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# ZONING ORDINANCE

## JOSEPHINE COUNTY



THE QUALITY OF TOMORROW  
BEGINS WITH WHAT WE DO TODAY

AMENDED  
AUG '83

TABLE OF CONTENTS

Chapter 14	General Provisions
Chapter 15	Aggregate Resource District
Chapter 16	Forest Conservation District
Chapter 17	Woodlot Residential District
Chapter 18	Serpentine District
Chapter 19	Exclusive Farm District
Chapter 20	Farm Residential District
Chapter 21	Reserved for Expansion
Chapter 22	Rural Residential
Chapter 23	Reserved for Expansion
Chapter 24	Rural Commercial District
Chapter 25	Reserved for Expansion
Chapter 26	Tourist Commercial District
Chapter 27	Rural Convenience Center Commercial District
Chapter 28	Reserved for Expansion
Chapter 29	Reserved for Expansion
Chapter 30	Rural Industrial District
Chapter 31	Industrial Park District
Chapter 32 through 48	Reserved for Expansion
Chapter 49	Special District
Chapter 50	Supplementary Provisions
Chapter 51	Reserved for Expansion
Chapter 52	Administration

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 81-13

AMENDED BY ORDINANCES 82-5, 82-35, 82-36,  
AMENDED BY ORDINANCES 83-7, 83-17-E, 38-17

AN ORDINANCE PROVIDING FOR THE ZONING AND CLASSIFICATION  
OF LAND IN JOSEPHINE COUNTY; PROVIDING PROCEDURES FOR ENFORCEMENT  
AND PENALTY THEREOF.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY,  
OREGON, 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  
the orderly implementation of the Comprehensive Plan for  
Josephine County, as authorized by ORS 197, 203 and 215.

Section 14.030 Interpretation.

The provisions of this Ordinance shall be liberally interpreted  
to accomplish the purposes set forth above. These provisions  
are declared to be the minimum requirements. Where conditions  
herein imposed by this Ordinance are less restrictive than  
comparative conditions imposed by any other local ordinance,  
resolution or regulations, or by the provision of State law  
of 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.

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 secondary to the main use of the property.
5. Administrative Permit. Permit issued by the Planning Office which does not generally require review at a public hearing.
6. 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 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 (1) 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 Ordinance, "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.

7. Aggregate Processing. The exploration, mining, screening and crushing of sands and gravels.
8. Airport Approach. That area of approach and transition surface areas around airports where special land use and height regulations are established.
9. Airport, Commercial. An airstrip used by the general public and commercial aviation operators, including associated maintenance and support facilities.
10. Airport Hazard. Any obstacle which unreasonably obstructs or interferes with the safe operation of an airport or landing field.
11. Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
12. Animal Husbandry. Management, breeding and raising of animals.
13. Apartment Building. A multi-family residential building containing three (3) or more dwelling units with two or more units occupied by rental tenants.
14. Armory. Facility for military training and national security.
15. Automobile Service Station. A building designed primarily for the purpose of supplying motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.
16. Automobile Wrecking Yard. Any property where (1) the business of wrecking of motor vehicles or trailers is conducted; (2) the storage, sale or disposal of dismantled, partially dismantled, or wrecked vehicles, or their parts, is conducted; or (3) the open storage of five or more unlicensed motor vehicles not in running condition from which parts have not been removed.

17. Boarding of Horses. The boarding of horses for profit shall include the following:
  - a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and
  - b. Related facilities, such as training arenas, corrals and exercise tracks.The boarding of horses for profit does not include the following:
  - a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
  - b. The incidental stabling of not more than four (4) horses;
  - c. The boarding of horses for friends or guests where no charge is made; and
  - d. Equestrian activities when the raising, feeding, training or grooming of horses is an agricultural use of the land by a property owner, qualifying for farm assessment under regulations of the State Department of Revenue.
18. Box Canyon. A narrow valley less than two miles long, bounded on three sides by steep topography that would make road construction from these sides impractical.
19. Building. A structure built for the support, shelter or enclosure of persons, animals, or property of any kind.
20. 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.
21. Campground, Dry. A camping facility that does not provide water or septic hookups to each space.
22. Church. A structure whose primary use is for worship by religious organizations.
23. Clinic, Medical, Dental or Optical. Facility for examining, consulting with and treating patients, including offices, laboratories and outpatient facilities, but not including hospital beds for overnight care or treatment except for emergency or temporary care.

24. Commercial Feedlot. A lot or portion of property where 10 or more livestock are penned and fed for the purpose of preparing them for resale or slaughter, and in which the land area is incapable of producing sufficient forage to support the number of animals confined. This definition is intended to apply only to activities carried on as commercial enterprises; and, therefore, does not apply to the feeding of animals accessory to a dairy use or other permitted use, or to the fattening of animals solely for the domestic use of the property owner, or to the penning and feeding of animals for display or show.
25. Commercial Power Generation Facility. An electrical power generating plant with a nominal electrical generating capacity of more than 25,000 kilowatts, including but not limited to a thermal power plant, hydro power plant, combustion turbine power plant, geo-thermal power plant, or a nuclear installation disposal facility, and any facility handling a quantity of fissionable materials sufficient to form a critical mass. A commercial power generation facility includes related or supporting facilities including any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, office or industrial structures built in conjunction with and used as part of the energy facility. A commercial power generation facility does not include a portable power plant, the principal use of which is to supply power in emergency or for individual domestic use.
26. 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.
27. Community Sewage System. A subsurface sewage disposal system or sewer system which will serve more than one (1) lot, parcel, or dwelling unit.
28. Community Water System. Domestic water supply source or distribution system which serves more than three (3) 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, as defined by State Law.
29. Comprehensive Plan. A generalized map and policy statement adopted by the Board of County Commissioners as defined in ORS 197.015(5).

30. Conditional Use. Uses which require a public hearing prior to issuance of a permit.
31. Conference Grounds. A retreat or meeting place used for organized discussion or consultation.
32. County. Josephine County, Oregon.
33. County Road. A public way which has been accepted by the Board of County Commissioners by dedication or deed.
34. County Road, Maintained. A road or street and appurtenances which have been accepted for county maintenance by order under the authority of ORS 368.551.
35. Caretakers Quarters. A dwelling unit for the housing of personnel required for maintenance or protection of the main use or structure on the property.
36. Day Care Center. A child-caring institution, licensed by the State, which cares for more than six (6) children, under sixteen (16) years of age, not related to the day care provider and subject to regulations of the Children's Services Division.
37. Detached. Not structurally attached to the main structure.
38. Duplex. A building containing two (2) dwelling units.
39. Dwelling, Multi-Family. A building containing three (3) or more dwelling units.
40. Dwelling, Single-Family. A building containing one (1) dwelling unit.
41. Dwelling, Two-Family. See Duplex.
42. Dwelling Unit. One or more rooms designed for occupancy by one (1) family and having not more than one cooking facility.
- \* 43. Easement. A right held by one (1) property owner to make use of the land of another.
44. Family. An individual or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit, and providing meals or lodging to not more than two (2) additional persons, excluding servants; or a group of unrelated persons, living together as one housekeeping unit.
45. Farming, Farm Use. See Agriculture.

46. Fence. A barrier consisting of wood, rock, cement, metals, or similar materials.
47. Fire Lane. A way cleared of obstacles and vegetation so as to allow ingress and egress for vehicles during a fire emergency.
48. Flag Lot. A parcel of land created by a subdivision or partition which includes a narrow projection or "flagpole", to the public right-of-way.
49. Flagpole. Shall mean a narrow extension of property on a lot or parcel from the buildable area of a lot to the public right-of-way, and which is not part of the lot area, but serves as access to the lot or parcel.
50. 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.
51. 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 (2) units 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.
52. Frontage. All of the property on one (1) side of a street between two (2) 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 (1) side between a street intersection and the dead end of the street.
53. Fuel Break. An area of non-combustible materials or slow burning plants.
54. General Store. A structure for the retail sales of a wide variety of goods, including, but not limited to food products, hardware and notions.
55. 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 (5) feet of a sidewalk, the ground level should be measured at the sidewalk.

56. Group Home. A licensed home, maintained and supervised by adults for the purpose of providing care, food and lodging, for children under the age of eighteen (18) years, and unattended by parent(s) or guardian(s).
57. Guest House. An accessory residence built with no kitchen facilities, or a travel trailer; used for temporary use, less than four (4) months, living accommodations; which is restricted to one such structure or trailer in addition to the main residence per legal lot.
58. 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.
59. Home Occupation. An activity engaged in for profit or a business carried on by a resident as a secondary use of the property in accordance with applicable requirements of this Ordinance.
60. Horticulture. The cultivation of vegetation.
61. Hospital. An establishment catering to persons receiving medical, obstetrical, or surgical care which provides both eating and sleeping facilities for patients and provides nursing services on a continual basis.
62. 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.
63. Interior Yards. The area within the designated setback.
64. Junk Yard. Any property where any person is engaged in the business of breaking up, dismantling, sorting, or distributing any scrap, waste, recycled, or discarded material.
65. Kennel. A lot or building in which four (4) or more dogs or cats at least 6 months of age are kept for the purpose of protecting the animals from injury, containing the animals, and restricting entrance of other animals.
66. Kitchen. Any room and/or portion of a dwelling designed to be used for the cooking and preparing of foods.
67. Landing Strip, Personal Use. An airstrip restricted except for aircraft emergencies, to use by the owner of the aircraft based at the landing strip and by his invited guest.
68. Lot. A tract of land created by a subdivision.

69. Lot Area. The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines.
70. Lot, Corner. A lot or parcel abutting on two (2) or more streets, at their intersection.
71. Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
72. Lot, Interior. A lot other than a corner lot.
73. Lot Line. The property line bounding a lot or parcel.
74. 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.
75. 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 ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.
76. Lot Line, Side. Any property line not a front or rear lot line.
77. Lot of Record. Repealed.
78. Lot Width. The horizontal distance between the side lot lines ordinarily measured parallel to the front lot lines.
79. Lot Width, Average. The result obtained by dividing the total of lot width measurements taken every 20 feet, beginning with the widest point, by the number of such measurements.
80. Marketing, Agriculture Products. The preparation of products for shipment of sale.
81. Mining. The act, process or business of extracting resources from the ground.
- \*82. Mobile Home. A structure designed for occupancy by one (1) family and bearing an insignia of compliance as required by ORS Chapter 446 and is transportable in one (1) or more sections, which is a minimum of eight (8) feet in body width and a minimum of thirty-two (32) feet in length, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required systems contained therein.

83. Mobile Home Park. A place where four (4) 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 excluding mobile homes in a platted subdivision.
84. Modular Unit. A prefabricated residence, office or structure, other than a mobile home, that meets the State Building Code standards for a given occupancy, and is transportable to a building site in district modules or units.
85. Motel. A building or group of buildings containing guest units, intended or used primarily for the accommodation of travelers.
86. Motor Home. A self-propelled vehicle providing residential accommodation.
87. Natural Areas. A naturally occurring physical or biological unit owned and reserved in an undisturbed condition by agencies of the federal or state governments or by private conservation organizations such as the Nature Conservancy.
88. Non-Conforming Lot, Structure or Use. A lawful lot, structure, or use, existing at the time this Ordinance takes effect, or any amendment thereto, which does not conform to the requirements of the district in which it is located.
89. Offense, Continuing. A violation which occurs over a continuous period of time and is not resolved.
90. Offense, Non-Continuing. A violation which occurs on an infrequent basis and which terminates.
91. Official Map. An ordinance adopted and amended from time to time after public hearing by the Board of County Commissioners, containing a map or maps that show the precise locations of future road right-of-ways of lands to be acquired by Josephine County, either through purchase or dedication. Copies of the Official Map will be maintained in the County Planning Department for public inspection, and will be used to facilitate the proper placement of buildings and structures in relation to future property lines.
92. Parcel. A tract of land created by a partition.
93. Parking Space. An area permanently reserved for the temporary storage of any motor vehicle and connected with a street by a driveway suitable for such vehicles.

94. Parking Area. An area containing parking spaces.
95. 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.
96. Planning Commission. The Planning Commission of Josephine County.
97. Planning Director. The Planning Director of Josephine County or his authorized representative.
98. Planned Unit Development. A group of residential buildings and appurtenant structures located and arranged in accordance with the requirements of the Planned Unit Development Regulations of the Josephine County Subdivision Ordinance which allows flexibility of design features while maintaining density.
99. Preserve, Hunting/Fishing. Land set aside for commercial or non-commercial hunting and/or fishing.
100. Processing of Extractive Resources. All operations involved in the removal and preparation of such resources for shipment, sale or personal use.
101. Professional Office. The place of business of a person engaged in a recognized profession.
102. Profession, Recognized. A vocation, calling, occupation, or employment involving labor skills, education, special knowledge and compensation for profit where the labor and skill involved is predominately mental or intellectual rather than physical or manual.
103. Recreational Vehicle Park. See "Travel Trailer Park".
104. Reclamation. Procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of the reclaimed lands.
105. Restaurant. Any establishment where food and drink is prepared for sale to the public.
106. Riparian Vegetation. Vegetation found on or near the banks of a river or other body of water.

