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# **ZONING ORDINANCE**

This represents an initial draft of a Zoning Ordinance to implement the draft Comprehensive Plan currently under discussion. The provisions of this Ordinance are subject to review and change by the Planning Commission as a result of changes in the draft Comprehensive Plan. The contents of this draft do not necessarily represent the views or opinions of the members of the Planning Commission or the Board of County Commissioners. The draft is released for the purpose of review and discussion and will be considered by the Planning Commission in public hearings beginning in April of 1980.

April 17, 1980

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

ORDINANCE No.

AN ORDINANCE PROVIDING FOR THE ZONING AND CLASSIFICATION OF LAND  
IN JOSEPHINE COUNTY, PROVIDING PENALTIES FOR THE VIOLATION THEREOF,  
AND PROVIDING PROCEDURES FOR ENFORCEMENT, AND DECLARING AN EMERGENCY.

JOSEPHINE COUNTY ORDAINS AS FOLLOWS:

CHAPTER 14

GENERAL PROVISIONS

Section 14.010 Title.

This Ordinance shall be known as the Josephine County Zoning Ordinance.

Section 14.020 Purpose.

The purpose of these regulations is to protect the public health, safety, welfare, and convenience and to provide for conformity to the Comprehensive Plan for Josephine County, as authorized by Oregon Revised Statutes Chapters 197, 203, and 215.

Section 14.030 Interpretation.

The provisions of this Ordinance shall be liberally construed to effectuate the purposes set forth above. These provisions are declared to be the minimum requirements fulfilling such objectives and where conditions herein imposed are less restrictive than comparative conditions imposed by any other provision of this Ordinance, by provision of any other local ordinance, resolution or regulation, or by provision of State Law or State Administrative regulation, then the more restrictive shall govern.

Section 14.035 Severability.

The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is adjudged to be invalid by a Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

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Section 14.040 Editorial Revision.

The County Legal Counsel or District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and Amendments as the Legislative Counsel is authorized to perform regarding acts of the Legislature, pursuant to ORS 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk, subject to disapproval by the Planning Commission at its next regular meeting thereafter.

Section 14.050 Definitions.

As used in this Ordinance the masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. Abutting. Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures eight (8) or more feet in a single direction.
2. Access. The means or way by which ingress and egress is secured for a property.
3. Access Road. A private roadway intended to provide ingress/egress for use of a property.
4. Accessory Structure or Use. A building or use incidental and subordinate to the main use of the property.
5. Agriculture, Farming, Farm Use. The current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or the dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, or to the construction and use of dwellings customarily provided in conjunction with farm use. "Current employment" of land for farm use includes (a) land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188); (b) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; and (c) land planted in orchards or other perennials prior to maturity. As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

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6. Airport, Personal-Use. An airstrip restricted, except for aircraft emergencies, to be used by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation operators. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip.
7. Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
8. Automobile Service Station. A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.
9. Automobile Wrecking Yard. Any property where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, their parts, or two or more motor vehicles not in running condition is conducted.
10. Building. A structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.
11. Building, Agricultural. A structure whose use shall be primarily for storage of farm implements, crops, feed or similar farm products or to provide shelter for livestock, poultry or fowl.
12. Campground, Dry. A camping facility that does not provide water or septic hookups to each space.
13. Church. A structure whose primary use is for worship by religious organizations registered with the State of Oregon.
14. Community Building. A facility owned and operated by a governmental agency or a non-profit community organization, provided that the primary purpose of the facility is for recreation, social welfare, community improvements or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on these premises.
15. Community Sewage System. A subsurface or sewage disposal system which will serve more than one (1) lot or parcel or more than one (1) condominium unit or more than one (1) unit of a planned unit development.
16. Community Water System. Domestic water supply source or distribution system which serves more than three single residences or other users for the purposes of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system.
17. Comprehensive Plan. A generalized, coordinated land use map and policy statement of the governing body that inter-relates all functional and natural systems and activities relating to the use of lands including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

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18. Conference Grounds. A retreat or meeting place used for formal, organized discussion or consultation.
19. County. Josephine County, Oregon.
20. Detached. Not structurally attached to the main structure.
21. Dwelling, Multi-Family. A building or buildings containing three or more dwelling units.
22. Dwelling, Single-Family. A detached building containing one dwelling unit.
23. Dwelling, Two-Family. A building or buildings containing two dwelling units.
24. Dwelling Unit. One or more rooms designed for occupancy by one family and having not more than one cooking facility.
25. Easement. A right in the owner of one parcel of land to use the land of another, for a specific purpose so long as it does not interfere with the latter's use and enjoyment of his property.
26. Family. An individual or two or more persons related by blood, marriage, adoption, or legal guardianship; living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons, living together as one housekeeping unit, using one kitchen.
27. Fence, Sight-Obscuring. Consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted to as to effectively obscure vision.
28. Flood Hazard Area. An area highly prone to regular flooding. It consists of both the floodway and flood fringe. Floodway is the channel of a water course and the adjoining land area which are required to carry and discharge the regulatory flood. The flood fringe is the relatively flat area adjoining the floodway which has been or may be hereafter covered by water of the regulatory flood.
29. Floor area. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including attic space providing headroom of less than seven (7) feet, or basement if the floor above is less than six (6) feet above grade.
30. Frontage. All of the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street, or if the street is dead ended then all the property abutting on one side between a street intersection and the dead end of the street.
31. Fuel Break. An area with insufficient vegetation to provide combustion.

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32. Grade (ground level). The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level should be measured at the sidewalk.
33. Guest House. An accessory building with no kitchen facilities, containing less than 800 square feet of floor area; designed, constructed and used for the purpose of providing living accommodations for guests or for members of the family that occupies the main structure; or a travel trailer used for the purpose of providing temporary (less than four months) living accommodations for guests or for members of the family that occupies the main structure. (See Kitchen)
34. Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the average height of the highest gable of a pitch or hip roof, or to the deck line of a mansard roof.
35. Home Occupation. A provision intended to permit an occupation to be carried on by a resident as a secondary use of the property in accordance with applicable requirements of this Ordinance.
36. Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.
37. Hotel. A building which is designed, intended or used for the accommodation of tourists, transients, and permanent guests for compensation and in which no provision is made for cooking in individual rooms or suites of rooms.
38. Junk Yard. Any property where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling of any scrap, waste, recycled or discarded material.
39. Kennel. A lot or building in which four or more dogs, cats or other domestic animals at least nine months of age are kept commercially for board, propagation, training or sale.
40. Kitchen. Any room and/or portion of a dwelling used or intended or designed to be used for cooking and preparing food.
41. Lot. A tract of land created by a subdivision.
42. Lot Area. The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, easements of access to other property, and flaglot poles providing access to the lot or parcel.
43. Lot, Corner. A lot or parcel abutting on two or more streets, at their intersection.
44. Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
45. Lot, Interior. A lot other than a corner lot.

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46. Lot Line. The property line bounding a lot or parcel.
47. Lot Line, Front. The property line separating a lot or parcel from the street. In the case of a corner lot, the shortest property line along a street. In the case of a flaglot, the closest line, parallel to the public road, at the end of the flagpole.
48. Lot Line, Rear. A property line which is opposite and more distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
49. Lot Line, Side. Any property line not a front or rear lot line.
50. Lot Width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines.
51. Marina. A dock or basin providing secure moorings for boats.
52. Mobile Home. A portable residence, office, or structure constructed on a chassis, that may or may not meet the standards for a given occupancy, is transportable on public highways on its own running gear, and is or can be licensed by the State of Oregon as a mobile home.
53. Mobile Home Lot. A parcel or land for the placement of a mobile home and the exclusive use of its occupants.
54. Mobile Home Park. A place where four or more mobile homes are located within five hundred feet of one another on a lot, tract or parcel of land under the same ownership.
55. Modular Unit. A prefabricated residence, office or structure, that meets the State Building Code standards for a given occupancy, and is transportable to a building site in distinct modules or units.
56. Motel or Auto Court. A building or group of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.
57. Motor Home. A self-propelled recreational vehicle, not intended to be used as a permanent residence.
58. Natural Areas. Includes land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitat for plant, animal, or marine life, for the study of its natural, historical, scientific, or paleontological features, or for the appreciation of its natural features.
59. Non-Conforming Lot, Structure or Use. A lawful existing lot, structure or use at the time this Ordinance or any amendment thereto becomes effective which does not conform to the requirements of the district in which it is located.

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60. Official Map. The map or maps upon which locations are located in detail and with exactness, so as to furnish the basis for property acquisition or building restrictions.
61. Parcel. A tract of land created by a partition.
62. Parking Space. An enclosed or unenclosed surfaced area of maneuvering and access, permanently reserved for the temporary storage of one automobile, and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.
63. Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
64. Planned Residential Development. A group of residential buildings and appurtenant structures located and arranged in accordance with the requirements of the Planned Unit Development regulations (See Subdivision Ordinance).
65. Planning Commission. The Planning Commission of Josephine County, Oregon.
66. Planning Director. The Planning Director of Josephine County, Oregon.
67. Preserve, Hunting/Fishing. Land set aside for commercial or non-commercial hunting and/or fishing.
68. Professional Office. The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing art.
69. R.V. Park. See Travel Trailer Park.
70. Reclamation. Restoration or recovery to a better or useful state.
71. Riparian Vegetation. Vegetation found on or near the banks of a river or other body of water.
72. Road, public. The entire width between the boundary lines of every way which provides for unrestricted and continuous public use for the purpose of vehicular and pedestrian traffic and the placement of utilities, and includes the terms "street", "highway", "drive", "lane", "place", "avenue", or other similar designation.
73. School. An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Oregon.
74. Service Road. See Access.

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75. Setback. The requirements of zoning and building regulations that a building be set back a certain distance from the street or lot line either on the street level or at a prescribed height. The aim is to allow room for sidewalks and to permit sunlight to reach the streets and lower stories of adjoining buildings. Side and backyard setbacks are also regulated.
76. Sign. An identification, description, symbol, design, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.
77. Silviculture. Systematic management for the production of trees.
78. Story. That portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, each basement or cellar shall be considered a story.
79. Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road", "highway", "drive", "land", "place", "avenue", or other similar designation.
80. Structural Alteration. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
81. Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some manner and which requires location on the ground or which is attached to something having a location on the ground.
82. Travel Trailer. A portable structure, designed to be towed behind a motor vehicle, used for travel, recreation or vacation uses, not more than eight feet wide and licensed as a recreational vehicle.
83. Travel Trailer Park. A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary (four-month) location while traveling, vacationing, or recreating.
84. Upset Condition. A malfunction creating a situation not consistent with prescribed operational conditions.
85. Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

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86. Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this regulation.
87. Yard, front. A yard between side lot lines measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.
88. Yard, rear. A yard between side lot lines measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.
89. Yard, side. A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear lot line.
90. Zoning Commission. The Zoning Commission of Josephine County, Oregon.

Section 14.070 Compliance with Regulation Provisions.

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this regulation.

Section 14.080 Classification of Districts.

For the purposes of this regulation the following zoning districts are established:

<u>District</u>	<u>Mapping Symbol</u>
Exclusive Farm	EF
Serpentine	S
Farm Residential	FR
Extractive Resource	ER
Forest Conservation	FC
Woodlot	W
Rural Residential - 1 Acre	RR-1
Rural Residential - 2.5 Acre	RR-2.5
Rural Residential - 5 Acre	RR-5
Rural Commercial	RC
Tourist Commercial	TC
Rural Service Center Commercial	RSC
Rural Industrial	RI
Industrial Park	IP



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CHAPTER 15

EXCLUSIVE FARM DISTRICT

Section 15.010 Purposes of Exclusive Farm District.

The purposes of this District are to preserve agricultural land for farm use, to qualify agricultural properties for special tax treatment, and to provide beneficial uses of unfarmable land without creating conflicts between suburban expansion and farm use. The uses established by this District are authorized by the Oregon Revised Statutes 215.203 to 215.273, and are designated in compliance with the Statewide Planning Goal on Agricultural Land. This District is intended to provide a classification for lands which predominantly consist of soils with Agricultural Class IV or better capabilities and which are potentially productive for farm use.

Section 15.011 Applicability of the District.

The Exclusive Farm District shall apply to all lands as zoned on the official Zoning Map for Josephine County under an Exclusive Farm classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 15.020 Uses Permitted Outright.

1. Agriculture, farming, and farm use, including the following:
  - a. raising, harvesting, and selling of crops;
  - b. feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals or honeybees;
  - c. dairying and the sale of dairy products;
  - d. any other agricultural or horticultural use or animal husbandry, or any combination thereof; and
  - e. preparation and storage of products raised on such land and disposal by marketing or otherwise.
2. The propagation and harvesting of forest products.
3. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
4. Dwellings and other buildings customarily provided in conjunction with farm use.
5. Operations for the exploration of geothermal resources.

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6. Signs identifying the property or advertising agricultural products, not to exceed 4' x 8'; signs advertising the use of the property not to exceed three square feet; and signs advertising the sale of the property not to exceed eight square feet for each street frontage.

Section 15.025 Uses Permitted Conditionally.

In an Exclusive Farm District, the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

1. Commercial activities that are in conjunction with farm use.
2. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, conditioned upon, but not limited to, the following criteria:
  - a. Submission of an acceptable plan for dust, noise and traffic control.
  - b. Submission of an acceptable plan for reclamation of mined lands.
  - c. Compliance with applicable State Air Quality Discharge Permits.
  - d. Demonstration that the proposed development would not adversely impact agricultural use on adjoining lands.
  - e. Demonstration that the proposed development satisfies the objectives of the Comprehensive Plan.
3. Private parks, playgrounds, hunting and fishing preserves, and campgrounds conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that the proposed development would not adversely impact agricultural use on adjoining lands.
  - b. Demonstration that the proposed development satisfies the recreation needs identified in the Comprehensive Plan.
  - c. Submission of a conceptual plan for site development which shall contain, as appropriate, boundaries and dimensions of the site; location, width and proposed streets; location, width of walkways; location of lighting fixtures; location of recreational areas and buildings; location and type of landscaping; location of available fire and irrigation hydrants or standpipes; location and design of public water systems; methods of sewage disposal; methods of garbage disposal; methods of fire protection; and plans for electrical service.
4. Parks, playgrounds, or community centers, owned and operated by a governmental agency or a non-profit community organization conditioned upon, but not limited to, the following criteria:

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- a. Demonstration that the proposed development would not adversely impact agricultural use on adjoining lands.
  - b. Demonstration that the proposed development satisfies the recreation needs identified in the Comprehensive Plan.
  - c. Submission of a conceptual plan for site development which shall contain, as appropriate, boundaries and dimensions of the site; location, width and proposed streets; location, width of walkways; location of lighting fixtures; location of recreational areas and buildings; location and type of landscaping; location of available fire and irrigation hydrants or standpipes; location and design of public water systems; methods of sewage disposal; methods of garbage disposal; methods of fire protection; and plans for electrical service.
5. Public or private schools.
  6. Churches.
  7. Golf courses.
  8. Commercial utility facilities for the purpose of generating power for public use by sale.
  9. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this Section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
  10. Home occupations, subject to the following standards:
    - a. A home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation or in an accessory building which is normally associated with an agricultural use.
    - b. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
    - c. No alteration to the exterior of the principal residential building shall be made which changes the character as a dwelling.
    - d. No mechanical or electrical equipment shall be employed which is audible beyond the boundaries of the property.
    - e. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted, excluding agricultural products or equipment.

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- f. No person other than a member of the immediate family occupying such dwelling shall be employed.
- 11. Facilities for the primary processing of forest products, conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that such facility will not seriously interfere with accepted farming practices.
  - b. Demonstration that such facility will be compatible with farm uses described in subsection (2) of ORS 215.203.

Such a facility may be approved for a one-year period, which may be renewed. These facilities are intended to be only portable or temporary in nature.

The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this Section, means timber grown upon a parcel or contiguous land where the primary processing facility is located.

- 12. The boarding of horses for profit.
- 13. Single-family residential dwellings, not provided in conjunction with farm use conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that the residence will be compatible with farm uses and the intent and purposes of the Exclusive Farm District.
  - b. Demonstration that the residence will not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
  - c. Demonstration that the residence will not materially alter the stability of the overall land use pattern of the area.
  - d. Demonstration that the residence will be situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

Section 15.040 Dimensional Standards.

In an Exclusive Farm District the following dimensional standards shall apply:

- 1. Height. Buildings shall not be of such height so as to exceed the existing fire-fighting capabilities of any special fire protection district or private fire company operating in the area of the development. In the event more than one company or district provides fire protection, this height limitation shall apply to the greatest capability of any such company or district. However, in no event shall structures exceed a height of two and one-half stories or 35 feet. The County Planning Department shall biannually publish a height rating for all lands located within the Exclusive Farm District.

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2. Area.

- a. The minimum lot size for single-family residences not in conjunction with farm use shall be established by the Zoning Commission at the conditional use hearing, but in no case shall any lot be created less than two acres.
- b. The minimum lot size for all uses, other than agriculture, forestry, or non-farm dwellings shall be one acre.
- c. The Zoning Commission shall establish the minimum parcel size of any division of agricultural or forest land, consistent with the following criteria:
  - (1) The division shall preserve open land used for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic, and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
  - (2) The division will result in the preservation of a maximum amount of the limited supply of agricultural land which is necessary to the conservation of the state's economic resources. The preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state for the assurance of adequate, healthful, and nutritious food for the people of this state and nation, and the division shall be consistent with the area needed to manage a type of farm use as an economic unit.
  - (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services. The division shall not result in conflicts between farm use and urban activities or in the loss of open space and natural beauty around urban centers as the result of urban expansion.
  - (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. Division of land shall not result in the disqualification of the land for farm use assessment.

3. Width. Every lot or land parcel shall have a minimum average width of not less than 300 feet. A lot or land parcel having a width of less than 300 feet at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all yard requirements are complied with. Lots of record shall include platted subdivision lots, partitions of land filed with the Real Estate Commissioner of the State of Oregon, approved major and minor land partitions, independent ownerships of land, and parcels for which valid development permits have been previously granted.

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4. Setbacks.

