

ZONING ORDINANCE

JOSEPHINE COUNTY



THE QUALITY OF TOMORROW
BEGINS WITH WHAT WE DO TODAY

AMENDED

MAY 29 '85

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HOW TO USE THE ZONING ORDINANCE

Every effort has been made to facilitate the use and ease of comprehension of this Ordinance. The inclusion of an index is precedent setting, at least for this part of the State, and should offer real assistance to the layman in finding his way to permitted uses in the various zone districts and in gaining a knowledge of the procedures used in the zoning process for creating or changing a use on his land.

The first chapter of the Ordinance sets forth the purpose of the Ordinance, and establishes its basis for authority in State law. It states that requirements are minimum and that if other ordinances or restrictions by deed, etc., are more restrictive, that the more restrictive would prevail. However, it is to be understood that any restrictive covenants or restrictions applied by a developer are not within the legal purview of the County to enforce, unless those restrictions have been made a part of the conditions for approval by the Board of County Commissioners or the Planning Commission in its approval process, which, in the case of these two bodies, would always be at a public hearing. The Zone District chapters are prefaced by definitions in Chapter 1 of uses and terms used throughout the Ordinance.

With each of the succeeding Zone District chapters consistency has been maintained throughout by the following method:

The purpose of each zone will be found under the chapter number, plus "010";

The application of the zone to County lands is found in the same manner, plus "011";

Uses-permitted in each zone district will be under "020";

Uses-conditional under "025";

Uses permitted by Administrative permit under "030";

Dimensional Standards for the zone, minimum lot size, average width, setbacks from property lines, etc., under "040"; and

Additional requirements under "050" for criteria or critical concerns that may apply to some properties within that zone, accompanied by a reference to Chapter 14.

Chapter 14 provides for criteria applying to, or affecting, certain uses within the zone districts, generally having been referenced in the preceding zone districts under the heading of Additional Requirements.

Procedures for making application for a Zone Change, Conditional Use, Variance, Site Review, Administrative Permit, etc., are explained in Chapter 15. If the item requires a public hearing, notification in the newspaper and to property owners is elucidated in this chapter under "Review and Action by the Planning Commission or Hearings Officer." An Appeal to the Board of County Commissioners from any Action by the Planning Commission or Hearings Officer is also set forth in this chapter.

If you still have questions regarding the use of the Ordinance, or a question about your property, call or come into the Planning Office and the office staff will be happy to help you.

GENERAL PROVISIONS

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

ORDINANCE NO. 85-1, AMENDED BY ORDINANCE NO. 85-11-E, 85-11 AND 85-19-E

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 ORDAINS AS FOLLOWS:

CHAPTER 1

GENERAL PROVISIONS

SECTION 1.000 Title.

This Ordinance shall be known as the Josephine County Rural Zoning Ordinance of 1985.

SECTION 1.001 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.

SECTION 1.002 Authority.

This Ordinance is established pursuant to Oregon Revised Statutes, Chapters 197, 203 and 215.

SECTION 1.003 Interpretation.

The provisions of this Ordinance shall be 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 regulation, or by the provision of State Law or State Administrative regulation, then the more restrictive shall govern.

SECTION 1.004 Severability.

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

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SECTION 1.005 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 approval by the Planning Commission at its next regular meeting thereafter.

SECTION 1.006 Definitions.

As used in this Ordinance, the masculine gender includes the feminine and neuter gender, and the singular includes the plural; the words "can" and "may" are discretionary; and the words "will", "shall" and "must" are non-discretionary. The following words and phrases, unless the context otherwise requires, shall mean:

1. Abutting. Adjoining with a common boundary line, except that where 2 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 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.
4. Accessory Structure or Use. A structure or use incidental to the main use on the same unit of land.
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 primary 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 dairying and the sale of dairy products or any other agricultural or horticultural use or farm use, animal husbandry or combination thereof, and any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

"Farm use" includes the preparation, processing and storage of the agricultural products grown on and/or off-site for primary or secondary marketing. It does not include the use of land subject to the provisions of ORS Chapter 321, or to the

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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 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 extraction, screening and crushing of sands and gravels.
8. Airport Approach Zone. That area of approach and transition surfaces around airports where special land use and height regulations are applied.
9. Airport Clear Zone. An area extending from the end of a runway which is kept clear of obstructions to approaching and departing aircraft.
10. Airport Overlay District. An area in which special land use regulations are established to ensure the safety of the airport operation.
11. Airport, Commercial. An airstrip used by the general public and commercial aviation operators, including associated maintenance and support facilities.
12. Airport Hazard. Any obstacle or situation which obstructs or interferes with the safe operation of an airport or landing field. This includes vegetation, structures, towers, glare, lights, and electrical interference.
13. Airport, Private. An airstrip restricted to use for private aircraft by the owner or his guests of the landing strip, except for aircraft emergencies.
14. Airport Zone Boundary. An area whose perimeter signifies a measure of noise level, and may include dust and fuel particles, from aircraft operation surrounding an airport.
15. Alley. A public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

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16. Animal Husbandry. Management, breeding and raising of animals. (See Indoor Animal Husbandry.)
17. Animal Units. An animal unit is generally one mature cow of approximately 1,000 pounds and a calf as old as six months of age, or the equivalent thereof, as provided in the "Animal-Unit Equivalents Guide" below:

<u>Kinds and Classes of Animals</u>	<u>Animal-Unit Equivalent</u>	<u>Head count of Animals Per Animal Unit</u>
Cow, Dry	1.00	1
Cow, with calf	1.00	1
Bull, mature	1.25	.8
Cattle, 1 year of age	.60	1.7
Cattle, 2 years of age	.80	1.25
Veal (based on 250 pound average)	.25	4
Horse, mature	1.25	.8
Sheep, mature	.20	5
Lamb, 1, year of age	.15	6.7
Goat, mature	.15	6.7
Kid, 1 year of age	.10	10
Deer White Tailed, Mature	.15	6.7
Deer, Mule, Mature	.20	5
Antelope, Mature	.20	5
Bison, Mature	1.00	1
Sheep, Bighorn, Mature	.20	5
Hogs	.25	4
Chickens (4 pound average)	.004	250
Turkeys (20 pound average)	.02	50
Rabbits (5 pound average)	.005	200
Exotic species (to be determined using Soil Conservation Service Standards)		

18. Apartment Building. A multi-family residential building containing 3 or more dwelling units with 2 or more units occupied by rental tenants. See Dwelling, Multi-Family.
19. Armory. Facility for military training and national security.
20. Authorized Lot. An authorized lot, not including Lots of Record as defined in Chapter 884, ORS, 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 subject to both the following:
 - i. The tax lot or deeded parcel was created in conformance with ordinances existing at the time of creation; and
 - ii. The tax lot or deeded parcel is located within an urban growth boundary or an area that has been excepted from State Goals for the preservation of resource lands.
21. 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.
22. Automobile Wrecking Yard. Any property where the business of dismantling, salvaging, storing, disposing, or selling of parts of vehicles or trailers is conducted; or, the open storage of 5 or more unlicensed vehicles not in running condition from which parts have not been removed.
23. Awning. Any stationary structure, permanent or demountable, used in conjunction with a mobile home, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than 1 wall or storage cabinet substituting for a wall.
24. Bed and Breakfast. The provision of temporary lodging, for profit, of one family, subject to the requirements of the home occupation.
25. Board; Board of County Commissioners. Board of County Commissioners of Josephine County.
26. 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; and
 - b. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

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- 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. 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.
27. Building. A structure built for the shelter or enclosure of persons, animals, or property of any kind.
 28. Building, Agricultural. A structure whose use shall be primarily for storage of farm implements, crops, feed or similar farm products or the processing thereof, or to provide shelter for livestock, poultry or fowl.
 29. Building Height. See Height of Building.
 30. Building Site. The ground area of a building or buildings, together with all open spaces required by this Ordinance, and which site generally has its principal frontage upon a public or private street.
 31. Cabana. A stationary, lightweight structure which may be prefabricated or demountable, with 2 or more walls, used adjacent to, or in conjunction with, a mobile home to provide additional living space which is meant to be moved with the mobile home.
 32. Campgrounds. Any lot, tract or unit of land under the same ownership where 2 or more camp sites are located which provide facilities for temporary living in any manner other than in a permanent building.
 33. Carport. A stationary structure consisting of a roof with its supports and no more than 1 wall, or storage cabinet substituting for a wall, used for shelter for a motor vehicle.
 34. Church. A structure for worship and religious training which is maintained and controlled by a religious organization.
 35. Clinic, Medical, Dental or Optical. Facility for examination, consultation and treatment of patients, including offices, laboratories and outpatient facilities, but not including hospital beds for overnight care or treatment except for emergency or temporary care.
 36. Club or Lodge. A building and facilities owned and operated for a fraternal, social, or recreational purpose, to which membership is required for participation, but is not operated primarily for profit.

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37. Commercial Activities in Conjunction with Farm Use. The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:
- a. Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agricultural uses.
 - b. Farm product receiving plants, including processing packaging and reshipment facilities, excluding canneries.
 - c. Livestock feed or sales yards.
 - d. Storage, repair, or sale of fencing, irrigation pipe, pumps, and other commercial farm-related equipment and implements.
 - e. Farm equipment storage and repair facilities.
 - f. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
 - g. Veterinarian clinic.
 - h. Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.
 - i. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
 - j. Wineries for production from fruits, a major portion of which are grown on the property, including retail sales.
 - k. Other such uses which may be construed as similar to the uses listed above.
38. 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, hydropower 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 built in conjunction with and used as part of the energy facility.

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39. Communication Facility. A structure for the purpose of transmitting and receiving telegraph, telephone, microwave, television, radio, and other similar signals.
40. Community Building. A facility owned and operated by a governmental agency or a non-profit community organization, when the primary purpose of the facility is for education, recreation, social welfare, community improvements or public assembly, provided that no permanent commercial eating or drinking facilities shall be operated on these premises.
41. Community Sewage System. A sewage system which serves more than 1 lot, parcel, or dwelling unit.
42. Community Public Water System. Domestic water supply source and/or distribution system which serves more than 3 single residences or other users for the purpose of supplying water, but is neither a municipal water supply system nor a public utility water supply system, as defined by State Law (OAR 333).
43. Comprehensive Plan. A generalized map and policy statements adopted by the Board of County Commissioners as defined in ORS 197.015(5).
44. Conditional Use. A use which requires approval at a public hearing prior to issuance of a permit.
45. Conference Grounds. A retreat or meeting place used for organized discussion and consultation, including overnight accommodations for conferees.
46. Contiguous Lots. Two or more lots in a single ownership having at least 1 common boundary of 8 feet in length. Lot separation by a public road is not considered contiguous.
47. Convalescent Home, Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care includes all procedures commonly employed in nursing and caring for the sick, but does not include surgical facilities.
48. County. Josephine County, Oregon.
49. County Road. A public way which has been accepted by the Board of County Commissioners by dedication or deed.
50. County Road Maintained. A maintained county road includes the street and appurtenances which have been accepted for county maintenance by order, under the authority of ORS 368.551.

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51. Caretakers Quarters. A dwelling unit for caretaker necessary for the protection of the main use on the property.
52. Day Care Center. An institution licensed by the State, which provides child care for more than 6 children under 16 years of age, not related to the day care provider, and subject to regulations of the Children's Services Division.
53. Day Care Center, Senior. An institution which provides daytime supervision for 6 or more senior citizens not related to the day care provider.
54. Density. For the purposes of this ordinance, the number of dwelling units to be contained within a specified land area.
55. Director. The Josephine County Planning Director or his duly authorized representative.
56. Director of Public Works. The Josephine County Director of Public Works.
57. Duplex. A building containing 2 dwelling units.
58. Dwelling, Multi Family. A building containing 3 or more dwelling units.
59. Dwelling, Single-Family. A building containing 1 housekeeping unit.
60. Dwelling, Two-Family. See Duplex.
61. Dwelling Unit. One or more rooms designed for occupancy by 1 family and containing 1 kitchen.
62. Family. One or more persons living in 1 dwelling as 1 housekeeping unit.
63. Farming, Farm Use. See Agriculture.
64. Feedlot, Commercial. An open lot or portion of property designed or used for the purpose of the concentrated feeding or the preparation for resale or slaughter of ten or more animal units, but does not apply to indoor animal husbandry or to the feeding of animals accessory to 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.
65. Fire Lane. A way cleared of obstacles so as to allow clear passage for vehicles during a fire emergency.
66. Flag Lot. A parcel of land which includes access to a public road by a narrow strip of land generally referred to as "flagpole".