107. Road, Public. The entire width between the boundary lines of every roadway 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 designations.
108. Road, Service. A road contained entirely within property boundaries and used for internal traffic flow.
109. Sanitary Land Fill. The disposal of solid waste by compaction in or upon land and the covering up of all waste deposited with earth or other approved cover material at least once each operating day as addressed in Oregon Administrative Rules, Chapter 34, Div. 61.
110. School, Public and Private. An educational institution, which may include curriculums in kindergarten, elementary, secondary, higher education, vocational education or special education.
111. Setback. The requirement of zoning and building regulations that a building be placed a certain distance from a street or lot line either on the street level or at a prescribed height.
112. Sign. Any device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, person, institution or business, and which is affixed to a building, structure or the land. Each display surface of a sign, other than two surfaces parallel and back to back on the same structure, shall be considered a separate sign. The cumulative area allowed shall be calculated as the area of one side of a back to back side.
113. Sign, Illuminated. A sign which is lighted by an internal or external artificial light source.
114. Silviculture. Systematic management for the production of trees.
115. Slow Burning Plants. Plants which are naturally resistant to combustion or which burn at a low intensity heat level, thereby limiting the transmission of fire. Flammability depends upon the age, vigor, moisture, content and chemical characteristics of the specific plant. Example of slow burning plants include irrigated lawns, iceplant, creeping sage, rock rose, salt bush.
116. Street, Public. See Road, Public.

117. 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.
118. 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.
119. Tavern. A place where the preparation, sale or consumption of alcoholic beverages is the principal activity.
120. Temporary Living Quarters. A dwelling unit which is utilized for a specified and limited time only.
121. 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.
122. 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 location while traveling, vacationing, or recreating.
123. Use. The purpose for which land or a structure is designed, arranged, or intended, or the purpose for which it is occupied or maintained.
124. Vision Clearance Area. An area adjacent to the right-of-way of a road or street which contains no sight obscuring planting, fence, wall, structure; or temporary or permanent obstruction exceeding two (2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Vision clearance restrictions do not include planted shade trees, provided all branches and foilage are removed to a height of eight feet above the grade, or natural vegetation, provided such vegetation is reduced or trimmed, whenever possible, to provide vision clearance. The clearance area at the intersection of two streets or roads or alleys is the triangular area between the property lines and a diagonal line joining the property lines at the distance specified in Section 50.082(5) of this Ordinance. The vision clearance area at all other points is the area between the front property line and parallel line located at a distance from the property line specified in Section 50.082(5) of this Ordinance.

125. Waste Disposal Site, Non-hazardous. Land used for the disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning by the public or by a solid waste collection service and composting plants. Non-hazardous sites do not include hazardous wastes as defined by State Administrative Rule.
126. Workyard, Public. An enclosed area for the storage of vehicles and supplies and the provision of maintenance services for public facilities.
127. Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this regulation.
128. 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.
129. 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.
130. 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.
131. Zoning Commission. The Zoning Commission of Josephine County, Oregon.
132. Contiguous Units of Land. Lots, parcels or lots and parcels as defined in this Ordinance that have a common boundary. Contiguous units of land include but are not limited to lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous units of land does not include lots, parcels or lots and parcels separated by a four (4) lane highway.
- \*133. Authorized Lot: An authorized lot shall be defined as a separate unit of land created by one of the following:
  - a. A lot in a recorded subdivision.
  - b. A lot in an unrecorded subdivision that was filed with the Department of Commerce in accordance with regulations in effect at the time of filing.
  - c. A parcel in a recorded major or minor land partition.
  - d. An area of land shown on the official records of the Josephine County Assessor as a separate tax lot or a separate deeded parcel recorded in the office of the Josephine County Clerk, provided, however, that the tax lot or deeded parcel was created in

conformance with ordinances existing at the time of creation; and contiguous tax lots or deeded parcels under the same ownership that are not within an urban area or area excepted from State Goals for the preservation of farm and forest lands and not conforming to the minimum lot size of the zoning district shall be considered one authorized lot.

134. Relative. A parent, child, brother or sister.
- \*135. Recreational Vehicle. Recreational vehicle is a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.

**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>
Aggregate Resource	AR
Forest Conservation	FC
Woodlot Residential	WR
Serpentine	S
Exclusive Farm	EF
Farm Residential	FR
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 Convenience Center Commercial	RCC
Rural Industrial	RI
Industrial Park	IP

## AGGREGATE RESOURCE DISTRICT

### Section 15.010 Purposes of Aggregate 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 15.011 Applicability of the District.

The Aggregate Resource District shall apply to flood hazard lands, zoned on the official Zoning Map for Josephine County under an Aggregate 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 and which lawfully existed at the time of adoption of this Ordinance, pursuant to the standards of 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this district shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 15.020 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 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. Exploration for mineral resources, including geothermal 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, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.

- 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.
  - c. Safe parking shall be available on the site for employees, customers and visitors to the mining site.
  - d. A safety fence to control access to the pit may be required 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.
  - e. Erosion control and reclamation of the site shall be accomplished in accordance with any applicable permit from the Oregon State Department of Geology and Mineral Industries.
3. Cement and asphalt batching, rock processing and crushing subject to the following standards:
- a. No cement or asphalt batching plant shall operate for a period greater than 180 days at a single site.
  - b. Screening of the processing site may be required to obscure the view of minimize dust or other annoyance from adjoining occupied property and adjacent public streets.
  - c. No plant shall operate without an approved Air Contamination Discharge Permit, issued by the State Department of Environmental Quality.
  - d. If a malfunction of the air pollution control equipment occurs, the plant shall be shut down within one (1) hour of the malfunction, and shall not resume operation until the problem has been resolved.
  - e. Dust from other 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 that period between 6:00 a.m. and 10:00 p.m.
4. Personal Use, Landing Strips. With the restriction that, due to the proximity of streams, the loading or unloading of toxic chemicals into aircraft is prohibited.

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 flood proofed and stabilized from flotation.
8. Temporary or portable residence for caretaker or night-watchman.
9. Similar uses, subject to Section 50.088.

Section 15.040 Dimensional Standards.

1. Area. No minimum lot area or width.
2. Setbacks. No structure, whether permanent or temporary, other than pipelines, landings, docks, bridges, pumping or treatment facilities, shall be located closer than 30 feet to any property line.
3. Additional regulations regarding yard standards and exceptions are addressed in provisions in Section 50.082 and 50.083.
4. Stream Setbacks. No structure, other than pipelines, landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## FOREST CONSERVATION DISTRICT (120)

### Section 16.010 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 16.011 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 existed at the time of adoption of this Ordinance, pursuant to the standards of Chapter 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 16.020 Uses Permitted Outright.

#### 1. Resource uses.

- a. The management, production and harvesting of timber resource, in accordance with the Oregon Forest Practices Rules, including, but not limited, to 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;

5. harvesting of fern, huckleberry, salal, or other minor forest products; and
  6. the incidental sale of forest products that are grown on the property.
- b. Farm use, including, but not limited to, the following:
1. raising, harvesting and selling of crops;
  2. feeding, breeding, management and sale of livestock;
  3. production of poultry, fur-bearing animals or honeybees;
  4. dairying and the sale of dairy products;
  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. Deleted
- d. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilizes.
- e. Watershed management.
- f. Conservation and management of wildlife resources.
2. Development uses.
- a. Interpretive areas, and forest education or conservation camps or facilities.
  - b. Utility or communication facilities necessary for public services, including broadcasting and receiving towers, but excluding commercial power generating facilities.
  - c. Emergency protection facilities, fire towers, public workyards, temporary logging labor camps, fire suppression crew quarters, and custodial or guard quarters.

- d. Park and recreation areas owned and operated, or administered by a public agency, including overnight camping facilities.
- e. Nurseries for the propagation of forest products, including genetic research and seed processing facilities.
- f. Single-family dwelling, mobile home or travel trailer home for owners, operators or help required to carry out agricultural uses or forest uses relating to active production or protection of the forest resource, specified in subsection (1)(a) of this Section, and single-family dwelling, mobile home or travel trailer home required for the operation of a mining claim or a use specified in subsection (1)(c) of this Section.
- g. Deleted.
- h. Boat landings and docks.
- i. Deleted.
- \* j. Accessory buildings, including private garage, carport, temporary living quarters while the residence is under construction, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings, subject to the provisions of Section 50.080.
- k. Signs, as follows:
  - 1. Signs identifying the property or advertising agricultural products. The total cumulative sign area shall not exceed 32 square feet.
  - 2. One sign for temporary advertising of a farm product not to exceed 32 square feet and to be removed when the product is no longer provided.
  - 3. Signs advertising the use of the property as a home occupation. The total cumulative area shall not exceed three square feet.
  - 4. Signs advertising the sale of the property. Total cumulative area shall not exceed eight square feet for each street frontage.
- l. Log scaling and log storage.
- m. Stands for the display and sale of farm and forest products produced on the land.
- n. Temporary facilities for the primary processing of forest products, including portable mills, portable chippers and portable processors.

- o. Landing strips, fire attack strips and helicopter pads and associated maintenance and service facilities.
3. Similar uses, subject to Section 50.088.

Section 16.025 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. Additional criteria for review of every use permitted conditionally are addressed in Section 52.015 to 52.019.

1. Commercial power generation facility.
2. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants.
3. Sanitary landfills and non-hazardous waste disposal sites.
4. Cement and asphalt batching, rock processing and crushing, subject to the following standards:
  - a. Demonstration that no cement or asphalt batching plant shall operate for a period greater than 180 days at a single site.
  - b. If screening of the processing site is necessary to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public street, demonstration that such screening can be provided.
  - c. Demonstration that no plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  - d. If a malfunction of the air pollution control equipment occurs, the plant shall be shut down within one hour of the malfunction and shall not resume operation until the problem has been resolved.
  - e. Demonstration that dust from other sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
5. 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. Submission of a conceptual plan for park development which shall contain, as appropriate, the following:

1. boundaries and dimensions of the park;
  2. location of width of proposed park streets and walkways;
  3. location of lighting fixtures and plans for electrical service;
  4. location of recreational areas and buildings;
  5. location and type of landscaping;
  6. location of available fire and irrigation hydrants or standpipes;
  7. location and design of public water systems;
  8. methods of sewage and garbage disposal;
  9. methods of fire protection and access.
6. Lodges and resort hotels in conjunction with State or Federal recreation sites and religious conference grounds and related service facilities, when part of the overall project, conditioned upon, but not limited to the following criteria;
- a. 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.
  - b. Demonstration that the proposed project meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan.
  - c. Submission of a conceptual plan which shall contain, at a minimum:
    1. boundaries of the site;
    2. location and type of landscaping and signing;
    3. width and location of streets and off-street parking and methods of access;
    4. location of lighting fixtures and electrical services;
    5. methods of sewage disposal and garbage disposal;
    6. location and design of water supply systems and methods of fire protection;
    7. methods of protection of adjoining property owners as required by the Commission.

7. Churches.
8. Single-family dwellings, mobile homes and seasonal vacation cabins, other than dwellings authorized in Section 16.020(2)(f), conditioned upon but not limited to the following criteria:
  - a. Demonstration that the residence is consistent with the intent and purposes of the Forest Conservation District as set forth in Section 16.010 of this Ordinance.
  - 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.
9. Exploration, mining and rock extraction, including exploration and 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, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.
  - b. Screening of the mining site or construction of berms 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 shall be provided, if needed.
  - c. Safe parking shall be available on the site for employees, customers and visitors to the mining site.
  - d. A safety fence to control access to the pit may be required 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.
  - 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.

- f. 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 pursuant to Section 16.075, the standards of this Regulation for the depth of final excavation.
- 10. Home occupations pursuant to criteria in Section 50.050.
- 11. Offices and administrative compounds associated with forest management activities as permitted within this District.

\* Section 16.030 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 and Section 50.035.

- 1. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood, or other natural catastrophe, or by public health.
- 2. An additional housing unit for dependents of the property resident's immediate family.

Section 16.040 Dimensional Standards.

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

- 1. Area.
  - a. In a Forest Conservation District, the minimum lot area for forestry or agriculture shall be 120 acres.
  - b. The minimum lot size for all other uses permitted outright in Section 16.020 shall be one (1) acre.
  - c. The minimum lot area for uses authorized by Section 16.025 shall be established by the Zoning Commission 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 use.

2. Buffer adjoining forest uses from residential encroachment.
  3. Utilize natural features and topography which would otherwise hinder normal forest activities.
  4. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area.
  5. Additional regulations regarding lot size are provided in Section 50.080.
2. 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 vacant 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.

Lot of record is defined in Section 14.050 (77).

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 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.
  - c. 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.
  - d. Additional regulations regarding yard requirements are provided in Sections 50.082 and 50.083
  - e. Stream setbacks. No structure, other than boat landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line,

whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.

Section 16.075 Erosion and Sediment Control.

