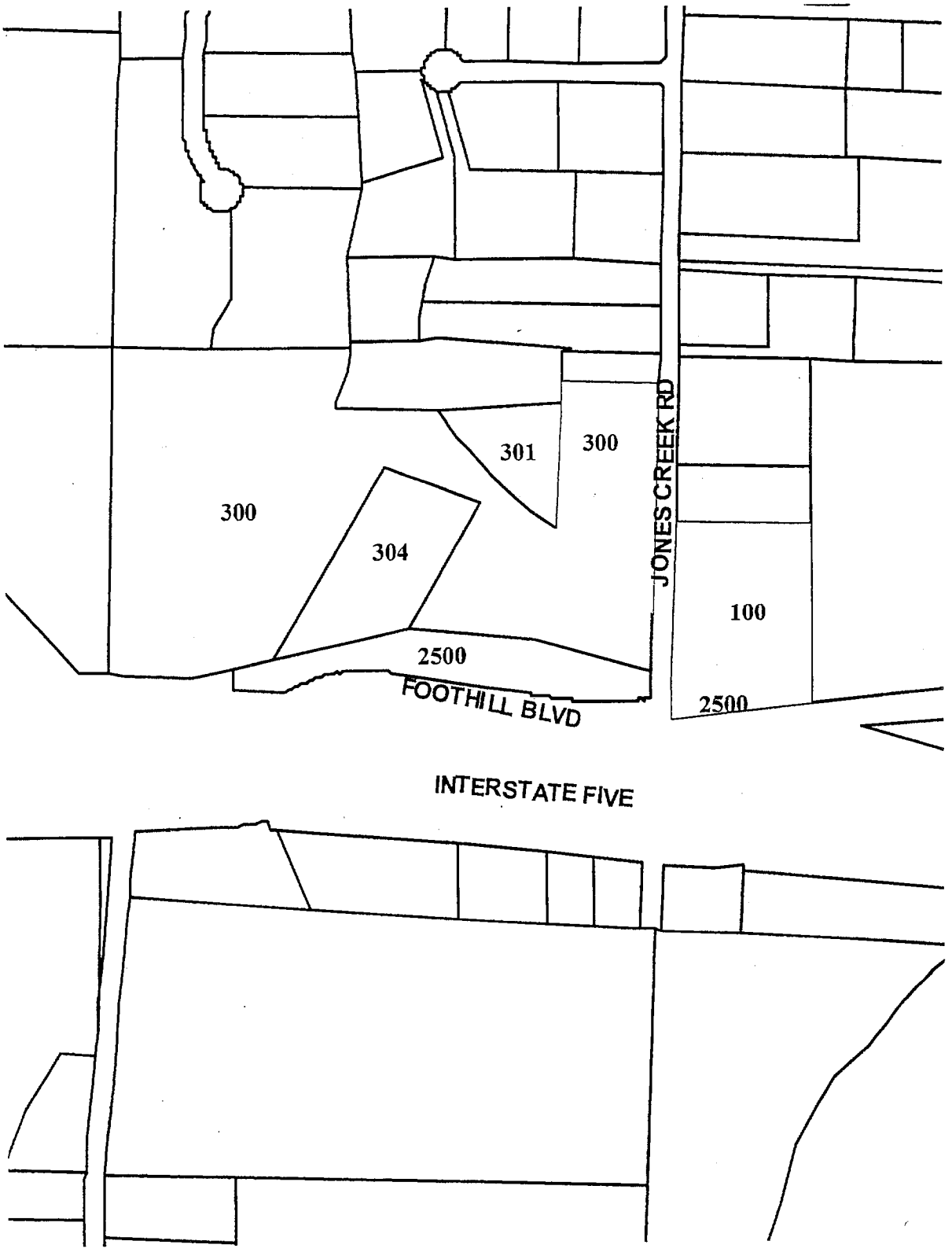


Exhibit A

COLVIN OIL – URBAN EXCEPTION AREA – COMMITTED

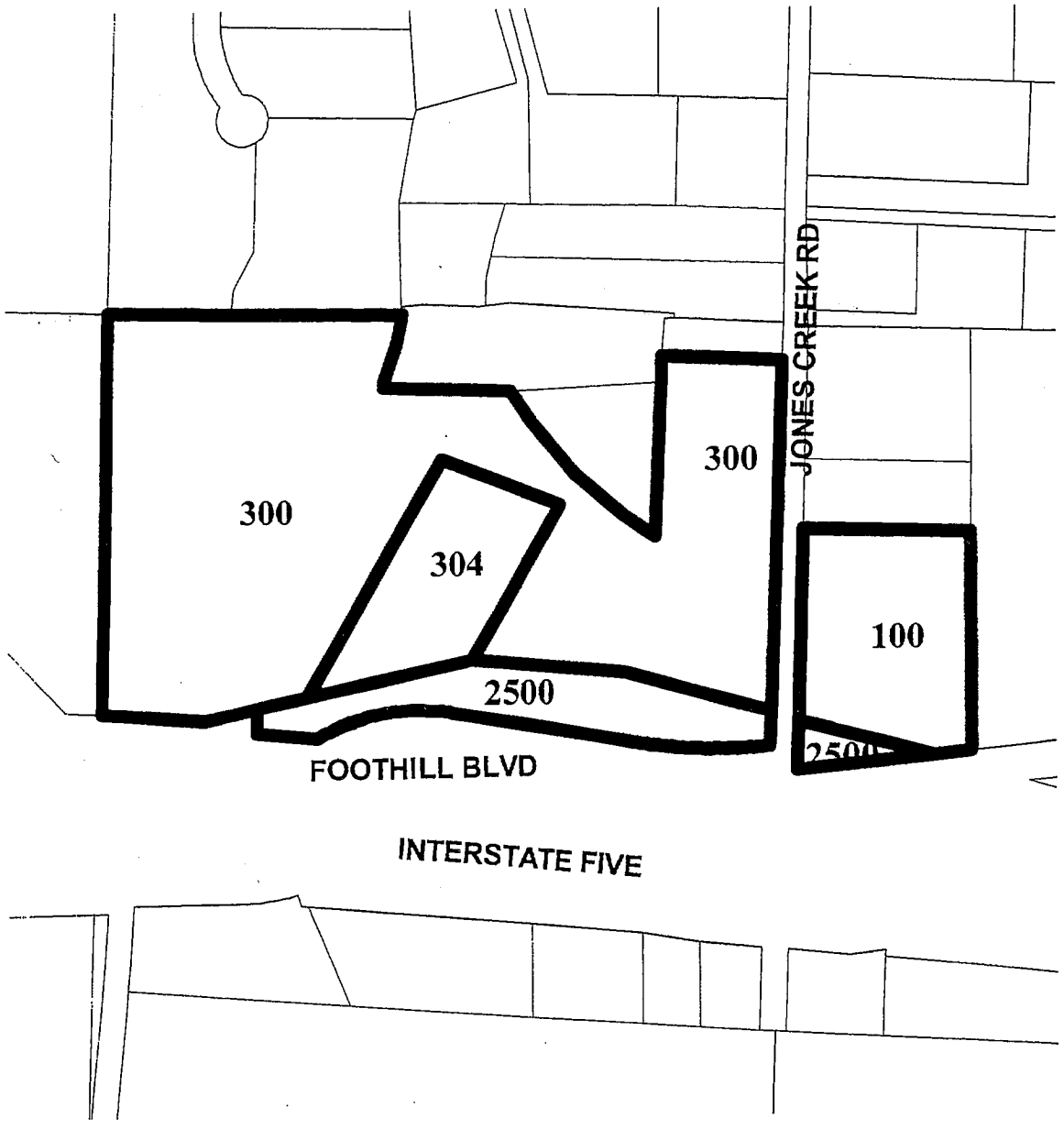


Exhibit B

COLVIN OIL LIMITED GOAL 14 EXCEPTION

1. PLES-1 Tax Lot 300 (main), Tax Lot 304 (all) and Tax Lot 2500 (main)
This Proposed Limited Exception Site (PLES-1) is to be limited to Colvin Oil Company operations, including the CFN automatic card fuel station, as well as the overnight trailer drop-off as a part of the fueling operation, the UPS leased area, and Ham's Body Shop, as well as those other RI uses similar in nature and intensity of use to the existing uses.