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67. 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 buildable lot area, but serves as access to the lot or parcel.
68. Flood Hazard Area. An area highly prone to flooding for which the following terms have special significance:
- a. Base Flood. A standard statistical calculation to represent the flood magnitude having a 1% chance of being equaled or exceeded in any given year, commonly known as a 100 year flood.
 - b. Flood Plain. The area adjacent to a stream that is subject to periodic flooding.
 - c. Floodway. The normal stream channel and the adjacent land area of the flood plain that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.
 - d. Flood Fringe. The area of the flood plain lying outside the floodway, but subject to periodic flooding.
69. Floor Area. The sum of the gross areas of all floors of a building, measured from the outside walls, excluding attic space having less than 7 feet of headroom, or basement space with less than 6 feet of headroom.
70. Forest Use, Forest Management. The management, production and harvesting of timber resources in accordance with the Oregon Forest Practices Rules, including the harvesting of forest crops, site preparation, tree-planting, precommercial and commercial thinning, brush control; harvesting of forest crops including Christmas trees, the felling, bucking, yarding, decking, hauling, and the incidental sale of forest products grown on the land; the harvesting, processing and sale of minor forest products, and the structures necessary for forest uses.
71. Forestry Building. A building in conjunction with, and necessary to, a forestry operation or forestry management use.
72. Foster Home. A home licensed by the State and providing shelter and food to not more than 5 persons in addition to the primary owner or occupant of the home.
73. Frontage. That portion of a parcel of property which abuts a public street or highway.
74. Fuel Break. An area of non-combustible materials or slow burning plants.

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75. Fuel Depot. Any lot or building used for the storage and wholesale marketing of all fuel products.
76. Garage. A building or a portion of a building permanently constructed for the purpose of enclosing a motor vehicle.
77. 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 5 feet of a sidewalk, the ground level should be measured at the sidewalk.
78. Greenhouse. Building constructed chiefly of glass or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other plants and which shall be classified as an accessory building except in resource zones.
79. Group Home. A home licensed by the State and maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parent(s) or guardian(s).
80. Guest House. An auxiliary residence, site constructed and built with no kitchen or associated wiring or plumbing, and limited to 1000 square feet. This auxiliary residence is restricted to 1 structure in addition to the main residence per legal lot and is not to be used as a rental.
81. Hearings Officer. The Hearings Officer of Josephine County.
82. Height of Building. The vertical distance from the grade to the highest point of roof.
83. Home Occupation. An activity or business engaged in for profit carried on by a resident as a secondary use of the property in accordance with applicable requirements of this Ordinance.
84. Home School. Instruction in the home of elementary or secondary education to members of the immediate family and a maximum of 5 additional children, subject to the requirements of a home occupation.
85. Horticulture. The science and pursuit of growing plants.
86. Hospital. An institution providing medical or surgical care to patients, and providing eating and sleeping facilities and nursing services on a continual basis.
87. 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.

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88. Indoor Animal Husbandry. The continuous, confined housing of ten or more animal units in a completely enclosed building with insulation and regulated ventilation and with all waste material to be removed from the building and processed or otherwise disposed of as authorized by law and pursuant to any conditional use permit issued under this ordinance.
89. Interior Yards. The area enclosed by the designated setback.
90. 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.
91. Kennel. A use providing for the accommodation of 4 or more dogs, cats, or other household pets at least 4 months of age, where such animals are kept for board, propagation, training or sale.
92. Kitchen. Any space within a building designed to be used for cooking and preparing foods.
93. Landing Strip, Personal Use. See Airport, Private.
94. Lot. A unit of land created by a subdivision.
95. Lot Area. The total area within the boundary lines.
96. Lot, Corner. A lot abutting on 2 or more streets, at their intersection.
97. Lot Depth. The average distance between the front lot line and the rear lot line.
98. Lot, Interior. A lot other than a corner lot.
99. Lot Line, Front. The property line separating a lot or parcel from the street. In case of a corner lot, the shortest property line along a street. In case of a flaglot, the line at which the flagpole enters onto the body of the lot.
100. Lot Line, Rear. A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to, and at a maximum distance from, the front lot line.
101. Lot Line, Side. Any property line not a front or rear lot line.
102. Lot of Record. A unit of land as defined in Chapter 884, Sections 9 through 13, Oregon Laws 1981, as amended by Chapter 826, Oregon Laws 1983, Sections 14 and 15.
103. Lot Width, Average. The average horizontal distance between the side lot or parcel lines, ordinarily measured parallel to the front lot or parcel line on a rectangular lot.

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104. Lounge. A place where the preparation, sale, and consumption of alcoholic beverages occurs in conjunction with a food service operation.
105. Manufactured Home. See Mobile Home.
106. Marketing, Agriculture Products. The preparation of products for shipment or sale.
107. Mining. The act, process or business of extracting resources from the ground.
108. Mobile Home. A mobile home is a structure designed as a single-family residence, transportable in 1 or more sections, which is 8 body feet or more in width and 32 feet or more in length, not including projections, built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating and electrical systems contained therein. The unit is identified by the manufacturer as built to the manufactured housing/mobile home code, and is registered with the Department of Motor Vehicles as a mobile home.
109. Mobile Home Park. A place where 4 or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership excluding mobile homes in a platted subdivision.
110. Modular Unit. A prefabricated 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 distinct modules or units.
111. Motel. A building or group of buildings containing guest units, intended or used primarily for the accommodation of transients.
112. Motor Home. A self-propelled recreational vehicle providing residential accommodations.
113. National Wild and Scenic River. A national wild and scenic rivers system, instituted by Act of Congress, and designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior to meet the criteria established in the Act and such criteria supplementary thereto. The Wild, Scenic, and Recreational segments of a river are defined as follows:
 1. Wild River areas. Those rivers or sections of rivers that are free of impoundments and generally inaccessible except

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- by trail, with watersheds or shorelines essentially primitive and waters unpolluted.
2. Scenic River areas. Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
 3. Recreational River areas. Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.
114. Natural Areas. A designated occurring physical or biological unit.
 115. 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 zoning district in which it is located.
 116. Offense, Continuing. A violation which occurs over a continuous period of time and is not resolved.
 117. Offense, Non-Continuing. A violation which occurs on an infrequent basis and which terminates.
 118. Official Map. Any map, or maps, adopted by the Board of County Commissioners, which depicts existing or proposed street or highway locations and designations, land use, zoning, and other information pertaining to the development of land, a copy of which is on file in the office of the County Clerk, County Engineer and Planning Director.
 119. Ordinance. An ordinance duly enacted by the legislative authority having jurisdiction.
 120. ORS. Oregon Revised Statutes.
 121. Parcel. A unit of land created by partition or other means.
 122. Parking Space. An area of certain dimensions reserved for the temporary storage of any motor vehicle and provided access to a street by a driveway.
 123. Parking Area. An area containing parking spaces and maneuvering area.
 124. Person. Any individual, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other legal entity acting as a unit.

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125. Planning Commission. The Planning Commission of Josephine County.
126. Planning Director. The Planning Director of Josephine County or his authorized representative.
127. Planned Unit Development. A single development in which a combination of uses compatible with the comprehensive plan in terms of land use and density of development is permissible, subject to the procedural requirements of the subdivision ordinance and conforming to the requirements of ORS Chapter 94.
128. Plat. A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
129. Preserve, Hunting/Fishing. Land set aside for commercial or non-commercial hunting and fishing.
130. Processing of Extractive Resources. All operations involved in the removal and preparation of mineral resources for shipment, refinement, sale or personal use.
131. Professional Office. The place of business of a person engaged in a recognized profession.
132. Public and Semi-public Buildings. Granges, community centers and structures of similar nature and use.
133. Ramada. A stationary structure having a roof extending over a mobile home; said structure may also extend over a patio or parking area for motor vehicles and is used principally for protection from sun and rain.
134. Reclamation. Actions designed to rehabilitate the earth's surface by plant cover, soil stabilization water resources and other measures appropriate to the subsequent beneficial use of the reclaimed lands.
135. Recreational Vehicle. 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. The unit shall be identified as a recreational vehicle by the manufacturer, and is licensed as a recreational vehicle by the Department of Motor Vehicles.
136. Recreational Vehicle Park. A development designed as a temporary location for recreational vehicles and having limited facilities to serve the travelling public.
137. Resource Structure. A building or structure used in conjunction with a forest, farm, or mining operation.

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138. Restaurant. Any establishment where food and drink is prepared for sale to the public.
139. Road, Public. The entire width between the boundary lines of every roadway which provides for unrestricted and continuous public use by vehicular and pedestrian traffic and for the placement of utilities, and assigned the terms "street", "highway", "drive", "lane", "place", "avenue", "boulevard", "court", or other similar designation.
140. Road, Service. A road contained entirely within property boundaries and used for internal traffic flow.
141. Rural Service Center. A boundary enclosing an area designated to serve the commercial and residential needs of rural residents, and which has the potential for future community service.
142. Sanitary Land Fill. A place where the disposal of solid waste occurs by compaction in or upon land and the covering of all waste with earth or other approved material at least once each operating day as required by Oregon Administrative rules, Chapter 34, Div. 61.
143. Scenic Easement. The right to control the use of land, including air space above such land, for the purpose of protecting the natural qualities of a designated area, but such control does not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.
144. Scenic Waterways. River, or segment of a river, that has been designated as such in accordance with ORS 390.805 to 390.925, or any subsequent Act, and includes related adjacent land (i.e. all land within one-fourth of one mile on each side of a river or segment of river within the scenic waterway, except land that, in the State Highway Department judgment, does not affect the view from the waters within a scenic waterway). Designated scenic waterways are as follows:
- a. The segment of the Rogue River extending from the confluence with the Applegate River downstream a distance of approximately 88 miles to Lobster Creek Bridge.
 - b. The segment of the Illinois River from the confluence with Deer Creek downstream a distance of approximately 46 miles to its confluence with the Rogue River.
145. School, Public and Private. An institution of learning which offers instruction as required by the State of Oregon to meet prescribed standards including kindergarten, elementary, secondary, higher education, vocational and trade schools.
146. 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.

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147. Sign. Any visual device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, person, institution or business, and which is affixed to a structure or the land. Each display surface of a sign, other than 2 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 1 side. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required or authorized by law or by federal, State or County authority.
148. Sign, Illuminated. A sign which is lighted by an artificial light source.
149. Silviculture. Systematic management for the production of trees.
150. Site Plan. A plan, other than a building plan, showing the physical arrangement, design or use of a lot or parcel of land.
151. Slow Burning Plants. Plants which are naturally resistant to combustion.
152. Street, Public. See Road, Public.
153. 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.
154. Structure. Anything constructed or erected which requires a fixed location on the ground or is attached to something having a fixed location on the ground.
155. Tavern. A place where the preparation, sale or consumption of beer and wine beverages is the principal activity.
156. Tax Lot. An area of land utilized for tax assessment purposes. A tax lot shall not be construed to imply that such lot has been created in conformance with applicable land use regulations or that it can be independently developed or sold without conformance with such regulations (see Authorized Lot).
157. Travel Trailer. See Recreational Vehicle.
158. Use. The purpose for which land or a structure is designed, arranged, or intended, or the purpose for which it is occupied or maintained.
159. Vision Clearance Area. A triangular area at the street or highway corner, or a corner lot, or the alley-street intersection of a lot, the space being defined by a diagonal

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line across the property corner joining the property lines at an equal and specified distance from the corner, in which no planting, walls, structures or obstructions shall be placed which will exceed a height of 2.5 feet above curb level, or if no curb, from the established street center-line grade. The clearance area at the intersection of 2 streets, 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 14.110(5) of this Ordinance. The vision clearance area at all other points is the area between the front property line and a parallel line located at a distance from the property line specified in Section 14.110(5) of this Ordinance.

160. Waste Disposal Site. Land used for the disposal or handling of solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, composting plants and disposal sites for septic tank pumping or cesspool cleaning by the public or by a solid waste collection service.
161. Workyard, Public. An enclosed area for the storage of vehicles and supplies and the provision of maintenance services for public facilities.
162. Wrecking Yard. See Automobile Wrecking Yard.
163. Yard. A space open and unobstructed from the ground upward and unoccupied.
164. Yard, Front. A yard between the front line of the building (exclusive of steps) and the front property line.
165. Yard, Rear. An open, unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps and porches) and the rear line of the lot.
166. Yard, Side. An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.
167. Generally Unsuitable. An area of land that has been evaluated for forestry potential and has a cumulative Internal Rate of Return of less than 3.50 using the soil evaluation system adopted by Josephine County.
168. Place of Public Assembly. A structure which is designed for such purposes as deliberation, education, worship, entertainment or amusement.