- a. Front yard: There shall be a front yard having a depth of not less than 30 feet from the front lot or property line, or not less than 60 feet from any building to the centerline of any public road or street.
- b. Side and rear yards: There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 30 feet, and there shall be a rear yard of not less than 30 feet in depth from the main building.
- c. Detached accessory buildings shall be located not less than 30 feet from the front line and not less than ten feet from the main building. Detached accessory buildings shall be located not less than 30 feet from the side and rear lot lines.

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SERPENTINE DISTRICT

Section 16.010 Purposes of Serpentine District.

The purpose of designating lands underlain by serpentinite or peridotite geologic units is to provide a management classification that will permit treatment of such lands based on land capability. The Serpentine District includes lands principally in Federal ownership, as well as private lands mixed in the predominate public ownership pattern. The lands included in the Serpentine District are not commonly classified as commercial forest lands, agricultural lands, or rural residential lands; although, depending upon ownership and management objectives, serpentines have historically been used for all these purposes. This chapter is designed to provide for the beneficial use of such lands as distinguished from other land types in Josephine County.

Section 16.011 Applicability of the District.

The Serpentine District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Serpentine classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 16.020 Uses Permitted.

1. Forest management.

- a. The management, production and harvesting of timber resources, including the following:
  1. harvesting of forest crops, felling, bucking, yarding, decking, hauling, and slash treatment;
  2. road construction or improvement within the operation area;
  3. site preparation, brush control, pre-commercial thinning, commercial thinning, tree-planting and cone picking;
  4. culture, harvest and sale of Christmas trees; and
  5. harvesting of fern, huckleberry, salal, or other minor forest products.
- b. All activities shall be conducted in compliance with the Oregon Forest Practice Rules.
- c. No harvesting shall be conducted in areas identified in the Comprehensive Plan for Josephine County as natural areas or potential research natural areas, or adjacent to such areas where harvesting would affect the natural conditions of such area, except when authorized by the Zoning Commission upon recommendation by the State Department of Forestry and other affected agencies.

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2. Farm use, including the following:
  - a. grazing and range management;
  - b. management, production and sale of livestock, poultry, fur-bearing animals or honeybees;
  - c. any other agricultural use or practice of animal science, or any combination thereof;
  - d. preparation or storage of range or agricultural products or supplies; and
  - e. disposal by marketing or otherwise of any animals or products raised on the land.
3. Exploration, mining and extraction of subsurface resources, subject to the following standards:
  - a. No tailings shall be deposited in a live stream or located so that leaching of toxic chemicals could contaminate or increase the toxicity of any stream or waterway.
  - b. Screening of the mining site or construction of berms may be required by the Planning Director to obscure the view, minimize dust, reduce the sound from the mining, or limit other annoyances to adjoining natural areas, occupied property, State Scenic Waterways and adjacent public roads. Unless otherwise approved, the screening shall be done at the boundary of the property on which the site is located and shall be accomplished by one or more of the following:
    1. A berm, fence or wall.
    2. Preservation of natural slope.
    3. Vegetation.
  - c. Off-street parking shall be available for employees, customers and visitors to the mining site.
  - d. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries.
  - e. Excavation shall be away from the property line a distance adequate to maintain a fence on the property line if needed, and such additional distance as is necessary to allow a normal safe angle or repose during the operation.
4. Cement and asphalt batching, rock processing, crushing and storage, subject to the following standards:
  - a. Screening of the processing site may be required by the Planning Director to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets.
  - b. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.

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- c. If an upset condition occurs, the plant shall be shut down within one hour of the upset, and shall not resume operation until the problem has been resolved.
    - d. Dust from ancillary sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
  5. The preservation of unique natural conditions or communities, including research facilities and interpretive facilities, and the conservation and management of wildlife resources.
  6. Outdoor recreation sites, public parks, and campgrounds open to public use, subject to the following standards:
    - a. No recreation development shall be located within or adjacent to any area identified in the Comprehensive Plan for Josephine County as a natural area or potential research natural area where such development would result in damage or overuse of the natural area.
    - b. No recreation development shall be located in or adjacent to an area of known valuable mineral deposits where such development would restrict development of the mineral resource, unless such area has been withdrawn from mineral entry.
    - c. Campgrounds involving overnight use shall be developed as "dry camps", or shall include a water system meeting State water quality standards. If groundwater is to be used as a source of supply, withdrawal for the campground shall not result in a depletion of groundwater storage, interfere with springs, or result in a cone of depression which interferes with previously existing agricultural or residential wells.
  7. Hunting and fishing preserves, archery, rifle and pistol target ranges.
  8. Fire attack landing strips for airplanes and helicopter pads, emergency protection facilities, fire towers, public workyards, and temporary logging labor camps.
  9. Cemeteries.
  10. Utility or communication facilities necessary for public services, including transmission and receiving towers.
  11. Single-family dwellings and mobile homes.
  12. Home occupations, subject to the following conditions:
    - a. A home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation or in an accessory residential building which is normally associated with a residential use as defined in Section 16.020 (13) of this Ordinance.
    - b. No sales, except by telephone, shall be made on the property.
    - c. No alteration to the exterior of the building shall be made which changes the residential character of the building.
    - d. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily associated with a hobby or an avocation not conducted for gain or profit.

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- e. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted, excluding log or wood storage used for manufacturing.
  - f. No person other than a member of the immediate family occupying the dwelling shall be employed.
  - g. The business shall not interfere with residential or forest use on adjacent lands.
- 13. Accessory buildings, including private garage, carport, accessory or temporary living quarters, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings.
  - 14. Signs identifying the property not to exceed 4' x 8'; signs advertising the use of the property not to exceed three square feet; and signs advertising the sale of the property not to exceed eight square feet for each street frontage.
  - 15. Log scaling and log storage.

Section 16.030 Uses Permitted by Administrative Permit.

In a Serpentine District, the following uses are permitted when authorized by administrative permit, issued by the Planning Director, pursuant to Rules adopted by the Planning Commission.

- 1. Open storage of building or construction materials not stored in conjunction with the construction of a building on the same site.
- 2. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood or other natural catastrophe, or by public health, family care, or medical needs, limited to dependents of the immediate family of the property resident.

Section 16.040 Dimensional Standards.

In the Serpentine District, the following dimensional standards shall apply:

- 1. Height. Buildings shall not be of such heights so as to exceed the existing fire-fighting capabilities of any special fire protection district or private fire company operating in the area of the development. The County Planning Department shall bi-annually publish a height rating for all lands located within a Serpentine District.
- 2. Area and width. Every lot or land parcel shall have a minimum average width of not less than 500 feet and an area of not less than twenty (20) acres. A lot or land parcel having a width of less than 500 feet, or an area of less than 20 acres of

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record at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all yard requirements are complied with. Lots of record shall include platted subdivision lots, partitions of land filed with the Real Estate Commissioner of the State of Oregon, approved major and minor land partitions, independent ownerships of land, and parcels for which valid development permits have been previously granted.

3. Setbacks.

- a. Front yard. There shall be a front yard having a depth of not less than 30 feet from the front lot or property line, or not less than 60 feet from any building to the center-line of any public street or road.
- b. Side and rear yards. There shall be a side yard on each side of the main building, and each side yard shall have a width of not less than 30 feet. There shall be a rear yard of not less than 40 feet in depth from the main building. Detached accessory buildings shall not be located less than 30 feet from the front lot line. Detached accessory buildings shall be located not less than 15 feet from the side and rear lot lines.
- c. Stream setbacks. No structure, other than boat landings, docks, bridges or pumping or water treatment facilities, shall be located closer than 15 feet to a live stream or to a stream which provides fishery habitat. Lands within 10 feet of a stream bank shall be to the greatest extent feasible maintained in stabilized vegetation, and riparian vegetation that provides shading to the surface waters shall be retained.

Section 16.085 Wildfire Protection.

No structure shall be placed and constructed in such a way as to induce the risk of fire spreading from one structure to another. Fuel breaks, consisting of non-combustible materials or slow-burning plants, shall be required around new home construction or placement of mobile homes in areas dominated by chaparral brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps. Access roads to developments shall be suitable for use by emergency fire equipment.

Section 16.090 Water Supply.

In addition to other standards contained in this Ordinance governing the creation of new lots or parcels, no lot or parcel may be created in a Serpentine District for residential purposes unless any such lot or parcel to be created has available a domestic water source capable of delivering a minimum of three (3) gallons per minute for a period of one hour. A domestic water source may be a drilled and cased groundwater well or a surface source such as shallow well, spring, or perpetual stream. If a surface water source is to be

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used, the source must be developed prior to partitioning in compliance with applicable Oregon Administrative Rules governing domestic water quality, to include a system for the treatment of such water. Lots or parcels created for purposes other than residential use shall not be subject to this Section. No development permit or building permit, however, shall be issued for residential construction on any lot created after the adoption of this Ordinance unless such lot or parcel has available a domestic water source as required by this Section.

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CHAPTER 17

FARM RESIDENTIAL DISTRICT

Section 17.010 Purposes of Farm Residential District.

The purposes of this chapter are to implement the objectives of the Josephine County Comprehensive Plan to improve the economic base of the County, increase agricultural use, and to provide alternatives to suburban expansion. This District is intended to provide a classification for lands with agricultural soil capabilities, which have been historically partitioned into relatively small landownerships that cannot be managed as commercial farm units. This chapter is designed to preserve areas where family-type agricultural activities can be conducted in combination with rural residential living. The agricultural potential will be conserved through large lot size development that will minimize conflicts between residential and farm use and establish densities consistent with soil suitability and physical characteristics. Availability of community water and sewer services is very unlikely in these areas.

Section 17.011 Applicability of the District.

The Farm Residential District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Farm Residential classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered or reconstructed in the event of destruction without approval of the County Zoning Commission.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the Farm Residential District shall comply with the following regulations:

Section 17.020 Uses Permitted Outright.

1. Farm use, including the following:
  - a. raising, harvesting and selling of crops;
  - b. feeding, breeding, management and sale of livestock;
  - c. production of livestock, poultry, fur-bearing animals or honeybees;
  - d. dairying and the sale of dairy products;
  - e. any other agricultural or horticultural use, or animal husbandry, or any combination thereof, excluding commercial feedlots;
  - f. preparation and storage of the products raised thereon; and
  - g. disposal by marketing or otherwise.
2. Single-family dwellings, mobile and trailer homes for owners, operators, or help required to carry out a use specified in Section 17.020(1).

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3. Single-family dwelling or mobile home not associated with farm use.
4. Accessory buildings, including a private garage, temporary living quarters while a residence is under construction, guest house, recreation room, greenhouse, stable, barn, corral, pen, coop, kennel or other similar buildings normally required in connection with a use specified in Section 17.020 (1) through (3).
5. Public or private schools.
6. Churches.
7. The propagation or harvesting of a forest product.
8. Utility and communication facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale).
9. Cemeteries.
10. Stands for the display and sale of products produced on the land and commercial activities that are in conjunction with farm use.
11. Home occupations, subject to the following standards:
  - a. A home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation or in an accessory building as defined in Section 17.020 (4) of this Ordinance which is normally associated with a residential use.
  - b. No sales, except by telephone, shall be made on the property.
  - c. No alteration to the exterior of the principal residential building shall be made which changes the character as a dwelling.
  - d. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily associated with a hobby or an avocation not conducted for gain or profit.
  - e. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted, excluding agricultural products or equipment.
  - f. No more than one (1) persons other than a member of the immediate family occupying such dwelling shall be employed, except that no more than one (1) person other than a member of the immediate family may be employed on a seasonal basis not to exceed three (3) months.
  - g. The business shall not be conducted in a manner which would result in noise audible beyond the boundaries of the property, result in significant increases in traffic on public roads, result in conditions which would interfere with the peaceful enjoyment of adjoining properties, or interfere with agricultural uses on adjacent lands.

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12. Boat landings and docks.
13. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants and fire stations.
14. Sanitary landfills and non-hazardous waste disposal sites.
15. Signs identifying the property or advertising agricultural products, not to exceed 4' x 8'; signs advertising the use of the property not to exceed three square feet; and signs advertising the sale of the property not to exceed eight square feet.
16. Planned residential developments, provided that such developments maintain at least 80 percent of the total land area in open land uses, such as agriculture, golf courses, or open space; and, provided that, in addition to other standards for planned developments contained in this Ordinance, any planned development located in a Farm Residential District shall comply with the following standards:
  - a. Residential development and access roads shall be located on the least suitable agricultural land, taking into consideration soil types, availability of irrigation, and topography.
  - b. The planned development must encourage innovative productive use of agricultural land, such as planned equestrian recreational use, community gardens, or golf courses.
  - c. The planned development shall be designed to convert the least amount of agricultural or open land to development uses, consistent with the density standards of the District, and to facilitate the maximum opportunities for alternative uses of the open land in the future.

Section 17.025 Uses Permitted Conditionally.

In a Farm Residential District the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

1. Commercial power generation facilities, conditioned upon, but not limited to, the following criteria:
  - a. Submission of an acceptable site plan for landscaping and protection of adjoining agriculture properties.
  - b. Design of appropriate capacity to support development of service area as anticipated by the comprehensive plan.
  - c. Compliance with applicable State Air Quality Discharge Permits.
2. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including geothermal resources, conditioned upon, but not limited to, the following criteria:
  - a. Submission of an acceptable plan for dust, noise and traffic control.

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- b. Submission of an acceptable plan for reclamation of mined lands.
  - c. Compliance with applicable State Air Quality Discharge Permits.
3. Private and public parks, playgrounds, community centers, golf courses, and campgrounds conditioned upon, but not limited to, the following criteria:
- a. Demonstration that the proposed development would not adversely impact use of adjoining lands.
  - b. Demonstration that the proposed development satisfies the recreation needs identified in the Comprehensive Plan.
  - c. Submission of a conceptual plan for site development which shall contain, as appropriate, boundaries and dimensions of the site; location, width and proposed streets; location, width of walkways; location of lighting fixtures; location of recreational areas and buildings; location and type of landscaping; location of available fire and irrigation hydrants or standpipes; location and design of public water systems; methods of sewage disposal; methods of garbage disposal; methods of fire protection; and plans for electrical service.

**Section 17.030 Uses Permitted by Administrative Permit.**

In a Farm Residential District, the following uses are permitted when authorized by the Administrative Permit, issued pursuant to Rules adopted by the Planning Commission:

1. Temporary storage of unoccupied mobile homes or residential trailers.
2. Open storage of travel trailers, recreational vehicles or motor vehicles when such units are currently unlicensed or owned by individuals other than the resident or owner of the property.
3. Open storage of building or construction materials, not stored in conjunction with the construction of a building on the same site.
4. Emergency housing units for limited periods of time, necessitated by disaster due to fire, flood, or other natural catastrophe; or by public health, family care or medical needs, limited to dependents or the immediate family of the property resident.
5. Personal use airports, restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

**Section 17.040 Dimensional Standards.**

In a Farm Residential District, the following dimensional standards shall apply:

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1. Height. Buildings shall not be of such height so as to exceed the existing fire-fighting capabilities of any special fire protection district or private fire company operating in the area of the development. In the event more than one company or district provides fire protection, this height limitation shall apply to the greatest capability of any such company or district. However, in no event shall structures exceed a height of two and one-half stories or 35 feet.

The County Planning Department shall bi-annually publish a height rating for all lands located within the Farm Residential District.

2. Area and Width. Every lot or land parcel shall have a minimum average width of not less than 300 feet and an area of not less than 10 acres. A lot or land parcel having a width of less than 300 feet or an area of less than 10 acres of record at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all yard requirements are complied with. Lots of record shall include platted subdivision lots, partitions of land filed with the Real Estate Commissioner of the State of Oregon, approved major and minor land partitions, independent ownerships of land, and parcels for which valid development permits have been previously granted.

3. Setbacks.

- a. Front yard: There shall be a front yard having a depth of not less than 30 feet from the front lot or property line, or not less than 60 feet from any building to the centerline of any public road or street.
- b. Side and rear yards: There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 25, and there shall be a rear yard of not less than 25 feet in depth from the main building.
- c. Detached accessory buildings shall be located not less than 30 feet from the front lot line and not less than ten feet from the main building. Detached accessory buildings shall be located not less than 25 feet from the side and rear lot lines.



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EXTRACTIVE RESOURCE DISTRICT

Section 18.010 Purposes of Extractive Resource District.

The purposes of this chapter are to implement the objectives of the Josephine County Comprehensive Plan relating to aggregate resources and lands subject to flood hazards. This chapter provides standards for the beneficial use of land unsuited for any form of building construction.

Section 18.011 Applicability of the District.

The Extractive Resource District shall apply to flood hazard lands, zoned on the official Zoning Map for Josephine County under an Extractive Resource classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 18.020 Uses Permitted Outright.

1. Farm use, including the following:
  - a. raising, harvesting and selling of crops;
  - b. feeding, breeding, management and sale of livestock;
  - c. production of livestock, poultry, fur-bearing animals or honeybees;
  - d. dairying and the sale of dairy products; or
  - e. any other agricultural or horticultural use or animal husbandry, or any combination thereof.
2. Mining and mining extraction, subject to the following standards:
  - a. An access or service road, while used for the mining, shall be maintained in a dust-free condition for a distance of 200 feet from public roads or streets or residences located on adjoining property. If the mining is the primary cause of traffic on an unpaved public road, that road shall be dust-free for 200 feet from such residences.
  - b. Screening of the mining site or construction of berms may be required by the Planning Director to obscure the view, minimize dust, reduce the sound from the mining, or limit other annoyances to adjoining occupied property, State Scenic Waterways and adjacent public roads. Unless otherwise approved, the screening shall be done at the boundary of the property on which the site is located and shall be accomplished by one or more of the following:

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1. A berm, fence or wall.
  2. Preservation of natural slope.
  3. Vegetation.
- c. Off-street parking shall be available for employees, customers and visitors to the mining site.
- d. A fence to control access to the site may be required by the Planning Director at least 10 feet outside an excavation that is within 200 feet of a public street or road, or of a residence that is located off the property where the mining takes place.
- e. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries, Oregon State Land Board, Oregon State Department of Fish and Wildlife.
3. Cement and asphalt batching, rock processing and crushing subject to the following standards:
- a. Screening of the processing site may be required to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets.
  - b. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  - c. If an upset condition occurs, the plant shall be shut down within one hour of the upset, and shall not resume operation until the problem has been resolved.
  - d. No cement or asphalt batching plant shall operate for a period greater than 120 days at a single site.
  - e. Dust from ancillary sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
  - f. Equipment shall be operated only during daylight hours, not to exceed the period between 7:00 a.m. and 10:00 p.m.
4. Personal use airports, restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.
5. Boat landings and docks.
6. Park and recreation facilities open to public use, excluding overnight camping facilities, but including golf courses and temporary marinas.
7. Public utilities such as pipelines or transmission lines, provided such utilities are floodproofed and stabilized from flotation.