1. Any grading or filling which exceeds the following standards, except when authorized or regulated by the State Forest Practices Rules, shall be subject to an operational plan which shall be incorporated as part of the permit for the proposed land use:
  - a. Excavation which exceeds four feet in vertical depth at its deepest point measured from the original surface; and exceeds 3000 square feet of disturbed surface area; and where the natural ground surface exceeds 7 percent grade.
  - b. A fill which exceeds three feet in vertical depth at its deepest point measured from the natural ground surface and where the finished fill material surface exceeds 12 percent grade and the fill material covers an area of more than 1500 square feet.
2. When such conditions exist, an operational plan shall be submitted prior to issuance of a development permit. 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, 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, 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.
  - c. A list 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. Plans of final ground cover, landscaping, and erosion and drainage 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 shall be used.

Section 16.085 Wildfire Protection

1. All structures shall be placed or constructed in such a way as to reduce the risk of fire spreading from one structure to another.
2. Thirty-five (35) foot 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 brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps.
3. Bridge construction must be adequate to support the gross vehicle weight of fire apparatus serving that locale or an alternative practical means of access must be available.
4. Subdivisions shall not be permitted in box canyons using one-way access roads.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## WOODLOT RESIDENTIAL (10)

### Section 17.010 Purpose of Woodlot Residential 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 of the County 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 allows residential development which encourages the landowner to contribute to the stabilization of the Josephine County timber and agricultural base.

### Section 17.011 Applicability of the District.

The Woodlot Residential 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, pursuant to the standards of Chapter 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in the District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 17.012 Management Practices.

The Woodlot Residential classification is intended to encourage the development and conservation of natural resources. Normal forest management, mining, or agricultural practices shall not be considered a nuisance condition in a Woodlot Residential 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. 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 17.020 Uses Permitted Outright.

1. Resource uses.

a. Forest Management.

1. The management, production and harvesting of timber resources, including but not limited to 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 and commercial thinning, tree-planting, and cone-picking;
- d. culture, harvest, and sale of Christmas Trees;
- e. harvesting of fern, huckleberry, salal, or other minor forest products; and
- f. incidental sale of forest products that are grown on the property.

2. All activities shall be conducted in compliance with the Oregon Forest Practices Rules, and further provided that:

- a. If the volume of wood exceeds eight commercial truck loads per day, any access road, service road, or unpaved public road, while used for log-hauling, shall receive daily dust abatement or shall be treated with an oil surfacing by the operator, for a distance of 200 feet from a surfaced road or highway or residence located on adjoining property. If more than one commercial log-hauling operation uses the road for log hauling purposes, all operators shall be jointly responsible for dust abatement as previously described.

b. Farm use, including, but not limited to, the following:

- 1. raising, harvesting, and selling of crops;
- 2. feeding, breeding, management, and sale of livestock;

3. production of 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. Deleted.
2. Development uses.
- a. Deleted.
  - b. Deleted.
  - 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 dwelling or mobile home, subject to compliance with any one of the following:
    1. The single-family dwelling or mobile home is to be located on a parcel 10 acres or less 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 no forest productivity based on the Josephine Agricultural and Forest Capability Rating System
    3. The single-family dwelling or mobile home is to be sited on a location which is generally less productive than other portions of the property, taking into consideration availability of access, septic suitability, domestic water, terrain and other factors, and, where the balance of the property is subject to a forest management plan.

The forest management plan shall be incorporated as part of the development permit and shall serve as a guideline for enhancement of the resource; and, shall be prepared by a person who is qualified to prepare a management plan. Management plans prepared or approved by the Oregon State Department of Forestry, the Soil Conservation Service or the OSU Extension Service shall be accepted. Forest management plans shall include at least the following:

- a. A map, drawn to scale, of the property.
  - b. A statement of the landowner's management objectives.
  - c. A statement of the existing condition of timber stands and proposed methods of treatment and access.
  - d. A statement of effects of management activities on wildlife habitat, soil conservation, and streambank protection.
  - e. A statement of proposed methods of fire prevention and suppression.
  - f. A time schedule of planned management operations.
4. In addition to the above requirements that a disclosure statement is signed and recorded with the County that the landowner recognizes the statement on management practices contained in Section 17.012. Alterations to the forest management plan shall be attached to the development permit.
- f. Park and recreation areas open to public use, excluding overnight camping facilities, and interpretive areas.
  - g. Hunting and fishing preserves.
  - h. Public facilities such as water storage towers, pumping or treatment facilities.
  - i. Personal use landing strips, fire attack landing strips for airplanes, and helicopter pads, including associated hangar and maintenance and service facilities.
  - j. Forest nurseries, including genetic research and seed processing facilities.

- k. Deleted.
  - l. Boat landings and docks.
  - \* m. Accessory buildings, including private garage, carport, temporary living quarters while the residence is under construction, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar building, subject to the provisions of Section 50.080.
  - n. Signs, subject to Section 50.089 and 50.082(5), as follows:
    - 1. Signs identifying the property or advertising agricultural products. The total cumulative sign area shall not exceed 32 square feet.
    - 2. Signs advertising the use of the property as a home occupation; the total cumulative area shall not exceed three square feet.
    - 3. Signs advertising the sale of the property. The total cumulative area shall not exceed eight square feet for each street frontage.
  - o. Log scaling and log storage.
  - p. Stands for the display and sale of forest and farm products produced on the land.
  - q. Facilities for the primary processing of forest products, including portable mills, portable chippers, and portable processors.
  - r. Log reload facilities, and logging equipment maintenance shops and servicing facilities, providing that said facilities shall not be located closer than 500 feet to a residence existing on the adjoining property at the time of commencement of the use.
3. Similar uses, subject to Section 50.088.

Section 17.025 Uses Permitted Conditionally.

In Woodlot 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. Additional criteria for review of every use permitted conditionally are addressed in Section 52.015 to 52.019.

- 1. 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. Submission of a conceptual plan for park development which shall contain, as appropriate, the following:
    1. boundaries and dimensions of the park;
    2. location and width of proposed park streets and walkways;
    3. location of lighting fixtures and plan for electrical service;
    4. location of recreational areas and buildings;
    5. location and type of landscaping;
    6. location of available fire and irrigation hydrants or standpipes and location and design of public water systems;
    7. methods of sewage and garbage disposal;
    8. methods of fire protection and access.
2. Lodges and resort hotels in conjunction with State or Federal recreation sites and religious conference grounds and related service facilities, when part of the overall project, conditioned upon, but not limited to the following criteria;
- a. 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.
  - b. Demonstration that the proposed project meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan.
  - c. Submission of a conceptual plan which shall contain, at a minimum:
    1. boundaries of the site;
    2. location and type of landscaping and signing;
    3. width and location of streets and off-street parking and methods of access;

4. location of lighting fixtures and electrical services;
  5. methods of sewage disposal and garbage disposal;
  6. location and design of water supply systems and methods of fire protection;
  7. methods of protection of adjoining property owners as required by the Commission.
3. Cement and asphalt batching, rock processing and crushing, subject to the following standards:
- a. Demonstration that no cement or asphalt batching plant shall operate for a period greater than 160 days at a single site.
  - b. If screening of the processing site is necessary to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public street, demonstration that such screening can be provided.
  - c. Demonstration that no plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  - d. If a malfunction of the air pollution control equipment occurs, the plant shall be shut down within one (1) hour of the malfunction, and shall not resume operation until the problem has been resolved.
  - e. Demonstration that dust from other sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
4. Offices and administrative compounds associated with forest management activities as permitted within this District.
5. Public or private schools.
6. Archery, pistol, and rifle target ranges conditioned upon, but not limited to, demonstration that the range will not create excessive off site noise or hazards to adjoining properties.
7. Mining and rock 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, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.

- b. Screening of the mining site or construction of berms may be required 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.
- c. Safe parking shall be available on the site for employees, customers and visitors to the mining site.
- d. A safety fence to control access to the pit may be required 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.
- 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.
- f. 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 pursuant to Section 97.075, pursuant to the standards of this Regulation for the depth of final excavation.

8. Churches

9. Cemeteries

10. Home Occupations, pursuant to Section 50.050.

\* Section 17.030 Uses Permitted by Administrative Permit.

In Woodlot Residential District, the following uses are permitted when authorized by administrative permit, issued pursuant to rules adopted by the Planning Commission and Section 50.035.

1. Temporary storage of an unoccupied mobile home.
2. Open, temporary, non-commercial storage of five (5) or more motor vehicles, when such vehicles are currently unlicensed or when such stored vehicles are owned by an individual other than the resident or owner of the property.

3. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood, or other natural catastrophe, or by public health.
4. An additional housing unit for dependents of the property resident's immediate family.
5. One temporary sign for a subdivision not exceeding 32 square feet.

Section 17.050 Dimensional Standards.

In a Woodlot Residential 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. Exceptions to building height requirements are addressed in Section 50.081.
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 ten (10) acres. A lot or land parcel having a width of less than 300 feet or an area of less than ten (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. Lot of record is defined in Section 14.050(77). Additional regulations regarding lot size are provided in Section 50.080.
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 55 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.
  - c. 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.
  - d. Additional standards and exceptions regarding yard requirements are provided in Sections 50.082 and 50.083.

- e. Stream setbacks. No structure, other than boat landings, docks, bridges, pumping, or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.

Section 17.075 Erosion and Sediment Control.

1. Any grading or filling which exceeds the following standards, except when authorized or regulated by the State Forest Practices Rules, shall be subject to an operational plan which shall be incorporated as part of the permit for the proposed land use:
  - a. Excavation which exceeds four feet in vertical depth at its deepest point measured from the original surface; and exceeds 3000 square feet of disturbed surface area; and where the natural ground surface exceeds 7 percent grade.
  - b. A fill which exceeds three feet in vertical depth at its deepest point measured from the natural ground surface where the finished fill material surface exceeds 12 percent grade and the fill material covers an area of more than 1500 square feet.
2. When such conditions exist, an operational plan shall be submitted prior to issuance of a development permit. 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, 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, 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.
  - c. A list 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. Plans of final ground cover, landscaping, and erosion and drainage 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 shall be used.

Section 17.085 Wildfire Protection.

1. All structures shall be placed or constructed in such a way as to reduce the risk of fire spreading from one structure to another.
2. Thirty-five (35) foot 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 brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps.
3. Bridge construction must be adequate to support the gross vehicle weight of fire apparatus serving that locale or an alternative practical means of access must be available.
4. Subdivisions shall not be permitted in box canyons using one-way access roads.

ADDITIONAL REQUIREMENT MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## SERPENTINE DISTRICT (20)

### Section 18.010 Purposes of Serpentine District.

The purpose of designating lands underlain by serpentinite or periodotite 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 18.011 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, pursuant to the standards of 50.010 through 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this district shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 18.020 Uses Permitted.

#### 1. Forest Management.

- a. The management, production and harvesting of timber resources, in accordance with the Oregon Forest Practices Rules, including but not limited to, 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 and commercial thinning, tree-planting and cone-picking;

4. culture, harvest and sale of Christmas trees;
  5. harvesting of fern, huckleberry, salal, or other minor forest products; and
  6. the incidental sale of forest products that are grown on the property.
- b. When harvesting is initiated, subject to the Oregon Forest Practices Rules, adjacent to areas identified in the data base of the Comprehensive Plan for Josephine County as natural areas or potential research natural areas, such harvesting shall not 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.
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 rock 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, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.

- b. Screening of the mining site or construction of berms may be required 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.
  - c. Safe parking shall be available on the site for employees, customers, and visitors to the mining site.
  - d. A safety fence to control access to the pit may be required 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.
  - e. Erosion control and reclamation of the site shall be accomplished in accordance with standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries.
  - f. 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.
4. Cement and asphalt batching, rock processing and crushing, subject to the following standards:
- a. No cement or asphalt batching plant shall operate for a period greater than 120 days at a single site.
  - b. 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.
  - c. No plant shall operate without an approved Air Containment Discharge Permit, issued by the State Department of Environmental Quality.
  - d. If a malfunction of the air pollution control equipment occurs, the plant shall be shut down within one (1) hour of the malfunction, and shall not resume operation until the problem has been resolved.

- e. Dust from other sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
  - f. If processing equipment is located within 2,000 feet of residences located on adjoining property, equipment shall be operated only during daylight hours, not to exceed the period between 6:00 a.m. and 10:00 p.m.
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. Utility or communication facilities necessary for public services, including transmission and receiving towers.

10. Single-family dwelling or mobile home.
11. Home occupations, subject to provisions in Section 50.050.
- \*12. Accessory buildings, including private garage, carport temporary living quarters while the residence is under construction, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar building, subject to the provisions of Section 50.080.
13. Log scaling and log storage.
14. Temporary facilities for the primary processing of forest products including portable mills, portable chippers and portable processors.
15. Signs, subject to Section 50.089 and 50.082(5).
  - a. Signs identifying the property or advertising agricultural products; the total cumulative sign area shall not exceed 32 square feet.
  - b. One sign for temporary advertising of a farm product not to exceed 32 square feet and to be removed when the product is no longer provided.
  - c. Signs advertising the use of the property as a home occupation. The cumulative area shall not exceed three square feet.
  - d. Signs advertising the sale of the property. Total cumulative area shall not exceed eight square feet for each street frontage.

\* Section 18.030 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 and Section 52.035.