SECTION 1.070 Compliance with Regulations 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 Ordinance.

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SECTION 1.080 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 Commercial	FC
Woodlot Resource	WR
Serpentine	S
Exclusive Farm	EF
Farm Resource	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

SECTION 1.090 Policies and Levels of Service.

Policies stated in the Josephine County Comprehensive Plan and levels of service for public facilities for all land use actions in Josephine County are to be consistent with the following chart.

COMPREHENSIVE PLAN LAND ALLOCATIONS AND IDENTIFICATION	AGG. RESOURCE	FOREST COMMERCIAL	WOODLOT RESOURCE	SERPENTINE	EXCLUSIVE FARM	FARM RESOURCE	RURAL RES.	RURAL COMM'L	TOURIST COMM'L	RURAL CONVENIENCE CENTER COMMERCIAL	RURAL IND.	INDUSTRIAL PARK	POLICIES	PUBLIC FACILITIES *
URBAN GROWTH BOUNDARY													I 1; III 6; IV 4,7,8,9,10; V 2; VII 1,2; VIII 3	1,2,3,4,5,6a,b
AR	X												VII 1,4,5; VIII 1,2	1,2,3,6a
AG FARM RESOURCE						X							I 1,2,3,4,5,6; III 1, 6; VII 1,2,3; VIII 1,2	1,2,3,6a
EF					X								I 1,2,3,4,5,6; III 1, 6; VII 1,2,3; VIII 1,2	1,2,3,6a
F WOODLOT RESOURCE		X											II 1,2a,b,c,4,5,6; III 1; VII 1,2,3,4; IX 2	1,2,3,6a
FOREST COMMERCIAL		X											II 1,2a,b,c,3a,b,c,4,5,6; III 1; VII 1,2,3,4; IX 2	1,2,3,6a
S				X									II 7; VII 1; VIII 1,2	1,2,3,6a
R							X						III 1,3a,b,c,d,4,5,6; IV 3; V 5; VI 3; VII 1; VIII 1,2	1,2,3,6a (4/5 only in the sewer trans. line; water problem areas)
C COMMERCIAL								X	X				IV 1,5; V 1,2,5; VII 1,2,7; VII 1,2	1,2,3,6a
RURAL COMMERCIAL CONVENIENCE CENTER										X			III 2,5; IV 5; VIII 1,2; VII 1	1,2,3,4 or 5,6a
I											X	X	IV 1,5; V 12,5; VII 1,2,3,5; VII 1,2	1,2,3,4 or 5,6a
WILDERNESS AREA													VII 1,6; IV 9	
AIRPORT HAZARD													V 3; IV 5	
FLOOD HAZARD													VI 1; VIII 1; VII 1,4	
SCENIC WATERWAY													III 7; IV 9; VII 6,7	

* 1. Sheriff; 2. Rural Fire Protection; 3. Public School; 4. Public Water System; 5. Public Sanitary Sewer System; 6. Transportation, a. Rural Road Standards, b. Urban Road Standards

AGGREGATE RESOURCE DISTRICT

SECTION 2.010 Purpose of Aggregate Resource District.

The purpose of this chapter is 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 generally unsuited for any form of building construction.

SECTION 2.011 Applicability of the District.

The Aggregate Resource District shall apply to lands which are identified as aggregate resources consistent with LCDC Goal #5, 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 2.020 Uses - Permitted.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality. These uses may also be subject to site review.

1. Farm use, as defined in Section 1.006.
2. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources. Subject to Section 14.136.
3. Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
4. Personal Use Landing Strips, with the restriction that, due to the proximity of streams, the loading or unloading of toxic chemicals 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.

AGGREGATE RESOURCE DISTRICT

7. Public utilities such as pipelines or transmission (lines) facilities, provided such utilities are flood-proofed and stabilized from flotation and a transmission facility complies with Section 14.101.
8. Temporary or portable residence for caretaker or nightwatchman.
9. Similar uses, subject to Section 15.227.

SECTION 2.040 Dimensional Standards.

1. Area. No minimum lot area or width.
2. Setbacks. No structure other than pipelines, landings, docks, bridges, hydro-electric facilities, 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 Sections 14.110 and 14.111.

SECTION 2.050 Additional Requirements.

Cement and Asphalt Batching - See Section 14.137
Erosion Control - See Section 14.130
Exploration, Mining and Processing Aggregate - See Section 14.136
Streamside Setbacks - See Section 14.135

FORESTRY PROMOTION DISTRICT
FOREST COMMERCIAL (FC) (80)

SECTION 3.010 Purpose of Forestry Promotion District.

The Forestry Promotion 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, encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards.

SECTION 3.011 Applicability of the District.

The Forestry Promotion District shall apply to all lands as zoned on the official Zoning Map for Josephine County under an FC 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 3.012 Management Practices.

The Forestry Promotion classification is intended to encourage and promote the development and conservation of natural resources. Normal forest management, mining, or agricultural practices shall not be considered a nuisance condition in a Forestry Promotion 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 Forestry Promotion 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 must 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.

FOREST COMMERCIAL (FC)

SECTION 3.020 Uses Permitted, Subject to Section 3.041.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, The Subdivision Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality. These uses may also be subject to site review.

1. Forestry Promotion Uses.

- a. Forest management and related forest use, as defined in Section 1.006.

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

If the volume of wood exceeds 8 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. Agriculture, farming, and related farm use, as defined in Section 1.006.
- c. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilization.
- d. Watershed management.
- e. Conservation and management of wildlife resources.
- f. Structures necessary for resource use excluding single-family dwellings.

2. Forestry Consistent Uses - Category I.

- 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, and transmission facilities subject to Section 14.101, but excluding commercial power generating facilities.

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- 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 or mobile home that is necessary and accessory to carry out commercial resource uses subject to the siting standards of Section 3.041 and including:

A resource management plan, prepared by a qualified person, shall be incorporated as part of the development permit and shall serve as a guideline for use of the resource. Management plans prepared or approved by the Oregon State Department of Forestry, the Soil Conservation Service or the OSU Extension Service shall be accepted. Resource management plans shall include at least the following:

- i. A map, drawn to scale, of the property.
- ii. A statement of the landowners' management objectives.
- iii. A statement of the existing condition of the resource and proposed methods of treatment and access.
- iv. A statement of effects of management activities on wildlife habitat, soil conservation and streambank protection.
- v. A statement of proposed methods of fire prevention and suppression.
- vi. A time schedule of planned management operations.

Dwellings on existing lots smaller than the minimum lot size must be in conjunction with commercial resource use and the lot shall be appropriate for an intensive commercial resource use.

- g. Boat landings and docks.

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- h. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building or other similar building subject to the provisions of Section 14.108.
 - i. Signs, subject to Sections 14.114 and 14.114(2)(a).
 - j. Log scaling and log storage.
 - k. Stands for the display and sale of farm and forest products produced on the land.
 - l. Temporary facilities for the primary processing of forest products, including portable mills, portable chippers and portable processors.
3. Outdoor recreational activities and related support services.
4. Similar uses, subject to Section 15.227.

SECTION 3.025 Uses - Conditional - Forestry Consistent Uses - Category II - Subject to Section 3.041 When Appropriate.

In an FC District, the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Additional criteria for review of every use permitted conditionally are addressed in Sections 15.212 through 15.215.

- 1. Commercial power generation facility, including hydroelectric and transmission facilities, subject to Section 14.101.
- 2. Public facilities such as water storage reservoirs restricted to 1000 acres for resource use, pumping or treatment facilities, sewage disposal plants.
- 3. Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
- 4. Private campgrounds and recreational vehicle parks open to public use, subject to Sections 14.102 and 14.103.
- 5. Lodges and conference grounds limited to a maximum developed area of 10 acres, subject to Section 14.104.
- 6. Churches located on land generally unsuitable for forestry uses.
- 7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including

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development of geothermal resources, subject to Sections 14.136 and 14.138.

8. Offices and administrative compounds associated with forest management activities as permitted within this District provided they are located on lands generally unsuitable for forestry uses.
9. Resource related landing strips, fire attack strips and helicopter pads and associated maintenance and service facilities.

SECTION 3.030 Uses Permitted by Administrative Permit.

In an FC District, the following uses are permitted when authorized by administrative permit, issued by the Planning Director, pursuant to rules adopted by the Planning Commission, subject to Sections 3.050 and 15.228 through 15.230.

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. One mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to Section 15.229(2).
3. Home occupations pursuant to criteria in Section 14.100, subject to the standards in Section 3.030(4).
4. Single-family dwellings, mobile homes and seasonal vacation cabins, other than dwellings authorized in Section 3.020(2)(f), conditioned upon, but not limited to the siting standards of Section 3.041 as appropriate and the following criteria:
 - a. The proposed use is compatible with and will not significantly affect existing forest uses on the site or surrounding land;
 - b. The proposed use will not interfere with forest operations and practices:
 - c. The proposed use will not alter the stability of the overall land use pattern in the area;
 - d. The proposed use is consistent with forest policies in the comprehensive plan and the purposes of the zone.
 - e. Demonstration that the residence will be situated upon the reasonably least suitable land for forest management or forest uses, considering the terrain,

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adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

SECTION 3.040 Dimensional Standards.

In an FC District the following dimensional standards shall apply:

1. Area.

- a. In an FC District, the minimum lot area for forestry or agriculture shall be 80 acres.
- b. The minimum lot size of 80 acres may be reduced for resource uses when it can be demonstrated to the Hearings Officer that:
 - i. The proposed division is compatible with forest uses in the area, and does not interfere with forest practices as defined and regulated under ORS 527.610 to 527.730.
 - ii. The proposed division is consistent with the forest use policy as provided in the Josephine County Comprehensive Plan and with ORS 527.630(1).
 - iii. The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased use of road or other public facilities and services.
 - iv. The proposed division results in parcels maintaining a minimum parcel size to accommodate the proposed use as follows:
 1. that forest uses will be the primary use on such lands;
 2. that forest practices regulated under ORS 527.610 to 527.730 may take place in an economic manner.
- c. Notwithstanding Section 3.040(1)(a) the minimum lot area for uses authorized by Section 3.025 shall be established by the Hearings Officer in the final order for conditional use proceedings. In establishing the minimum lot area, the Hearings Officer shall seek to:
 - i. Preserve the maximum area of the timber base of Josephine County for forest use.

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- ii. Buffer adjoining forest uses from residential encroachment.
 - iii. Utilize natural features and topography which would otherwise hinder normal forest activities.
 - iv. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area.
 - v. The lot being created is situated on the portion of the lot that is least suitable for forest uses
- d. Notwithstanding Section 3.040(1)(a) the minimum area may be reduced to 10 acres for a lot for:
- i. A single-family residence or a use authorized in Section 3.025 where either such use:
 - (1) meets the criteria of Section 3.030(4),
 - (2) has no substantial adverse impact on surrounding forest use,
 - (3) results in a net increase (in number or quality) of trees and other major plant life on the lot,
 - (4) provides for reasonably minimum size, and impact, of roads,
 - (5) does not exceed, and reasonably accommodates, the carrying capacity of the air, land, and water resources,
 - (6) constitutes no major interference with any of the following on the lot:
 - I. Production of trees and processing of forest products
 - II. buffers from noise
 - III. watershed protection
 - IV. fisheries habitat
 - V. outdoor recreational activities
 - VI. livestock grazing,
 - VII. deer winter range.

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- (7) does not substantially diminish vegetative cover necessary for major topographical integrity of adjacent lots,
 - and (8) is located on land which is generally unsuitable for forest uses
 - ii. This provision shall not be construed to allow the reduction of the balance of the property that remains in resource use to an area of less than 80 acres, unless approved under another section of this Ordinance.
 - e. Any use allowed pursuant to Section 3.040(1)(d) is subject to any reasonable commercial forest practice, even though such practices might otherwise constitute a nuisance. An exception to this is the application of toxic substances.
 - i. without reasonable notice, or
 - ii. when economically feasible modifications in the application can be made to protect the lot which is the site of the single-family residence.
 - f. Decision on an application under this component [Section 3.040(1)(i)] shall be made by the Hearings Officer pursuant to the Josephine County Land Use Hearing Rules. Appeal, if any, shall be to the Josephine County Board of Commissioners.
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 300 feet.
- A vacant lot or land parcel having a width of less than 300 feet of record at the time of the passage of this Ordinance may be occupied by any use permitted in this Section, provided all other laws and ordinance requirements are met including Lot of Record requirements and setbacks.
- Lot of Record is defined in Chapter 884, Sections 9 through 13, Oregon Laws, 1981, as amended by Chapter 826, Oregon Laws, 1983, Sections 14 and 15.
3. Setbacks.
- a. Front yard. There shall be a front yard having a depth of at least 30 feet from the front lot or property line, and at least 60 feet from any building to the centerline of any public street or road.