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Section 18.040 Dimensional Standards.

1. Area. No minimum lot area or width.
2. Setbacks. No structure, whether permanent or temporary, shall be located closer than 30 feet to any property line. The Planning Director may increase the setback for processing equipment.



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CHAPTER 19

FOREST CONSERVATION DISTRICT

Section 19.010 Purposes of Forest Conservation District.

The Forest Conservation District is intended to implement the Goals and Policies of the Josephine County Comprehensive Plan by conserving and protecting lands for forest uses. This chapter is designed to provide a classification for commercial forest lands in private ownerships and for public lands administered by forest management agencies. This chapter is designed to encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards due to fire, pollution and land conversion.

Section 19.011 Applicability of the District.

The Forest Conservation District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Forest Conservation classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 19.020 Uses Permitted Outright.

1. Resource uses.

- a. The management, production and harvesting of timber resources, in accordance with the Oregon Forest Practice Rules, including the following:
  1. harvesting of forest crops, felling, bucking, yarding, decking, hauling, and slash treatment;
  2. road construction or improvement within the operation area;
  3. site preparation, brush control, pre-commercial thinning, commercial thinning, tree-planting and cone-picking;
  4. culture, harvest and sale of Christmas trees; and
  5. harvesting of fern, huckleberry, salal, or other minor forest products.
- b. Farm use, including the following:
  1. raising, harvesting and selling of crops;
  2. feeding, breeding, management and sale of livestock;
  3. production of livestock, poultry, fur-bearing animals or honeybees;
  4. dairying and the sale of dairy products;

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5. any other agricultural or horticultural use or animal husbandry, or any combination thereof;
  6. preparation or storage of products raised thereon;
  7. boarding of horses for profit;
  8. operation of kennels; and
  9. disposal by marketing or otherwise of products.
- c. Exploration, mining and rock extraction, including exploration and development of geothermal or other subsurface resources, subject to the following standards:
1. Screening of the mining site or construction of berms may be required by the Planning Director to obscure the view, minimize dust, reduce the sound from the mining, or limit other annoyances to adjoining occupied property, State Scenic Waterways and adjacent public roads. Unless otherwise approved, the screening shall be done at the boundary of the property on which the site is located and shall be accomplished by one or more of the following:
    - a. A berm, fence or wall.
    - b. Preservation of natural slope.
    - c. Vegetation.
  2. Off-street parking shall be available for employees, customers and visitors to the mining site.
  3. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries.
  4. Excavation shall be away from the property line a distance adequate to maintain screening on the property line if needed, and such additional distance as is necessary to allow a normal safe angle of repose during the operation, and to provide the slopes identified in the operational plan approved by the County Planning Director, pursuant to the standards of this Regulation, for the depth of final excavation.
- d. Cement and asphalt batching, rock processing and crushing, subject to the following standards:
1. No cement or asphalt batching plant or rock crusher shall be located within a Forest Conservation District unless the plant is to be utilized as part of a surfacing or construction project on an access road or structure located within a Forest Conservation District.
  2. No cement or asphalt batching plant shall operate for a period greater than 120 days at a single site.
  3. Screening of the processing site may be required to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets.

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4. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  5. If an upset condition occurs, the plant shall be shut down within one hour of the upset, and shall not resume operation until the problem has been resolved.
  6. Dust from ancillary sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
- e. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilization.
  - f. Watershed management.
  - g. Conservation and management of wildlife resources.
2. Development uses.
- a. Interpretive areas, and forest education or conservation camps or facilities.
  - b. Churches.
  - c. Utility or communication facilities necessary for public services, including transmission and receiving towers, and including power generation and transmission facilities.
  - d. Emergency protection facilities, fire towers, public workyards, temporary logging labor camps, fire suppression crew quarters, and custodial or guard quarters.
  - e. Park and recreation areas owned and operated, or administered by a public agency, including overnight camping facilities.
  - f. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants.
  - g. Sanitary landfills and non-hazardous waste disposal sites.
  - h. Personal use airports, fire attack landing strips for airplanes, and helicopter pads, including associated hangar and maintenance and service facilities.
  - i. Forest nurseries, including genetic research and seed processing facilities.
  - j. Single-family dwellings, mobile and trailer homes for owners, operators or help required to carry out an agricultural use, specified in subsection (1)(b) of this Section, and single-family dwellings, mobile and trailer homes required for the operation of a mining claim or a use specified in subsection (1)(c) of this Section.
  - k. Home occupations, subject to the following conditions:
    1. A home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation or in an accessory building as defined in Section 19.020(2)(n) of this Ordinance which is normally associated with a residential use.

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2. No sales, except by telephone, shall be made on the property.
  3. No alteration to the exterior of the principal residential building shall be made which changes the residential character of the building.
  4. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily associated with a hobby or an avocation not conducted for gain or profit.
  5. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted, excluding log or wood storage used for manufacturing.
  6. No person other than a member of the immediate family occupying such dwelling shall be employed.
  7. The business shall not be conducted in a manner which would result in noise audible beyond the boundaries of the property, result in significant increases in traffic on public roads, result in conditions which would interfere with the peaceful enjoyment of adjoining properties, or interfere with forest uses on adjacent lands.
- l. Boat landings and docks.
  - m. Offices and administrative compounds associated with forest management activities as permitted within this District.
  - n. Accessory buildings, including private garage, carport, accessory or temporary living quarters, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings.
  - o. Signs identifying the property or advertising agricultural products, not to exceed 4' x 8'; signs advertising the use of the property not to exceed three square feet; and signs advertising the sale of the property not to exceed eight square feet for each street frontage.
  - p. Log scaling and log storage.
  - q. Stands for the display and sale of products produced on the land and commercial activities that are in conjunction with farm use.
  - r. Temporary facilities for the primary processing of forest products, including portable mills, portable chippers.

Section 19.025 Uses Permitted Conditionally.

In a Forest Conservation District, the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

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1. Private campgrounds and recreational vehicle parks open to public use, conditioned upon but not limited to the following criteria:
  - a. Demonstration that the proposed development would not adversely impact forest management on adjoining lands.
  - b. Demonstration that the proposed development satisfies the outdoor recreation needs identified in the Josephine County Comprehensive Plan.
  - c. Submission of a conceptual plan for park development which shall contain, at a minimum, boundaries and dimensions of the park; location, width and proposed park streets; location, width of walkways; location of lighting fixtures; location of recreational areas and buildings; location and type of landscaping; location of available fire and irrigation hydrants or standpipes; location and design of public water systems; methods of sewage disposal; methods of garbage disposal; methods of fire protection; and plans for electrical service.
2. Lodges and resort hotels in conjunction with State or Federal recreation sites and religious conference grounds and related service facilities, including service stations, retail stores, restaurant, dining facilities, bars and taverns, lounges, and similar uses, when part of the overall project, conditioned upon, but not limited to the following criteria:
  - a. Submission of an acceptable site plan which shall contain at a minimum boundaries of the site, location and type of landscaping, width and location of streets and off-street parking, signing, location of lighting fixtures, and protection of adjoining properties as required by the Commission.
  - b. Submission of an acceptable plan for grading, sewage disposal, solid waste disposal, water supply, and fire protection.
  - c. Demonstration that the proposed site is not suited for continued forest production, and that the proposed development will not adversely impact forest management on adjoining lands.
  - d. Demonstration that the proposed project meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan.
3. Single-family dwellings, mobile homes, and seasonal vacation cabins, other than dwellings authorized in Section 19.020 (2)(j), conditioned upon, but not limited to the following criteria:
  - a. Demonstration that the residence is compatible with forest or farm uses and is consistent with the intent and purposes of the Forest Conservation District as set forth in Section 19.010 of this Ordinance.

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- b. Demonstration that the residence will not interfere with accepted forestry or farming practices on adjacent lands, including timber harvesting, herbicide spraying, site preparation, or other management techniques.
- c. Demonstration that the proposed development site is generally unsuitable land for the production of timber or farm crops or is the least suitable site for such production within the ownership, considering terrain, adverse soil or climatic conditions, and location and size of the tract.

Section 19.030 Uses Permitted by Administrative Permit.

In a Forest Conservation District, the following uses are permitted when authorized by administrative permit, issued by the Planning Director, pursuant to Rules adopted by the Planning Commission.

1. Open storage of building or construction materials not stored in conjunction with the construction of a building on the same site.
2. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood or other natural catastrophe, or by public health, family care, or medical needs, limited to dependents of the immediate family of the property resident.

Section 19.040 Dimensional Standards.

In a Forest Conservation District the following dimensional standards shall apply:

1. Height. Buildings shall not be of such height so as to exceed the existing fire-fighting capabilities of any special fire protection district or private fire company operating in the area of the development. In the event more than one company or district provides fire protection, this height limitation shall apply to the greatest capability of any such company or district. However, in no event shall structures exceed a height of two and one-half stories or 35 feet.

The County Planning Department shall bi-annually publish a height rating for all lands located within the Forest Conservation District.

2. Area. In a Forest Conservation District, the Planning Director shall establish the minimum lot area for any new lot or parcel excluding lots or parcels created as building sites for uses listed in Section 19.025(3).
  - a. The minimum lot area for uses authorized by Section 19.025(3) shall be established by the Zoning Commission upon recommendation of the Planning Director in the final order for conditional use proceedings. In establishing the minimum lot area, the Commission shall seek to:
    1. Preserve the maximum area of the timber base of Josephine County for forest uses.

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2. Buffer adjoining forest uses from residential encroachment.
  3. Utilize natural features and topography which would otherwise hinder normal forest activities.
- b. In determining the required lot area for other uses, the Planning Director shall adopt findings that:
1. The proposed lot size fully accommodates the proposed use, without unnecessarily reducing the timber base of Josephine County, if the proposed lot or parcel is to be used for purposes other than forestry.
  2. The proposed division is for the purpose of expanding or consolidating forest ownership patterns, or the division is for the purpose of disposing of an existing second residence, or the division is required to obtain construction financing, or the division is for a specific purposes contemplated by this Ordinance.
  3. The proposed division will not materially alter the stability of the land use pattern of the area.
3. Width. Every lot or land parcel shall have a minimum average width appropriate to the size of the parcel divided, but in no case shall a lot be created with a width of less than 200 feet.

A lot or land parcel having a width of less than 200 feet of record at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all yard requirements are complied with. Lots of record shall include platted subdivision lots, partitions of land filed with the Real Estate Commissioner of the State of Oregon, approved major and minor land partitions, independent ownerships of land, and parcels for which valid development permits have been previously granted.

4. Setbacks.
- a. Front yard. There shall be a front yard having a depth of not less than 30 feet from the front lot or property line, or not less than 60 feet from any building to the centerline of any public street or road.
  - b. Side and rear yards. There shall be a side yard on each side of the main building, and each side yard shall have a width of not less than 25 feet. There shall be a rear yard of not less than 40 feet in depth from the main building. Detached accessory buildings shall not be located less than 30 feet from the front lot line, and not less than 10 feet from the main building. Detached accessory buildings shall be located not less than 15 feet from the side and rear lot lines.
  - c. Stream setbacks. No structure, other than boat landings, docks, bridges or pumping or water treatment facilities, shall be located closer than 15 feet to a live stream or to a stream which provides fishery habitat. Lands within 10 feet of a stream bank shall be to the greatest extent feasible maintained in stabilized vegetation, and riparian vegetation that provides shading to the surface waters shall be retained.

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Section 19.075 Erosion and Sediment Control.

1. Any grading, filling or clearing of vegetation which exceeds the following standards, except when authorized or regulated by the State Forest Practices Rules, shall be subject to a operational plan which shall be incorporated as part of the permit for the proposed land use:
  - a. Excavation exceeds four feet in vertical depth at its deepest point measured from the original surface, and exceeds 2000 square feet in area, excluding excavation below finished grades for basements and footings of a building authorized by a valid building permit.
  - b. A fill exceeds three feet in vertical depth at its deepest point measured from the natural ground surface and the fill material covers an area of more than 500 square feet.
2. When such conditions exist, an operational plan prepared by a geologist, soil scientist, landscape architect, or civil engineer, shall be submitted to the Planning Director. The plan shall provide the following information:
  - a. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, hydrologic group, slope, gradients, run-off potential, soil depth, erosion potential, and natural drainage.
  - b. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading.
  - c. A description of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
  - d. Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as part of the proposed work together with a map showing the drainage area and estimated run-off of the area served by any drains and proposed method of run-off disposal.
  - e. A soils stabilization report, including final ground cover, landscaping, and erosion controls, and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon, OR-Soils-1 shall be used. Prior to issuing the permit, the Planning Director may refer the plan to the County Soil Scientist, the County Road Department, or to the Soil Conservation Service for comment. The Planning Director may make additional requirements for erosion and sediment control to ensure that soil losses are minimal and reflect the best management practices.

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Section 19.085 Wildfire Protection.

No Structure shall be placed and constructed in such a way as to induce the risk of fire spreading from one structure to another. Fuel breaks, consisting of non-combustible materials or slow-burning plants, shall be required around new home construction or placement of mobile homes in areas dominated by chaparral brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps. Access roads to developments shall be suitable for use by emergency fire equipment.

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CHAPTER 20

WOODLOT DISTRICT

Section 20.010 Purposes of Woodlot District.

The purpose of this chapter is to carry out the objectives of the Goals and Policies of the Josephine County Comprehensive Plan relating to preservation of the rural quality and conservation of forest lands. This chapter is designed to provide a classification for lands in Josephine County of marginal timber production capability, which are predominantly in private ownership. This chapter is designed to provide incentives for the beneficial use of these lands to include stabilization of the Josephine County timber base and to provide discentives for the inappropriate conversion of such lands to uses that increase the natural hazards to life and property and which are excessively expensive to support with appropriate public facilities.

Section 20.011 Applicability of the District.

The Woodlot District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Woodlot classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 20.012 Management Practices.

The Woodlot classification is intended to encourage the development and conservation of natural resources. Normal forest management or agricultural practices shall not be considered a nuisance condition in a Woodlot District, provided that such actions are consistent with the standards of the Oregon Forest Practices Act and do not extend beyond the boundaries of the Woodlot District. Nothing in this regulation is intended to interfere with normal forestry or agricultural practices that might result in conditions such as noise, dust or odor for temporary periods of time. Single-family residences located within the Woodlot District are considered to be a secondary use. Residents of this District should recognize that the intent of the District is to protect resource management activities, and that in the event of a conflict between residential use and normal forestry or agricultural practices, this Regulation will be interpreted in favor of the resource management practice.

Section 20.020 Uses Permitted Outright.

1. Resource uses.

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- a. Forest management.
  - 1. The management, production and harvesting of timber resources, including the following:
    - a. harvesting of forest crops, felling, bucking, yarding, decking, hauling, and slash treatment;
    - b. road construction or improvement within the operation area;
    - c. site preparation, brush control, pre-commercial thinning, commercial thinning, tree-planting and cone-picking;
    - d. culture, harvest and sale of Christmas trees; and
    - e. harvesting of fern, huckleberry, salal, or other minor forest products.
  - 2. All activities shall be conducted in compliance with the Oregon Forest Practice Rules, and further provided that:
    - a. If the volume of wood products exceeds eight truck loads per day, an access or service road, while used for log-hauling, shall receive daily dust abatement or shall be surfaced for a distance of 200 feet from public roads or streets or residences located on adjoining property. If the log-hauling is the primary cause of traffic on an unpaved public road, that road shall be treated with an oil surfacing or shall receive dust abatement for 200 feet from such residences.
- b. Farm use, including the following:
  - 1. raising, harvesting and selling of crops;
  - 2. feeding, breeding, management and sale of livestock;
  - 3. production of livestock, poultry, fur-bearing animals or honeybees;
  - 4. dairying and the sale of dairy products;
  - 5. boarding of horses;
  - 6. operation of kennels;
  - 7. any other agricultural or horticultural use or animal husbandry, or any combination thereof; and
  - 8. disposal by marketing or otherwise.
- c. Mining and rock extraction, subject to the following standards:
  - 1. An access or service road, while used for the mining, shall be maintained in a dust-free condition for a distance of 200 feet from public roads or streets or residences located on adjoining property. If the mining is the primary cause of traffic on an unpaved public road, that road shall be dust-free for 200 feet from such residences.

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2. Screening of the mining site or construction of berms may be required by the Planning Director to obscure the view, minimize dust, reduce the sound from the mining, or limit other annoyances to adjoining occupied property, State Scenic Waterways and adjacent public roads. Unless otherwise approved, the screening shall be done at the boundary of the property on which the site is located and shall be accomplished by one or more of the following:
    - a. A berm, fence or wall.
    - b. Preservation of natural slope.
    - c. Vegetation.
  3. Off-street parking shall be available for employees, customers and visitors to the mining site.
  4. A fence to control access to the pit may be required by the Planning Director at least 10 feet outside a pit that is within 200 feet of a public street or road, or of a residence that is located off the property where the mining takes place.
  5. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries.
  6. Excavation shall be away from the property line a distance adequate to maintain a fence on the property line if needed, and such additional distance as is necessary to allow a normal safe angle of repose during the operation, and to provide the slopes identified in the operational plan approved by the County Planning Director, pursuant to the standards of this Regulation, for the depth of final excavation.
- d. Cement and asphalt batching; rock processing, crushing and storage, subject to the following standards:
1. Screening of the processing site may be required to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets.
  2. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  3. If an upset condition occurs, the plant shall be shut down within one hour of the upset, and shall not resume operation until the problem has been resolved.
  4. No cement or asphalt batching plant shall be located within a Woodlot District unless the plant is utilized as part of a surfacing or construction project on a street or structure located within a Woodlot District.