1. Temporary storage of an unoccupied mobile home.
2. Open, temporary, non-commercial storage of five (5) or more motor vehicles, when such vehicles are currently unlicensed or when such stored vehicles are owned by an individual other than the resident or owner of the property.
3. An additional housing unit for dependents of the property resident's immediate family.
4. One temporary sign for a subdivision not exceeding 32 square feet.

Section 18.040 Dimensional Standards.

1. Area and Width.

Parcel size and associated minimum average width shall be determined as follows:

- a. Every lot or land parcel shall have an area of no less than twenty (20) acres and an average lot width of no less than 500 feet, except that the Planning or Zoning Commission shall approve a reduction in the minimum parcel size, provided no lot or parcel is created less than five (5) acres, where it is demonstrated to the Commission that:
  1. A site approval has been granted for each lot or parcel for subsurface sewage disposal or an alternative sewage disposal system.
  2. The lot size reduction shall not interfere with the rights of adjoining property owners to fully develop the resources of the Serpentine zone.
- b. Additional regulations regarding lot size requirements are provided in Section 50.080. Lot of record is defined in Section 14.050(77).

2. 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 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.
- c. Detached accessory buildings shall be located not less than 15 feet from the side and rear lot lines.
- d. Additional standards and exceptions regarding yard requirements are provided in Sections 50.082 and 50.083.

- e. Stream setback. No structure, other than boat landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 and 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.

Section 18.085 Wildfire Protection.

1. All structures shall be placed or constructed in such a way as to reduce the risk of fire spreading from one structure to another.
2. Thirty-five (35) foot 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 brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps.
3. Bridge construction must be adequate to support the gross vehicle weight of fire apparatus serving that locale or an alternative practical means of access must be available.
4. Subdivisions shall not be permitted in box canyons using one-way access roads.

Section 18.090 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 of potable water for a period of one (1) 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 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.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

EXCLUSIVE FARM (120)

Section 19.010 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 for lands which are potentially productive for farm use.

Section 19.011 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, pursuant to the standards of Chapter 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

Section 19.020 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. Forest Management:
  - a. The propagation and harvesting of forest products.

- b. All activities shall be conducted in compliance with the Oregon Forest Practices Rules.
3. Utility facilities necessary for public service, except 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.
6. Signs, subject to Section 50.082(5) and 50.089, as follows:
  - a. Signs identifying the property or advertising agricultural products or advertising commercial activities in conjunction with farm use. The total cumulative sign area shall not exceed 32 square feet.
  - b. One sign for temporary advertising of a farm product not to exceed 32 square feet and to be removed when the product is no longer provided.
  - c. Signs advertising the use of the property as a home occupation. The total cumulative area shall not exceed three square feet.
  - d. Signs advertising the sale of the property. Total cumulative area shall not exceed eight square feet for each street frontage.
7. Similar uses, subject to Section 50.088.

Section 19.025 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. Additional criteria for review of every use permitted conditionally are addressed in Section 19.026 and 52.015 to 52.019.

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. Demonstration that an access or service road, while used for the mining, shall be maintained in a dust-free condition, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.
  - b. If screening of the mining site or construction of berms may be necessary 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, demonstration that such screening will be provided.
  - c. If the safety of the public requires a fence to control access to the pit, demonstration that a fence will be provided.
  - d. Demonstration that the operation shall be conducted in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries or the Department of Environmental Quality.
  - e. Demonstration that 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, pursuant to the standards of this Regulation for the depth of final excavation.
3. Parks, playgrounds, hunting and fishing preserves, community centers, and campgrounds conditioned upon, but not limited to, submission of a conceptual plan for site development. This plan shall contain, as appropriate:
    - a. boundaries and dimensions of the park;
    - b. location and width of proposed park streets and walkways;
    - c. location of lighting fixtures and plans for electrical service;
    - d. location of recreational areas and buildings;

- e. location and type of landscaping;
  - f. location of available fire and irrigation hydrants or standpipes;
  - g. location and design of public water systems;
  - h. methods of sewage and garbage disposal;
  - i. methods of fire protection and access.
- 4. Public or private schools.
  - 5. Churches.
  - 6. Golf courses.
  - 7. Commercial utility facilities for the purpose of generating power for public use by sale.
  - 8. Personal use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the FAA. No aircraft may be based at a personal-use landing strip other than those owned or controlled by the owner of the landing strip.
  - 9. Home Occupation, subject to the provisions of Section 50.050.
  - 10. 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. ORS 215.203.

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.

11. The boarding of horses for profit.
12. 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 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 19.026 Standards Required of All Conditional Uses.

A conditional use may be approved only when findings can be made to satisfy all of the following:

1. That the use will not be injurious to property and improvement in the area of the request.
2. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the area where the proposed use would be located.
3. That the use is compatible with farm uses in the nearby area.
4. That the use does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.
5. That the use does not materially alter the stability of the overall land use pattern of the area.
6. That a disclosure statement is signed and recorded with the County which recognizes that agricultural and forest uses for land zoned Exclusive Farm have priority over all other land uses.

Section 19.040 Dimensional Standards.

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

1. Area:
  - a. The minimum lot size for agricultural uses shall be 120 acres, unless otherwise approved by the Zoning Commission.

- b. 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 (2) acres.
- c. The minimum lot size for all uses, other than agriculture, forestry or single-family residences not in conjunction with farm use shall be one (1) acre.
- d. The Zoning Commission shall establish the minimum parcel size of any division of agricultural or forest land less than 120 acres consistent with the following criteria established in ORS 215.243:
  - (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.

- e. Additional regulations regarding lot size requirements are provided in Section 50.080.
2. Lot Width:
- a. The minimum lot width for agricultural and forestry uses shall be 300 feet.
  - b. The minimum lot width for single-family residences not in conjunction with farm use shall be 200 feet.
  - c. The minimum lot width for all uses, other than agriculture, forestry and single-family residences, not in conjunction with farm use, shall be 150 feet.
  - d. A lot or parcel having a width of less than 300 feet at the time of passage of this Ordinance may be occupied by any use permitted in the Exclusive Farm District, provided all yard requirements are complied with. Lots of record are defined in Section 14.050(77).
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 less than 60 feet from any building to the centerline of any public road or street.
  - b. Side and rear yards:
    - (1) For parcels with agriculture and forestry uses, there shall be a side yard on each side of each building which 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 each building.
    - (2) For parcels two (2) acres and smaller in size, there shall be a side yard on each side of each building which shall have a width of not less than 10 feet and there shall be a rear yard of not less than 20 feet in depth from each building.
  - c. Detached accessory buildings shall be located not less than 10 feet from the main building.

- d. Stream setbacks. No structure, other than landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.
- e. Additional regulations regarding yard requirements are provided in Section 50.082 and 50.083.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## FARM RESIDENTIAL DISTRICT (10)

### Section 20.010 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 land ownerships 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 20.011 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 provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 20.012 Agricultural Practices.

The Farm Residential classification is intended to encourage farm activity in conjunction with rural residential living. Normal agricultural practices shall not be considered a nuisance condition in a Farm Residential District. Nothing in this regulation is intended to interfere with normal agricultural practices that might result in conditions such as noise, dust or odor for temporary periods of time. Residents of this District should recognize that the intent of the District is to protect agricultural activities and that in the event of a conflict between residential use and agricultural practices, this Regulation will be interpreted in favor of the agricultural practice.

Section 20.020 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. Single-family dwelling or mobile home.
- \* 3. Accessory buildings, including private garage, carport, temporary living quarters while the residence is under construction, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings normally required in connection with a use specified in Section 20.020(1) and (2) and subject to the provisions of Section 50.080.
4. The management, production and harvesting of timber resources, in accordance with the Oregon Forest Practices Rules, including, but not limited to, 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 and commercial thinning, tree-planting and cone-picking;
  - d. culture, harvest and sale of Christmas trees;
  - e. harvesting of fern, huckleberry, salal, or other minor forest products; and
  - f. the incidental sale of forest products that are grown on the property.
5. Utility and communication facilities necessary for public service, excluding commercial power generation facilities.

6. Stands for the display and sale of farm and forest products produced on the land.
7. Home Occupation; subject to the provisions of Section 50.050.
8. Boat landings and docks.
9. Signs, subject to the provisions of Section 50.089 and 50.082(5), as follows:
  - a. Signs identifying the property or advertising agricultural products. Total cumulative sign area shall not exceed 32 square feet.
  - b. One sign for temporary advertising of farm products not to exceed 32 square feet and to be removed when the product is no longer provided.
  - c. Signs advertising the use of the property as a home occupation. The total cumulative area shall not exceed three (3) square feet.
  - d. Signs advertising the sale of the property. Total cumulative area shall not exceed eight (8) square feet for each street frontage.
10. 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 should, whenever possible, be located on the least suitable agricultural land, taking into consideration soil types, availability or 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.
11. Similar uses, pursuant to Section 50.088.
- \* 12. Boarding of horses for profit.

Section 20.025 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. Additional criteria for review of every use permitted conditionally are addressed in Section 52.015 to 52.019.

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 agricultural properties.
  - b. Demonstration of compliance with applicable State Air Quality Discharge Permits.
2. Sanitary landfills and non-hazardous waste disposal sites.
3. 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. Demonstration that the proposed development will not adversely impact agricultural use on adjoining lands.
  - b. Demonstration that an access or service road, while used for the mining, shall be maintained in a dust-free condition, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, demonstration that all operators shall be jointly responsible for dust abatement as previously described.
  - c. If screening of the mining site or construction of berms may be necessary 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, demonstration that such screening can be provided.
  - d. Demonstration that safe parking shall be available on the site for employees, customers and visitors to the mining site.

- e. If the safety of the public requires a fence to control access to the pit, demonstration that such a fence will be provided.
  - f. Demonstration that the operation shall be conducted in accordance with the standards of this Regulation, and any applicable permits from the Oregon State Department of Geology and Mineral Industries or the Department of Environmental Quality.
4. 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 park development which shall contain, as appropriate, the following:
    - 1. boundaries and dimensions of the park;
    - 2. location and width of proposed park streets and walkways;
    - 3. location of lighting fixtures and plans for electrical service;
    - 4. location of recreational areas and buildings;
    - 5. location and type of landscaping;
    - 6. location of available fire and irrigation hydrants or standpipes and location and design of public water systems;
    - 7. methods of sewage and garbage disposal;
    - 8. methods of fire protection and access.
6. Churches.
7. Cemeteries.
8. Public or Private Schools.

9. Residential dormitories or housing in conjunction with public or private schools, conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that the housing is necessary to reduce energy and transportation costs due to the scattered location or distance to students' permanent residences, to provide a residential environment not otherwise available in the community, or to accomplish other purposes consistent with the intent of this Ordinance.
  - b. Demonstration that the proposed use satisfies all other requirements of law, including standards for domestic water supply and subsurface sewage disposal.
  - c. Submission of a conceptual plan for site development which shall contain, as appropriate, the following:
    1. boundaries and dimensions of the proposed site;
    2. location and width of proposed streets and walkways;
    3. location of lighting fixtures and plans for electrical service;
    4. location of recreational areas and buildings;
    5. location and type of landscaping;
    6. location of available fire and irrigation hydrants or standpipes and location and design of public water systems;
    7. methods of sewage and garbage disposal;
    8. methods of fire protection and access.
10. Single-family dwellings, mobile and trailer homes for operators, or help required to carry out a use specified in 20.020 (1).
11. Personal use landing strips.
12. Temporary facilities for the primary processing of forest products including portable mills, portable chippers, and portable processors, 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 not create a nuisance for adjoining rural residential uses.

\*Section 20.030 Uses Permitted by Administrative Permit.

In the Farm Residential District, the following uses are permitted when authorized by Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Section 52.035.

1. Temporary storage of an unoccupied mobile home.
2. Open, temporary, non-commercial storage of five (5) or more motor vehicles, when such vehicles are currently unlicensed or when such stored vehicles are owned by an individual other than the resident or owner of the property.
3. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood, or other natural catastrophe, or by public health.
4. An additional housing unit for dependents of the property resident's immediate family.
5. One temporary sign for a subdivision not exceeding 32 square feet.

Section 20.040 Dimensional Standards.

In a Farm Residential 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. Exceptions to building height requirements are addressed in Section 50.081.
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 ten (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. Lot of record is defined in Section 14.050(77). Additional regulations regarding lot size are provided in Section 50.080.
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 feet, 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 10 feet from the main building. Detached accessory buildings shall be located not less than 25 feet from the side and rear lot lines.
- d. Additional standards and exceptions regarding yard requirements are provided in Sections 50.082 and 50.083.
- e. Stream Setback: No structure, other than landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## RURAL RESIDENTIAL DISTRICT (1, 2.5, & 5)

### 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 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.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in the District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 22.020 Uses Permitted Outright.

1. Agriculture, farming, and farm use, excluding commercial feedlots, subject to the standards provided in Section 22.026.
2. Boarding of horses for profit.
3. Forest management, production and harvesting of timber resources.
4. Single-family residence or mobile home.
- \* 5. Accessory buildings, including private garage, carport, temporary living quarters while the residence is under construction, guest house, greenhouse, stable, barn, corral, pen, coop, kennel, or other similar buildings normally required in connection with a use specified in Section 20.020(1) and (2) and subject to the provisions of Section 50.080.