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- b. Side and rear yards. There shall be a side yard on each side of a building, and each side yard shall have a width of at least 25 feet. There shall be a rear yard of at least 40 feet in depth from the main building.
- c. Additional regulations regarding yard requirements are provided in Sections 14.110 and 14.111.

SECTION 3.041 Siting Standards.

The placement of structures and accessory buildings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location and the size of the parcel. For the purposes of application of this Section the following will be required:

1. A site map of the property which shows the township, range, section and tax lot numbers held in ownership by the property owner.
2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements.
3. The proposed location of new dwellings and/or structures to be placed on the site.

Any use or proposed use may be subject to a satisfactory review of a site plan and conformance with such plan. This requirement may be imposed, as reasonably necessary or advisable, by the Planning Director, Planning Commission, or Board of Commissioners. This is to assure compliance with the requirements of this district.

SECTION 3.050 Additional Requirements.

Airport District - See Section 14.122 - 14.129
Campgrounds - See Section 14.102
Cement and Asphalt Batching - See Section 14.137
Erosion and Sediment Control - See Section 14.130
Exploration, Mining and Processing Aggregate - See Section 14.136
Lodges and Resort Hotels - See Section 14.104
Setbacks From Aggregate Site -- See Section 14.138
Signs - See Section 14.114
Stream Setbacks - See Section 14.135
Wildfire Protection - See Section 14.133

WOODLOT RESOURCE DISTRICT

SECTION 4.010 Purpose of Woodlot Resource 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.

SECTION 4.011 Applicability of the District.

The Woodlot Resource District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Woodlot Resource classification. These Regulations shall not apply to a building structure, or property, which does not conform to these regulations and which lawfully existed at the time of adoption of this Ordinance, pursuant to the standard of Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 4.012 Management Practices.

The Woodlot Resource 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 Resource 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 must 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 4.020 Uses Permitted Subject to Section 4.041.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, Subdivision Ordinance, and Oregon Department of Environmental Quality Rules governing sewage disposal, air, and water quality. These may also be subject to site review.

WOODLOT RESOURCE

1. Forestry Promotion Uses.

- a. Forest Management and related forest uses, as defined in Section 1.006.

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

If the volume of wood exceeds 8 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. Agriculture, farming and related farm use, including indoor animal husbandry, as defined in Section 1.006.
- c. Structures necessary for resource use.
- d. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilization.
- e. Watershed management.
- f. Conservation and management of wildlife resources.

2. Forestry Consistent Uses - Category I

- a. Utility or communication facilities necessary for public services, including transmission facilities and receiving towers, provided transmission facilities comply with Section 14.101.
- b. Emergency protection facilities, fire towers, public workyards, and temporary logging labor camps.
- c. Single-family dwelling or mobile home, subject to compliance with ~~any~~ one of the following:
 - i. If the lot is at or above zoning size and the dwelling is provided in conjunction with forest use. A notarized statement by the owner shall be required to the effect that forestry practices shall be carried out by the owners of the property; or

WOODLOT RESOURCE

- ii. If an existing lot is smaller than the minimum lot size allowed by zoning provided that the dwelling is in conjunction with a commercial forest operation and the lot is appropriate for an intensive commercial forest operation; or
 - iii. The lot is generally unsuitable for resource use.
 - d. Park and recreation areas open to public use, excluding overnight camping facilities, and interpretive areas.
 - e. Hunting and fishing preserves.
 - f. Public facilities such as water storage reservoirs, pumping or treatment facilities.
 - g. Boat landings and docks.
 - h. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building or other similar building subject to the provisions of Section 14.108.
 - i. Signs, subject to Sections 14.114 and 14.114(2)(a).
 - j. Forest nurseries, including genetic research and seed processing facilities.
 - k. Log scaling and log storage.
 - l. Stands for the display and sale of forest and farm products produced on the land.
 - m. Facilities for the primary processing of forest products, including portable mills, portable chippers, and portable processors.
 - n. Log reload facilities, and logging equipment maintenance shops and servicing facilities, providing the 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 15.227.

WOODLOT RESOURCE

SECTION 4.025 Uses-Conditional Forestry Consistent Uses- Category II, subject to Section 4.041.

In a Woodlot Resource District, the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Additional criteria for review of every use permitted conditionally are addressed in Section 15.212 through 15.215.

1. Campgrounds and recreational vehicle parks open to public use, subject to Sections 14.102 and 14.103.
2. Lodges, conference grounds, membership-owned recreation areas, and related service facilities when part of the overall project, subject to Section 14.104.
3. Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
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. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
8. Sanitary landfills and non-hazardous waste disposal site limited to 25 acres, subject to Section 14.131, in addition to required conditional use standards.
9. Churches.
10. Outdoor recreational activities and related support services.
11. Personal use landing strips, fire attack landing strips for airplanes, and helicopter pads, including associated hangar and maintenance and service facilities.
12. Commercial power generation facilities, conditioned upon, but not limited to, the following criteria. In addition, hydroelectric and transmission facilities conditioned upon, but not limited to, the provisions of Section 14.101.

WOODLOT RESOURCE

- a. Submission of an acceptable site plan for landscaping and protection of adjoining resource properties.
- b. Demonstration of compliance with applicable State Air Contaminant Discharge Permits.

SECTION 4.030 Forestry Consistent Uses - Category III (Uses Permitted by Administrative Permit)

In a Woodlot Resource District, the following uses are permitted when authorized by administrative permit, issued pursuant to rules adopted by the Planning Commission and Section 15.228 through 15.230.

1. Temporary storage of an unoccupied mobile home.
2. Home Occupations, pursuant to criteria in Section 14.100, and subject to the standards in Section 4.030(5).
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. One mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to Section 15.229(2).
5. One single family residential dwelling not provided in conjunction with commercial forest use subject to satisfying all of the following criteria:
 - a. The proposed use is compatible with and will not significantly affect existing forest uses on the site or surrounding land;
 - b. The proposed use will not interfere with forest operations and practices;
 - c. The proposed use will not alter the stability of the overall land use pattern in the area;
 - d. The proposed use is consistent with forest policies in the comprehensive plan and the purposes of the zone.
 - e. Demonstration that the residence will be situated upon the reasonably least suitable land for forest uses, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

WOODLOT RESOURCE

SECTION 4.040 Dimensional Standards.

In a Woodlot Resource District, the following dimensional standards shall apply:

1. Area:

- a. The minimum size of every lot or land parcel shall be 20 acres unless approved in conformance with other provisions of this section.
- b. The minimum area may be reduced to 10 acres for a lot for a single family residence not in conjunction with forest use where such a dwelling has been approved per Section 4.030(5) and the lot is generally unsuitable for forest uses. This provision shall not be construed to allow the reduction of the balance of the property that remains in resource use to an area of less than 20 acres, unless the remainder is also authorized by this Ordinance.
- c. The minimum area may be reduced to 10 acres for a lot for:
 - i. the uses allowed in subsection 4.020(1)(a)(c)(d)(e)(f), or
 - ii. a single-family residence or a use authorized in Section 4.025 where either such use
 - (1) meets the criteria of Section 3.030(4)
 - (2) has no substantial adverse impact on surrounding forest use
 - (3) results in a net increase (in number or quality) of trees and other major plant life on the lot
 - (4) provides for reasonably minimum size and impact of roads
 - (5) does not exceed, and reasonably accommodates, the carrying capacity of the air, land, and water resources
 - (6) constitutes no major interference with any of the following on the lot:
 - I. production of trees and processing of forest products
 - II. buffers from noise

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III. watershed protection

IV. fisheries habitat

V. outdoor recreational activities

VI. livestock grazing

VII. Deer Winter Range

- (7) does not substantially diminish vegetative cover necessary for major topographical integrity of adjacent lots.
- (8) This provision shall not be construed to allow the reduction of the balance of the property that remains in resource use to an area of less than 20 acres, unless the remainder is also authorized by the Ordinance.
- d. Any use allowed pursuant to Section 4.040(1)(b and c) is subject to any reasonable commercial forest practice, even though such practices might otherwise constitute a nuisance. An exception of this is the application of toxic substances
- i. without reasonable notice, or
 - ii. when economically feasible modifications in the application can be made to protect the lot which is the site of the single-family residence.
- e. Decision on an application under this component [Section 4.040(1)(c)(ii)] shall be made by the Hearings Officer pursuant to the Josephine County Land Use Hearing Rules, Appeal, if any, shall be to the Josephine County Board of Commissioners.
- f. Whenever property is located in an area identified on an official map as Critical Wildlife Habitat the following shall apply:
- The minimum lot size in a critical habitat area shall be 20 acres, however, the size may be reduced subject to the standards specified in the underlying zone specifications when it can be demonstrated that no significant detrimental impact to critical habitat would occur as a result of such a division.
- i. The Planning Director shall refer any such requested reduction to the Department of Fish and Wildlife for comment regarding the proposed division.

WOODLOT RESOURCE

- ii. The Planning Director may impose, as a condition of approval, limitations on the location of structures in order to mitigate impacts on critical habitat.
 - iii. If the proposed division is for parcels less than 20 acres in size and is determined to cause a significant detrimental effect on critical wildlife habitat, the Director shall deny the request.
 - iv. The decision of the Director may be appealed to the Planning Commission as provided in Section 15.201 of the Ordinance.
2. Lot Width:
- a. The minimum lot width shall be 300 feet.
 - b. The minimum lot width for all uses, other than agriculture, forestry and single-family residences shall be limited to the width necessary for the proposed use.
 - c. 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 Woodlot District, provided all other laws and Ordinance requirements are met including Lot of Record requirements. Lot of Record is defined in Chapter 884, Sections 9 through 13, Oregon Laws, as amended by Chapter 826, Oregon Laws, 1983, Sections 14 and 15.
3. 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 14.109.
4. Setbacks.
- a. Front yard. There shall be a front yard having a depth of at least 30 feet from the front lot or property line, and at least 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 width of at least 25 feet. There shall be a rear yard of at least 40 feet in depth from the main building.
 - i. For parcels 2 acres and smaller in size, there shall be a side yard on each side of each building which shall have a width of at least 20 feet and a rear yard of at least 20 feet in depth

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- c. Additional regulations regarding yard requirements provided in Sections 14.110 and 14.111

SECTION 4.041 Siting Standards.

The placement of structures and accessory buildings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location and the size of the parcel. For the purposes of application of this Section the following will be required:

1. A site map of the property which shows the township, range, section and tax lot numbers held in ownership by the property owner.
2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements.
3. The proposed location of new dwellings and/or structures to be placed on the site.

Any use or proposed use may be subject to a satisfactory review of a site plan and conformance with such plan. This requirement may be imposed as reasonably necessary or advisable, by the Planning Director, Planning Commission, or Board of Commissioners. This is to assure compliance with the requirements of this district.

SECTION 4.050 Additional Requirements.

Airport District - See Section 14.122 - 14.129
Campgrounds - See Section 14.102
Cement and Asphalt Batching - See Section 14.137
Erosion and Sediment Control - See Section 14.130
Exploration, Mining and Processing Aggregate - See Section 14.136
Lodges and Resort Hotels - See Section 14.104
Sanitary Landfills - See Section 14.131
Setbacks From Aggregate Site -- See Section 14.138
Signs - See Section 14.114
Stream Setbacks - See Section 14.135
Wildfire Protection - See Section 14.133

SERPENTINE DISTRICT (20)

SECTION 5.010 Purpose of Serpentine District.

The purpose of designating lands underlain by serpentinite or peridotite geologic units is to provide a management classification that will permit treatment of such lands based on land capability. The 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 5.011 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 Sections 15.204 through 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 5.020 Uses - Permitted.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality. These uses may also be subject to site review.

1. Forest Management. As defined in Section 1.006.
2. Farm use, as defined in Section 1.006.
3. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
4. Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
5. Research and interpretive facilities related to the preservation of unique natural conditions or communities and the conservation and management of wildlife resources.