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5. No cement or asphalt batching plant shall operate for a period of greater than 120 days at a single site.
  6. Dust from ancillary sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
  - e. Watershed management.
  - f. Conservation and management of wildlife resources.
2. Development uses.
- a. Churches.
  - b. Cemeteries.
  - c. Utility or communication facilities necessary for public services, including transmission and receiving towers.
  - d. Emergency protection facilities, fire towers, public workyards, and temporary logging labor camps.
  - e. Single-family dwellings, mobile and trailer homes for owners, operators or help required to carry out an agricultural use, specified in subsection (1)(b) of this Section.
  - f. Single-family dwelling or mobile home not associated with agriculture subject to compliance with any one of the following standards:
    1. The single-family dwelling or mobile home is to be located on a parcel less than 10 acres in size, and which is not contiguous to other property in the same ownership; or
    2. The single-family dwelling or mobile home is to be located on property which consists of more than 10 acres, all of which consists of lands with a forest productivity of cubic foot Class 6 or 7; or
    3. The single-family dwelling or mobile home is to be located on the least-productive buildable site consisting of not more than two acres, and where the balance of the property is subject to a forest management plan approved by the State Department of Forestry.
  - g. Park and recreation areas open to public use, excluding overnight camping facilities.
  - h. Hunting and fishing preserves; archery, rifle and pistol target ranges.
  - i. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants.
  - j. Sanitary landfills.
  - k. Personal use airports, fire attack landing strips for airplanes, and helicopter pads, including associated hangar and maintenance and service facilities.
  - l. Forest nurseries, including genetic research and seed processing facilities.

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- m. Home occupations, subject to the following conditions:
  - 1. A home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation or in an accessory residential building as defined in Section 20.020(2)(p) of this Ordinance which is normally associated with a residential use.
  - 2. Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.
  - 3. No alteration to the exterior of the residence or an accessory building shall be made which changes the residential character of the building.
  - 4. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted, excluding log or wood storage used for manufacturing.
  - 5. No more than three (3) persons other than a member of the immediate family occupying such dwelling shall be employed.
  - 6. The business shall not be conducted in a manner which would result in noise audible beyond the boundaries of the property, result in significant increases in traffic on public roads, result in conditions which would damage the forest environment, or interfere with forest uses on adjacent lands.
- n. Boat landings and docks.
- o. Accessory buildings, including private garage, carport, accessory or temporary living quarters while a residence is under construction, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings.
- p. Signs not to exceed three (3) square feet advertising the use of the property, including the sale of services or products produced on the land by the owner or operator.
- q. Signs advertising the sale or rental of a premise, not artificially illuminated, of a temporary nature, with a maximum area on one side of eight (8) square feet, when erected at least ten feet behind the street property line.
- r. Log scaling and log storage.

**Section 20.025 Uses Permitted Conditionally.**

In a Woodlot District, the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

- 1. Campgrounds and recreational vehicle parks open to public use, conditioned upon but not limited to the following criteria:

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- a. Demonstration that the proposed development would not adversely impact forest management on adjoining lands.
  - b. Demonstration that the proposed development satisfies the outdoor recreation needs identified in the Josephine County Comprehensive Plan.
  - c. Submission of a conceptual plan for park development which shall contain, at a minimum, the following:
    1. boundaries and dimensions of the park;
    2. location and width of proposed park streets;
    3. location and width of walkways;
    4. location of lighting fixtures;
    5. location of recreational areas and buildings;
    6. location and type of landscaping;
    7. location of available fire and irrigation hydrants or standpipes;
    8. location and design of public water systems;
    9. methods of sewage disposal;
    10. methods of garbage disposal;
    11. methods of fire protection; and
    12. plans for electrical service.
2. Lodges, resort hotels, convention facilities, conference grounds, membership-owned recreation areas, and related service facilities, including service stations, retail stores, barber and beauty shops, restaurants, dining facilities, bars and taverns, dancing facilities, entertainment areas, lounges and similar uses, when part of the overall project, conditioned upon but not limited to the following criteria:
- a. Submission of an acceptable site plan which shall contain at a minimum boundaries of the site, location and type of landscaping, width and location of streets and off-street parking, signing, location of lighting fixtures, and protection of adjoining properties as required by the Commission.
  - b. Submission of an acceptable plan for grading, sewage disposal, solid waste disposal, water supply, and fire protection.
  - c. Demonstration that the proposed site is not suited for continued forest production, and that the proposed development will not adversely impact forest management on adjoining lands.
  - d. Demonstration that the proposed project meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan.
3. Offices and administrative compounds associated with forest management activities as permitted within this District.

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4. Log reload facilities, and logging equipment maintenance shops and servicing facilities including truck repair terminals, provided that such facilities are not located closer than 500 feet to a residence existing on an adjoining property at the time of commencement of the use.
5. Public or private schools, educational facilities.
6. Interpretive areas.

Section 20.030 Uses Permitted by Administrative Permit.

In a Woodlot District, the following uses are permitted when authorized by administrative permit, issued by the Planning Director, pursuant to Rules adopted by the Planning Commission.

1. Temporary storage of unoccupied mobile homes or residential trailers.
2. Open storage of travel trailers, recreational vehicles, or motor vehicles, when such vehicles are currently unlicensed or owned by individuals other than the resident or owner of the property.
3. Open storage of building or construction materials not stored in conjunction with the construction of a building on the same site.
4. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood, or other natural catastrophe, or by public health, family care, or medical needs, limited to dependents of the immediate family of the property resident.
5. Stands for the display and sale of products produced on the land and commercial activities that are in conjunction with farm use.
6. Facilities for the primary processing of forest products, including portable mills, portable chippers, provided that such units are not operated at a single site continuously for more than 120 days from the date of issuance of the permit.

Section 20.040 Height Standards.

Buildings shall not be of such height so as to exceed the existing fire-fighting capabilities of any special fire protection district or private fire company operating in the area of the development. In the event more than one company or district provides fire protection, this height limitation shall apply to the greatest capability of any such fire company or district. However, in no event shall structures exceed a height of two and one-half stories or 35 feet.

The County Planning Department shall bi-annually publish a height rating for all lands located within the Woodlot District.

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Section 20.045 Development Rating.

For purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used:

1. The Josephine County Planning Department shall assign a development rating to all tax lots located within a Woodlot District. The rating shall be reviewed and affirmed by the Zoning Commission at the time of adoption of this Ordinance. Each parcel shall be rated and the rating shall be maintained in the files of the Josephine County Planning Department for inspection by any property owner.
2. The rating shall be based on the total parcel, or contiguous units of land held under single ownership at the date of adoption of this Ordinance, excluding lands that are contained within a platted subdivision or cemetery lots. Any segment of a parcel to which a criteria first applies shall be allowed a maximum accumulation of that density.
3. The criteria of this Section shall be applied separately and the cumulative rating of all increments shall equal the development rating of the parcel.
4. If the fractional portion of the development rating is equal to or greater than .5, the total number of dwelling units shall be rounded up to the next whole dwelling unit. If the fraction is less than .5, the fractional unit shall be deleted.
5. When the applicable criteria have been determined for each parcel, any portion of a parcel which has not yet been assigned a development rating shall be assigned a development unit of one dwelling per 12 acres of land. The provisions of this Section shall not apply to industrial logging camps, dwellings associated with an agricultural use, or other structures considered to be accessory to agricultural or forestry uses, under the same ownership.
6. The development rating shall be based on the criteria in this Section in the order listed:
  - a. For remote lands, defined as those lands over  $\frac{1}{4}$  mile from an existing County-maintained road or State highway, the density accumulation shall be limited to one development unit per 40 acres. Those parcels which have no public road access shall not be divisible except as provided elsewhere in this Ordinance. As public roads are extended, the development rating may be increased.
  - b. If more than 10 acres of any ownership consist of areas designated by the Soil Conservation Service, U.S. Department of Agriculture, as containing soils with capabilities of cubic foot Class 3 and 4 productivity for Douglas-fir management such lands shall be assigned a density accumulation of one development unit per 20 acres of land.

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- c. For areas of known poor water quality, including salt intrusion, the development accumulation shall be limited to one development unit per 15 acres of land.
  - d. On those lands located within the base flood hazard area of the Rogue, Applegate, or Illinois Rivers, or their principal tributaries, as determined by the Flood Hazard Map published by the Federal Department of Housing and Urban Development for Josephine County, the density accumulation shall be reduced by one development unit per 20 acres of flood hazard land. If the entire parcel is subject to flood hazards, the ownership shall still be assigned a development potential of one unit, provided that no construction may occur within the designated floodway.
  - e. For those portions of a parcel which have Soil Mapping Units determined by Soil Surveys of the Soil Conservation Service as possessing slopes greater than 25%, the development rating shall be reduced by one development unit per 20 acres of sloped land. If the parcel is so steep as to result in a negative rating, the ownership shall still be assigned a development potential of one unit. Gradients shall be determined by the mapped slope phases of individual soil mapping units, as defined by the Soil Conservation Service publication Soil Interpretations for Oregon, OR-Soils-1.
  - f. For areas of known archaeologic sites, the development rating shall be reduced by the number of acres containing archaeologic resources until such time as the site is developed and explored. Upon development and exploration of the archaeologic site, the development unit reduction shall be removed.
7. A property owner may challenge the rating of development potential for any parcel at the time of partitioning or subdivision by submitting an application to the Planning Director. The Planning Director shall review the original rating assigned by the Department and shall make a determination within 15 days. Any decision of the Planning Director may be appealed to the County Zoning Commission.
8. A bonus of up to 10% shall be granted if one or more of the following criteria are met:
- a. Stormwater management. Where the following provisions are developed, designed by a civil engineer or hydrologist, using on or off site improvements, the Planning Director shall determine whether existing problems are sufficient to warrant the use of a bonus:
    - 1. Improvements to storm drainage facilities which eliminate existing flooding, erosion or siltation problems resulting from obsolete or non-existent stormwater drainage facilities up or down stream from the tract in question.

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2. Improvements such as over-sized retention basins, channel improvements consistent with fishery and wildlife habitat conservation, and preservation of recharge areas, which reduce or eliminate existing flooding, erosion or siltation caused by development either up or down stream.
  3. Improvements to drainage facilities which eliminate high water tables, ponding or seasonal flooding within the vicinity of the proposed development.
- b. Wildlife habitat management. Where the following provisions are made, using on or off site improvements, the Planning Director may, upon recommendation of the Oregon Department of Fish and Wildlife, grant an increase in the development rating based on this bonus:
1. Improvements to forage content on at least 25% of the land area of the tract in question resulting from vegetative modification, including planting and site improvement.
  2. Improvement of water supplies, including installation of ponds, gallinaceous guzzlers, or other techniques.
  3. Reservation of at least 25% of the total land area by deed restrictions from development for habitat purposes.
  4. Retention in harvest areas of old-growth cavity trees consistent with wildfire protection objectives, or reservation of critical habitat conditions needed by rare or endangered wildlife species.
- c. Fire protection. Where the following improvements are made, either on- or off-site, the Planning Director shall determine whether the development rating of the tract should be increased based on this bonus:
1. Construction of fire-breaks on the perimeter of property ownerships or management units and removal of dead fuels from a minimum of 25% of the area of the tract, or installation of irrigated fire-breaks, using fire-resistive plant species.
9. An additional bonus of up to 10% shall be granted if one or more of the following criteria are also met:
- a. Auxilliary transportation modes will be used either to reduce the total land area devoted to structures and paved surfaces, or to preserve areas of special open space or timber resource value.
  - b. Building and site design, structural systems and construction methods will be employed which both reduce the land area to be altered from the natural state and preserve the overall natural appearance and scale of the area.
  - c. Home construction will utilize solar or alternative energy sources.

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Section 20.050 Width.

Every lot or land parcel shall have a minimum average width of not less than 300 feet and an area of not less than five acres. A lot or land parcel having a width of less than 300 feet, or an area of less than five acres of record at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all yard requirements are complied with. Lots of record shall include platted subdivision lots, partitions of land filed with the Real Estate Commissioner of the State of Oregon, approved major and minor land partitions, independent ownerships of land, and parcels for which valid development permits have been previously granted.

Section 20.060 Setbacks.

New lots or parcels, created after the passage of this Ordinance, adjoining publicly-owned land which is managed as commercial forest land, shall be designed to allow a two hundred (200) foot setback from a potential building site to the public land. No dwelling shall be located within two hundred (200) feet of publicly-owned commercial forest land, except on lots of record as defined in Section 20.050. Dwellings proposed to be constructed on lots of record shall be sited to allow as great a setback as feasible. The following yard standards shall govern in all other cases:

1. Front yard. There shall be a front yard having a depth of not less than 30 feet from the front lot or property line, or not less than 55 feet from any building to the centerline of any public street or road.
2. Side and rear yards. There shall be a side yard on each side of the main building, and each side yard shall have a width of not less than 25 feet. There shall be a rear yard of not less than 40 feet in depth from the main building. Detached accessory buildings shall not be located less than 30 feet from the front lot line, and not less than 10 feet from the main building. Detached accessory buildings shall be located not less than 15 feet from the side and rear lot lines.
3. Stream setbacks. No structure, other than boat landings, docks, bridges or pumping or water treatment facilities, shall be located closer than 15 feet to a live stream or to a stream which provides fishery habitat. Lands within 10 feet of a stream bank shall be to the greatest extent feasible maintained in stabilized vegetation, and riparian vegetation that provides shading to the surface waters shall be retained.

Section 20.075 Erosion and Sediment Control.

1. Any grading, filling or clearing of vegetation which exceeds the following standards, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an operational plan which shall be incorporated as part of the permit for the proposed land use:

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- a. Excavation exceeds four feet in vertical depth at its deepest point measured from the original surface, and exceeds 2000 square feet in area, excluding excavation below finished grades for basements and footings of a building authorized by a valid building permit.
  - b. A fill exceeds three feet in vertical depth at its deepest point measured from the natural ground surface and the fill material covers an area of more than 500 square feet.
2. When such conditions exist, an operational plan prepared by a geologist, soil scientist, landscape architect, or civil engineer shall be submitted to the Planning Director. The plan shall provide the following information:
- a. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, hydrologic group, slope, gradients, run-off potential, soil depth, erosion potential, and natural drainage.
  - b. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading.
  - c. A description of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
  - d. Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as part of the proposed work, together with a map showing the drainage area and estimated run-off of the area served by any drains and proposed method of run-off disposal.
  - e. A soils stabilization report, including final ground cover, landscaping, and erosion controls, and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon, OR-Soils-1 shall be used. Prior to issuing the permit, the Planning Director may refer the plan to the County Soil Scientist, the County Road Department, or to the Soil Conservation Service for comment. The Planning Director may make additional requirements for erosion and sediment control to ensure that soil losses are minimal and reflect the best management practices.

Section 20.085 Wildfire Protection.

No structure shall be placed and constructed in such a way as to induce the risk of fire spreading from one structure to another. Fuel breaks, consisting of non-combustible materials or slow-burning plants, shall be required around new home construction or placement of mobile homes in areas dominated by chaparral brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps. Access roads to developments shall be suitable for use by emergency fire equipment.

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CHAPTER 22

RURAL RESIDENTIAL DISTRICT

Section 22.010 Purposes of Rural Residential District.

The purpose of this District is to preserve the rural character of Josephine County while providing areas for rural residential living. This District provides a classification for lands already committed to residential development or for lands which have been excepted from the Statewide Planning Goals on Agriculture and Forest Lands. Densities established by this District for developing areas are intended to ensure that development does not exceed the physical capability of the land to support subsurface sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.

Section 22.011 Applicability of the District.

The Rural Residential District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Rural Residential classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these Regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 22.020 Uses Permitted Outright.

1. Farm use on parcels larger than 2.5 acres, including the following:
  - a. raising, harvesting and selling of crops;
  - b. feeding, breeding, management and sale of livestock;
  - c. production of livestock, poultry, fur-bearing animals or honeybees;
  - d. dairying and the sale of dairy products;
  - e. boarding of horses;
  - f. any other agricultural or horticultural use or animal husbandry, or any combination thereof, excluding commercial feedlots or kennels, but including the preparation and storage of the products raised thereon; and
  - g. disposal by marketing or otherwise.
2. Forest management.
  - a. The management, production and harvesting of timber resources, including the following:
    1. harvesting of forest crops, felling, bucking, yarding, decking, hauling, and slash treatment;

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2. road construction or improvement within the operation area;
  3. site preparation, brush control, pre-commercial thinning, commercial thinning, tree-planting and cone-picking;
  4. culture, harvest and sale of Christmas trees; and
  5. harvesting of fern, huckleberry, salal, or other minor forest products.
- b. All activities shall be conducted in compliance with the Oregon Forest Practice Rules, and further provided that:
1. If the volume of wood products exceeds eight truck loads per day, an access or service road, while used for log-hauling, shall receive daily dust abatement or shall be surfaced for a distance of 300 feet from public roads or streets or residences located on adjoining property. If the log-hauling is the primary cause of traffic on an unpaved public road, that road shall be treated with an oil surfacing or shall receive dust abatement for 300 feet from such residences.
  2. Slash within road right-of-ways shall be disposed of to prevent fire-spread to adjoining residential structures.
  3. Brush control treatment shall be applied in such a manner that no spray drift or fire-spread shall occur beyond the boundary of the tract.
3. Single-family dwelling or mobile home.
  4. Accessory buildings, including a private garage, accessory living quarters, guest house, recreation room, greenhouse, stable, barn, corral, pen, coop, or other similar buildings normally required in connection with a use specified in Section 22.020 (1) through (3).
  5. Public or private schools.
  6. Churches.
  7. Exploration of subsurface resources.
  8. Utility and communication facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale).
  9. Cemeteries.
  10. Stands for the display and sale of products produced on the land, and commercial activities that are in conjunction with farm use.
  11. Home occupations, subject to the following standards:
    - a. A home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation or in an accessory building as defined in Section 22.020 (4) of this Ordinance which is normally associated with a residential use.