6. Stands for the display and sale of farm and forest products produced on the land.
7. Home Occupations, subject to Section 50.050.
8. Boat landings and docks.
9. Planned residential developments.
10. Signs, subject to Sections 50.089 and 50.082(5).
  - a. Signs identifying the property or advertising agricultural products or advertising commercial activities in conjunction with farm use. The total cumulative sign area shall not exceed 16 square feet.
  - b. One sign for temporary advertising of farm products not to exceed 16 square feet and to be removed when the product is no longer provided.
  - c. Signs advertising the use of the property as a home occupation. The total cumulative area shall not exceed three (3) square feet.
  - d. Signs advertising the sale of the property. Total cumulative area shall not exceed eight square feet for each street frontage.
11. Similar uses subject to Section 50.088.

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. Criteria for review of every use permitted conditionally are addressed in Section 52.015 to 52.019.

1. Utility and communication facilities including 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. Compliance with applicable State Air Contaminant Discharge Permits, if applicable.
2. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants and fire stations.

3. Sanitary landfills, and non-hazardous waste disposal site.
4. Exploration and mining of aggregate, shale and other mineral resources or other subsurface resources, including geothermal resources, conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that the proposed development will not adversely impact residential use on adjoining lands.
  - b. Demonstration that an access or service road, while used for the mining, shall be maintained in a dust-free condition, by the operator, 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 road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.
  - c. If screening of the mining site or construction of berms may be necessary 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, demonstration that such screening will be provided.
  - d. Off-street parking shall be available on the site for employees, customers and visitors to the mining site.
  - e. Demonstration that a fence to control access to the pit will be provided 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.
  - f. Demonstration that the operation shall be conducted in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries, or the Department of Environmental Quality.
  - g. Demonstration that 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.

5. Cement and asphalt batching, rock processing, crushing and storage, subject to the following standards:
  - a. If screening of the processing site may be necessary to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets, demonstration that such screening will be provided.
  - b. Demonstration that no plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
  - c. Commitment that if a malfunction of the air pollution control equipment occurs, the plant shall be shut down within one (1) hour of the malfunction, and shall not resume operation until the problem has been resolved.
  - d. Dust from other sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
  
6. Private and public parks, playgrounds, community centers, rodeo grounds, golf courses and campgrounds conditioned upon, but not limited to, the following criteria as appropriate:
  - 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:
    1. boundaries and dimensions of the site;
    2. location, width and proposed streets and walkways;
    3. location of lighting fixtures and plans for electrical service;
    4. location and type of landscaping;
    5. location of available fire and irrigation hydrants or standpipes and location and design of public water system.
    6. methods of sewage and garbage disposal;
    7. methods of fire protection and access.

7. 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.
8. Churches.
9. Cemeteries.
10. Public or private schools.
11. Residential dormitories or housing in conjunction with public or private schools, conditioned upon, but not limited to, the following criteria:
  - a. Demonstration that the housing is necessary to reduce energy and transportation costs due to the scattered location or distance to students' permanent residences, to provide a residential environment not otherwise available in the community, or to accomplish other purposes consistent with the intent of this Ordinance.
  - b. Submission of a conceptual plan for site development which shall contain, as appropriate:
    1. boundaries and dimensions of the site;
    2. location and width of proposed streets and walkways;
    3. location of lighting fixtures and plans for electrical service;
    4. location of recreational areas and buildings;
    5. location and type of landscaping;
    6. location of available fire and irrigation hydrants or standpipes, and location and design of water systems;
    7. methods of sewage and garbage disposal;
    8. methods of fire protection and access.

12. 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.
  - 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.
13. Personal use landing strip for airplanes and helicopter pads, including associated hangars, maintenance and service facilities.

Section 22.026 Criteria for Farm Use.

Farm uses in the Rural Residential District shall meet the following provisions:

1. Farm uses shall not interfere with the use of adjoining residential properties;
2. All farm animals shall be confined to the property;
3. Any stall, barn, pig pen, chicken coop, or similar structure in which animals are housed, excluding fenced pastures, shall be located no closer than 35 feet from any residence on adjoining property;
4. Farm uses shall not constitute a sanitation or health hazard.

\* Section 22.030 Uses Permitted by Administrative Permit.

In a Rural 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 an unoccupied mobile home.
2. Open temporary, non-commercial storage of five (5) or more motor vehicles, when such vehicles are currently unlicensed or when such stored vehicles are owned by an individual other than the resident or owner of the property.
3. Emergency housing units for limited periods of time necessitated by disaster due to fire, flood, or other natural catastrophe, or by public health.
4. An additional housing unit for dependents of the property resident's immediate family.

5. One temporary sign for a subdivision not exceeding 32 square feet.

Section 22.040 Dimensional Standards.

In a Rural Residential 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. Exceptions to building height requirements are addressed in Section 50.081.
2. Area and width. Every lot or land parcel shall have a minimum average width and a minimum area as required below:
  - 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.

Lot of record is defined in Section 14.050(77). Additional regulations regarding lot size are provided in Section 50.080.

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 Yard. 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 10 feet.
- c. Rear Yard. There shall be a rear yard of not less than 25 feet in depth from the main building.

- d. Detached accessory buildings shall be located not 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 10 feet from the side and 25 feet from the rear lot lines.
- e. Additional regulations regarding yard requirements are provided in Section 50.082 and 50.083.

Section 22.075 Erosion and Sediment Control.

- 1. Any grading or filling which exceeds the following standards, except when authorized or regulated by the State Forest Practices Rules, shall be subject to an operational plan which shall be incorporated as part of the permit for the proposed land use:
  - a. Excavation which exceeds four (4) feet in vertical depth at its deepest point measured from the original surface; and exceeds 3000 square feet of disturbed surface area; and where the natural ground surface exceeds 7 percent grade.
  - b. A fill which exceeds three (3) feet in vertical depth at its deepest point measured from the natural ground surface and where the finished fill material surface exceeds 12 percent grade and the fill material covers an area of more than 1500 square feet.
- 2. When such conditions exist, an operational plan shall be submitted prior to issuance of a development permit. That 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, 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, together with a map showing the drainage area and estimated run-off of the area served by any drains and the proposed method of run-off disposal.
  - c. A list 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. Plans of final ground cover, landscaping, and erosion and drainage 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 shall be used.

Section 22.085 Wildfire Protection.

1. All structures shall be placed or constructed in such a way as to reduce the risk of fire spreading from one structure to another.
2. Thirty-five (35) foot 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 brush. Brush fields requiring fuel break construction shall be denoted on the zoning maps.
3. Bridge construction must be adequate to support the gross vehicle weight of fire apparatus serving that locale, or an alternative practical means of access must be available.
4. Subdivisions shall not be permitted in box canyons using one-way access roads.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## RURAL COMMERCIAL DISTRICT

### Section 24.010. Purposes of Rural Commercial District.

This District is intended to provide for the establishment of a restricted commercial facility, to serve the conveniences and needs of the immediate neighborhood compatible with the rural character 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, pursuant to the standards of Chapter 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 24.020 Uses Permitted Outright.

1. Meat processing and packing, excluding slaughter houses.
2. Grocery and food store.
3. General store.
4. Service station and minor repair garage, and towing services.
5. Public facilities, including post offices, and fire and police substations, and libraries.
6. Bus stops.
7. Feed and fuel store.
8. Photo copying.
9. Appliance, small engine, pump, and electronics sales and repair.
10. Art studio, including printing, sculpting, ceramics, glasswork, photography, pottery, woodcarving, and similar crafts.
11. Bakery.

12. Barber and beauty shop.
13. Book or stationery store, including newstands.
14. Building materials store and hardware store.
15. Frozen food store and lockers.
16. Garden supply sales and service.
17. Greenhouses, including retail sales.
18. Restaurant.
19. Ambulance and emergency medical facilities.
20. Churches.
21. Pharmacy.
22. Off-street parking facilities when operated in conjunction with the permitted uses.
23. Single-family dwelling or mobile home.
24. Grazing and range management.
25. Accessory buildings to be used in conjunction with uses addressed in Section 24.020 (1) through (24) and Section 24.025 (1) through (7).
26. Signs, subject to Sections 50.082 (5) and 50.089 as follows:
  - a. On-premise identification signs indicating the name and nature of any occupancy and/or the name and address of the building, with a maximum total area of eighty (80) square feet per side.
  - b. On or off-premises directional signs not to exceed six (6) square feet in size.
  - c. Signs advertising the rental of a premise, not artificially illuminated, of a temporary nature, with a maximum area on one side of three (3) square feet.
  - d. Signs advertising the sale of the property not to exceed eight (8) square feet for each street frontage.
27. Similar uses pursuant to Section 50.088.

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. Criteria for review of every use permitted conditionally are addressed in Section 24.026 and Section 52.015 to 52.019.

1. Print shop, including off-set, blueprinting and bindery.
2. Coin laundry.
3. Veterinary Clinic.
4. Tavern.
5. Mini-warehouse.
6. Medical or dental clinic.
7. Professional office.

Section 24.026 Criteria.

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

1. The proposed use shall not create excessive noise, light, glare or smell, or interfere with the use of adjoining lands.
2. The proposed use shall not result in unreasonable traffic congestion resulting in traffic safety hazards on any public road or street.

Section 24.027 Solid Waste.

Any solid waste generated by any use permitted in this District shall be stored in a sanitary receptacle or shall be screened by a sight-obscuring fence.

Section 24.030 Dimensional Standards.

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

- a. Height: Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet. Exceptions to the height limitations are addressed under Section 50.081.

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.
- c. Additional regulations regarding lot size requirements are addressed in Section 50.080.

3. Setbacks.

- a. Front yard. There shall be a front setback of 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. There shall be a side yard setback of at least ten (10) feet from the side lot line.
- c. Rear yard. There shall be a rear setback of at least ten (10) feet from the rear lot line.
- d. Business signs and lighting standards may occupy a front or side yard.
- e. Additional regulations regarding yard standards and exceptions are provided in Sections 50.082 and 50.083.

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 consist of suitable ground cover or shall be fully landscaped with lawn, trees, or shrubs, and no portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan incorporated as part of the development permit. The design and materials proposed therein shall be reasonably appropriate for the use and appearance of the parking area and shall not obscure visibility of access drives onto public roadways. Such landscaped areas shall be maintained in a healthy condition and free of weeds and debris.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## TOURIST COMMERCIAL DISTRICT

### Section 26.010 Purpose 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 pursuant to the standards of Chapter 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.055.

### Section 26.020 Uses Permitted Outright.

1. Single-family dwelling or mobile home.
2. Travelers accomodation:
  - a. Motels.
  - b. Lodges.
  - c. Campgrounds and conference grounds.
  - d. Recreational vehicle parks.
3. Retail and service:
  - a. Antique shop.
  - b. Art/craft studio, including ceramics, glassware, wood-carving, hand weaving and similar crafts.
  - c. Art gallery and artists supply store.
  - d. Automobile service station and garage; including automobile wash rack.
  - e. Bakery.

- f. Barber and beauty shop.
  - g. Book store, news dealer, newstand.
  - h. Camera and photographic store and gallery.
  - i. Coin-operated laundry.
  - j. Confectionery.
  - k. Gift, novelty, curio and souvenir shop, including myrtlewood products manufacture, and boutiques.
  - l. Grocery and delicatessen.
  - m. Health spa.
  - n. Lapidary shop.
  - o. Pharmacy.
  - p. Physician or dentist office.
  - q. Real estate office.
  - r. Sporting goods store, including rental or recreational equipment.
  - s. Restaurant and lounge.
  - t. Veterinary clinic or hospital, enclosed within a building.
  - u. Church.
4. Amusement and recreation:
- a. Bowling Alley.
  - b. Carnival (transient in nature).
  - c. Circus.
  - d. Community center.
  - e. Motion Picture Theater.
  - f. Gymnasium.
  - g. Ice skating rink.
  - h. Indoor sports arena.

- i. Marina.
  - j. Miniature golf course.
  - k. Museums or libraries.
  - l. Music studio.
  - m. Penny arcade.
  - n. Rodeo grounds.
  - o. Roller skating rink.
  - p. Shooting gallery.
  - q. Stands for the sale of farm or forest products.
  - r. Swimming pool.
  - s. Taxidermy.
  - t. Theater.
5. Accessory buildings to be used in conjunction with uses listed in Section 26.020 (1) through (4) and in Section 26.025 (1) through (12).
6. Signs, subject to Sections 50.082 (5) and 50.089, as follows:
- a. Signs advertising the rental of a premise, not artificially illuminated, of a temporary nature, with a maximum area on one side of three square feet.
  - b. Signs advertising the sale of the property, not to exceed eight square feet for each street frontage.
  - c. On-premise identification sign identifying a business or a group of businesses located on the site which shall not exceed 40 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.
  - d. On-premise identification sign for each separate enterprise located on the site, which must be attached and shall not exceed 30 feet in height nor have an area of more than 40 square feet. Such sign may be illuminated, but shall have no flashing lights or animated parts.