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6. Resource related recreation sites, including parks, and campgrounds, subject to Section 14.102.
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 facilities and receiving towers, provided a transmission facility complies with Section 14.101.
10. Single-family dwelling or mobile home, subject to the criteria in Section 5.040(1)(a)(3).
11. Home occupations, subject to provisions in Section 14.100.
12. Accessory buildings, including private garage or carport, guest house, greenhouse, stable, barn, pen, coop, kennel, or other similar buildings subject to the provisions of Section 14.108.
13. Log scaling and log storage.
14. Temporary facilities for the primary processing of forest products produced on the property, including portable mills, portable chippers and portable processors.
15. Signs, subject to Section 14.114 and 14.114(2)(a).

SECTION 5.030 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 Sections 15.228 through 15.230.

1. Temporary storage of an unoccupied mobile home.
2. Open, temporary, non-commercial storage of up to 4 motor vehicles, from which parts have not been removed, 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. One additional dwelling, subject to Section 15.229(2).
4. One temporary sign for a subdivision not exceeding 32 square feet.

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SECTION 5.040 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 20 acres or more and an average lot width of at least 500 feet, except that the Planning Director shall approve a reduction in the minimum parcel size, down to 5 acres and a minimum average width of 300 feet.
 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.
 3. 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 3 gallons per minute of potable water for a period of 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.

In order to demonstrate compliance with the above requirements the following shall be submitted:

- i. For surface water systems, approval from the Environmental Health Department showing that the water source meets domestic water standards and confirmation from the

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Watermaster's Office that water rights are approved; or

- ii. For ground water systems, confirmation from the Watermaster's Office that a well has been constructed that at a minimum meets the water delivery rate and a report from a certified water laboratory that the water meets state water standards for potability.
- b. Additional regulations regarding lot size requirements are provided in Section 1.006 and Section 15.221.
- c. Whenever property is located in an area identified on an official map as Critical Wildlife Habitat the following shall apply:

The minimum lot size in a critical habitat area shall be 20 acres; however, the size may be reduced subject to the standards specified in the underlying zone specifications when it can be demonstrated that no significant detrimental impact to critical habitat would occur as a result of such a division.

- i. The Planning Director shall refer any such requested reduction to the Department of Fish and Wildlife for comment regarding the proposed division.
- ii. The Planning Director may impose, as a condition of approval, limitations on the location of structures in order to mitigate impacts on critical habitat.
- iii. If the proposed division is for parcels less than 20 acres in size and is determined to cause a significant detrimental effect on critical wildlife habitat, the Director shall deny the request.
- iv. The decision of the Director may be appealed to the Planning Commission as provided in Section 15.201 of the Ordinance.

2. Setbacks.

- a. Front yard. There shall be a front yard having a depth of at least 30 feet from the front lot or property line, and at least 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 at least 30 feet. There shall be

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a rear yard of at least 40 feet in depth from the main building. Accessory buildings shall be located a minimum of 30 feet from the front lot line.

- c. Accessory buildings shall be located at least 25 feet from the side and rear lot lines.
- d. Additional standards and exceptions regarding yard requirements are provided in Sections 14.110 and 14.111.

SECTION 5.050 Additional Requirements.

Airport District - See Section 14.122 - 14.129

Campgrounds - See Section 14.102

Cement and Asphalt Batching - See Section 14.137

Exploration, Mining and Processing Aggregate - See Section 14.136

Setbacks From Aggregate Site - See Section 14.138

Streamside Setbacks - See Section 14.135

Wildfire - See Section 14.133

EXCLUSIVE FARM (80)

AGRICULTURAL PRESERVATION AND PROMOTION DISTRICT

SECTION 6.010 Purposes of Exclusive Farm District.

The purposes of this District are to preserve agricultural land most appropriate for farm use 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 215.288, and are designated in compliance with the Statewide Planning Goal on Agricultural Land for lands which are potentially productive for farm use.

SECTION 6.011 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 6.012 Resource Management Practices.

The Exclusive Farm classification is intended to encourage resource management activity. Normal resource management practices shall not be considered a nuisance condition in an Exclusive Farm District. Nothing in this regulation is intended to interfere with normal resource management 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 activities and that in the event of a conflict between residential use and resource practices, this Regulation will be interpreted in favor of the resource practice.

SECTION 6.020 Uses - Permitted.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality. These uses may also be subject to site review.

EXCLUSIVE FARM DISTRICT

1. Agriculture, farming, and related farm use including indoor animal husbandry, as defined in Section 1.006.
2. Forest Management, and related forest uses, as defined in Section 1.006.
3. Utility facilities necessary for public service, except facilities for the purpose of generating power for public use by sale, but including transmission facilities subject to Section 14.101.
4. Dwellings as provided for in ORS Chapter 215.283 as follows:
 - a. A dwelling on real property used for farm use if the dwelling is:
 - i. Located on the same lot or parcel, as those terms are defined in ORS 92.010, as the dwelling of the farm operator, and
 - ii. Occupied by a relative, which means grandparent grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
 - b. The dwellings and other buildings customarily provided in conjunction with farm use.
 - c. Dwellings on existing lots smaller than the minimum lot size provided that the dwelling is in conjunction with a commercial farm operation and the lot is appropriate for an intensive commercial farm operation.

The structures shall be located on the least suitable portion of the property for farm use. In addition to the above requirements, a disclosure statement shall be signed and recorded with the County that the landowner recognizes the statement on management practices contained in Section 6.012.
5. Operations for the exploration of geothermal resources.
6. Signs, subject to Section 14.114 and 14.114(2)(a).
7. Similar uses, subject to Section 15.227.
8. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building or other similar building subject to the provisions of Section 14.108.

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SECTION 6.025 Uses-Conditional.

In an Exclusive Farm District, the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Additional criteria for review of every use permitted conditionally are addressed in Section 15.212 through 15.215.

1. Commercial activities that are in conjunction with farm uses.
2. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
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, subject to Section 14.102.
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, including hydroelectric and transmission facilities subject to Section 14.101.
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. 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.

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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 used in the 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.

10. The boarding of horses for profit.
11. Sanitary landfills and non-hazardous waste disposal sites per ORS 215.283(k) subject to Section 14.131.

SECTION 6.030 Uses Permitted by Administrative Permit.

In an EF, Agricultural Preservation and Promotion zone, 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 15.228 through 15.230.

1. Home Occupation, subject to the provisions of Section 14.100, and subject to the standards in Section 6.030(3).
2. One mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident as provided in ORS 215.283(2)(1), subject to Section 15.229(2).
3. One single family residential dwelling not provided in conjunction with commercial farm use, subject to satisfying all of the following criteria:
 - a. It is compatible with commercial farm uses as identified in ORS 215.203(2)(a).
 - b. Is consistent with the agricultural land use policy of the State Legislature as expressed in ORS 215.243.
 - c. Does not interfere with accepted farming practices as defined in ORS 215.203(2)(c) and does not materially alter the overall land use patterns in the area.
 - d. Demonstration that the residence will be situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

SECTION 6.040 Dimensional Standards.

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

EXCLUSIVE FARM DISTRICT

1. Area:

- a. The minimum size of newly created lots for agricultural uses shall be 80 acres, unless otherwise approved by the Hearings Officer.
- b. The minimum size for a lot for a single-family residence not in conjunction with farm use shall be established as a result of an approval of a non-farm dwelling per Section 6.030(3) but in no case shall be smaller than 2 acres in size.
- c. The minimum lot size for all uses, other than agriculture, forestry or single-family residences not in conjunction with farm use shall be limited to the size reasonably necessary for the proposed use.
- d. The Hearings Officer shall establish the minimum parcel size of any division of agricultural land less than 80 acres consistent with the following criteria:
 - i. The parcels are for farm use as defined in ORS Chapter 215.203.
 - ii. The division shall be consistent with Agricultural Land Use Policy as set forth in ORS 215.243.
 - iii. The proposed division of land is appropriate for the continuation of the existing commercial agricultural enterprise within the area and consistent with the results of an inventory of all commercial farm operations from a representative geographic area within, at a minimum, 1 mile noting the type and nature of such operations.

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 that width necessary for the proposed use.
- 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 other laws and ordinance requirements are met including Lot of Record requirements and setbacks.

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Lot of Record is defined in Chapter 884, Sections 9 through 13, Oregon Laws, as amended by Chapter 826, Oregon Laws, 1983, Sections 14 and 15.

3. 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 14.109.
4. Setbacks.
 - a. Front Yard: There shall be a front yard having a depth of at least 30 feet from the front lot or property line, and at least 60 feet from any building to the centerline of any public street or road.
 - b. Side and Rear Yards:
 - i. 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 at least 30 feet and a rear yard of at least 30 feet in depth.
 - c. Additional regulations regarding yard requirements provided in Section 14.110 and 14.111.

SECTION 6.041 Siting Standards.

The placement of structures and accessory buildings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location and the size of the parcel. For the purposes of application of this Section the following will be required:

1. A site map of the property which shows the township, range, section and tax lot numbers held in ownership by the property owner.
2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements.
3. The proposed location of new dwellings and/or structures to be placed on the site.

Any use or proposed use may be subject to a satisfactory review of a site plan and conformance with such plan. This requirements may be imposed, as reasonably necessary or advisable, by the Planning Director, Planning Commission, or Board of Commissioners. This is to assure compliance with the requirements of this district.

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SECTION 6.050 Additional Requirements.

Campgrounds - See Section 14.102
Cement and Asphalt Batching - See Section 14.137
Erosion and Sediment Control - See Section 14.130
Exploration, Mining and Processing Aggregate - See Section 14.136
Sanitary Landfill - See Section 14.131
Setbacks From Aggregate Site - See Section 14.138
Signs - See Section 14.114 and 14.114(2)(a)
Stream Setbacks - See Section 14.135
Wildfire Protection - See Section 14.133

EXCLUSIVE FARM

FARM RESOURCE DISTRICT

SECTION 7.010 Purpose of Farm Resource 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 agricultural lands for farm use. This chapter is designed to provide a classification for lands in Josephine County of marginal agriculture production capability. The uses established by this District are authorized by Oregon Revised Statutes 215.203 to 215.293 and are designated in compliance with the Statewide Planning Goal on Agriculture Land for lands which are potentially productive for farm use.

SECTION 7.011 Applicability of the District.

The Exclusive Farm, Farm Resource District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Farm 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 Sections 15.204 and 15.212. 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 Hearings Officer.

Structures hereafter erected, altered, enlarged or moved and land hereafter used in the Farm Resource District shall comply with the provisions of this Ordinance. Development permits shall be issued pursuant to Section 15.200.

SECTION 7.012 Resource Management.

The Farm Resource classification is intended to allow resource management activity. Normal resource management practices shall not be considered a nuisance condition in a Farm Resource District. Nothing in this regulation is intended to interfere with normal resource management 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 this District is to protect resource activities and that in the event of a conflict between residential use and resource practices, this Regulation will be interpreted consistent with the resource practice.

FARM RESOURCE DISTRICT

SECTION 7.020 Uses-Permitted.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality. These uses may also be subject to a site review.

1. Agriculture, farming, and farm use, as defined in Section 1.006.
2. Forest Management and related forest uses, as defined in Section 1.006.
3. Dwellings as provided for in ORS Chapter 215.283 as follows:
 - a. A dwelling on real property used for farm use if the dwelling is:
 - i. Located on the same lot or parcel, as those terms are defined in ORS 92.010, as the dwelling of the farm operator, and
 - ii. Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
 - b. The dwellings and other buildings customarily provided in conjunction with farm use.
 - c. Dwellings on existing lots smaller than the minimum lot size provided that the dwelling is in conjunction with a commercial farm operation and the lot is appropriate for an intensive commercial farm operation.

For the above uses a notarized statement by the owner shall be required to the effect that agricultural practices shall be carried out by the occupants of the property.

4. Accessory buildings, including a private garage or carport, guest house, personal use shop, personal storage building or other similar building, subject to the provisions of Section 14.108.
5. Utility and communication facilities necessary for public service, excluding commercial power generation facilities, but including a transmission facility, subject to Section 14.101.
6. Boat landings and docks.

FARM RESOURCE DISTRICT

7. Signs, subject to the provisions of Section 14.114 and 14.114(2)(a).
8. Similar uses, pursuant to Section 15.227.

SECTION 7.025 Uses-Conditional.

In a Farm Resource District the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Additional criteria for review of every use permitted conditionally are addressed in Section 15.212 through 15.215.