2. PLES-2 Tax Lot 300 (portion north of Tokay Canal)
This Proposed Limited Exception Site (PLES-2) is to be limited to Colvin Oil Company operation vehicle and employee vehicle parking.

3. PLES-3 Tax Lot 100/Tax Lot 2500 (portion east of Jones Creek Road)
This Proposed Limited Exception Site (PLES-3) shall be limited to truck parking and incidental office and support uses similar to the existing Colvin Oil operation, including overnight truck parking for those vehicles utilizing the Colvin Oil fuel center and Colvin lease operations (such as United Parcel Service center).

   It is proposed further that PLES-3 shall be limited to an intensity of use which will:

   - Have an impact on the PLES-3 less than or equal to the existing Colvin tract uses described above and itemized below, on a pro-rata, per-acre basis as measured by similar use, density, site coverage, traffic generation and development character;
   - Utilize only rural levels of basic services, such as water, septic, access streets, and fire and police protection, all services to be within the carrying capacity of the land, as defined by RLDC Section 11.030;
   - Mitigate impacts on the adjoining residential portion of Josephine County Exception Area No. 114-1 with appropriate setbacks, screening and vegetative buffers; and
   - Mitigate any traffic impacts with appropriate ingress, egress and public street improvements as may be required by traffic increases resulting from the future development of PLES-3, as determined by the Traffic Impact Study (Revised) dated March 25, 2003.

   Current levels of intensity of use include the following:

   - Colvin Oil Operations - Tax Lot 300/304/2500 (PLES-1)
     - 11 office staff
     - 16 truckers in two shifts
     - 11 tanker trucks in single or double tractor-trailer configurations
     - 9 additional trucks and company vehicles

- Colvin Oil trucks on the coast (2-3 trucks) and in Medford (4-5 trucks) are not daily operational at the site
- The Central Fueling Network (CFN) fuel pavilion
- Active site area for Tax Lot 300 is 4.15 acres (Colvin Oil, overnight trailer drop-off, and UPS), and including septic drain fields is 5.90 acres

- UPS Operations - Tax Lot 300/2500 (PLES-1)
  - 20 daily delivery vehicles
  - Pickup and delivery by up to 3 double or triple trailer rigs, on a once per 24 hour basis
  - 2-5 trailers remaining on property at any given time
  - Active site area for UPS operations is included in the Colvin Oil active site area
- Ham's Body Shop Operations - Tax Lot 304 (PLES-1)
  - Daily entry and exit of up to 10 employees
  - Entry and exit of up to 5-7 customers per day, including vehicles to be repaired
  - This traffic activity is included in the Traffic Impact Study
- Colvin Office Building area is 1,080 square feet, or 0.42% of the active site area
- UPS Building area is 1,130 square feet, or 0.44% of the active site area
- Colvin Accessory Building area is 3,360 square feet, or 1.3% of the active site area
- Total building area is 5,570 square feet, or 2.17% of the active site area, including septic fields. Therefore, up to 2.17% of the active site area of PLES-3 (2.17% x 3.54 Ac = 3,346 square feet) could be developed as building under this proposal.
- No Body Shop use is proposed for PLES-3
- Traffic generation rates per acre of 9.5 trips/Ac for the AM peak hour and 7.5 trips/Ac in the PM peak hour. For conservative traffic impact computation purposes, all traffic from PLES-3 shall be deemed truck traffic. (See Colvin Oil Company Traffic Impact Study [Revised], Table 2, p. 4, and Discussion, p. 5.) The above employee levels and vehicle use were utilized in the Traffic Impact Study. Development of PLES-3 shall be limited to these intensities of traffic generation. Any further expansion of activities on PLES-1 or PLES-3 must demonstrate adequate traffic capacity, including mitigation measures if required by traffic study.
- The area of Tax Lot 300 west of Tax Lot 304 contains an approved septic field and reserve field, slopes down to Jones Creek and then back up to the Tokay Canal, is developed in more rural fashion with barn, sheds and mobile home, and is therefore unsuitable for expansion of uses that are "*urban in character and intensity.*" Improvements to existing structures or

expansion under 10% of existing building area could be accommodated under this proposal. (Source: Record 1.C, pp. 6-8, emphasis added by Applicant)

EXHIBIT C