7. Similar uses, subject to Section 50.088.

Section 26.025 Uses Permitted Conditionally.

In 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. Criteria for review of every use permitted conditionally are addressed in Section 26.026 and 52.015 through 52.019.

1. Athletic club, club house.
2. Attached two-family dwellings (duplex).
3. Automobile or motorcycle race track.
4. Dance Hall.
5. Day-care facilities and pre-schools.
6. Financial institutions, including banks and savings and loans.
7. Outdoor concert.
8. Public auctions.
9. Tavern.
10. Utility or communication facilities necessary for public services, including transmission and receiving towers.
11. Wildlife park.
12. Multi-family dwellings.

Section 26.026 Criteria

Approval of the preceding uses in Section 26.025 is conditioned upon, but not limited to, the following criteria and subject to the provisions of Section 52.015 through 52.019.

1. The proposed use shall not create an excessive nuisance, noise, light, glare, or smell, or interfere with the use of adjoining lands.
2. The proposed use shall not result in excessive or prolonged traffic congestion or result in traffic safety hazards on any public road or street.

Section 26.028 Solid Waste.

Solid waste generated by any use permitted in this District shall be stored in a sanitary receptacle or shall be screened by a sight-obscuring fence.

Section 26.040 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. Exceptions to building height requirements are addressed in Section 50.081.
2. Area.
  - a. The minimum lot size for a single-family residence or a mobile home shall be one (1) acre.
  - b. The minimum lot size for a multi-family dwelling shall be one acre, plus 3,000 square feet for each dwelling unit in excess of three.
  - c. 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.
  - d. Additional regulations regarding lot size requirements are provided in Section 50.080.
3. Setbacks.
  - a. Front yard. There shall be a front yard 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. There shall be a side yard setback of at least ten (10) feet from the side lot line.
  - c. Rear yard. There shall be a rear yard setback of at least ten (10) feet from the rear lot line.
  - d. Business signs and lighting standards may occupy a front or side yard.
  - e. Additional standards and exceptions regarding yard requirements are provided in Sections 50.082 and 50.083.

- f. Stream setbacks. No structure, other than boat landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Stream-side vegetation that provides shading of the surface waters shall be retained.

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 consist of suitable ground cover or shall be fully landscaped with lawn, trees, shrubs, and no portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan incorporated as part of the development permit. The design and materials proposed therein shall be reasonably appropriate for the use and appearance of the parking area and shall not obscure visibility of access drives onto public roadways. Such landscaped areas shall be maintained in a healthy condition and free of weeds and debris.

ADDITIONAL REQUIREMENT MAY INCLUDE:

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

### Section 27.010 Purpose of Rural Convenience Center Commercial District.

This District, wholly contained within the boundaries of a rural service center, is intended to provide for the commercial and residential needs of rural residents in 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 Convenience Center Commercial District shall apply to commercial lands included within the boundaries of a rural service center as zoned on the Official Zoning Map for Josephine County. 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, pursuant to the standards of Chapter 50.010 and 52.010 of this Ordinance

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 27.020 Uses Permitted Outright.

1. Public and institutional:
  - a. Ambulance and emergency medical facilities.
  - b. Churches.
  - c. Museums.
  - d. Police and fire stations, post offices.
  - e. Public and private schools, including day care facilities.
  - f. Public parks and recreation sites.
  - g. Utility facilities.
  - h. Libraries.
  - i. Road maintenance shops.
  - j. Historical preservation projects.

2. Amusement and recreation:
  - a. Bowling alleys.
  - b. Golf courses.
  - c. Miniature golf courses.
  - d. Motion picture theaters.
  - e. Clubs and courts, including tennis and racquetball.
3. Printing and publishing:
  - a. Bindery.
  - b. Photo copying.
  - c. Print shop, including off-set, blueprinting.
  - d. Newspaper publishing plant.
4. Transportation:
  - a. Bus terminal, railroad depot.
  - b. Towing services.
5. Retail and service:
  - a. Appliance, radio, television and electronics sales and repair.
  - b. Art studio, including printing, sculpting, ceramics, glasswork, photography, pottery, woodcarving, and similar crafts.
  - c. Bank.
  - d. Barber and beauty shop.
  - e. Bicycle shop.
  - f. Book or stationery store, including newsstands.
  - g. Building materials store.
  - h. Business and office machines and supplies, sales and repair.
  - i. Cabinet shop.
  - j. Camera and photographic store.

- gg. Rental service stores and yards.
- hh. Retail sale of food products including groceries and bakeries.
- ii. Roofing establishment.
- jj. Saw shops, including sales and service.
- kk. Septic tank installers.
- ll. Service station and automobile or truck repair garage.
- mm. Sign painting shop.
- nn. Special trade contractor establishment such as cleaning and janitorial service, furnace and chimney cleaning, masonry, and stove, ornamental iron work, plastering and similar contracting services.
- oo. Sporting goods store.
- pp. Tack and saddlery shop.
- qq. Tailor and dressmaker.
- rr. Tractor dealers, repairing and service.
- ss. Variety store.
- tt. Veterinary hospital or clinic.
- uu. Welding and blacksmith shop.
- vv. Tavern.
- ww. Accessory buildings to be used in conjunction with uses listed in Section 27.020 (1) through (7) and Section 27.025 (1) through (8).
- xx. Restaurant.

6. Residential:

- a. One single-family residence in conjunction with commercial uses in Section 27.020 (1) through (5), where the residence is physically attached to the use.

7. Resource uses.

- a. Grazing, range management, and agriculture.
- b. Forest management.

- 8. Signs, subject to the provisions of Section 50.089 and 50.082 (5), as follows:

- k. Contractors' establishments, including retail sales and servicing, for uses such as carpentry, plumbing, sheet metal, electrical and pump shops.
- l. Dry goods or notions store.
- m. Farm implement and equipment store.
- n. Feed store.
- o. Florist and gift store.
- p. Frozen food store and lockers.
- q. Furniture repair and upholstery.
- r. Garden supply store.
- s. General store.
- t. Greenhouses, including retail sales.
- u. Gunsmith.
- v. Hardware and paint store.
- w. Hobby store.
- x. Jewelry store.
- y. Lapidary shop.
- x. Laundry.
- y. Meat processing and packing, excluding slaughter houses.
- z. Medical and dental offices, clinics and laboratories.
- aa. Mini-warehouse.
- bb. Monument or tombstone store.
- cc. Music store.
- dd. Pharmacy.
- ee. Professional offices, including, but not limited to, real estate, insurance, attorneys, architects, engineers, planners, physicians, accountants, surveyors, psychiatrists, tax consultants, ministers, foresters, opticians, and similar professions.
- ff. Religious goods store.

7. Garden apartments.
8. Planned residential developments, including mobile home parks, with the provision of a community water system.

Section 27.026 Criteria.

Approval of the preceding uses in Section 27.025 is conditioned upon, but not limited to, the following criteria and is subject to the provisions of Section 52.015 to 52.019.

1. The proposed use shall not create an excessive nuisance, noise, light, glare, or smell, or interfere with the use of adjoining lands.
2. The proposed use shall not result in excessive or prolonged traffic congestion or result in traffic safety hazards on any public road or street.

Section 27.028 Solid Waste.

Solid waste generated by any use permitted in this District shall be stored in a sanitary receptacle or shall be screened by a sight-obscuring fence.

Section 27.030 Dimensional Standards.

In a Rural Convenience 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. Exceptions to height standards are addressed in Section 50.081.
2. Area. The minimum lot size for all uses shall be adequate to provide for the use, including sanitation requirements, if any, while allowing for required off-street parking and landscaping requirements.

The maximum number of dwelling units for each garden apartment, planned residential development, or mobile home park project shall be determined by the Zoning Commission or Planning Commission at the time of public hearing, but shall not exceed 6 dwelling units per acre.

Lot of record is defined in Section 14.050 (77). Additional regulations regarding lot size are provided in Section 50.080.

3. Setbacks.
  - a. Front yard. There shall be a front yard 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.

- 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 building wall 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. Signs advertising the 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 (10) feet behind the street property line.
- d. Signs advertising the sale of the property, not to exceed eight square feet for each street frontage.
- e. On or off-premise directional or regulator signs not to exceed six square feet in area.

9. Similar uses, subject to Section 50.088.

Section 27.025 Uses Permitted Conditionally.

In a Rural Convenience Center 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. Criteria for review of these conditional uses are addressed in Section 27.026 and 52.015 to 52.019.

- 1. Hotels and motels.
- 2. Recreational Vehicle parks.
- 3. Sewage treatment plants.
- 4. Water treatment plants, water reservoirs.
- 5. Fuel depot and sales.
- 6. Two (duplex) and three (multi) family dwellings.

- 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.
- d. Additional standards and exceptions regarding yard requirements are provided in Section 50.082 and 50.083.

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 five (5) or more vehicles, separating the lot from any public roadway. Such areas shall consist of suitable ground cover or shall be fully landscaped with lawn, trees or shrubs. No portion except the access drives shall be paved.

All landscaping shall be installed in accordance with a plan incorporated as part of the development permit. The design and materials proposed therein shall be appropriate for the use and appearance of the parking area and shall not obscure visibility of access drives onto public roadways. Such landscaped areas shall be maintained in a healthy condition and free of weeds and debris.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## 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 industry and wood products manufacturing which, by their nature, do 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 convenience 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 pursuant to the Standards of 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### Section 30.020 Uses Permitted Outright.

1. Compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks, or other food products.
2. Freight, train or bus terminals.
3. General laboratories and research facilities.
4. Wood products manufacturing, including secondary and tertiary processing.
5. Cement and asphalt batching, rock processing and crushing.
6. Metal fabrication and repair.
7. Metal reduction, milling, and refining, except for nickel, cobalt and copper smelting.

8. Manufacture of textiles, cloth, or fiber products.
9. 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.
10. Photographic film processing, photo engraving, photocopying establishments.
11. Plumbing and sheet metal shops.
12. Printing, lithographing, blueprinting or publishing and distribution facilities.
13. Tire stores, repair and recapping.
14. Upholstery, automobile and furniture.
15. Vending machine agencies.
16. Warehousing.
17. Wholesale distribution and retail sales facilities or agricultural cooperatives.
18. Automobile, truck and heavy equipment parts and accessory stores.
19. Automotive, truck and heavy equipment garages and repair, including paint and body shops and towing services.
20. Building maintenance services.
21. Heavy equipment and farm implement sales and repair.
22. Lockers, ice houses and cold storage facilities.
23. Public and semi-public buildings.
24. Restaurants.
25. Taxidermy.
26. Veterinary clinics.
27. Airports and related uses, including hanger and maintenance facilities.
28. Saw shops, including sales and repair.

29. Signs, subject to Section 50.089 and 50.082 (5).
  - a. One on-premise principal sign. Such sign shall not exceed 200 square feet in area nor 40 feet in height for each building and may be illuminated, but shall have no flashing lights or moving parts.
  - b. 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 wall area of a building housing an independent use facing a street and may be illuminated but shall have no flashing lights or moving parts.
30. Similar uses, subject to Section 50.088.

Section 30.025 Uses Permitted Conditionally.

In the Rural Industrial 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. Additional criteria for review of every use permitted conditionally are addressed in Section 30.026 and 52.015 to 52.019.

1. The smelting of nickel, cobalt and copper.
2. Fuel distribution facilities.
3. Processing or packaging of products including breweries, distilleries, slaughter houses, and canneries.
4. Taverns.
5. Utility facilities including commercial power generating facilities.

Section 30.026 Criteria.

Approval of the preceding uses in Section 30.025 is conditioned upon, but not limited to, the following criteria:

1. The proposed use shall not constitute an excessive 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 excessive or prolonged traffic congestion or result in traffic safety hazards on any public road or street.

Section 30.028 Solid Waste.

Any solid waste generated by any use permitted in this District shall be stored in a sanitary receptacle or shall be screened by a sight-obscuring fence.

Section 30.040 Dimensional Standards.

In a Rural Industrial 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. Exceptions to height requirements are addressed in Section 50.081.
2. Lot Area and Width.
  - a. The minimum lot size for all uses shall be adequate to provide for the use, including sanitation requirements, if any, while allowing for required off-street parking and landscaping requirements.

Additional Regulations regarding lot size are provided in Section 50.080.

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

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 place upon such side lot line are constructed to four-hour fire wall standards.
  - c. Rear yard. The rear yard shall be 30 feet.
  - d. Additional regulations regarding yard requirements are provided in Section 50.082 and 50.083.
  - e. Stream setbacks. No structure, other than boat landings, docks, bridges, pumping or water treatment facilities, shall be located less than 15 feet from the high water line or 25 feet from the low water line, whichever is the more restrictive, of a class 1 or 2 stream as defined by the Oregon State Department of Fish and Wildlife. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation. Streamside vegetation that provides shading of the surface waters shall be retained.

Section 30.050 Landscaping.

All landscaping shall be installed in accordance with a plan incorporated as part of the development permit. The design and materials proposed therein shall be appropriate for the use and appearance of the parking area and shall not obscure visibility of access drives onto public roadways. Any landscaped area shall be maintained in a healthy condition and free of weeds and debris.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## 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, pursuant to the Standards of 50.010 and 52.010 of this Ordinance.