1. Commercial power generation facilities, conditioned upon, but not limited to, the following criteria. In addition, hydroelectric and transmission facilities conditioned upon, but not limited to, the provisions of Section 14.101.
 - a. Submission of an acceptable site plan for landscaping and protection of adjoining resource properties.
 - b. Demonstration of compliance with applicable State Air Contaminant Discharge Permits.
2. Sanitary landfills and non-hazardous waste disposal sites per ORS 215.283(k), subject to Section 14.131.
3. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
4. Parks, playgrounds, hunting and fishing preserves, community centers, and campgrounds conditioned upon, but not limited to, submission of a conceptual plan for site development, subject to Section 14.103.
5. Churches.
6. Public or Private Schools.
7. Personal use landing strips.
8. 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 such facility will not seriously interfere with accepted farming practices.
 - b. Demonstration that such facility will not create a nuisance for adjoining farm uses.

FARM RESOURCE DISTRICT

9. The boarding of Horses for profit.
10. Indoor Animal Husbandry.

SECTION 7.030 Uses Permitted by Administrative Permit.

In a Farm Resource District, the following uses are permitted when authorized by Administrative Permit, issued pursuant to rules adopted by the Planning Commission and Sections 15.228 through 15.230.

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. Home Occupation, subject to the provisions of Section 14.100.
3. One mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident as provided in ORS 215.283(2)(L), subject to Section 15.229(2).
4. One single-family residential dwelling not provided in conjunction with commercial farm use subject to satisfying all of the following criteria:
 - a. It is compatible with farm uses as identified in ORS 215.203(2).
 - b. Is consistent with the agricultural land use policy of the State Legislature as expressed in ORS 215.243.
 - c. Does not interfere with accepted farming practices as defined in ORS 215.203(2)(c) and does not materially alter the overall land use patterns in the area.
 - d. Demonstration that the residence will be situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

SECTION 7.040 Dimensional Standards.

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

1. Area:
 - a. The minimum size of every lot or land parcel shall be 10 acres unless approved in conformance with other provisions of this Section.

FARM RESOURCE DISTRICT

- b. Whenever property is located in an area identified on an official map as Critical Wildlife Habitat the following shall apply:
 - i. The minimum lot size in a critical habitat area shall be 20 acres; however, the size may be reduced subject to the standards specified in the underlying zone specifications when it can be demonstrated that no significant detrimental impact to critical habitat would occur as a result of such a division.
 - ii. The Planning Director shall refer any such requested reduction to the Department of Fish and Wildlife for comment regarding the proposed division.
 - iii. The Planning Director may impose, as a condition of approval, limitations on the location of structures in order to mitigate impacts on critical habitat.
 - iv. If the proposed division is for parcels less than 20 acres in size and is determined to cause a significant detrimental effect on critical wildlife habitat, the Director shall deny the request.
 - v. The decision of the Director may be appealed to the Planning Commission as provided in Section 15.201 of the Ordinance.
- c. The minimum lot size for all uses, other than agriculture, forestry or single-family residences shall be limited to the size reasonably necessary for the proposed use.
- d. The Hearings Officer shall establish the minimum parcel size of any division of agricultural land less than 20 acres consistent with the following criteria:
 - i. The parcels are for farm use as defined in ORS Chapter 215.203.
 - ii. The division shall be consistent with Agricultural Land Use Policy as set forth in ORS 215.243.
 - iii. The proposed division of land is appropriate for the continuation of the existing commercial agricultural enterprise within the area and consistent with the results of an inventory of all commercial farm operations from a representative geographic area within, at a minimum, 1 mile noting the type and nature of such operations.

FARM RESOURCE DISTRICT

2. Lot Width:
 - a. The minimum lot width shall be 300 feet.
 - b. The minimum lot width for all uses, other than agriculture, forestry and single-family residences shall be limited to the width necessary for the proposed use.
 - c. 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 Farm Resource District, provided all other laws and ordinance requirements are met including Lot of Record requirements and setbacks. Lot of Record is defined in Chapter 884, Sections 9 through 13, Oregon Laws, as amended by Chapter 826, Oregon Laws, 1983, Sections 14 and 15.
3. 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 14.109.
4. Setbacks.
 - a. Front yard. There shall be a front yard having a depth of at least 30 feet from the front lot or property line, and at least 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 at least 25 feet, and there shall be a rear yard of at least 25 feet in depth from the main building.
 - c. Additional regulations regarding yard requirements provided in Sections 14.110 and 14.111.

SECTION 7.041 Siting Standards.

The placement of structures and accessory buildings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location and the size of the parcel. For the purposes of application of this Section the following will be required:

1. A site map of the property which shows the township, range, section and tax lot numbers held in ownership by the property owners.
2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements.

FARM RESOURCE DISTRICT

3. The proposed location of new dwellings and/or structures to be placed on the site.

Any use or proposed use may be subject to a satisfactory review of a site plan and conformance with such plan. This requirement may be imposed, as reasonably necessary or advisable, by the Planning Director, Planning Commission, or Board of Commissioners. This is to assure compliance with the requirements of this district.

SECTION 7.050 Additional Requirements.

Campgrounds - See Section 14.102
Cement and Asphalt Batching - See Section 14.137
Erosion and Sediment Control - See Section 14.030
Exploration, Mining and Processing Aggregate - See Section 14.136
Sanitary Landfill - See Section 14.131
Setbacks From Aggregate Site - See Section 14.138
Signs - See Section 14.114 and 14.114(2)(a)
Stream Setbacks - See Section 14.135
Wildfire Protection - See Section 14.133

RURAL RESIDENTIAL DISTRICT (1, 2.5, & 5)

SECTION 8.010 Purpose 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 8.011 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.

Structures hereafter erected, 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 15.200.

SECTION 8.020 Uses - Permitted.

The following uses shall be permitted and are subject to all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality. These uses may also be subject to site review.

1. Agriculture, farming, and farm use as defined in Section 1.006 and limited to products produced on the property excluding commercial feedlots and commercial activities in conjunction with farm use subject to the standards provided in Section 8.026.
2. Boarding of horses for profit.
3. Forest management, production and harvesting of timber resources, as defined in Section 1.006.
4. Single-family residence or mobile home.

RURAL RESIDENTIAL DISTRICT (1, 2.5 & 5)

5. Accessory buildings, including private garage or carport, guest house, greenhouse, stable, barn, pen, coop, kennel, or other similar buildings normally required in connection with a use specified in Section 8.020(1) through (2) and subject to the provisions of Section 14.108.
6. Stands for the display and sale of farm and forest products produced on the land.
7. Home Occupations, subject to Section 14.100.
8. Boat landings and docks.
9. Planned developments.
10. Signs, subject to Sections 14.114 and 14.114(2)(b).
11. Similar uses subject to Section 15.227.

SECTION 8.025 Uses - Conditional.

In a Rural Residential District the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Criteria for review of every use permitted conditionally are addressed in Sections 15.213 through 15.215, and are subject to Section 15.216.

1. Utility and communication facilities including commercial power generation facilities, conditioned upon, but not limited to, the following criteria. In addition, hydroelectric and transmission facilities, conditioned upon, but not limited to, Section 14.101.
 - a. Submission of an acceptable site plan for landscaping and protection of adjoining residential properties.
 - b. Demonstration of Compliance with applicable State Air Quality Discharge Permits.
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, mining and processing of aggregate and other mineral resources. Subject to Sections 14.136 and 14.138.
5. Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.

RURAL RESIDENTIAL DISTRICT (1, 2.5 & 5)

6. Parks, playgrounds, community centers, rodeo grounds, and golf courses. See Section 14.103.
7. Campgrounds, resource related, subject to Section 14.102.
8. Kennels, subject 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.
9. Churches.
10. Cemeteries.
11. Indoor Animal Husbandry, subject to the following criteria:
 - a. Demonstration the proposed development will have adequate, sanitary waste disposal facilities, by means of on-site or off-site disposal, or a combination thereof, and as the same are approved by the Soil Conservation Service and Department of Environmental Quality and incorporated in a written animal waste management plan. The standards of the Soil Conservation Service shall include but not be limited to those pertaining to the carrying capacity of the soil in relation to the animal units to be present thereupon.
 - b. Demonstration the use will not impose nuisance conditions upon persons located within the neighborhood.
 - c. Reasonable conditions may be imposed in conjunction with the issuance of the conditional use permit, including but not limited to those designed to minimize or eliminate any adverse affects upon persons residing or working in the neighborhood arising from the disposal of waste, creation of odor, generation of traffic, and creation of noise.
 - d. Use shall be located on a parcel at least 5 acres in size.
12. Public or private schools.
13. Residential dormitories or housing in conjunction with public or private schools, conditioned upon, but not limited to, the following criteria:

RURAL RESIDENTIAL DISTRICT (1, 2.5 & 5)

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.

14. Personal use landing strip for airplanes and helicopter pads, including associated hangers, maintenance and service facilities.

SECTION 8.026 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 8.030 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 up to 4 motor vehicles, from which parts have not been removed, 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. One additional dwelling, subject to Section 15.229(2).
5. One temporary sign for a subdivision not exceeding 32 square feet.

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6. Real estate tract sales office subject 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. Upon termination of the sales activity the structure shall be removed or converted to a use permitted by this district.

SECTION 8.040 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 14.109.
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 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 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 5 acres and a minimum average width of 300 feet.

In those areas shown on an official map as being in a water quality problem area and which were originally zoned to have a one acre minimum size, this standard with a 150 foot minimum average width may be applied where it can be demonstrated that:

- i. A safe domestic water supply is provided such as the extension of a municipal system or extension or construction of a public or community water system using a surface or groundwater source that will not be subject

RURAL RESIDENTIAL DISTRICT (1, 2.5 & 5)

to contamination and meets the standards of the Oregon State Health Division; or

- ii. When a lot or parcel has the potential for a maximum of three one acre lots and a private well is to be utilized such well does not exceed 250 milligrams per liter of chloride concentration as evidenced by a test by a certified water laboratory.

Whenever a subdivision is proposed in a water quality problem area, the Planning Commission may require the extension of proposed water systems to neighboring properties. The Commission may also require that the system be designed to accommodate the extension of lines and the addition of storage capacity. The Commission may further require that the organization of any community water system be established so as to permit property owners in the immediate vicinity to join the system and to participate in the financing and maintenance of the system as the Commission deems appropriate and prudent.

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 met.

Additional regulations regarding lot size are provided in Section 15.221.

3. Setbacks.

- a. Front Yard. There shall be a front yard having a depth of at least 30 feet from the front lot or property line, and at least 60 feet from any building to the centerline of any public road or street.
- b. Side Yard. There shall be a side yard of at least 10 feet.
- c. Rear Yard. There shall be a rear yard of at least 25 feet.
- d. Additional regulations regarding yard requirements are provided in Sections 14.110 and 14.111.

RURAL RESIDENTIAL DISTRICT (1, 2.5 & 5)

SECTION 8.050 Additional Requirements.

Airport Overlay District - See Sections 14.122 through 14.129
Campgrounds - See Section 14.102
Cement and Asphalt batching - See Section 14.137
Exploration, Mining and Processing Aggregate - See Section 14.136
Erosion Control - See Section 14.130
Parks, Playground - See Section 14.103
Setbacks From Aggregate Site - See Section 14.138
Signs - See Section 14.114 and 14.114(2)(b)
Stream Setbacks - See Section 14.135.
Wildfire - See Section 14.133

RURAL COMMERCIAL DISTRICT

SECTION 9.010 Purpose 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 area.

SECTION 9.011 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 9.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality rules governing sewage disposal, air and water quality.

1. Meat processing and packing, excluding slaughter house.
2. Grocery and food store.
3. General store.
4. Service station and minor repair garage, and towing service limited to 5 stored vehicles screened from view.
5. Public facilities, including post office, fire and police substation, and library.
6. Bus stop.
7. Feed and fuel store.
8. Photo copying.
9. Appliance, small engine, pump, and electronics sales and repair.

RURAL COMMERCIAL DISTRICT

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 newsstand.
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 facility.
20. Church.
21. Pharmacy.
22. Off-street parking facility when operated in conjunction with the permitted use.
23. Single-family dwelling or mobile home.
24. Accessory buildings to be used in conjunction with uses addressed in Section 9.020(1) through (23) and Section 9.025(1) through (7), pursuant to Section 14.108.
25. Signs, subject to Section 14.114(1) and 14.114(2)(c).
26. Similar uses pursuant to Section 15.227.

