

Josephine County 2010 Ordinances

No.	Date Signed	Effective Date	Description
2010-001	02/10/2010	05/11/2010	<p>An Ordinance amending the text of the Josephine County Rural Land Development Code (Ord 94-4) regarding the modification, expiration, and extension of land use permits by [a] amending Section 50.120 governing modification of conditions for tentative plans for land divisions to provide for quasi-judicial land use review procedures; and [b] amending Section 50.130 governing time limits and extensions by clarifying language and adding the opportunity for an additional two year extension of tentative plan approvals; and [c] amending Section 56.030 governing application requirements for final plat approvals to conform to the changes made in Section 50.130; and [d] amending Section 41.030 regarding time limit, extension and expiration of general permits to distinguish requirements for ministerial and quasi-judicial review procedures.</p>
2010-002	05/12/2010	08/10/2010	<p>An Ordinance amending [1] the Comprehensive Plan and Zoning maps of Josephine County for certain properties associated with the Grants Pass airport from Residential/Rural Residential 5 acre, Community Residential/Community Residential 5 acre, and Forest/Woodlot Resource to Community Industrial/Community Light Industrial; and, [2] the Merlin-North Valley Unincorporated Boundary by annexing two properties into the boundary. The subject properties affected by this ordinance are identified in the Josephine County Assessor's records as: Map 35-06-22-A0, Tax Lot 300; Map 35-06-22-B0, Tax Lots 100, 101, 700, and 801; Map 35-06-22-D0, Tax Lots 300 and 400; Map 35-06-23-C0, Tax Lot 1900; and Map 35-06-26-B0, Tax Lots 902 and 903.</p>

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

ORDINANCE NO. 2010-002

AN ORDINANCE AMENDING: [1] THE COMPREHENSIVE PLAN AND ZONING MAPS OF JOSEPHINE COUNTY FOR CERTAIN PROPERTIES ASSOCIATED WITH THE GRANTS PASS AIRPORT FROM RESIDENTIAL/RURAL RESIDENTIAL 5 ACRE, COMMUNITY RESIDENTIAL/COMMUNITY RESIDENTIAL 5 ACRE, AND FOREST/WOODLOT RE-SOURCE TO COMMUNITY INDUSTRIAL/COMMUNITY LIGHT INDUSTRIAL; AND, [2] THE MERLIN-NORTH VALLEY UNINCORPORATED BOUNDARY BY ANNEXING TWO PROPERTIES INTO THE BOUNDARY. THE SUBJECT PROPERTIES AFFECTED BY THIS ORDINANCE ARE IDENTIFIED IN THE JOSEPHINE COUNTY ASSESSOR'S RECORDS AS: MAP 35-06-22-A0, TAX LOT 300; MAP 35-06-22-B0, TAX LOTS 100, 101, 700, AND 801; MAP 35-06-22-D0, TAX LOTS 300 AND 400; MAP 35-06-23-C0, TAX LOT 1900; AND MAP 35-06-26-B0, TAX LOTS 902 AND 903.

WHEREAS, the Josephine County Rural Planning Commission held a public hearing on September 14, 2009, regarding the rezoning and boundary amendments as described in the caption above, and thereupon approved those changes subject to two conditions for the future development of some of the properties; and

WHEREAS, the Josephine County Board of Commissioners (Board) thereafter initiated a public hearing to reconsider the condition of development relating to landscape screening for certain airport properties at the time of future development only and, after due consideration of this issue during the public hearing, having received testimony and evidence from planning staff, the applicant and other land use participants, both for and against the request, concluded the condition should be modified to eliminate the screening requirement for certain properties on the west side of the airport; and

WHEREAS, the Planning Commission's decision, apart from the Board's reconsideration and modification of the aforementioned condition, after having been duly noticed to all who are legally entitled to notice, became final without appeal; and

NOW, THEREFORE, based on the foregoing circumstances, the Board hereby ordains as follows:

SECTION 1: COMPREHENSIVE PLAN MAP AMENDMENT

The Josephine County Comprehensive Plan Map is hereby amended from Residential, Community Residential and Forest to Community Industrial for the properties identified as Assessor's Map: Map 35-06-22-A0, Tax Lot 300; Map 35-06-22-B0, Tax Lots 100, 101 700 and 801; Map 35-06-22-D0, Tax Lots 300 and 400; Map 35-06-23-C0, Tax Lot 1900; and Map 35-06-26-B0, Tax Lots 902 and 903.

SECTION 2: ZONE MAP AMENDMENT

The Josephine County Zoning Map is hereby amended from Rural Residential 5 Acre, Community Residential 5 Acre and Woodlot Resource to Community Light Industrial for the properties identified as Assessor's Map: Map 35-06-22-A0, Tax Lot 300; Map 35-06-22-B0, Tax Lots 100,

101 700 and 801; Map 35-06-22-D0, Tax Lots 300 and 400; Map 35-06-23-C0, Tax Lot 1900; and Map 35-06-26-B0, Tax Lots 902 and 903.