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- b. No sales, except by telephone, shall be made on the property.
  - c. No alteration to the exterior of the principal residential building shall be made which changes the residential character of the building.
  - d. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily associated with a hobby or an avocation not conducted for gain or profit.
  - e. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted, excluding agricultural products or equipment.
  - f. No more than two (2) persons other than a member of the immediate family occupying such dwelling shall be employed, except that no more than three (3) persons other than a member of the immediate family may be employed on a seasonal basis not to exceed three (3) months.
  - g. The business shall not be conducted in a manner which would result in noise audible beyond the boundaries of the property, result in significant increases in traffic on public roads, result in conditions which would interfere with the peaceful enjoyment of adjoining properties, or interfere with uses on adjacent lands.
- 12. Boat landings and docks.
  - 13. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants and fire stations.
  - 14. Sanitary landfills, and non-hazardous waste disposal sites.
  - 15. Signs identifying the property not to exceed 4' x 8'; signs advertising the use of the property not to exceed three square feet; and signs advertising the sale of the property not to exceed eight square feet for each street frontage.
  - 16. Planned residential developments.
  - 17. Two-family dwelling (duplex), provided that such dwelling is located on a corner lot conforming to the minimum lot size of the zoning district and each unit faces a separate street, or on a lot which abuts a commercial zone, or a lot occupied by any use permitted in Section 22.020 (5), (6), (13) or (14).

Section 22.025 Uses Permitted Conditionally.

In a Rural Residential District the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

- 1. Commercial power generation facilities, conditioned upon, but not limited to, the following criteria:
  - a. Submission of an acceptable site plan for landscaping and protection of adjoining residential properties.
  - b. Design of appropriate capacity to support development of service area as anticipated by the comprehensive plan.
  - c. Compliance with applicable State Air Contaminant Discharge Permits.

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2. Mining and rock extraction, including development of geothermal or other subsurface resources, subject to the following standards:
  - a. An access or service road, while used for the mining, shall be maintained in a dust-free condition for a distance of 200 feet from public roads or streets or residences located on adjoining property. If the mining is the primary cause of traffic on an unpaved public road, that road shall be dust-free for 300 feet from such residences.
  - b. Screening of the mining site or construction of berms may be required by the Planning Director to obscure the view, minimize dust, reduce the sound from the mining, or limit other annoyances to adjoining occupied property, State Scenic Waterways and adjacent public roads. Unless otherwise approved, the screening shall be done at the boundary of the property on which the site is located and shall be accomplished by one or more of the following:
    1. A berm, fence or wall.
    2. Preservation of natural slope.
    3. Vegetation.
  - c. Off-street parking shall be available for employees, customers and visitors to the mining site.
  - d. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries.
  - e. Excavation shall be away from the property line a distance adequate to maintain a fence on the property line if needed, and such additional distance as is necessary to allow a normal safe angle of repose during the operation, and to provide the slopes identified in the operational plan approved by the County Planning Director, pursuant to the standards of this Regulation, for the depth of final excavation.
3. Cement and asphalt batching, rock processing, crushing and storage, subject to the following standards:
  - a. Screening of the processing site may be required to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets.
  - b. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  - c. If an upset condition occurs, the plant shall be shut down within one hour of the upset, and shall not resume operation until the problem has been resolved.
  - d. No cement or asphalt batching plant shall operate for a period greater than 120 days at a single site.

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- e. Dust from ancillary sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
  - f. Equipment shall be operated only during daylight hours, not to exceed the period between 7:00 a.m. and 10:00 p.m.
4. Private and public parks, playgrounds, community centers, rodeo grounds, golf courses and campgrounds conditioned upon, but not limited to, the following criteria:
- a. Demonstration that the proposed development would not adversely impact use on adjoining lands.
  - b. Demonstration that the proposed development satisfies the recreation needs identified in the comprehensive plan.
  - c. Submission of a conceptual plan for site development which shall contain, as appropriate, boundaries and dimensions of the site; location, width and proposed streets; location, width of walkways; location of lighting fixtures; location of recreational areas and buildings; location and type of landscaping; location of available fire and irrigation hydrants or standpipes; location and design of public water systems; methods of sewage disposal; methods of garbage disposal; methods of fire protection; and plans for electrical service.
5. The feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or dairying on parcels less than 2.5 acres, conditioned upon, but not limited to the following criteria:
- a. Demonstration that the pasturing or husbandry or practice of animal science on the parcel less than 2.5 acres will not result in nuisance conditions to adjoining residential properties.
  - b. Demonstration that if horses, cows, goats, sheep or similar animals are to be pastured, at least one acre of pasture will be available and that the total number of such animals will not exceed an average of four (4) per acre of pasture.
6. Kennels, including breeding, boarding and grooming facilities, conditioned upon, but not limited to the following criteria:
- a. Demonstration that the kennel will not create nuisance conditions for adjoining properties due to noise or odor.
  - b. Demonstration that all animals will be confined to the property.
  - c. Demonstration of adequate methods for sanitation and sewage disposal.
7. Real estate tract sales office, conditioned upon, but not limited to, the following criteria:
- a. The office must be located as part of a residential subdivision or planned development and no sales may be made for property other than lots contained within the same residential development.

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- b. The office must be located in a structure which is architecturally compatible with residential uses and which upon termination of the sales activity can either be removed or converted to a use permitted by this District.

Section 22.030 Uses Permitted by Administrative Permit.

In a Rural Residential District, the following uses are permitted when authorized by Administrative Permit, issued pursuant to Rules adopted by the Planning Commission:

1. Temporary storage of unoccupied mobile homes or residential trailers.
2. Open storage of travel trailers, recreational vehicles or motor vehicles when such units are currently unlicensed or owned by individuals other than the resident or owner of the property.
3. Open storage of building or construction materials, not stored in conjunction with the construction of a building on the same site.
4. Emergency housing units for limited periods of time, necessitated by disaster due to fire, flood, or other natural catastrophe; or by public health, family care or medical needs, limited to dependents or the immediate family of the property resident.
5. Personal use airports, restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

Section 22.040 Dimensional Standards.

In a Rural Residential District, the following dimensional standards shall apply:

1. Height: Buildings shall not be of such height so as to exceed the existing fire-fighting capabilities of any special fire protection district or private fire company operating in the area of the development. In the event more than one company or district provides fire protection, this height limitation shall apply to the greatest capability of any such company or district. However, in no event shall structures exceed a height of two and one-half stories or 35 feet.

The County Planning Department shall bi-annually publish a height rating for all lands located within the Rural Residential District.

2. Area and Width. Every lot or land parcel shall have a minimum average width and a minimum area as required below:

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- a. RR-1 Areas designated on the official Zoning Map as Rural Residential-1 shall have a minimum lot size of one (1) acre and a minimum average width of 150 feet.
- b. RR-2.5 Areas designated on the official Zoning Map as Rural Residential-2.5 shall have a minimum lot size of two and one-half (2.5) acres and a minimum average width of 250 feet.
- c. RR-5 Areas designated on the official Zoning Map as Rural Residential-5 shall have a minimum lot size of five (5) acres and a minimum average width of 300 feet.

A lot or land parcel which does not have the minimum area or minimum width required above of record at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all yard requirements are complied with.

Lots of record shall include platted subdivision lots, partitions of land filed with the Real Estate Commissioner of the State of Oregon, approved major and minor land partitions, independent ownerships of land, and parcels for which valid development permits have been previously granted.

3. Setbacks.

- a. Front yard: There shall be a front yard having a depth of not less than 30 feet from the front lot or property line, or not less than 60 feet from any building to the center-line of any public road or street.
- b. Side and rear yards: There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 25 feet, and there shall be a rear yard of not less than 25 feet in depth from the main building. Detached accessory buildings shall be located not less than 30 feet from the front lot line and not less than ten feet from the main building. Detached accessory buildings shall be located not less than 25 feet from the side and rear lot lines.

Section 22.075 Erosion and Sediment Control.

1. Any grading, filling or clearing of vegetation which exceeds the following standards, except when authorized or regulated by the State Forest Practice Rules, shall be subject to an operational plan which shall be incorporated as part of the permit for the proposed land use.
  - a. Excavation exceeds four feet in vertical depth at its deepest point measured from the original surface, and exceeds 2000 square feet in area, excluding excavation below finished grades for basements and footings of a building authorized by a valid building permit.

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- b. A fill exceeds three feet in vertical depth at its deepest point measured from the natural ground surface and the fill material covers an area of more than 500 square feet.
2. When such conditions exist, an operational plan prepared by a geologist, soil scientist, landscape architect, or civil engineer shall be submitted to the Planning Director. The plan shall provide the following information:
- a. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, hydrologic group, slope, gradients, run-off potential, soil depth, erosion potential, and natural drainage.
  - b. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading.
  - c. A description of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.
  - d. Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as part of the proposed work together with a map showing the drainage area and estimated run-off of the area served by any drains and proposed method of run-off disposal.
  - e. A soils stabilization report, including final ground cover, landscaping, and erosion controls, and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon, OR-Soils-1 shall be used. Prior to issuing the permit the Planning Director may refer the plan to the Soil Conservation Service for comment. The Planning Director may make additional requirements for erosion and sediment control to ensure that soil losses are minimal and reflect the best management practices.

Section 22.085 Wildfire Protection.

No structure shall be placed and constructed in such a way as to induce the risk of fire spreading from one structure to another. Fuel breaks, consisting of non-combustible materials or slow-burning plants, shall be required around new home construction or placement of mobile homes in areas dominated by chaparral brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps. Access roads to developments shall be suitable for use by emergency fire equipment.

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CHAPTER 24

RURAL COMMERCIAL DISTRICT

Section 24.010 Purpose of Rural Commercial District.

This District is intended to provide for the establishment of a highly restricted commercial facility, to serve the conveniences and needs of the immediate neighborhood and must be architecturally compatible with the character and environment of the neighborhood.

Section 24.011 Applicability of the District.

The Rural Commercial District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Rural Commercial classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 24.020 Uses Permitted Outright.

1. Bakery.
2. Barber and beauty shop.
3. Coffee shop.
4. Delicatessen.
5. Drug store or pharmacy.
6. Florist.
7. Food stores, including poultry, meat, dairy products, eggs, ice cream, fruits, canned goods, health foods, beer and wine, confectionery and the like, providing all products are sold on the premises and provided that there shall be no slaughtering or plucking of meat products on the premises.
8. Off-street parking facilities when operated in conjunction with the permitted use.
9. Public facilities, including post offices, fire and police substations.
10. Single-family residences or mobile homes.
11. Schools, public and private.
12. Signs as follows:
  - a. Signs advertising the sale or rental of a premise, not artificially illuminated, of a temporary nature, with a maximum area on one side of three square feet, when erected at least ten feet behind the street property line.
  - b. On-premise identification signs indicating the name and nature of any occupancy and/or the name and address of the building, with a maximum area of eighty (80) square feet.
  - c. On- or off-premise directional signs not to exceed six (6) square feet in area.

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Section 24.025 Uses Permitted Conditionally.

In a Rural Commercial District the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

1. Automobile service station, including repair garage.
2. Day-care facilities and pre-schools.
3. Churches.
4. Coin-operated laundry.
5. Mini-warehouse.
6. Real estate office.
7. Tavern.
8. Veterinary clinic, enclosed within a building.

Section 24.026 Criteria.

Approval of the preceding uses in Section 24.025 are conditioned upon, but not limited to the following criteria.

1. The proposed use shall not constitute a nuisance to adjoining properties due to noise or light and glare or interfere with the use of adjoining lands.
2. The proposed use shall not result in traffic congestion or result in traffic safety hazards on any public road or street.
3. The proposed use shall not include outside storage of solid waste.

Section 24.030 Dimensional Standards.

In a Rural Commercial District the following dimensional standards shall apply:

1. Height. Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.
2. Area.
  - a. The minimum lot size for single-family residences or mobile homes shall be one (1) acre.
  - b. The minimum lot size for all other uses shall be adequate to provide for the use, including sanitation requirements, if any, while allowing for required off-street parking and landscaping requirements.
3. Setbacks.
  - a. Front yard. There shall be a front setback at least ten (10) feet in depth from the front lot line. This area shall be continuously maintained as a landscaped open space except for necessary ingress and egress drives and walks.

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- c. Rear yard. If the parcel abuts on a non-commercial or non-industrial district there shall be a rear setback of at least ten (10) feet from the rear lot line.

Section 24.050 Landscaping.

Landscaping shall be provided in the front setback area of all uses in this zone. In addition, landscaping shall be provided on the perimeter of any lot used for a public parking lot of more than five (5) vehicles, separating the lot from any public roadway. Such areas shall be fully landscaped with lawn, trees, shrubs, or suitable ground cover, and no portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan approved by the Planning Director. Approval shall be granted for any plan wherein the design and materials proposed therein are reasonably appropriate for the use and appearance of the parking area and will not obscure visibility of access drives onto public roadways. Such landscaped areas shall be maintained free of weeds and debris.

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CHAPTER 26  
TOURIST COMMERCIAL DISTRICT

Section 26.010 Purposes of Tourist Commercial District.

This District is intended to provide for the needs of the traveling public, and to provide specialized commercial services to residents of Josephine County.

Section 26.011 Applicability of the District.

The Tourist Commercial District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Tourist Commercial classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 26.020 Uses Permitted Outright.

1. Single-family and attached two-family dwellings or mobile home.
2. Amusement and recreation:
  - a. Athletic club, club house.
  - b. Billiard hall, pool hall.
  - c. Bowling alley.
  - d. Carnival (transient in nature).
  - e. Circus.
  - f. Commercial activities in conjunction with farm use.
  - g. Community center.
  - h. Dance hall and drama studio.
  - i. Drive-in motion picture theatre.
  - j. Gymnasium.
  - k. Ice skating rink.
  - l. Indoor sports arena.
  - m. Marina.
  - n. Miniature golf course.
  - o. Museums or libraries.
  - p. Music studio.
  - q. Penny arcade.
  - r. Rodeo grounds.
  - s. Roller skating rink.
  - t. Shooting gallery.

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- u. Swimming pool.
  - v. Taxidermy.
  - w. Theatre.
3. Travelers accommodation:
- a. Motels.
  - b. Campgrounds and conference grounds.
  - c. Recreational vehicle parks.
4. Retail and service:
- a. Art/craft studio, including ceramics, glassware, wood-carving, hand weaving and similar crafts.
  - b. Automobile service station and garage and sales.
  - c. Antique shop.
  - d. Art gallery and artists supply store.
  - e. Bakery.
  - f. Barber and beauty shop.
  - g. Book store, news dealer, newsstand.
  - h. Camera and photographic store and gallery.
  - i. Coin-operated laundry.
  - j. Confectionary.
  - k. Gift, novelty, curio and souvenir shop, including myrtle-wood products manufacture, and boutiques.
  - l. Grocery and delicatessen.
  - m. Lapidary shop.
  - n. Mini-warehouse.
  - o. Pharmacy.
  - p. Physician or dentist office.
  - q. Real estate office.
  - r. Sporting goods store, including rental of recreational equipment.
  - s. Veterinary clinic or hospital, enclosed within a building.
5. Signs as follows:
- a. Signs advertising the sale or rental of a premise, not artificially illuminated, of a temporary nature, with a maximum area on one side of three square feet, when erected at least ten feet behind the street property line.
  - b. On-premise identification sign for all separate enterprises located on the site which shall not exceed 60 feet in height with a total sign area of not more than 200 square feet. Such sign may be internally illuminated but shall have no flashing lights or animated parts.

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On-premise identification sign for each separate enterprise located on the site, which may be detached and shall not exceed 30 feet in height nor have an area of more than 100 square feet. Such sign may be illuminated but shall have no flashing lights or animated parts.

- c. On- or off-premise directional signs not to exceed six square feet in area.
- d. Advertising signs as permitted by ORS Chapter 337.

**Section 26.025 Uses Permitted Conditionally.**

In a Tourist Commercial District the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

- 1. Automobile or motorcycle race track.
- 2. Automobile wash rack.
- 3. Cemeteries.
- 4. Day-care facilities and pre-schools.
- 5. Churches.
- 6. Financial institutions, including banks and savings and loans.
- 7. Lounge.
- 8. Public auctions.
- 9. Outdoor concert and dance facilities.
- 10. Tavern.
- 11. Utility or communication facilities necessary for public services, including transmission and receiving towers.

**Section 26.026 Criteria.**

Approval of the preceding uses in Section 26.025 are conditioned upon, but not limited to the following criteria.

- 1. The proposed use shall not constitute a nuisance to adjoining properties due to noise or light and glare or interfere with the use of adjoining lands.
- 2. The proposed use shall not result in traffic congestion or result in traffic safety hazards on any public road or street.
- 3. The proposed use shall not include outside storage of solid waste.

**Section 26.030 Dimensional Standards.**

In a Tourist Commercial District the following dimensional standards shall apply:

- 1. Height. Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.

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2. Area.

- a. The minimum lot size for single-family and attached two-family residences or mobile homes shall be one (1) acre.
- b. The minimum lot size for all other uses shall be adequate to provide for the use, including sanitation requirements, if any, while allowing for required off-street parking and landscaping requirements.

3. Setbacks.

- a. Front yard. There shall be a front setback at least ten (10) feet in depth from the front lot line. This area shall be continuously maintained as a landscaped open space except for necessary ingress and egress drives and walks.
- b. Side yard. If the property abuts on a non-commercial or non-industrial district, there shall be a side setback of at least ten (10) feet from the side lot line.
- c. Rear yard. If the parcel abuts on a non-commercial or non-industrial district there shall be a rear setback of at least ten (10) feet from the rear lot line.

Section 26.050 Landscaping.

Landscaping shall be provided in the front setback area of all uses in this zone. In addition, landscaping shall be provided on the perimeter of any lot used for a public parking lot of more than five (5) vehicles, separating the lot from any public roadway. Such areas shall be fully landscaped with lawn, trees, shrubs, or suitable ground cover, and no portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan approved by the Planning Director. Approval shall be granted for any plan wherein the design and materials proposed therein are reasonably appropriate for the use and appearance of the parking area and will not obscure visibility of access drives onto public roadways. Such landscaped areas shall be equipped with a water sprinkler system, if a public or municipal water system is available to the property, and shall be maintained free of weeds and debris.

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CHAPTER 27

RURAL SERVICE CENTER COMMERCIAL DISTRICT

Section 27.010 Purpose of Rural Service Center Commercial District.