SECTION 9.025 Uses - Conditional.

In a Rural Commercial District the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Criteria for review of every use permitted conditionally are addressed in Section 9.026 and Sections 15.212 through 15.215.

1. Print shop, including off-set, blueprinting and bindery.
2. Coin laundry.
3. Veterinary Clinic.

RURAL COMMERCIAL DISTRICT

4. Tavern.
5. Mini-warehouse.
6. Medical or dental clinic.
7. Professional office.

SECTION 9.026 Criteria.

Approval of the preceding uses in Section 9.025 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 9.040 Dimensional Standard.

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

1. Height: Buildings, structures or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet. Exceptions to the height limitations are addressed under Section 14.109.
2. Area.
 - a. The minimum lot size for single-family residence or mobile home shall be 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 15.221.
3. Setbacks.
 - a. Front yard. There shall be a front setback of at least 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.

RURAL COMMERCIAL DISTRICT

- b. Side yard. There shall be a side setback of at least 10 feet from the side lot line.
- c. Rear yard. There shall be a rear setback of at least 10 feet from the rear lot line.
- d. Business signs and lighting standards may be located in a front or side yard.
- e. Additional regulations regarding yard standards and exceptions are provided in Sections 14.110 and 14.111.

SECTION 9.050 Additional Requirements.

Airport Overlay District - See Sections 14.122 through 14.129
Erosion Control - See Section 14.130
Landscaping - See Section 14.132
Signs -- See Section 14.114
Stream Setbacks - See Section 14.135
Solid Waste -- See Section 14.134

TOURIST COMMERCIAL DISTRICT

SECTION 10.010 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 10.011 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 10.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality.

- 1, Single-family dwelling or mobile home.
2. Travelers accommodation:
 - a. Campgrounds and conference grounds, subject to Section 14.102 and 14.103.
 - b. Lodges.
 - c. Motels.
 - d. Recreational vehicle parks.
3. Retail and Service:
 - a. Antique shop.
 - b. Art/craft studio, including ceramics, glassware, woodcarving, hand weaving and similar crafts.
 - c. Art gallery and artists supply store.

TOURIST COMMERCIAL DISTRICT

- d. Automobile service station and garage; including automobile wash rack.
 - e. Bakery.
 - f. Barber and beauty shop.
 - g. Book store, news dealer, newsstand.
 - h. Camera and photographic store and gallery.
 - i. Coin-operated laundry.
 - j. Confectionery.
 - k. Gift, novelty, curio and souvenir shop, including myrtlewood products manufacture, and boutiques.
 - l. Mini market and delicatessen.
 - m. Lapidary shop.
 - n. Pharmacy.
 - o. Real estate office.
 - p. Restaurant and lounge.
 - q. Sporting goods store, including rental or recreational equipment.
 - r. Tavern.
4. Amusement and recreation:
- a. Carnival (transient in nature).
 - b. Circus.
 - c. Community center.
 - d. Drive-in theater.
 - e. Miniature golf course.
 - f. Museum or library.
 - g. Music studio.
 - h. Penny arcade.
 - i. Rodeo grounds.
 - j. Shooting gallery.

TOURIST COMMERCIAL DISTRICT

- k. Stands for the sale of farm or forest products.
 - l. Swimming pool.
 - m. Taxidermy.
 - n. Theater.
 - o. Utility or communication facilities necessary for public services, including transmission and receiving towers, providing transmission facilities comply with Section 14.101.
- 5. Accessory buildings to be used in conjunction with uses listed in Section 10.020(1) through (4) and in Section 10.025(1) through (12), pursuant to Sections 14.108.
 - 6. Signs, subject to Sections 14.114(1) and 14.114(2)(d).
 - 7. Similar uses, subject to Section 15.227.

SECTION 10.025 Uses - Conditional.

In a Tourist Commercial District the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Criteria for review of every use permitted conditionally are addressed in Sections 10.026 and 15.213 through 15.215.

- 1. Athletic club, club house.
- 2. Attached two-family dwelling (duplex).
- 3. Automobile or motorcycle race track.
- 4. Church.
- 5. Day-care facility and pre-school.
- 6. Bank.
- 7. Health Spa.
- 8. Outdoor concert.
- 9. Public auction.
- 10. Wildlife park.

TOURIST COMMERCIAL DISTRICT

SECTION 10.026 Criteria.

Approval of the preceding uses in Section 10.025 is conditioned upon, but not limited to, the following criteria and subject to the provisions of Section 15.213 through 15.215.

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 10.040 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 14.109.
2. Area.
 - a. The minimum lot size for residential uses shall be 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 provided in Section 15.221.
3. Setbacks.
 - a. Front Yard. There shall be a front setback at least 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 setback of at least 10 feet from the side lot line.
 - c. Rear Yard. There shall be a rear setback of at least 10 feet from the rear lot line.
 - d. Business signs and lighting standards may be located in a front or side yard.

TOURIST COMMERCIAL DISTRICT

- e. Additional standards and exceptions regarding yard requirements are provided in Sections 14.110 and 14.111.

SECTION 10.050 Additional Requirements.

Airport District - See Section 14.122 - 14.129
Erosion - See Section 14.130
Landscape -- See Section 14.132
Signs -- See Section 14.114
Solid Waste -- See Section 14.134
Stream Setbacks -- See Section 14.135

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

SECTION 11.010 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 11.011 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 11.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality Rules governing sewage disposal, air, and water quality.

A. Public and institutional:

1. Ambulance and emergency medical facilities.
2. Church.
3. Fraternal Lodges.
4. Historical Preservation project.
5. Library.
6. Museum.
7. Police and fire stations, post offices.

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

8. Public and private schools, including day care facility.
9. Public parks and recreation sites.
10. Road maintenance shops.
11. Utility facilities, including hydroelectric and transmission facilities subject to Section 14.101.

B. Amusement and recreation:

1. Bowling alley.
2. Clubs and courts, including tennis and racquetball.
3. Dance hall.
4. Golf course.
5. Gymnasium.
6. Ice skating rink.
7. Indoor sports arena.
8. Marina.
9. Miniature golf course.
10. Motion picture theater.
11. Rodeo grounds.
12. Roller skating rink.

C. Printing and publishing:

1. Bindery.
2. Newspaper publishing plant.
3. Photo copying.
4. Print shop, including off-set, blueprinting.

D. Transportation:

1. Bus terminal, railroad depot.
2. Towing service, limited to 5 stored vehicles screened from view.

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

E. Retail and service:

1. Accessory buildings to be used in conjunction with uses listed in Section 11.020 (A) through (G) and Section 11.025(1) through (7), pursuant to Section 14.108.
2. Appliance, radio, television and electronics sales and repair.
3. Art studio, including painting, sculpting, printmaking, ceramics, glasswork, photography, pottery, woodcarving, and similar crafts.
4. Bank.
5. Barber and beauty shop.
6. Bicycle shop.
7. Book or stationery store, including newsstands.
8. Building materials store.
9. Business and office machines and supplies, sales and repair.
10. Cabinet shop.
11. Camera and photographic store.
12. Contractors' establishments, including retail sales and servicing, for uses such as carpentry, plumbing, sheet metal, electrical and pump shops.
13. Dry goods or notions store.
14. Farm implement and equipment store.
15. Feed store.
16. Florist and gift store.
17. Frozen food store and lockers.
18. Furniture repair and upholstery.
19. Garden supply store.
20. General store.
21. Greenhouses, including retail sales.
22. Grocery Store

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

23. Gunsmith.
24. Hardware and paint store.
25. Hobby store.
26. Jewelry store.
27. Lapidary shop.
28. Laundry.
29. Meat processing and packing, excluding slaughter house.
30. Medical and dental offices, clinics and laboratories.
31. Mini-warehouse.
32. Mobile home, recreational vehicle, automobile retail sales, and repair.
33. Monument or tombstone store.
34. Music store.
35. Pharmacy.
36. 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.
37. Religious goods store.
38. Rental service stores and yards.
39. Restaurant.
40. Retail sale of food products, including groceries and bakeries.
41. Roofing establishment.
42. Saw shops, including sales and service.
43. Septic tank installers.
44. Service station and automobile or truck repair garage.
45. Sign painting shop.

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

46. 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.
 47. Sporting goods store.
 48. Tack and saddlery shop.
 49. Tailor and dressmaker.
 50. Tavern.
 51. Tractor dealers, repairing and service.
 52. Variety store.
 53. Veterinary hospital or clinic.
 54. Welding and blacksmith shop.
- F. Single-family residence or mobile home.
- G. Signs, subject to the provisions of Sections 14.114 and 14.114(2)(e).
- H. Similar uses, subject to Section 15.227.

SECTION 11.025 Uses - Conditional.

In a Rural Convenience Center Commercial District, the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Criteria for review of these conditional uses are addressed in Section 11.026 and 15.213 through 15.215.

1. Fuel depot and sales.
2. Hotels and motels.
3. Planned developments, including mobile home parks, with the provision of a community water system.
4. Recreational vehicle parks.
5. Sewage treatment plants.
6. Duplex and multi-family dwellings.
7. Water treatment plants, water reservoirs.

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

SECTION 11.026 Criteria.

Approval of the preceding uses in Section 11.025 is conditioned upon, but not limited to, the following criteria and is subject to the provisions of Section 15.216 through 15.219.

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 11.030 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 14.109.
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 planned development or mobile home park, or multi-family dwelling shall not exceed 5 dwelling units per acre.

Additional regulations regarding lot size are provided in Section 15.221.

3. Setbacks.

- a. Front yard. There shall be a front setback at least 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 and Rear Yard. The side and rear setback shall be 10 feet, except that the required yard may be reduced to zero setback if the yard abuts a commercial or industrial district, provided any walls of a structure placed upon such side lot line are constructed to four-hour fire wall standards.
- c. Additional regulations regarding yard requirements are provided in Section 14.110 and 14.111.

RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

SECTION 11.050 Additional Requirements.

Airport Overlay District - See Sections 14.122 through 14.129

Erosion - See Section 14.130

Landscaping - See Section 14.132

Signs - See Sections 14.114 and 14.114(2)(e)

Site Review - See Section 15.216 through 15.219

Solid Waste - See Section 14.134

Stream Setbacks - See Section 14.135

RURAL INDUSTRIAL DISTRICT

SECTION 12.010 Purpose of Rural Industrial District.

The Rural Industrial District is intended to provide appropriate areas for the development of industrial uses which, by their nature, are essential to a balanced economic base in the County and do not require full urban 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 12.011 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 Sections 15.204 and 15.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 12.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality.

1. Airports and related uses, including hanger and maintenance facilities.
2. Automobile, truck and heavy equipment parts and accessory stores.
3. Automotive, truck and heavy equipment garages and repair, including paint and body shops and towing services, limited to 5 stored vehicles screened from view.
4. Building maintenance services.
5. Cement and asphalt batching, rock processing and crushing.
6. Compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks, or other food products.

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7. Freight, train or bus terminals.
8. General laboratories and research facilities.
9. Heavy equipment and farm implement sales and repair.
10. Lockers, ice houses and cold storage facilities.
11. Manufacture of textiles, cloth, or fiber products.
12. 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.
13. Metal fabrication and repair.
14. Metal reduction, milling, and refining, except for smelting.
15. Photographic film processing, photo engraving, photocopying establishments.
16. Plumbing and sheet metal shops.
17. Printing, lithographing, blueprinting or publishing and distribution facilities.
18. Public and semi-public buildings.
19. Residence for caretaker or night watchman.
20. Restaurant and lounges.
21. Saw shops, including sales and repair.
22. Signs, subject to Sections 14.114 and 14.114(2)(f).
23. Similar uses, subject to Section 15.227.
24. Tavern.
25. Taxidermy.
26. Tire store, repair and recapping.
27. Upholstery, automobile and furniture.
28. Warehousing.
29. Wholesale distribution and retail sales facility or agricultural cooperative.

RURAL INDUSTRIAL DISTRICT

30. Wood products manufacturing, including secondary and tertiary processing.

SECTION 12.025 Uses - Conditional.

In the Rural Industrial District the following uses and their accessory uses are permitted when authorized by the Hearings Officer upon satisfactory demonstration of compliance with the standards of this Ordinance. Additional criteria for review of every use permitted conditionally are addressed in Sections 12.026 and 15.213 through 15.215.

1. Fuel distribution facility.
2. Processing or packaging of products including breweries, distilleries, slaughter houses, and canneries.
3. Smelting.
4. Commercial power generating facilities, providing hydroelectric and transmission facilities comply with Section 14.101.
5. Automobile wrecking yard. See definition, Section 1.006.