SECTION 3: CONDITIONS OF REZONING

As approved by the Planning Commission under final authority and as modified by this Board, the comprehensive plan and zone maps are amended subject to the following two conditions:

- [1] A traffic impact study (TIS) shall be required at the time land use applications are made for the development of the subject properties. A copy of the study shall be provided to the Oregon Department of Transportation for review and comment. The TIS shall address impacts on local and area-wide transportation facilities, to include the Louse Creek (#61) interchange, and recommend mitigation measures. Mitigation measures shall be implemented at the time of development.

- [2] Future development of the portion of 35-06-23-C, Tax Lot 1900, lying on the east side of Flaming Road shall be implemented using site plan review procedures as set forth in Article 42 (Site Plan Review) of the Josephine County Rural Land Development Code. The review decision shall include a condition that requires the establishment and/or maintenance of vegetative screening along all property lines adjacent to residential zoning.

SECTION 4: BOUNDARY AMENDMENT

The Merlin-North Valley Unincorporated Community Boundary Map is hereby amended to include two properties identified as Assessor's Map 35-06-22-B0, Tax Lots 100 and 101, as those parcels are rezoned pursuant to Sections 1 and 2 above.

SECTION 5: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinances 81-11 and 85-1 are hereby affirmed as originally adopted and previously amended.

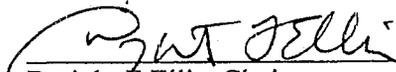
SECTION 6: EFFECTIVE DATE

The first reading of this Ordinance by the Board of County Commissioners occurred this 28th day of April, 2010.

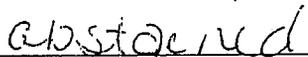
The second reading and adoption of this Ordinance by the Board of County Commissioners occurred on this 12th day of May, 2010, at least 13 days from the first reading. This Ordinance shall take effect ninety days from the date of this second reading.

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JOSEPHINE COUNTY BOARD OF
COUNTY COMMISSIONERS



Dwight F. Ellis, Chair

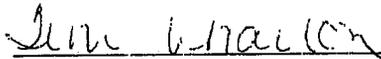


Sandi Cassanelli, Vice Chair



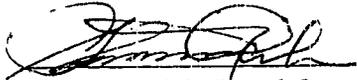
Dave Toler, Commissioner

ATTEST:



Recording Secretary

APPROVED AS TO FORM:



Steven E. Rich, Legal Counsel

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

ORDINANCE NO. 2010-001

**AN ORDINANCE AMENDING THE TEXT OF THE JOSEPHINE COUNTY RURAL
LAND DEVELOPMENT CODE (ORDINANCE 94-4) REGARDING THE MODIFICA-
TION, EXPIRATION AND EXTENSION OF LAND USE PERMITS.**

WHEREAS, the Planning Director initiated a public hearing before the Josephine County Planning Commission, after consultation with the Board of County Commissioners, and also pursuant to Section 31.030.A.3 of the Josephine County Rural Land Development Code (RLDC) to consider certain amendments regarding the modification, expiration and extension of land use permits; and

WHEREAS, the Planning Commission, pursuant to the review authority granted in Section 46.020 of the RLDC, conducted a public hearing on November 9, 2009 regarding the proposed text amendments after required notice by publication, community advertisement, and mailing to interested persons, agencies and organizations; and

WHEREAS, after due consideration of the proposed amendments and the testimony and evidence from those participating at the hearing, the Planning Commission voted 6-0 to approve the amendments; and

WHEREAS, written findings of approval were approved by the Planning Commission and entered into the official record of the proceedings kept by the Planning Director; and

WHEREAS, notice of the Planning Commission's decision was given as required by law, and the decision having now become final without appeal; and

WHEREAS, this Board, having reviewed the record of the foregoing matters, and after discussion of these matters with the county's Planning Director, find the approved text amendments advance the policies and purposes of the Josephine County Comprehensive Plan, and

NOW, THEREFORE, based upon all of the foregoing recitals, the Board does hereby adopt the following amendments to the text of the Josephine County Rural Land Development Code.

Section 1. Text Amendment

Amend the Josephine County Rural Land Development Code by making the following four amendments:

[1] 50.120 - MODIFICATIONS OF CONDITIONS OF APPROVAL

~~A. During the course of development of an approved tentative plan or final plat the Director is authorized to modify one or more of the conditions of approval when all of the following exist: The property owner or the owner's representative may request the modification of a condition or conditions of approval for a tentative~~

plan before or after final plat. The request must be in writing and shall identify the specific condition or conditions to be modified and explain the reasons or circumstances giving cause for modification.