This District, wholly contained within the boundaries of a rural service center, is intended to provide for the commercial and bedroom community residential needs of rural areas of the County. The purpose of the District is to encourage the development of services that support surrounding rural use, and to achieve the objectives of the Comprehensive Plan regarding rural development, transportation, and energy conservation.

Section 27.011 Applicability of the District.

The Rural Service Center Commercial District shall apply to lands included within the boundaries of a rural service center as zoned on the official Zoning Map for Josephine County under a Commercial classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 27.020 Uses Permitted.

1. Public and institutional:
  - a. Ambulance and emergency medical facilities.
  - b. Churches.
  - c. Museums.
  - d. Police and fire stations.
  - e. Public and private schools, including day care facilities.
  - f. Public parks and recreation sites.
  - g. Sewage treatment plants, water reservoirs.
  - h. Utility facilities.
  - i. Water treatment plants, water reservoirs.
  - j. Libraries.
  - k. Road maintenance shops.
2. Amusement and recreation:
  - a. Bowling alleys.
  - b. Golf courses.
  - c. Ice skating rinks.
  - d. Miniature golf courses.
  - e. Motion picture theatres.
  - f. Roller skating rinks.

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3. Printing and publishing:
  - a. Bindery.
  - b. Newspaper publishing plant.
  - c. Photo copying.
  - d. Print shop, including off-set, blueprinting.
4. Transportation:
  - a. Bus terminals, depots.
  - b. Railway express agencies.
  - c. Railroad terminals, depots.
  - d. Towing services.
5. Retail and service:
  - a. Appliances, radio, television and electronics sales and repair.
  - b. Art studio, including printing, sculpting, ceramics, glass-work, photography, pottery, woodcarving, and similar crafts.
  - c. Bakery.
  - d. Bank.
  - e. Barber and beauty shop.
  - f. Bicycle shop.
  - g. Book or stationary store, including newsstands.
  - h. Building materials store.
  - i. Business and office machines and supplies, sales and repair.
  - j. Cabinet shop.
  - k. Camera and photographic store.
  - l. Carpenter, plumbing or sheet metal shop.
  - m. Dairy products retail outlet.
  - n. Dry goods or notions store.
  - o. Egg and poultry dealer.
  - p. Electric motor repair shop.
  - q. Electrician and electrical supplies shop.
  - r. Farm implement and equipment store.
  - s. Feed and fuel store.
  - t. Fish and seafood market.
  - u. Florist and gift store.
  - v. Frozen food store and lockers.
  - w. Fruit and vegetable market.
  - x. Furniture repair and upholstery.
  - y. Garden supply store.
  - z. General store.

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- aa. Glass repair and contracting.
- bb. Greenhouses, including retail sales.
- cc. Grocery or delicatessen.
- dd. Gunsmith.
- ee. Hardware.
- ff. Health foods store.
- gg. Heating and air conditioning shop.
- hh. Hobby store.
- ii. Household appliance store.
- jj. Jewelry store.
- kk. Lapidary shop.
- ll. Laundry.
- mm. Lumber yard, including building and insulation materials.
- nn. Meat market.
- oo. Medical and dental offices, clinics and laboratories.
- pp. Mini-warehouse.
- qq. Monument or tombstone store.
- rr. Music store.
- ss. Paint store.
- tt. Pharmacy.
- uu. Photography studio.
- vv. Plumbing shop or fixture store.
- ww. Professional offices, including real estate, insurance, attorneys, architects, engineers, planners, physicians, accountants, surveyors, psychiatrists, tax consultants, ministers, foresters, opticians, and similar professions.
- xx. Pump shops and repair services.
- yy. Religious goods store.
- zz. Rental service stores and yards.
- aaa. Restaurant.
- bbb. Roofing establishment.
- ccc. Saw shops, including sales and service.
- ddd. Septic tank installers.
- eee. Service station and automobile or truck repair garage.
- fff. Sign painting shop.
- ggg. Special trade contractor establishment, such as cleaning and janitorial service, exterminating service, furnace and chimney cleaning, masonry and stove, ornamental iron work, plastering, and similar contracting services.

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- hhh. Sporting goods store.
  - iii. Tack and saddlery shop.
  - jjj. Tailor and dressmaker.
  - kkk. Tractor dealers, repairing and service.
  - lll. Variety store.
  - mmm. Veterinary hospital or clinic.
  - nnn. Welding and blacksmith shop.
6. Residential:
- a. Single-family dwelling or mobile home.
  - b. Two-family attached dwellings (duplex).
  - c. Three-family attached dwelling (tri-plex).
  - d. One story garden apartments, provided that the apartments are provided with a public or community water system.
  - e. Mobile home parks, provided that the park is provided with a public or community water system.
7. Resource uses:
- a. Grazing and range management.
  - b. Forest management.
8. Signs as follows:
- a. One on premise principal sign for each enterprise not to exceed one and one-half square feet in area for each linear foot of building frontage paralleling a street or 150 square feet, whichever is lesser. Such signs shall be placed flat against the wall building and may be illuminated but shall have no flashing lights or moving parts.
  - b. One on premise detached sign identifying a group of businesses combined as a shopping center, in addition to permitted sign areas for individual businesses in the center; which shall not exceed 100 square feet in area or 25 feet in height; and may be illuminated but shall have no flashing lights or moving parts.
  - c. One unlighted on premise temporary sign, not to exceed three square feet in area, pertaining to the sale or lease of a building or property upon which it is displayed.
  - d. On or off premise directional or regulatory signs not to exceed six square feet in area.

Section 27.030 Dimensional Standards.

In a Rural Service Center Commercial District the following dimensional standards shall apply:

- 1. Height. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet, unless otherwise limited in Section 27.020(6).

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2. Area.

- a. The minimum lot size for single-family and attached two- or three-family residences or mobile homes shall be:
  1. Without connection to a public or community water system: one (1) acre.
  2. With connection to a public or community water system: 12,000 square feet for the first dwelling and 9,000 square feet for each additional dwelling unit.
- b. The minimum lot size for garden apartments with connection to a public or community water system shall be: 8,000 square feet for each of the first five dwelling units, and 6,500 square feet for each additional dwelling unit.
- c. The minimum lot size for mobile home parks shall consist of 6,500 square feet for each mobile home space within the park.
- d. The minimum lot size for all other uses shall be adequate to provide for the use, including sanitation requirements, if any, while allowing for required off-street parking and landscaping requirements.

3. Setbacks.

- a. Front yard. There shall be a front setback at least ten (10) feet in depth from the front lot line. This area shall be continuously maintained as a landscaped open space except for necessary ingress and egress drives and walks.
- b. Side yard. If the property abuts on a non-commercial or non-industrial district, there shall be a side setback of at least ten (10) feet from the side lot line.
- c. Rear yard. If the parcel abuts on a non-commercial or non-industrial district there shall be a rear setback of at least ten (10) feet from the rear lot line.

Section 27.050 Landscaping.

Landscaping shall be provided in the front setback area of all uses in this zone. In addition, landscaping shall be provided on the perimeter of any lot used for a public parking lot of more than five (5) vehicles, separating the lot from any public roadway. Such areas shall be fully landscaped with lawn, trees, shrubs, or suitable ground cover, and no portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan approved by the Planning Director. Approval shall be granted for any plan wherein the design and materials proposed therein are reasonably appropriate for the use and appearance of the parking area and will not obscure visibility of access drives onto public roadways. Such landscaped areas shall be equipped with a water sprinkler system, if a public or community water system is available to the property, and shall be maintained free of weeds and debris.

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Section 27.078 Water Systems.

Any public or community water system provided in conjunction with any use permitted by this District shall meet all applicable Oregon State standards. In addition, water systems provided in conjunction with any commercial use shall be designed to provide fire protection through a sprinkler system and any water storage shall be accessible to emergency fire equipment. Prior to issuance of a development permit, plans for the water system shall be submitted to the chief of any special fire protective district or private fire company providing service within the service center.

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RURAL INDUSTRIAL DISTRICT

Section 30.010 Purposes of Rural Industrial District.

The Rural Industrial District is intended to provide appropriate areas for the development of light industry and wood products manufacturing which by its nature does not require full urban services (i.e. due to any combination of factors such as relatively low number of employees, very innocuous operations, or low demand for urban-type services). The District is generally intended to be applied within the boundaries of rural service centers or in areas adjacent to cities which can provide the limited services necessary or in areas which are already committed to industrial use.

Section 30.011 Applicability of the District.

The Rural Industrial District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Rural Industrial classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 30.020 Uses Permitted Outright.

1. The following industrial uses, provided all operations except off-street parking, log storage, and temporary activities which by necessity must be conducted in the open, shall be conducted entirely within an enclosed building:
  - a. Compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks or other food products, but excluding breweries, distilleries, slaughter houses, rendering plants and canneries.
  - b. Freight, train or bus terminals.
  - c. General laboratories and research facilities.
  - d. Manufacture, repair or storage of articles from the following materials: cellophane, cloth, cork, fiber, glass, precious or semi-precious stone or metal, textiles, wax, wire, wood or yarn.
  - e. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical, dental, electric or electronic supplies or equipment, business machines, watches or timing devices, luggage, photographic equipment, cabinets, furniture or signs.
  - f. Photographic film processing, photo engraving, photocopying establishments.
  - g. Plumbing and sheet metal shops.
  - h. Printing, lithographing, blueprinting or publishing and distribution facilities.

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- i. Tire stores, repair and recapping.
  - j. Upholstery, automobile and furniture.
  - k. Vending machine agencies.
  - l. Warehousing.
  - m. Wholesale distribution and sales facilities or agricultural cooperatives.
2. The following semi-industrial, heavy commercial or service commercial and miscellaneous activities provided all such uses, other than off-street parking and other activities which by necessity must be conducted in the open, be conducted entirely within an enclosed building:
- a. Antique, curio and second-hand stores.
  - b. Automobile parts and accessory stores.
  - c. Automotive garages and repair, including paint and body shops.
  - d. Building maintenance services.
  - e. Fuel distribution facilities.
  - f. Lockers, ice houses and cold storage facilities.
  - g. Public and semi-public buildings.
  - h. Restaurants.
  - i. Taxidermy.
  - j. Veterinary clinics.
  - k. Signs as follows:
    1. One on-premise principal sign per frontage. Such sign shall not exceed 250 square feet in area nor 40 feet in height and may be illuminated but shall have no flashing lights or moving parts.
    2. One on-premise secondary principal sign per frontage, where the frontage exceeds 200 feet. Such signs shall not exceed 50 square feet in area nor 20 feet in height and may be illuminated but shall have no flashing lights or moving parts. Secondary signs shall be placed flat against the wall of a building. Such signs shall not exceed 10% of the gross face area of a building facing an adjoining street and may be illuminated but shall have no flashing lights or moving parts.

Section 30.040 Dimensional Standards.

In a Rural Industrial District the following dimensional standards shall apply:

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1. Lot Area and Width:

	Min. Lot Area	Min. Lot Width
a. For lots with public water and sewer	10,000 sq. ft.	100 ft.
b. For lots with public water or sewer	1/2 ac.	100 ft.
c. For lots without public water and sewer	1 ac.	150 ft.

Flaglots are permitted only when part of a subdivision submitted to the Planning Commission for approval.

2. Lot Coverage. The main buildings and accessory buildings shall not cover in excess of 50% of the lot area.
3. Setbacks.
- a. Front yard. A front yard of 20 feet shall be provided.
  - b. Side yard. The side yard setback shall be ten (10) feet, except that the required yard may be reduced to zero setback if the yard abuts a commercial or industrial district, provided any walls of a structure placed upon such side lot line are constructed to four-hour fire wall standards.
  - c. Rear yard. The rear yard shall be 30 feet.
4. Height. Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.
5. Access. Access shall be designed to cause a minimum interference with traffic and shall be subject to the review and approval of the County Engineering Supervisor. Upon recommendation of the County Engineering Supervisor or State Highway Department, the dedication of additional right-of-way and improvements constructed by the applicant may be required in order to facilitate adequate traffic circulation.

Section 30.050 Landscaping.

Landscaping shall be provided in the front setback area of all uses in this zone. In addition, landscaping shall be provided on the perimeter of any lot used for a public parking lot of more than five (5) vehicles, separating the lot from any public roadway. Such areas shall be fully landscaped with lawn, trees, shrubs, or suitable ground cover, and no portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan approved by the Planning Director. Approval shall be granted for any plan wherein the design and materials proposed therein are reasonably appropriate for the use and appearance of the parking area and will not obscure visibility of access drives onto public roadways. Such landscaped areas shall be equipped with a water sprinkler system, if a public or community water system is available to the property, and shall be maintained free of weeds and debris.

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CHAPTER 31  
INDUSTRIAL PARK DISTRICT

Section 31.010 Purposes of Industrial Park District.

This District is intended to provide a classification for lands appropriate for coordinated, non-polluting, office, commercial and industrial uses.

Section 31.011 Applicability of the District.

The Industrial Park District shall apply to all lands as zoned on the official Zoning Map for Josephine County under an Industrial Park classification. These Regulations shall not apply to a building or structure, or to a use of property which does not conform to these regulations, and which lawfully existed at the time of adoption of this Ordinance. Such non-conforming uses may be maintained, but shall not be enlarged, altered, or reconstructed in the event of destruction without approval of the County Zoning Commission.

Section 31.020 Uses Permitted Outright.

1. Agriculture, farming, and farm use, excluding commercial feedlots.
2. Residence for caretaker or night watchman.
3. Public facilities, including police and fire substations, water reservoirs and treatment plants, sewage treatment plants, armories, public work yards, juvenile treatment and correctional facilities, and similar uses.
4. Airports and related uses, including hangars and maintenance facilities.

Section 31.025 Uses Permitted Conditionally.

In an Industrial Park District the following uses and their accessory uses are permitted when authorized by the Zoning Commission upon satisfactory demonstration of compliance with the standards of this Ordinance:

1. Utility facilities.
2. Any use involving manufacturing, research, repair, assembly, processing, wholesaling, warehousing, or storage.
3. Offices.
4. Data processing and computer services.
5. Solid waste disposal areas.
6. Implement, machinery, heavy equipment sales, service, storage, rental or repair.
7. Newspaper office, printing shop, and publishers.
8. Radio or television transmitter or tower, broadcasting studios.
9. Restaurant, bar, or tavern.
10. Signs.

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Section 31.026 Criteria.

Approval of the preceeding uses in Section 31.025 are conditioned upon, but not limited to the following criteria:

1. The proposed use shall not constitute a nuisance to adjoining properties due to noise or light and glare or interfere with the use of adjoining lands, or pose hazards due to containment of explosive materials or emission of pollutants.
2. The proposed use shall not result in traffic congestion or result in traffic safety hazards on any public road or street.
3. The proposed use shall not include outside storage of solid waste.
4. The proposed use is suitable for the property in question, considering the long-range industrial potential for the zone, and further considering that piecemeal and uncoordinated development of the District may limit the potential for optimum development of the area.
5. The proposed use will be supported by adequate public facilities, including transportation systems, availability of water for consumptive and fire-fighting purposes, and availability of solid waste and sewage disposal systems.
6. That the architecture and landscaping of proposed buildings will be compatible with design objectives for a clean and visually attractive industrial area and will protect the public safety.

Section 31.040 Dimensional Standards.

In an Industrial Park District the following dimensional standards shall apply:

1. Height. Buildings, structures and portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.
2. Area and setbacks.
  - a. The minimum lot area for all permitted uses shall be one-half ( $\frac{1}{2}$ ) acre, unless associated with another use, and the setback for all permitted structures shall be 20 feet from any property line.
  - b. The minimum lot area and required setbacks for all conditional uses shall be established by order of the Zoning Commission at the public hearing on the proposed use.

Section 31.050 Landscaping.

Landscaping shall be provided in the front setback area of all uses in this zone. In addition, landscaping shall be provided on the perimeter of any lot used for a public parking lot for more than five (5) vehicles, separating the lot from any public roadway. Such areas shall be fully landscaped with lawn, trees, shrubs, or suitable ground cover, and no portion except the access drives shall be paved.

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All landscaping for permitted uses shall be installed in accordance with a plan approved by the Planning Director. Approval shall be granted for any plan wherein the design and materials proposed therein are reasonably appropriate for the use and appearance of the parking area and will not obscure visibility of access drives onto public roadways. Landscaping for conditional uses shall be installed in accordance with a plan approved by the Zoning Commission as a condition of the permit. Such landscaped areas shall be equipped with a water sprinkler system and shall be maintained free of weeds and debris.

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CHAPTER 49  
SPECIAL DISTRICT STANDARDS

Section 49.010 Purpose of Planned Development.

The purpose of "planned development" is to permit the application of new technology and greater freedom of design in land developments than may be possible under a strict interpretation of the provisions of this Ordinance. The adoption of a planned development in combination with an existing zone is designed to permit a greater flexibility in development of land; encourage a variety in the development pattern; encourage mixed uses in a total area which could not otherwise be efficiently and aesthetically developed as an integrated whole; encourage developers to use a creative approach in land development; conserve natural land features; facilitate a desirable aesthetic use of open space; encourage public and private common open spaces; and allow flexibility and variety in the location of improvements on lots with diversity of the use of land. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan for the area.

Section 49.015 Review of Planned Development.

An application for a planned development shall be processed as a tentative plan for a subdivision as provided by Chapter 7 of the Josephine County Subdivision Ordinance. In the review of a tentative plan for a planned development, the Planning Commission may authorize variations to the standards of this Ordinance where the legitimate purposes of this Ordinance are fulfilled. An approved planned development shall be identified on currently maintained copies of the zoning map by the symbol "PD" in addition to the existing zoning.

Section 49.020 Standards.

The following standards are requirements which shall govern the application of a planned development in an area in which it is permitted.

1. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards of the zone in which the planned development is proposed.
2. A planned development shall be not less than five acres in area.
3. The density of dwelling units shall not exceed that normally allowed by the zoning district in which the proposed development is located. This provision is not to be confused with the ability of a developer to increase the density of dwelling units within a given area of the planned development through the retention of open space while maintaining the density ratio of acres per dwelling.
4. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests will be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon.