Buildings or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 52.005.

### 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 and similar uses.
4. Airports and related uses, including hangar and maintenance facilities.
5. Offices associated with industrial uses in Section 31.020 and 31.025.
6. Data Processing and computer services.
7. Newspaper office, printing shop, and publishers.
8. Radio or television transmitter or tower, broadcasting studios.
9. Restaurant, or tavern.
10. Community center.
11. Similar uses, subject to Section 50.038.

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. Additional criteria for review of every use permitted conditionally are addressed in Section 52.015 to 52.019.

1. Utility facilities.
2. Any use involving manufacturing, research, repair, assembly, processing, wholesaling, warehousing, or storage.
3. Solid waste disposal areas.
4. Implement, machinery, heavy equipment sales, service, storage, rental or repair.
5. Signs.
6. Juvenile treatment and correctional facility.
7. Office use not associated with industrial uses in Section 31.025.

Section 31.026 Criteria.

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

- 1.. The proposed use shall not constitute an excessive or undue 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 excessive or prolonged traffic congestion or result in traffic safety hazards on any public road or street.
3. Any solid waste generated by any use permitted in this District shall be stored in a sanitary receptacle or shall be screened by a sight-obscuring fence.
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.
7. Development of the site will be consistent with overall development plans to promote efficient, coordinated utilization of the Industrial Park.

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. Exceptions to the height limitations are addressed in Section 50.081.
2. Area and setbacks.
  - a. The minimum lot size for all uses permitted outright in Section 31.020 shall be adequate to provide for the use including sanitation requirements, if any, while allowing for required off-street parking and landscaping requirements.
  - b. The minimum lot area and required setbacks for all conditional uses listed in Section 31.025 shall be established by order of the Zoning Commission at the public hearing on the proposed use.
  - c. Additional exceptions regarding lot size requirements are provided in Section 50.080.
  - d. Lot of record is defined in Section 14.050(77).
  - e. Additional standards and exceptions regarding yard requirements are provided in Sections 50.082 and 50.083.

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) or more vehicles, separating the lot from any public roadway. Such areas shall consist of suitable ground cover or shall be fully landscaped with lawn, trees, or shrubs. No portion except the access drives shall be paved.

All landscaping for permitted uses shall be installed in accordance with a plan incorporated as part of the development permit. The design and materials proposed therein shall be appropriate for the use and appearance of the parking area and shall 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. Landscaped areas shall be maintained in a healthy condition and free of weeds and debris.

ADDITIONAL REQUIREMENTS MAY INCLUDE

Administration	Chapter 52
Special Districts	Chapter 49
Supplemental Provisions	Chapter 50

## SPECIAL DISTRICTS

### Planned Developments

#### 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 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 is 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. Repealed

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.
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 to 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 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, submitted under the provisions of Section 7.01 through 7.16 of the Josephine County Subdivision Ordinance.

Airport Hazard

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 Section 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, windows, reflective siding or any other structure shall be installed or maintained within an Airport Hazard Area which would make it difficult for fliers 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.

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.

### Scenic Waterways

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 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 proposed permit shall be transmitted to the administering federal agency. If the property is subject to a scenic easement, no development permit shall be issued unless the applicant has obtained an authorization from the administering agency.
3. No building located within one-quarter mile of the mean high water line of the river shall exceed a height of thirty (30) feet, except as provided in Section 50.081, or the structure is screened from the river by topography or vegetation.

#### Archaeological Review Process

#### Section 49.080 Archaeological Provisions.

Upon discovery of archaeological artifacts on any property in Josephine County, the following sequence of events shall occur:

1. All disturbance of the site shall immediately cease.
2. The developer shall notify the Planning Director of the discovery and the Planning Director shall notify the appropriate agencies, including the State Archaeologist.
3. The State Archaeologist, or other appropriate agency charged with the preservation of antiquities shall have ten (10) working days to conduct a preliminary review of the site to include determination of the significance of the site.
4. If, during this ten (10) day period, the site is determined not to be archaeologically significant, resumption of development may occur.
5. If the site is determined to be archaeologically significant, further disturbance of the site shall cease for an additional 30 days to allow acquisition by the appropriate agency or negotiations for development of the site. If such activities are not initiated by the appropriate agency within this time period, resumption of development may occur.

## SUPPLEMENTARY PROVISIONS

### Non-Conforming Uses

#### Section 50.010 Non-Conforming Uses.

The following provisions do not apply to a residence constructed at the time of the passage of this Ordinance. Such residences may be maintained, altered, or reconstructed without requiring a public hearing, provided such change does not cause any further violation of any dimensional standard established by this Ordinance. Subject to the provisions of Section 50.010 to 50.017, a non-conforming use or structure may be continued or maintained. A non-conforming use or structure, excluding residences, shall not, however, be altered or reconstructed without approval of the County Zoning Commission, unless such alteration or reconstruction is required to comply with any other law or code. 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 suitably zoned land available in the vicinity that would accommodate the use.
2. The alteration or reconstruction of the non-conforming use shall not constitute an excessive 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 provisions 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 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 shall not be considered an extension of a non-conforming use.

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.

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, excluding residences, 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 Use of Non-conforming Lot

The minimum area or width requirements shall not apply to a "lot of record" as defined in Section 14.050(133) of this Ordinance. A "lot of record" may be occupied by any use permitted in the applicable zoning district subject to all other standards of this Ordinance. A single-family dwelling may occupy any "lot of record" except that a new single-family residence may not be constructed on a "lot of record" that has been assessed for five or more years based on valuation at true cash value for farm use under ORS 308.370 or at true cash value for forest use under ORS 321.300 (1975 Replacement Part), 321.352, 321.377, 321.622 (1975 Replacement Part), 321.720 or 321.810, unless:

1. The single-family dwelling is permitted either outright or conditionally in the applicable zoning district, or a variance is granted; or
2. The single-family dwelling is permitted consistent with the standards governing farm and non-farm housing in the Exclusive Farm, Forest Conservation, and Woodlot Residential Zoning Districts.

Section 50.050 Home Occupations.

All home occupations shall comply with all of the following provisions (1) through (9), with the exception of the Exclusive Farm District, which is addressed in Subsection (10).

1. This provision is intended to permit businesses where the home occupation is clearly a secondary or incidental use in relation to the residential use of the principal structure.
2. A home occupation shall be conducted by the resident(s) of the property on which the business is located. No more than one person other than the resident(s) occupying such dwelling shall be employed to assist the resident.
3. The 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 uses permitted in the zoning classification of the property. The total area occupied by the home occupation shall not exceed the equivalent of 50% of the total living area of the residence.
4. The occupation shall be conducted so that the average neighbor, under normal circumstances, would not be aware of its existence. No alteration of any buildings shall be made which changes the character of such buildings so as to make them unusable or incompatible with any uses normally permitted in the zoning classification of the property.

5. The business shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Public involvement with the home occupation shall not occur after 8:00 p.m. or before 8:00 a.m.
6. Sales of products or services by telephone or off the premises shall not be restricted, but sales on the property shall be limited to products produced on the property.
7. The home occupation shall not give the outward appearance of a business. There shall be no outdoor display of stock or goods, or storage of volatile or highly explosive materials.
8. Equipment used in the home occupation shall not interfere either visibly or audibly with reception of communications or video equipment used by adjoining neighbors or cause substantial fluctuations in the line voltage outside of the home occupation. No outside parking or storage of more than two pieces of heavy equipment (more than 12,000 pounds GVW) shall be permitted.
9. One on-premise identification sign may be provided in conjunction with the home occupation. Such sign shall not be illuminated and shall not exceed three (3) square feet. All other advertising of the home occupation shall occur away from the premises, such as, but not limited to newspaper ads, business cards, or telephone listings.
10. The above provisions shall apply to the Exclusive Farm District, except for the following:
  - a. The home occupations shall be conducted only by the resident(s) of the property, and
  - b. The home occupation must be conducted within either a dwelling which is the actual residence of the person engaged in the occupation or in an agricultural building.

\*Section 50.080 Accessory Structures.

Accessory structures in excess of 800 square feet in total area of all accessory structures shall comply with the following:

1. Buildings larger than a total of 800 square feet shall not exceed an additional 500 square feet per acre up to a maximum of 2500 square feet.
2. Requests for structures exceeding these limitations shall be processed by administrative permit. The process for an administrative permit shall be as required by Section 52.035 of this Ordinance.

Section 50.081 Building Height Exceptions.

The following may be erected above the height limits prescribed in this Ordinance:

1. Roof structure for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain a building.
2. Fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, radio masts, T.V. antennas.
3. Agricultural buildings including barns and silos.
4. Wood waste burners, kiln drying racks, veneer dryers, lumber storage sheds, sorting sheds, sawmills, aeration towers, pollution control equipment, water reservoirs, incinerators, conveyors, hoppers, cooling towers, electrical transmission towers, structural dams, power generator plant, aircraft beacons, air control towers.
5. Other similar structures.

Section 50.082 Yards.

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.
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, pursuant to Section 50.083 through 50.097, 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 or 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.

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.
3. Handicapped Access: Access facilities for the handicapped, such as wheelchair ramps, may be located in any required yard, provided that such facilities do not obscure moving vehicle traffic.
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, pursuant to Section 50.082(5).
    - 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 three 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 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.
5. Residential intrusions may be located in a required yard setback as follows:
    - a. Submersible pump insulation covers not exceeding 36 inches in height may be located in a front yard setback.

- b. The following may be located in a side or rear yard setback: submersible pump insulation covers exceeding 36 inches in height; pre-fabricated metal lawn and garden storage buildings; metal patio covers; carports, provided that no more than one side is enclosed; similar noncombustible or ornamental fixtures, which in the judgement of the Planning Director will not interfere with the legitimate purposes of this Ordinance.

#### ACCESS

##### 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 receives access 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.

## MAINTENANCE OF MINIMUM REQUIREMENTS

### Section 50.087 Maintenance of Minimum 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. A variance procedure is available subject to Sections 52.030 and 52.032.

### SIMILAR USES

#### \*Section 50.088 Similar Uses.

The Planning Director 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.

The decision of the Planning Director may be appealed to the Planning Commission.

### SIGNS

#### Section 50.089 Signs.

In addition to specific sign standards in the preceding chapters of this Ordinance, the following provisions shall apply.

1. Signs erected and maintained by or under authority of any federal, state, county, city, or public utility for the purpose of conveying information, warnings, distances, or directions are exempt from sign requirements.
2. Temporary political signs are permitted in accordance with state statutes.
3. No permanent or temporary signs shall be erected or placed in such a manner so that by reason of the position, shape or color of the sign, it may interfere with, obstruct the view, or be confused with any authorized traffic sign "Stop", "Look", "Caution", "Warning", or any other phrase, word or symbol in such a manner as to interfere with, mislead, or confuse traffic.
4. Signs shall be maintained in a neat, clean, and attractive condition.
5. Signs shall be removed within six months after the business, product or service is abandoned or no longer used.

6. Advertising signs will be permitted along Interstate Freeway 5, U. S. Highway 199, and Oregon State Highway 238 in industrial and commercial districts only. Such signs shall meet the requirements of the State Highway Division.
7. Signs may be located within the front yard setbacks, unless otherwise stated. They must, however, meet the visibility standards under Section 50.082(5).

#### Parking

##### Section 50.090 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 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.
2. Groups of three or more parking spaces on a single lot, except those in conjunction with single-family or two-family dwellings, 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.

3. 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.
4. Parking space dimensions shall be as follows:
  - a. Truck or recreational vehicle parking space shall be designed to adequately accommodate the proposed use.
  - b. Standard parking space shall be no less than 9 feet wide by 20 feet long.
  - c. Compact parking space shall be no less than 8 feet wide by 17 feet long.
5. Bicycle racks or designated handicapped parking may be required when parking requirements exceed 20 spaces per parking area.

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:

<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 room; where fractioned, next highest full unit
d. Mobile home parks	Two for each mobile home stand
e. Rooming or boarding houses	One for each guest room
f. Sororities, fraternities, cooperatives, and dormitories	One for each three occupants for which sleeping facilities are provided

2. Institutional types:

- a. Churches One for every three fixed seats or every seven foot of bench length or every 28 square feet where no permanent seats or benches are maintained in main auditorium or cultural hall, whichever is greater.
- b. Hospitals  
0 to 3,000 square feet Five spaces for every 1000 square feet of gross floor area.  
3,001 or more square feet Fifteen spaces plus four spaces for every additional 1,000 square feet of gross floor area.
- c. Libraries, museums, art galleries One for each 500 square feet of gross floor area.
- d. Nursing homes, homes for the aged, group care homes, asylums, etc. One per every two beds.
- e. Schools  
Primary or middle school; two for each teaching station plus one for every eight fixed seats or one for every 100 square feet of seating area where there are no fixed seats in auditorium or assembly area.  
High School; two for each teaching station plus one for every four fixed seats or one 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.
- f. Welfare or correctional institution One for each five beds.