~~1. A complication exists in the performance of a condition of the approval resulting from an unanticipated circumstance arising from a physical condition on or off site; and~~

~~2. The complication prevents performance of the condition.~~

B ~~The developer shall file a request for a modification with the Director. The request shall be in writing and shall set forth in detail the complication necessitating modification or change, why the complication was unanticipated, identify the condition to be modified, and demonstrate why performance of the condition is prevented. The request shall be accompanied by a pre-application fee. Requests for modification of conditions of approval for tentative plans, except tentative plans for property line adjustments approved using ministerial procedures, shall be processed using quasi-judicial review procedures as set forth in Section 22.040 of this code. The Planning Director shall be the review body in all cases. Requests for modification of conditions for property line adjustments shall be processed using ministerial review procedures as set forth in Section 22.030 of this code and shall be accompanied by a pre-application fee. Requests for modification using quasi-judicial procedures shall be accompanied by fees for standards only site plan review and re-noticing.~~

C ~~A decision by the Director to modify or not modify a condition or conditions shall be processed using ministerial review procedures as set forth in Article 22. Notwithstanding subsection B. above, the Planning Director is authorized to refer any request for modification of a condition of approval to a hearing body for decision. Requests referred to a public hearing shall require a fee equivalent to the original application fee.~~

D. ~~The applicant may appeal the Director's decision not to allow a modification of a condition of the tentative plan, subject to the rules and procedures for the appeal of planning director decisions as set forth in Article 33.070.~~

[2] 50 130 - TIME LIMITS & EXTENSIONS

A. An approved tentative plan is valid for 2 years from the date of approval. During this time improvements must either be completed or suitably guaranteed, and a final plat and final plat review fee must be submitted. If the improvements are not completed or suitably guaranteed, and a final plat and final plat review fee is are not submitted for approval, the tentative plan approval shall be become null and void, unless an extension or extensions are obtained as provided in subsection B. below

B. An extension of the tentative plan approval shall may be granted for an additional 2 year period by the Planning Director in accordance with Section 41.030. A

second 2 year extension may also be granted for tentative plans approved between January 1, 2006 and January 1, 2011, also in accord with Section 41.030, except total permit life may exceed 4 years, but in no case more than 6 years

- C. A decision by the Planning Director to grant or not grant an extension shall be processed using ministerial review procedures as set forth in Article 22. The Planning Director is authorized to refer any request for an extension to a hearing body for a decision. Requests referred to a public hearing shall require a fee equivalent to the original application fee.
- D The applicant may appeal the Planning Director's decision not to allow an extension subject to the rules and procedures for the appeal of planning director decisions as set forth in Article 33.070.

[3] 56.030 - APPLICATION REQUIREMENTS

Ar. application for final plat approval shall be required for all land divisions. The application shall be filed with the Planning Director and shall include up to 5 copies of the final plat drawing that conforms to the conditions of tentative approval and the procedural and mapping requirements of this Article and Article 57 regarding monumentation and applicable Oregon Revised Statutes. The Planning Director is authorized to reduce the number of copies of the final plat when fewer than 5 copies are needed to accomplish review. Applications for final plats shall be submitted to the Planning Director within two years from the date of tentative approval, together with the required fee. Failure to submit a final plat application within this time limit shall render the tentative approval null and void the time limit and extension periods as provided in Sections 50.130 and 41.030 of this code, together with the required review fee for final plats.

[4] 41.030 - TIME LIMIT, EXTENSION & EXPIRATION OF PERMITS

- A. All land use permits, except development permits and permits which have special conditions relating to expiration and/or renewal attached to them, shall expire 2 years after the date findings of approval are executed unless substantial development occurs as defined in Section 11.030.
- B. If substantial development does not occur within the life of the permit, the permit holder may request a one-time 2 year extension of the permit from the Director subject to all of the following findings requirements
 - 1 The request is made by filing a request for an extension on forms provided by the planning office, together with a pre-application fee; and
 - 2 The request is made before the original permit or any subsequent extension expires, or, if the request is made after the original permit expires, the 2 year extension shall include the time between expiration and extension so total permit life does not exceed 4 years; and

3. There have been No changes in the circumstances, applicable criteria-based state laws or rules or county land development regulations have occurred since the date of criteria of standards of approval used to support the original approval or subsequent extension. The Planning Director may apply conditions to the extension as needed to implement changes in standards of approval only using the Ministerial Review procedures as set forth in Article 22.
4. In the event changes in applicable criteria-based laws, rules or regulations occur, a new application and application fee shall be required. The application shall be processed using quasi-judicial review procedures per Article 22.040.
5. See Article 11.030 for definitions of "Substantial Development," "Criterion of Approval" and "Standards of Approval."

- ~~C. Applications for an extension shall be processed using the Ministerial Review Procedures as set forth in Article 22.~~
- D. When the permit involves the establishment of a specific use or activity and the use or activity actually commences, but then discontinues for any continuous period of 2 years, the permit shall expire, and the use shall be considered abandoned, unless an extension is obtained in conformance with requirements of subsection B of this Section.
- E. Time limits, extensions and expiration of land use permits for dwellings within the Farm and Forest Zones shall be governed separately by Sections 64.070 C and 65.070.G of this code.

Section 2. Affirmation

Except as specifically amended by the provisions of this Ordinance, the Comprehensive Plan (Ordinance 81-11) is hereby affirmed in all other respects.

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Section 3. Effective Date:

First reading by the Board of County Commissioners this 27th day of January 2010.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 10th day of ~~January~~ February 2010. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS:

Absent at Signing

Dwight F Ellis, Chair

S. Cassanelli

Sandi Cassanelli, Vice-Chair

Dave Toler

Dave Toler, Commissioner

ATTEST:

J. McMurry

Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich

Steven E. Rich, Legal Counsel