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5. A draft or outline of the articles of incorporation or a draft of the by-laws of any such association shall be reviewed by the County Legal Counsel. Said association shall be formed and continued for the purpose of maintaining such common areas and structures. The vote of the majority of members shall prevail except in the case of termination of said organization within twenty (20) years of beginning as provided by the articles of formation. The Planning Commission shall not approve any planned development unless the developer has adequately provided for the permanent maintenance of open space and payment of taxes through an association.
6. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.
7. The Planning Commission may require easements necessary for orderly extension of public utilities to future adjacent developments.
8. The tract or tracts of land included in a proposed planned development must be in one ownership or control, or subject of a joint application by all persons possessing recorded interest in the title to the tract.
9. Areas of semi-public uses within the planned development may be included as open space in calculating the allowable density for residential projects.
10. The development program shall assure that unique or scenic natural features of the land are preserved and that landscaping is provided for common use areas where appropriate.
11. Performance bonds may be required to ensure that a planned development proposal is completed as submitted consistent with the development schedule agreed upon by the developer and the Commission.
12. The planned development shall not be used as a vehicle for a developer to avoid the normal requirements of this Ordinance.

**Section 49.022 Development Improvement Prohibited Pending Compliance.**

No development permits or building permits for required improvements may be authorized or issued within the planned development prior to final plat approval except in compliance with the following:

1. Full compliance with all provisions of this Ordinance, including execution and filing of all documents required herein.
2. Full compliance with the conditions imposed by the Planning Commission or by the Josephine County Zoning Ordinance.
3. Full compliance with the approved tentative plan.

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Section 49.023 Procedure and Information Required on Tentative Plan.

1. An applicant shall submit ten (10) copies of a tentative plan to the Planning Director at least thirty (30) days prior to the Planning Commission meeting at which it is scheduled to be discussed. The tentative plan shall include the following information:
  - a. Proposed land uses, approximate building locations, type of construction, if known, and housing unit densities.
  - b. Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc.
  - c. Proposed open space uses, showing proposed landscaped areas.
  - d. Proposed grading and drainage pattern.
  - e. Proposed method of water supply, sewage disposal, and electrical facilities.
  - f. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
2. Prior to discussion of the plan at the Planning Commission meeting, copies shall be submitted by the Planning Director to the County Health Department and the County Road Department and any other agency that would have a direct interest in the development for study and comment.
3. The Planning Commission shall consider the tentative development plan at a meeting at which time the findings of the Road Department, Health Department, and Planning Director shall be considered. In considering the plan, the Commission shall seek to determine that:
  - a. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.
  - b. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, and the area around the development can be planned to be in substantial harmony with the proposed plan.
  - c. The plan can be completed within a reasonable period of time.
  - d. The streets are adequate to support the anticipated traffic and the development will not overload streets outside the planned area.
  - e. Proposed utility and drainage facilities are adequate for the population densities and the type of development proposed.
  - f. The development will not have an adverse effect on the overall community welfare.

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4. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this Section. If the Commission finds to the contrary, it may recommend the application be denied or tabled for not more than thirty (30) days or return the plan to the applicant for revision.
5. In addition to the requirements of this Section, the Commission may attach conditions it finds are necessary to carry out the purposes of this regulation. These conditions may include, but are not limited to the following:
  - a. Increasing the required setbacks.
  - b. Limiting the height of buildings.
  - c. Controlling the location and number of vehicular access points.
  - d. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.
  - e. Increasing the number of parking spaces and improving design standards for parking areas.
  - f. Limiting the number, size, location and lighting of signs.
  - g. Designating sites for open space and recreational development, and, in general, improving landscaping requirements.
  - h. Requiring additional view obscuring fencing or screening.
  - i. The Planning Commission may make requirements benefiting other factors relevant to the health, safety, and welfare of the community directly affected by the development.

Section 49.025 Approval of the Tentative Plan.

1. If, in the opinion of the Commission, the foregoing provisions are satisfied, the Commission shall recommend that the proposed planned development be adopted. If the Commission finds to the contrary, it may recommend the application be denied, tabled or returned to the applicant for revision.
2. In addition to the requirements of this Section, the Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.
3. Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the application. Action of the Board of County Commissioners shall be binding for the purpose of preparation of the final plat and development program. The Board of County Commissioners may accept the recommendation of the Commission, may reject, or may modify such recommendation.
4. Upon approval of the tentative plan by the Board of County Commissioners, the applicant shall have two years from the date of approval to submit to the Planning Director the final plat and development program for review. Failure to submit

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the plat within the period limitation shall nullify the approval of the Board of County Commissioners. If the applicant wishes to proceed with the development, the developer shall resubmit the tentative plan to the Planning Commission for reapproval.

Section 49.050 Purposes of Airport Hazards District.

This overlay District is intended to provide a classification for lands located adjacent to the Josephine County Airport at Merlin and the landing field at Rough and Ready Flat to prevent the development of potential airport hazards. In order to prevent the creation or establishment of such hazards, special airport zoning regulations controlling height limits and regulating the use of the land are hereby established within the Airport Hazards District. The provisions of this Section are not intended to abrogate any other section of this Ordinance, and when it appears that there is a conflict, the most restrictive requirement shall apply.

Section 49.052 Applicability of the District.

The provisions of this overlay District shall apply to lands identified as located within the clear zone or transitional areas of either airport. The boundaries of the District shall be designated on the Official Zoning Maps for Josephine County. Height limitations shall be imposed within the District consistent with the standards of the Federal Aviation Administration and the Oregon State Department of Transportation. Height standards shall be adopted by the Planning Director as an administrative order.

Section 49.055 Uses Permitted Outright.

Uses shall be permitted as allowed in the underlying zone, subject to the limitations of Sections 49.056 and 49.057.

Section 49.056 Use Restrictions.

Notwithstanding any other provisions of this Ordinance, no use may be made of land within an Airport Hazard Area, as established by this Section in such a manner as to create electrical or electronic interference with radio or radar communication between the airports and approaching or departing aircraft. No illuminated or flashing advertising or business sign, billboard or any other structure shall be installed or maintained within an Airport Hazard Area which would make it difficult for flyers to distinguish between said lights and the aeronautical lights of the airport, or which would result in glare in the eyes of pilots and impairment of visibility or otherwise endanger the landing, taking off or maneuvering of aircraft. In addition, no place of public assembly shall be located within an Airport Hazard Area.

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Section 49.057 Surface Area Height Limits.

The height limit in the Transitional Surface Area shall be an inclined plane surface having a slope ratio of one vertical to seven horizontal, sloping upward and outward from the boundary of the transitional surface area on either side of a runway or from the edge of a runway approach area, whichever is adjacent. The direction of the slope shall be at right angles to the center line of the runway or its prolongation and shall extend upward from the elevation of the nearest runway or from the height limit elevation permitted in a runway approach area, whichever is adjacent. The height limit in the Approach Surface shall be an inclined plane surface extending from the end of the runway at a slope ratio of one vertical to thirty-four horizontal.

Section 49.058 Interpretations.

Where uncertainty exists in applying the provisions of this overlay District, the Planning Director, upon written request, shall determine the location of the boundary lines of the Airport Hazard Areas or the height limits therein by written decision. A copy of such decision shall be furnished to the Building Safety Department.

Any person claiming to be aggrieved by the determination of the Planning Director with respect to the location of the boundary lines of the Airport Hazard Areas or the height limits permitted therein may, within 15 days after the decision of the Planning Director, appeal to the Zoning Commission. Upon hearing the appeal, the Zoning Commission may sustain, modify, or overrule the decision of the Planning Director.

Section 49.070 Scenic Waterways.

Any use permitted in a zoning district shall be allowable on lands adjacent to the Rogue River and Illinois River Scenic Waterways provided that:

1. If the property proposed for use is located within one-quarter ( $\frac{1}{4}$ ) mile of the mean high water line of the river, no development permit shall be issued unless the applicant has obtained a Notice to Proceed from the Scenic Rivers Program, Parks Division, Oregon Department of Transportation; or the time limit for State acquisition has expired.
2. If the property proposed for use is located within the legal boundaries of the Rogue River National Wild and Scenic River, as established by Act of Congress, a copy of the permit shall be transmitted to the administering federal agency, and no development permit shall be issued unless the applicant has obtained an authorization from the administering agency for construction on property subject to a scenic easement.

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CHAPTER 50

SUPPLEMENTARY PROVISIONS

Section 50.010 Continuation of a Non-Conforming Use or Structure.

Subject to the provisions of Sections 50.010 through 50.017, a non-conforming structure or use may be continued and maintained, but shall not be altered or reconstructed without approval of the County Zoning Commission. A non-conforming use may be altered or reconstructed upon approval of the Zoning Commission where the following conditions exist:

1. There is no other suitable zoned land available in the vicinity that would accommodate the use.
2. The alteration or reconstruction of the non-conforming use shall not constitute a nuisance condition to the public or to the use of adjoining properties.
3. The alteration or reconstruction is limited to the same type and intensity of use or to a use more conforming to the provision of this Ordinance.
4. The non-conforming use is located on a tract of land isolated from other similar uses, and it would be contrary to the Comprehensive Plan to permit the introduction of similar uses by rezoning of the tract.
5. The use can be maintained in compliance with any conditions that the Commission finds necessary to ensure the continued compatibility of the use with adjoining land uses.

Section 50.011 Conditions and Exceptions.

In considering an alteration or reconstruction of a non-conforming use, the Commission may attach such conditions as it finds necessary to accomplish the purposes of this Ordinance. Conditions may include, but are not limited to establishment of a termination of such use over time and requiring improvements to the property to mitigate adverse effects of the use. The extension of a non-conforming use to a portion of a structure which was arranged or designed for such use at the time of passage of this regulation is not an extension of a non-conforming use. A residence constructed at the time of the passage of this Ordinance in a district prohibiting residential use shall not be subject to the provisions of Sections 50.010 through 50.017.

Section 50.012 Alteration of a Non-Conforming Structure.

If a building or structure is non-conforming due to failure to comply with a yard or location requirement, and that building or structure is proposed to be altered or enlarged, any such alteration or enlargement may occur only to the extent that it conforms with all other requirements of this Ordinance, and does not cause any further violation of the provision to which it is non-conforming.

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Section 50.014 Discontinuance of a Non-Conforming Use.

If a non-conforming use is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.

Section 50.015 Change of a Non-Conforming Use.

If a non-conforming use is changed, it shall be changed to a use conforming to the regulations of the district in which it is located, and after change, it shall not be changed back again to any non-conforming use.

Section 50.016 Destruction of a Non-Conforming Use.

If a non-conforming structure, or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 60 percent of the value of the structure, a future structure or use on the property shall comply, except as provided in Section 50.010, with the provisions for a conforming use in the zoning district in which it is located. No non-conforming structure, destroyed in excess of 60 percent of the value of the structure, shall be reconstructed without the approval of the Zoning Commission. The value of the structure for the purposes of this Section shall be listed by the Assessor for the current year adjusted to true cash value.

Section 50.017 Completion of Structure.

Nothing contained in this regulation shall require any change in the plans, construction, alteration or designated use of a structure upon which construction has commenced prior to the adoption of this regulation, except that if the designated use will be non-conforming it shall, for the purpose of Section 50.016, be a discontinued use if not occupied within one year of the date of the passage of this regulation.

Section 50.020 Existing Use.

Any use or structure which was lawfully established prior to the application of any zoning district, and which is permitted as a conditional use within that district, shall be treated as an authorized use, and shall not require additional hearing review for alteration or improvement. If such a use or structure is destroyed, it may be reconstructed or resumed within one year of the event of destruction without additional hearing. Alteration, expansion, or reconstruction of an existing commercial or industrial use, permitted as a conditional use, shall not require an additional hearing as provided by this Section, but shall conform to requirements for off-street parking and landscaping as required by this Ordinance.

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Section 50.030 Authorization to Grant or Deny Conditional Use Permit.

Conditional uses listed in this Ordinance may be permitted, enlarged, or altered upon authorization by the County Zoning Commission in accordance with the standards and procedures set forth in this Ordinance.

1. In taking action on a conditional use request application, the Zoning Commission may either approve or deny the application. The burden of proof is placed upon the petitioner seeking the conditional use. The criteria for a conditional use shall be:
  - a. The proposed use fully accords with all applicable standards of the County Zoning Ordinance and other applicable County and State laws or regulations.
  - b. If impacts will result from the proposed use, why adjoining property owners should bear the inconvenience of a change in land use.
2. In approving a conditional use request or the modification of a conditional use, the Zoning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which are considered necessary to protect the best interests of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:
  - a. Increasing the required lot size or yard dimensions.
  - b. Limiting the height of buildings.
  - c. Controlling the location and number of vehicle access points.
  - d. Increasing the street width.
  - e. Increasing the number of required off-street parking spaces.
  - f. Limiting the number, size, location, and lighting of signs.
  - g. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property.
  - h. Designating sites for open space.
  - i. Setting a time limit for which the conditional use is approved.
  - j. Site reclamation upon discontinuance of a use.

Section 50.035 Assurances.

The Zoning Commission may require or authorize the Planning Department to require that the applicant for a conditional use furnish the County with a performance bond of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Zoning Commission.

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Section 50.037 Revocation of a Conditional Use Permit.

Any permit granted pursuant to Section 50.030 shall be subject to denial or revocation by the Zoning Commission if it is ascertained that the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.

1. In order to consider revocation of a conditional use permit the Zoning Commission shall hold a public hearing in order for the permit holder to show cause why such permit should not be revoked. Such hearing may be called with a minimum of 24 hour notice to the permit holder.
2. If the Zoning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, the Commission, at its discretion, may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the permit shall become effective immediately after the time specified.
3. All conditional use permits shall be conducted in full compliance with any other County Ordinance or requirement of State Law. Failure to conform to other applicable laws shall be grounds for consideration by the Zoning Commission of revocation of the permit.

Section 50.060 Site Plan Review.

Prior to issuing a development permit for any use other than single-family or two-family residential, the Planning Director or his assistants shall review the proposed site development for compliance with the standards of this Ordinance. The Director may require submission of a site plan.

Prior to issuing a development permit, the Planning Director may request review of commercial, industrial, or high density residential development by a site plan review committee when, in the judgement of the Director, the site:

1. Exhibits unusual topographic or pre-existing conditions which may pose hazards to the safety of the general public.
2. Involves major development proposals that will have significant impact on surrounding properties, public facilities, and transportation systems.

Section 50.061 Site Plan Committee.

The Site Plan Committee shall consist of the Planning Director, the Building Safety Director, the Supervisor of the Road Department, the Health Officer, the Soil Scientist, and the Fire Marshall, or their designees, to carry out the duties of this Section. For site plan review of projects located within an urban growth boundary, appropriate staff of the affected City shall be invited to participate in the review.

Section 50.065 Site Plan.

When in the judgement of the Planning Director a site plan review is necessary to adequately determine compliance with the standards of this Ordinance, the developer shall submit to the Director a site plan for total parcel development. The site plan shall be drawn to scale and shall indicate the following:

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1. Location of the parcel, dimensions and orientation.
2. Location of buildings and structures, both existing and proposed.
3. Location and layout of off-street parking and loading facilities.
4. Location of points of entry and exit for motor vehicles, and internal circulation patterns.
5. Location of walls and fences, indication of their height, and materials of their construction.
6. Indication of exterior lighting standards and devices.
7. Location and size of exterior signs and outdoor advertising.
8. Location of proposed landscaping.
9. Topography and drainage where they affect the relationship of structures on the project and surrounding properties.
10. Indications of heights of buildings and structures.
11. Indication of proposed use of buildings shown on the site.
12. Location and layout of sewage disposal and domestic water systems as appropriate.
13. Other architectural or engineering data as may be required to permit the necessary findings that the provisions of this Ordinance are complied with.
14. Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but need not include other data required in subsections 1 through 13 above.

Section 50.067 Review and Decision.

The decision of the Site Plan Committee shall be binding upon the Planning Department. No development permit shall be issued unless the requirements of the site plan approval are incorporated and made part of the permit. In those cases where the Zoning Commission has been delegated approval authority for the proposed use, the decision of the Site Plan Committee shall be submitted to the Commission as a recommendation. Any decision of the Site Plan Committee or Planning Director may be appealed to the Zoning Commission.

Section 50.070 Authorization to Grant or Deny Variances.

The Zoning Commission may authorize variances from the requirements of this regulation where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this regulation would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the Zoning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this regulation.

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Section 50.071 Conditions for Granting a Variance.

No variance shall be granted unless it can be shown that all of the following conditions exist and no variance request shall be accepted by the Planning Director for Zoning Commission consideration unless he believes there is substantial compliance with the following conditions:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purpose of this regulation, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any county development pattern or policy.
4. The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship and is not self-imposed.

Section 50.080 General Exceptions to Lot Size Requirements.

1. The general lot size or width requirements of this Ordinance shall not apply under the following circumstances:
  - a. When a portion of a tax lot under single ownership is isolated from the remainder of the property by a street or County road.
  - b. When a lot or parcel, or the aggregate of contiguous lots or parcels held in single ownership was created and of record prior to the passage of this regulation. "Of record" shall mean and include platted subdivision lots, approved and recorded partition parcels, and parcels contained in land partitionings filed with the Real Estate Commissioner, State of Oregon.
  - c. When contiguous units of land held under single ownership were created prior to the passage of this regulation, and clearly demonstrate an intent and commitment to divide the property, provided that such division complies with all other standards of this Ordinance, including access, and all other standards of other County ordinances. For purposes of determining a prior intent and commitment, the Zoning Commission or its delegate may use the public records of the County Clerk, the County Surveyor, the County Planning Department, the County Health Department, and the County Assessor. If the contiguous units consist

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of tax lots, such units must clearly have been created for purposes other than differential tax treatment of a single ownership. Other records or documents may be utilized to satisfy the provisions of this Section when, in the judgement of the Zoning Commission, such records fulfill the legitimate purposes of this Ordinance.

2. When the lot size deficiency is entirely the result of a portion of the original parcel having been removed for public roadway purposes, or bonafide survey defects, the owner thereof may partition said parcel into two lots of nearly equal size, provided the soil evaluation is satisfactory and all other lot requirements are met. For the purposes of this subsection, the records of the County Assessor's Office shall be used to establish acreage figures or an independent survey by a property owner.