3. Commercial types:

a. Automobile service stations and garages:

Auto repair:	Three for each service area.
Service Stations:	
Full service	Three for each service area
Gas only	and one for every two pumps.

b. Barber and beauty shops

Three spaces for each chair.

c. Bowling alleys

Six for each bowling lane.

d. Establishments for the sale and consumption on the premises of food and beverages:

Fast food (take-out only)	20 per 1,000 square feet of gross floor area
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Fast food (take-out with seating)	30 per 1,000 square feet of gross floor area
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Restaurant	10 per 1,000 square feet of gross floor area
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Tavern	15 per 1,000 square feet of gross floor area
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e. 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 or seven feet of bench length.
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Participating type; e.g. skating rinks, dance halls	One for each 100 square feet of gross floor area.
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Stadiums, sports arenas	One for each five seats or ten feet of bench length.
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f. Food stores:

1 to 4,000 square feet	Seven spaces per 1,000 square feet of gross floor area.
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4,001 to 10,000 square feet.

29 spaces plus six spaces for each additional 1,000 square feet of gross floor area in excess of 4,000 square feet.

10,001 or more square feet.

64 spaces plus five spaces for each additional 1,000 square feet of gross floor area in excess of 10,000 square feet.

g. Funeral parlors.

25 spaces per 1,000 square feet of gross floor area.

h. Home occupation.

Two spaces, plus one additional space for each employee not a resident of the property.

i. Office buildings, business and professional offices.

Three for every 1,000 square feet of gross floor area.

j. Pharmacies.

One for each 150 square feet of gross floor area.

k. Retail establishments, except as otherwise specified herein.

One for each 200 square feet of gross floor area.

l. Retail stores handling bulky merchandise, household furniture, or appliance repair shops.

One for each 600 square feet of gross floor area.

m. Shopping Centers or retail stores with more than 4,001 square feet of floor area.

No less than 4.5 spaces per 1,000 square feet of gross floor area.

n. Transportation terminals.

One for each 5 seats capacity of carriers, loading or unloading within any half-hour period.

4. Industrial types:

a. Except as specifically mentioned herein, industrial uses.

Two for each 1,000 square feet of gross floor area

b. Laboratories and research facilities.

One for each 1,000 square feet of gross floor area.

- |                                     |   |
|-------------------------------------|---|
| c. Machinery or equipment sales     | Two for each 1,000 square feet of gross floor area. |
| d. Wholesale and storage operations | One for each 1,000 square feet 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:
  - 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 without the express permission of the property owner thereof.
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 a fence or wall not less than four feet and not more than six feet in height. Such 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 or wall is not located on the property line, said area between the fence or wall 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 and said fence or wall 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.
5. All parking spaces shall be marked.

## ADMINISTRATION

### Development Permit

#### Section 52.005 Development Permit.

Development permits are issued to assure the property owner the proposed use of the land will be consistent with the standards of this Ordinance. No building or structure, subject to the provisions of this regulation, shall be constructed, changed in use, erected, moved, reconstructed, extended, enlarged or altered without first obtaining a development permit from the County Planning Director or his assistants. In addition, no use of land which under the requirements of this Ordinance necessitates a plan review shall be commenced without first acquiring a development permit. If approval of the Planning or Zoning Commission is required, the Director shall not issue the permit until such approval has been received.

### Administration

#### Section 52.006 Administration.

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

### Waiver of Requirements

#### Section 52.007 Waiver of Requirements.

The County Planning Director may waive the requirements of this Ordinance regarding the exploration of subsurface resources, mining and rock extraction, and exploration and development of geothermal resources when the proposed mining or exploration site is located on federally or publicly owned land and the activity is subject to an operational plan approved by a managing agency, which substantially includes the same standards as this Ordinance.

### Conditional Uses and Procedures

#### Section 52.010 Conditional Uses.

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 an 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.

Section 52.015 Authorization to Grant or Deny Conditional Use Permit.

Pursuant to ORS 215.416, 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 52.018 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.

Section 52.019 Revocation of a Conditional Use Permit.

Any permit granted pursuant to Section 52.015 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. No hearing may be convened without 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 52.020 Site 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 52.021 Site Plan Committee.

The Site Plan Committee shall consist of the Planning Director, the Building Safety Director, the Public Works Director, the Health Officer, 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 52.025 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 as appropriate, upon request of the Planning Director.

1. Location of parcel by address and legal description, dimensions, size in acres and orientation of the parcel.
2. Scale, north arrow, date of preparation.
3. Location, size, height and dimensions of existing and proposed buildings and structures, including distances between buildings, setbacks to property lines.
4. Indication of the proposed use in buildings shown on the site.
5. Grading and slopes where they affect relationship of the buildings; storm drainage, storm water detention and erosion control plan if required.
6. Location of existing and proposed roadway improvements, including right-of-way, points of entry and exit for motor vehicles, other uses of the streets such as parking, bike or pedestrian routes.
7. Location, dimensions and uses for all existing and proposed easements on and/or serving the parcel.

8. Location and layout of off-street parking, surfacing, internal circulation pattern, and loading facilities, including number of spaces and dimensions.
9. Location and layout of existing and proposed public and private utilities on and adjoining the site.
10. Location of walkways and bikepaths.
11. Location of required landscaping.
12. Location of walls and fences and indication of their height and materials of their construction.
13. Exterior lighting and area covered by illumination from lighting standards and devices.
14. Location, size and height of exterior signs and outdoor advertising.
15. Areas for trash and garbage disposal.
16. Security considerations.
17. Location of natural features such as creeks, drainage ways, ponds, etc.
18. Location of 100-year floodway and floodplain.
19. Any other such architectural or engineering data as may be required to permit necessary findings that the provisions of this Ordinance are complied with.
20. If phased development, show boundary limits of each proposed phase.
21. Adjoining land uses including approximate distances to adjacent structures.
22. 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 all other data required in subsections 1 through 21.

Section 52.027 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 Planning or 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 52.030 Variances.

Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provisions thereof, variances may be granted as provided in this section. This section shall not be used to allow a use that is not permitted by this Ordinance for the district in which the land is located. The Planning Commission or Planning Director may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship. In granting a variance, the Planning Commission or Planning Director may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance.

\*Section 52.031 Conditions for Granting a Variance.

No variance shall be granted unless it can be shown that all of the following conditions exist:

- a. The authorization of the variance shall not be detrimental to the character of the adjoining land uses and will not infringe upon the continued uses of the adjacent land.
- b. The variance is consistent with the intent and purposes of the zone in which the property is located and will not exceed the physical capabilities of the land to support the proposal.
- c. The authorization of the variance shall not have a significant detrimental impact on the neighborhood.
- d. The literal interpretation of these regulations would cause an undue or unnecessary hardship.

\*Section 52.032 Application for Variance.

A request for a variance may be initiated by a property owner, or his authorized agent, by filing an application with the County Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Director may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. A non-refundable fee, to be set by resolution of the governing bodies, shall accompany each application.

\*Section 52.033 Approvals Permitted by the Planning Director.

- a. The Planning Director shall review the application. If, in the opinion of the Director, the request meets the

purpose and criteria for a variance and if the request is a variance to dimensional standards not exceeding 25 percent of such standard, he may approve the request setting forth his reasons and conclusions in written form as an Administrative Order.

- b. The Director shall notify adjoining property owners for all variances exceeding 25 percent of dimensional standards and may notify adjoining property owners of any other request and provide time for comment by such owners. If an adjoining owner objects to the granting of the request, the matter shall be referred to the Planning Commission. If no person objects to the request and the Planning Director finds the proposal meets the purpose and criteria for granting a variance, he may approve the request.
- c. The Director may refer any request directly to the Planning Commission if he feels the request would set a precedent or would have a significant impact on surrounding property or persons.

\*Section 52.034 Review and Action by the Planning Commission.

- a. All requests referred to the Planning Commission shall be heard at a public hearing. Notice of the public hearing shall be by one publication, in a newspaper of general circulation not less than four (4) days or more than ten (10) days prior to the date of the hearing; and not less than ten (10) days prior to the date of the hearing, the Planning Director shall give written notice by mail of the hearing to owners of property within 250 feet of the lot or land parcel on which the variance is requested.
- b. The Planning Commission shall make its findings and recommendations in writing within sixty (60) days after the hearing on the proposed variance. The parties shall be notified in writing of the Planning Commission's actions within fifteen (15) days after the Planning Commission has rendered its decision. The Commission may attach conditions to an authorized variance which it feels are necessary to protect the public interest and carry out the purposes of this Ordinance.

\*Section 52.035 Administrative Permits Authorized.

Administrative Permits are ministerial actions to provide a review of uses that are generally a benefit to the community but may cause an impact on surrounding property. To ensure that the uses authorized in various sections of this Ordinance will not be detrimental to established uses, the Planning Director shall review all requests for Administrative Permits. The Director may approve those requests that meet the intent and purpose of this section.

\*Section 52.036 Conditions for Granting an Administrative Permit.

No Administrative Permit shall be granted unless it can be shown that all of the following conditions exist:

- a. The authorization of the permit shall not be detrimental to the character of the adjoining land uses and will not infringe upon the continued uses of the adjacent land.
- b. The proposed use is consistent with the intent and purpose of the zone in which the property is located and will not exceed the physical capabilities of the land to support the proposal.
- c. The authorization of the permit use will not have a significant detrimental impact on the the neighborhood.
- d. The proposed use is authorized by an Administrative Permit in the zone in which the property is located.

\*Section 52.037 Procedure.

- a. A request for an Administrative Permit may be initiated by filing an application in the same manner required in Section 52.032 for a Variance.
- b. The Planning Director shall review the application. If, in the opinion of the Director, the request meets the purpose and criteria for an Administrative Permit, he may approve the request setting forth his reasons and conclusions in written form as an Administrative Order.
- c. The Planning Director may notify adjoining property owners or persons within the neighborhood to solicit their comments on the requested permit. If no objections are received within ten (10) days of such solicitation, the Planning Director may approve the request.
- d. If an objection is received or the Director feels the request would set a precedent or would have a significant impact on surrounding property or persons, the request shall be referred to the Planning Commission. Such referrals shall be done in the same manner required in Section 52.034.

APPEALS

Section 52.040 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 52.042 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; 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.

AMENDMENTS

Section 52.050 Amendments to the Ordinance.

Amendments to the text of 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 Planning Commission;
3. By a 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.

Section 52.052 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 Planning Commission may hear such other persons as to them may seem appropriate or convenient. The Planning Commission shall provide the County Legal Counsel an opportunity to review and report upon the legal effect of proposed amendatory language.

Section 52.054 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. Amendments to the map of this Ordinance may be initiated as above or by application of a property owner or his authorized agent.

Section 52.056 Action by Board of Commissioners on Amendments.

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

Amendments to the zoning maps, considered in a quasi-judicial review, may be ordered by the Board of County Commissioners, such order to be contained in the findings of fact and conclusion of law adopted by the Board. Amendment to the text of the Ordinance or a legislative revision of the zoning maps shall be subject to referral to the voters of Josephine County.

VIOLATIONS

Section 52.076 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.

Section 52.080 Notification of Violation

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

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 52.081 Compliance Procedure.

1. If the Planning Director has reasonable cause to believe a violation of this Ordinance exists, an investigation may be conducted on the property by the Planning Director or

Section 52.083 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.

Section 52.090 Fees.

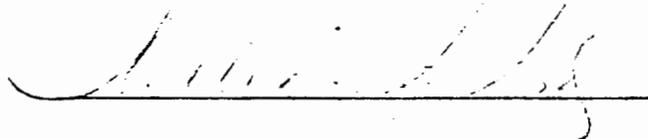
Any application for a permit, variance, appeal, or change in zoning districts shall be accompanied by a non-refundable fee in an amount to be established by resolution of the Board of County Commissioners.

Section 52.095 EFFECTIVE DATE.

First reading by the Board of County Commissioners is this 17th day of June, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 1st day of July, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

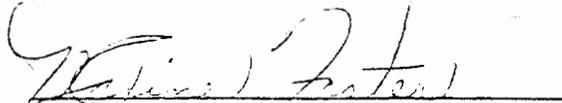
JOSEPHINE COUNTY  
BOARD OF COUNTY COMMISSIONERS



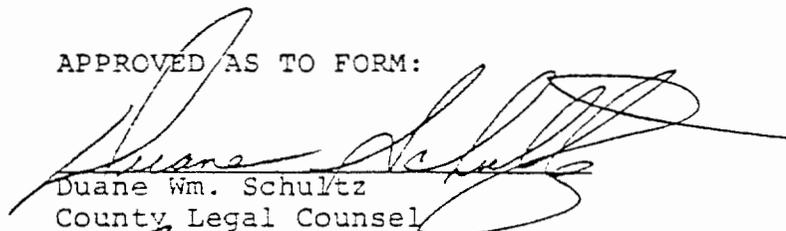
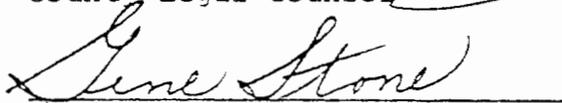
Harold L. Haugen, Opposed



ATTEST:

  
Maxine Foster  
County Clerk

APPROVED AS TO FORM:

  
Duane Wm. Schultz  
County Legal Counsel  
Gene Stone  
Recording Secretary