**Section 50.081 Building Height Exceptions.**

Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain a building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, T.V. antennas, and similar structures may be erected above the height limits prescribed in this Ordinance, provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space.

**Section 50.082 General Yard Regulations.**

1. Yard requirements for property abutting partial or future street right-of-way.
  - a. Except as provided in subsection 2 of this Section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depth of the yards required on the lot by this Ordinance.
  - b. Where an official map of the Comprehensive Plan adopted pursuant to law requires the plans for the widening of existing streets, the connecting of existing streets, or the establishment of new streets, the placement of buildings and the establishment of yards where required by this Ordinance, shall relate to the future street boundaries as determined by said official map.
2. No yard or open space provided around any building for the purpose of complying with the provisions of this Section shall be considered as providing a yard or open space for any other building.
3. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site.

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4. No front yards provided around any building for the purpose of complying with the regulations of this Ordinance shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided in this Ordinance.
5. Vision Clearance Required: On all corner lots and lots located at the intersection of alleys and streets, there shall be provided vision clearance in the following manner:
  - a. In all districts, vision clearance shall be a minimum of 15 feet for corner lots and seven and one-half feet for lots at the intersection of alleys and streets.
  - b. In all districts where front yards are not required, vision clearance shall be a minimum of one foot for each five feet of street right-of-way width up to a maximum of ten feet.
6. When the common property line separating two or more contiguous lots is covered by a building permit or a permitted group of buildings, or when the placement of a building or buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this Ordinance shall then not apply to such common property lines.

Section 50.083 Yard Exceptions and Permitted Intrusions Into Required Yards.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

1. Depressed Areas: In any district, open work fences, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required yards, provided that such devices are not more than three and one-half feet in height.
2. Projecting Building Features: The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet provided that such projections are no closer than three feet to an interior lot line.
  - a. Eaves, cornices, belt courses, sills, awnings, buttresses, or other similar features.
  - b. Chimneys and fireplaces, provided they do not exceed eight feet in width.
  - c. Porches, platforms or landings which do not extend above the level of the first floor of the building.
  - d. Signs conforming to all other applicable ordinances.

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3. Fences and Walls:

- a. In any residential district, a sight-obscuring fence or wall, not to exceed six feet in height may be located or maintained within the required interior yards except where the requirements of vision clearance apply. Sight-obscuring fences or walls may be placed in front yards provided such fences or walls do not exceed two and one-half feet in height.
- b. In any commercial or industrial district, sight-obscuring fences or walls not to exceed eight feet in height may be located or maintained in any interior yard except where the requirements of vision clearance apply. Sight-obscuring fences or walls may be placed in front yards provided such fences or walls do not exceed two and one-half feet in height.

4. Front yards:

- a. If dwellings on both abutting lots are located within the front setback area, the front yard for the center lot need not exceed the average of the front yards of the abutting lots.
- b. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.
- c. When an attached or detached garage is to be built on a lot having an average elevation of at least ten (10) feet higher or lower than street level, the front of the garage may be located five (5) feet from the front property line or at the point where ground elevation is five (5) feet higher or lower than the street level, whichever is greater. The garage and driveway shall be constructed in a manner as to minimize traffic hazards resulting from backing onto an adjacent street.

5. Commercial Intrusions:

Freestanding gasoline pumps and pump islands, business signs, and lighting standards may occupy a required front or side yard.

6. Residential Intrusions:

The following structures may be located in a required yard: domestic well pump houses not exceeding 24 inches in height; pre-fabricated metal lawn and garden storage buildings; metal patio covers or carports, provided that not more than one side is enclosed; and similar non-combustible or ornamental fixtures, which in the judgement of the Planning Director will not interfere with the legitimate purposes of this Ordinance.

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Section 50.085 Access.

Every lot or parcel created by a new division of land shall abut a County-maintained road or street for at least 25 feet, or shall abut a State highway where the Highway Division, Oregon Department of Transportation, has issued an access permit to each lot or parcel, except that lots or parcels that do not abut such a road or highway may be approved by the Planning Commission or Zoning Commission when the following conditions exist:

1. When the Planning Commission has approved the creation of an easement for access to a lot according to the provisions now or hereafter established in the subdivision regulations.
2. When a parcel of land is an isolated ownership where not more than two lots can be developed from the original parcel or from adjoining lands, and where access is by easement which has been created prior to the adoption of this Section. The existence of an easement to the property line shall be deemed to continue to the proposed parcel.
3. When a parcel of land is accessed by a public usage road, declared by a court of competent jurisdiction, or by a non-maintained County road and where the Planning or Zoning Commission finds that acceptance of such road for partitioning purposes is in the public interest. Any partitioning using such roads shall be conditioned upon the dedication of additional right-of-way and improvement as required by the Commission.

Section 50.086 Special Purpose Roads.

No partitioning or subdivision of land shall be authorized, except as permitted in Section 50.085, using any special purpose roads, such as ways of necessity, special access roads under the permit control of the Secretaries of Agriculture or the Interior, timber access roads, or other roads in which the rights of the public for access may be restricted.

Section 50.087 Maintenance of Minimum Regulation Requirements.

No lot area, yard or other open space, existing on or after the effective date of this regulation shall be reduced in area, dimension or size below the minimum required by this regulation.

Section 50.088 Authorization of Similar Uses.

The Zoning Commission may rule that a use, not specifically named as an allowed use in a district, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. This Section, however, does not authorize the inclusion, in a district where it is not listed, of a use specifically listed in another district, unless an amendment to the zone is processed.

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Section 50.090 Standards and Requirements for Parking.

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this Ordinance unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this regulation.

Section 50.092 Required Off-Street Parking.

Off-street parking shall be provided on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be done under the same ownership as the development site served, except through special covenant agreements as may be approved by the Planning or Zoning Commission, which bind the parking to the development site.

Section 50.093 Parking Area Design.

1. All public or private parking areas or garages except those required in conjunction with a single-family or two-family dwelling on a single lot shall be designed, laid out, and constructed in accordance with the provisions of this Section.
2. Nothing provided herein shall require compliance with this Section for any completely automatic, unattended parking device or any attended public or private parking area.
3. All public or private parking areas and parking spaces, except those required in conjunction with a single-family or two-family dwelling on a single lot shall be designed and laid out to conform to the minimum standards as set forth in this Section and the property development standards of the district in which such parking area is located.
4. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site, but in no case shall two-way and one-way driveways be less than 20 feet and 12 feet wide respectively.
5. Public parking areas provided in excess of the requirements of this Section or as a use permitted shall be designed and laid out in conformance with this Section.

Section 50.094 Parking Spaces Required.

The number of off-street parking spaces required shall be no less than as set forth in the following:

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<u>Use</u>	<u>Parking Space Required</u>
1. Residential types:	
a. Dwelling, single-family	Two for each dwelling unit on a single lot
b. Dwellings, two-family or multiple	Two for each dwelling unit
c. Hotels, motels, motor hotels, etc.	One and one-half for each guest room; where fractioned, next highest full unit
d. Rooming or boarding houses	One for each guest room
e. Fraternities, sororities cooperatives and form-itories	One for each three occupants for which sleeping facilities are provided
f. Mobile home parks	Two for each mobile home stand
2. Institutional types:	
a. Hospitals:	
0 to 3,000 sq. ft.	Five spaces for every 1000 sq. ft. of gross floor area
3,000 sq. ft. or more	Fifteen spaces plus four spaces for every additional 1,000 sq. ft. of gross floor area
b. Churches	One for every three fixed seats or every seven feet of bench length or every 28 square feet where no permanent seats or benches are maintained--in main auditorium (sanctuary or place of worship)
c. Libraries, museums, art galleries	One for each 500 sq. ft. of gross floor area
d. Nursing homes, homes for the aged, group care homes, asylums, etc.	Two for each bed.
e. Welfare or correctional institution	One for each five beds
f. Schools	Primary or middle school; two for each teaching station plus one for every eight fixed seats or every 100 sq. ft. of seating area where there are no fixed seats in auditorium or assenbly area  High school - two for each teaching station plus one for every four fixed seats or for every 50 square feet of seating area where there are no fixed seats in auditorium  College - two for each teaching station plus one space for every two students of design capacity.

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3. Commercial types:
- a. Retail establishments, except as otherwise specified herein      One for each 200 sq. ft. of gross floor area
  - b. Barber and beauty shops      Three spaces for each chair
  - c. Bowling alleys      Six for each bowling lane
  - d. Pharmacies      One for each 150 sq. ft. of gross floor area
  - e. Retail stores handling bulky merchandise, household furniture, or appliance repair shops      One for each 500 sq. ft. of gross floor area
  - f. Office buildings, business and professional offices      Three for every 1,000 square feet of gross floor area
  - g. Food stores:
    - 0 to 4,000 sq. ft.      Seven spaces per 1,000 sq. ft. of gross floor area
    - 4,001 to 10,000 sq. ft.      28 spaces plus six spaces for each additional 1,000 sq. ft. of gross floor area in excess of 4,000 sq. ft.
    - 10,001 or more sq. ft.      64 spaces plus five spaces for each additional 1,000 sq. ft. of gross floor area in excess of 10,000 sq. ft.
  - h. Automobile service stations and garages:
    - Auto repair      Three for each service area
    - Service stations:
      - Full service      Three for each service area
      - Gas only      One for every two pumps
  - i. Home occupation      Two spaces, plus one additional space for each employee not a resident of the property.
  - j. Funeral parlors      25 spaces per 1,000 sq. ft. of gross floor area
  - k. Transportation terminals      One for each five seats capacity of carriers, loading or unloading within any half-hour period
  - l. Establishments or enterprises of a recreational or entertainment nature:
    - Spectator type; e.g. auditoriums, assembly halls, theaters, places of public assembly      One space for each three seats

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| Participating type; e.g. skating rinks, dance halls                                   | One for each 100 sq. ft. of gross floor area |
| Stadiums, sports arenas   | One for each five seats                      |
| m. Establishments for the sale and consumption on the premises of food and beverages: |  |
| Fast food (take-out only)   | 20 per 1,000 sq. ft. of gross floor area     |
| Fast food (take-out with seating)   | 30 per 1,000 sq. ft. of gross floor area     |
| Restaurant  | 10 per 1,000 sq. ft. of gross floor area     |
| Tavern  | 15 per 1,000 sq. ft. of gross floor area     |
4. Industrial types:
- |   |  |
|---|--|
| a. Except as specifically mentioned herein, industrial uses | Two for each 1,000 sq. ft. of gross floor area   |
| b. Wholesale and storage operations                         | One for each 1,000 sq. ft. of gross floor area   |
| c. Laboratories and research facilities                     | Three for each 1,000 sq. ft. of gross floor area |
| d. Machinery or equipment sales                             | Two for each 1,000 sq. ft. of gross floor area   |

Section 50.095 Parking Requirements for Uses Not Specified.

The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Director and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Planning Director may be appealed to the Zoning Commission.

Section 50.096 Common Facilities for Mixed Uses.

1. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.
2. Joint use of parking facilities: the Planning Director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

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- a. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
- b. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking; and
- c. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the County Legal Counsel as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Clerk.

Section 50.097 Parking Area Improvements.

All public or private parking areas which contain three or more parking spaces and outdoor vehicle sales areas, shall be improved according to the following:

1. All parking areas, other than for single- or two-family dwellings, shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement, concrete, oil mat, or other approved material. All parking areas, except those in conjunction with a single- or two-family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
2. All parking areas, except those required in conjunction with a single- or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private or public property.
3. All parking areas, including service drives, except those required in conjunction with single- or two-family dwellings or vehicle sales areas, which abut a non-commercial or non-industrial district shall be enclosed along all interior property lines which abut such district, by an ornamental wood fence or masonry wall not less than four feet nor more than six feet in height. Such wood fence or wall shall adhere to the visual clearance and front and interior yard requirements established for the district in which it is located. If the fence, wall or hedge is not located on the property line, said area between the fence, wall or hedge and the property line shall be landscaped with lawn or low-growing evergreen ground cover or vegetable or rock mulch. All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and said fence, wall or hedge shall be maintained in good condition. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking area.
4. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be shielded or so arranged as to reflect the light away from any abutting or adjacent residential district.

All parking spaces shall be substantially marked.

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Section 52.013 Additional Information on Amendments.

Any petition for amendment to this Ordinance shall be accompanied by all additional information or material which petitioners want the Planning Commission to consider. Before the hearing is held, the Commission may request the petitioners to supplement their petition with such additional or explanatory materials as the Commission shall consider appropriate or proper to an understanding of the amendment proposed by petitioners.

Section 52.014 Planning Commission Hearing on Amendments.

Proposals, resolutions and petitions for amendment to this Ordinance shall be held informally and may be adjourned from time to time as the Commission considers necessary or convenient. The Commission shall provide co-petitioners, if any, an opportunity to be heard at the opening and closing of the hearing. The Commission may apportion time between the proponents and opponents of the amendment proposed. The Commission may hear such other persons as to them may seem appropriate or convenient. The Commission shall provide the County Legal Counsel an opportunity to review and report upon the legal effect of proposed amendatory language.

Section 52.015 Commission Recommendation on Amendments.

After the hearing, the Planning Commission shall recommend that the proposed amendment be rejected, modified, or adopted. The Planning Director shall reduce to writing the Commission's recommendation, together with a brief statement of the facts and reasons upon which such recommendation is based. The Planning Director shall forward the same to the Board of County Commissioners.

Section 52.016 Action by Board of Commissioners on Amendments.

Upon receipt of the Planning Commission report, the Board of Commissioners shall take such action as it feels appropriate.

Section 52.017 Penalty.

Any person violating any of the provisions of this regulation shall be punishable, upon conviction, by a fine of not more than \$500 for a non-continuing offense and a fine of not more than \$1,000 for a continuing offense. Each day that a violation occurs after proper service on the property owner of notice of violation may be counted as a separate violation.

Section 52.020 Notification of Violation.

Upon determination of a potential violation, the Planning Director or his assistant shall notify the property owner. Initial correspondence with the property owner shall:

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CHAPTER 52  
ADMINISTRATION

Section 52.005 Development Permit.

No land, building or structure subject to the provisions of this regulation shall be used, changed in use, erected, moved, reconstructed, extended, enlarged or altered without first obtaining a development permit from the County Planning Director or his assistants. If approval of the Planning or Zoning Commission is required, the Director shall not issue the permit until such approval has been received.

Section 52.006 Administration.

The County Planning Director shall have the power and duty to administer the provisions of this regulation. An appeal from a ruling of the County Planning Director shall be made to the Planning or Zoning Commission, as appropriate.

Section 52.009 Appeal to Board of County Commissioners.

An action or ruling of the Planning Commission or Zoning Commission authorized by this regulation may be appealed to the Board of County Commissioners within 15 days after the Commission has entered its findings of fact and final order. If no appeal is taken within the 15-day period, the decision of the Planning or Zoning Commission shall be final. If an appeal is filed, the Board of County Commissioners shall hold a public hearing on the appeal.

Section 52.010 Form of Petitions, Applications and Appeals.

All petitions, applications and appeals provided for in this regulation shall be made on forms provided for the purpose or as otherwise prescribed by the Planning Director in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for permits shall be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of the buildings and other structures, existing and proposed; and the existing and intended use of each building, structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this regulation.

Section 52.012 Amendments to the Ordinance.

Amendments to this Ordinance may be initiated as follows:

1. By Resolution of the Board of County Commissioners referring a proposed amendment to the Planning Commission for its consideration, report and recommendation.
2. By proposal of the Commission;
3. By petition filed with the Planning Director upon forms prescribed by the Commission and bearing the signatures of at least 200 registered voters of the County; or
4. By proposal of the Planning Director or County Legal Counsel.

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5. The Planning Director or his assistants shall continue to offer to meet with the property owner to discuss any alleged violations and to secure possible solutions other than court proceedings. Formal correspondence shall include a copy of the applicable sections of the County ordinance and copies of all previous correspondence and agreements related to the matter.

Section 52.022 Legal Action.

Upon determination that voluntary compliance cannot be obtained, the Planning Director shall submit all evidence and documentation of the alleged violation to the District Attorney's Office for prosecution or to the Board of County Commissioners for civil remedy.

Section 52.023 Other Remedies.

In addition to penalties provided by ORS 203.065, the Board of County Commissioners may utilize such remedies for violation of this Ordinance as are authorized by ORS 215.185.

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1. Cite the alleged violation, the section of the ordinance which may be violated, and the remedies which are available to correct the problem;
2. Be in written form and shall be composed in such a manner that no accusations are made;
3. Offer the assistance of the Planning Director or his assistants to work with the property owner to correct a problem. Such correspondence shall state all options available to the land owner and which options are most likely to meet with approval. Correspondence shall specify a period of time, either 15 or 30 days, to abate the potential violation. Any extension of time beyond this period shall be granted in writing by the Planning Director or his assistants, with the signature of the property owner.

### Section 52.021 Compliance.

1. An investigation, if necessary, shall be conducted on the property by the Planning Director or his assistants with the company of the property owner. If the property owner refuses access to the property, the Director shall document the refusal and shall use other legal means of determining the existence of a potential violation.
2. If an alleged violation is not abated within the period authorized by the original notification, the Planning Director or his assistants shall attempt to document the violation with photographs and appropriate field notations. Departmental files shall contain a recording of the time, date and location of any photographs pertaining to the alleged violation, together with the names of any witnesses who in addition to the enforcement officer viewed the alleged violation.
3. Prior to submission of the alleged violation for legal remedy, the Planning Director or his assistants shall attempt to re-contact the property owner, explain the standards of the ordinance, and seek to obtain voluntary compliance with the law. If an extension of time is necessary, such extension shall be agreed to in writing and shall be limited to no more than 30 days, or a compliance schedule with intermediate program check-ups.
4. If a property owner does not respond to notifications of violation, the Planning Director shall prepare documentation of the alleged violation for submission for appropriate legal remedy. Prior to submission of the violation the Director shall send a certified letter containing the following:
  - a. Citation of previous compliance requests, extensions of time, or commitments;
  - b. Description of alleged violations and necessary corrective actions; and
  - c. Indication of a time limit of 10 to 15 days to comply with the ordinance and a statement that if the alleged violation is not corrected within the time limit, formal legal action will begin without further notice.