SECTION 12.026 Criteria.

Approval of the preceding uses in Section 12.025 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 12.040 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 14.109.
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.

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Additional regulations regarding lot size are provided in Section 15.221.

3. Setbacks.

- a. Front Yard. A front setback of 10 feet shall be provided.
- b. Side and Rear Yard. The side and rear setback shall be 10 feet, except that the required yard may be reduced to zero setback if the yard abuts a commercial or industrial district, provided any walls of a structure placed upon such side lot line are constructed to four-hour fire wall standards.
- c. Additional regulations regarding yard requirements are provided in Section 14.110 and 14.111.

SECTION 12.050 Additional Requirements.

Airport Overlay District - See Sections 14.122 through 14.129
Erosion - See Section 14.130
Landscaping - See Section 14.132
Signs - See Section 14.114 and 14.114(2)(f)
Site Review - See Section 15.216 through 15.219
Solid Waste - See Section 14.134

INDUSTRIAL PARK DISTRICT

SECTION 13.010 Purpose of Industrial Park District.

This District is intended to provide a classification for lands appropriate for research or development of materials, methods, or products, and compatible non-polluting, light manufacturing, in a park-like environment.

SECTION 13.011 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 Sections 15.204 and 5.212 of this Ordinance.

Structures hereafter erected, 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 15.200.

SECTION 13.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality Rules governing sewage disposal, air, and water quality,.

1. Data processing and computer services.
2. Light manufacturing activities, not including an activity having the function of storing, utilizing or manufacturing of explosive materials.
3. Offices and services associated with uses permitted in this Section.
4. Public facilities, including police and fire substations, water reservoirs and treatment plants, sewage treatment plants, armories and similar uses.
5. Publishing facilities.
6. Radio or television broadcasting studios, not including transmitters or towers.
7. Research and development facilities.

INDUSTRIAL PARK DISTRICT

8. Residence for security personnel, i.e. caretaker, nightwatchman.
9. Signs, subject to Section 14.114 and 14.114(2)(g).
10. Similar compatible uses, subject to Section 15.227.
11. Storage related to uses permitted in this Section.

SECTION 13.026 Criteria.

Uses listed in this District under Section 13.020 shall be subject to the requirements of Section 15.216 through 15.219 and shall comply with 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.
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 waste generated by any use permitted in this District shall be temporarily stored in a sanitary receptacle and shall be screened by landscaping or 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. All utilities shall be underground.

SECTION 13.040 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 14.109.
2. Area and setbacks.

INDUSTRIAL PARK DISTRICT

- a. The minimum lot size for all uses permitted outright in Section 13.020 shall be adequate to provide for the use including sanitation requirements, if any, off-street parking and landscaping requirements.
- b. Additional exceptions regarding lot size requirements are provided in Section 15.221.
- c. Front Yard. A front yard of 30 feet shall be provided. Parking may be located to within 10 feet of the front property line.
- d. Side and Rear Yard. The side yard and rear yard shall be 20 feet.
- e. Additional standards and exceptions regarding yard requirements are provided in Sections 14.110 and 14.111.

SECTION 13.050 Additional Requirements.

Airport Overlay District - See Sections 14.122 through 14.129

Erosion - See Section 14.130

Landscaping - See Section 14.132

Signs - See Section 14.114 and 14.114(2)(g)

Site Review - See Section 15.216 through 15.219

Stream Setbacks - See Section 14.135

SUPPLEMENTARY PROVISIONS

SECTION 14.100 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 communication 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.

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9. One on-premises identification sign may be provided in conjunction with the home occupation. Such sign shall not be illuminated and shall not exceed 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 provisions shall apply to the Exclusive Farm District, except for the following:
 - a. The home occupation 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 accessory building.

SECTION 14.101 Conditions for Approval for Hydroelectric and Transmission Facilities.

Hydroelectric facilities and electric power transmission facilities may be approved subject to a site plan review and a demonstration that all necessary State and federal permits, licenses, exemptions, or variances are approved prior to the issuance of a development permit. Approval shall be subject to the following:

1. In addition to the requirements of the zone district, the applicant shall demonstrate the following:
 - a. The facility is sited on land that is generally unsuitable for forest use, or use of predominant forest areas is warranted for the safe, economical, and efficient operation of the facility;
 - b. Will not significantly affect forest uses on the site or surrounding land;
 - c. Will not alter the stability of the land use pattern in the area;
 - d. Will be consistent with the forest policies of the Comprehensive Plan.
 - e. Is located in an area in which the use is designated as appropriate by the zoning district. If the use is not listed in a district, an energy facility shall not be approved unless the zone district is amended;
 - f. Will comply with provisions applicable to Archaeological sites, Flood Hazard areas, Scenic Waterways, and Airport Overlay Districts;

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- g. Will incorporate mitigation and conditions to protect Class I and Class II streams and wetlands and the banks and vegetation along those streams and wetlands;
 - h. Will avoid areas of steep slopes where cuts and fills are required and shall use natural contours. (See Section - 14.130);
 - i. Will not interfere with communication signals;
 - j. Will produce 100 theoretical horsepower (thp) or less or will take and return water to a man-made water conveyance without increasing the use of surface and groundwater, or other small scale facilities generating a maximum capacity of 5 megawatts; shall not increase maximum surface area of an impoundment at an existing dam or diversion or does not impound more than two acre feet at a new impoundment or diversion; and shall not impede fish management unless improvement in management will result; shall not require more than one mile of new vehicular access road; shall not require construction of a transmission line that results in clearing of a right-of-way or easement exceeding 1 mile in length or 50 feet in width in Forest Commercial, Woodlot Resource, and Serpentine Districts.
2. Standards for a Conditional Use for Hydroelectric Facilities. In addition to the standards or conditions in Subsection 1 above, the following standards shall apply:
- a. The facility shall not have a significant adverse effect on endangered or threatened fish, Wildlife, or plant species or their critical habitats or on other significant habitats identified in the Comprehensive Plan.
 - b. Development shall be set back from the edge of public roads, viewpoints, and other significant visual resources identified in the Comprehensive Plan.
 - c. An in-stream tower may be permitted in Class I and II streams if it can be demonstrated that adjoining towers and conductors cannot safely and economically support the transmission lines spanning the stream and if the transmission line cannot be safely and economically placed under the water or streambed.
3. Protected Areas. An energy facility may not be sited in the areas listed below unless all of the following apply:
- a. The energy facility is accessory to a permitted use;
 - b. Authority granted by the managing agency;

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- c. Applicant provides resources equal or better in quantity and quality than those affected by the energy facility;

The above apply in the following protected areas.

1. All state and federally designated and managed areas, waysides, parks, and areas of critical concern, scenic waterways, wildlife refuges, wild fish streams designated by the Department of Fish and Wildlife.
2. Areas containing significant resources or habitats, scenic views and sites, or cultural, ~~or~~ botanical, or recreational resources that cannot be protected from the adverse consequences of the facility.
3. Hydroelectric dam or diversion is not permitted in a scenic waterway or adjacent lands designated pursuant to ORS 390.825.

SECTION 14.102 Campgrounds.

- 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.

SECTION 14.103 Campgrounds - Recreational Vehicle Parks.

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

1. Demonstration that the proposed development would not adversely impact forest management on adjoining lands.

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2. Submission of a conceptual plan for park development which shall contain, as appropriate, the following:
 - a. boundaries and dimensions of the park;
 - b. location and width of proposed park streets and walkways;
 - c. location of lighting fixtures and plan 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 and location and design of public water systems;
 - g. methods of sewage and garbage disposal;
 - h. methods of fire protection and access.

SECTION 14.104 Lodges and Conference Grounds.

- a. Demonstration that the proposed site is not suited for continued forest production, and that the proposed development is compatible with adjacent forest uses.
- b. Demonstration that the proposed project meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan.
- c. The project abuts a maintained state or county road.
- d. Submission of an acceptable site plan which shall contain, at a minimum:
 - i. boundaries and dimensions of the site;
 - ii. location and type of landscaping and signing;
 - iii. width and location of streets and off-street parking, walkways and methods of access;
 - iv. location of lighting fixtures and plan for electrical service;
 - v. methods of sewage disposal and garbage disposal;
 - vi. location and design of water supply systems and methods of fire protection;
 - vii. location of recreational areas and buildings.

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- viii. general overview of planned operation to include estimated occupancy levels of guests and staff, seasonal and year round.

SECTION 14.105 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, or within the river proper between the high water marks, 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/Illinois River National Wild and Scenic River, as established by Act of Congress, a copy of the proposed application 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 1/4 mile of the mean high water line of the river or within the river proper between the high water line, shall exceed a height of 30 feet, except as provided in Section 14.109, or the structure is screened from the river by topography or vegetation.

SECTION 14.106 Historic Provisions.

Whenever a land use action is proposed for a lot or structure that has been designated as a primary historic site on an official map, the following shall occur:

1. The applicant shall be notified that the site or structure has been designated as a historic site.
2. No alteration to the site or structure shall occur for 10 working days during which time the Historic Review Committee shall be notified of the proposed action.
3. If, during this 10 day period, the committee determines that no significant change in the historic site will occur, resumption of development may occur.
4. If at the conclusion of the 10 day period, no recommendation is issued by the committee, the project may proceed.

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5. If the development is determined to have a significant effect on the historic value of the site, development shall be delayed an additional 30 days to allow acquisition by an appropriate agency or mutual agreement to mitigate detrimental effects on the site. If no agreement is reached within 30 days, development may proceed.

SECTION 14.107 Natural Areas and Archaeological Sites.

Whenever a land use action is proposed for a lot that has a significant natural area or archaeological site, the following shall occur:

1. The applicant shall be notified that the site has been determined to be significant.
2. No alteration to the site shall occur for 10 working days during which time the Planning Director shall notify the appropriate agencies.
3. If, during this 10 day period, the notified agency determines that no significant change in the site will occur, resumption of development may occur.
4. If, at the conclusion of the 10 day period, no recommendation is issued by the agency, the project may proceed.
5. If the development is determined to have an impact on the site, an additional 30 days to allow acquisition by an appropriate agency or mutual agreement to mitigate detrimental effects on the site. If no agreement is reached within 30 days, development may proceed.

SECTION 14.108 Accessory Structures.

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

1. For parcels greater than 1 acre, structures may be increased proportionally at a rate of 500 square feet per acre to a maximum of 2500 square feet per lot.
2. The first 600 square feet of a garage or carport, whether attached to the main dwelling or not, shall not be included in the cumulative total.
3. The Planning Director may approve accessory structures exceeding the above limitations by Administrative Permit issued pursuant to Section 15.228 through 15.230. The process for an Administrative Permit shall be required by Section 15.228 of this Ordinance.

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SECTION 14.109 Building Height Exceptions.

The following may be erected above the height limits prescribed in this Ordinance, subject to Sections 14.128, 14.105(3), and 14.114.

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, conveyers, hoppers, cooling towers, electrical transmission towers, structural dams, power generator plant, aircraft beacons, air traffic control towers.
5. Other similar structures.

SECTION 14.110 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.

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4. No front yards provided around any building for the purpose of complying with the regulations of this Ordinance shall be used for public or private parking areas, pursuant to Section 14.111 and Sections 14.114 through 14.121, 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 7 1/2 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 1 foot for each 5 feet of street right-of-way width up to a maximum of 10 feet.
6. When the common property line separating 2 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 pertinent to the common property line as required by this Ordinance shall then not apply.

SECTION 14.111 Yard Exceptions and Permitted Intrusion 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 3 1/2 feet in height.
2. Projecting Building Features: The following building features may project into the required front yard no more than 5 feet and into the required interior yards no more than 2 feet provided that such projections are no closer than 3 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.

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- 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.
- e. 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 6 feet in height may be located or maintained within the interior yards except where the requirements of vision clearance apply, pursuant to Section 14.110(5). Sight-obscuring fences or walls may be placed in front yards provided such fences or walls do not exceed 3 1/2 feet in height. Fences which are not sight-obscuring may be placed on property lines.
- b. In any commercial or industrial district, sight-obscuring fences or walls not to exceed 8 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 3 1/2 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 1 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 10 feet higher or lower than street level, the front of the garage may be located 5 feet from the front property line or at the point where ground elevation is 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:

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- 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 not exceeding 36 inches in height; pre-fabricated metal 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 judgment of the Planning Director will not interfere with the legitimate purposes of this Ordinance.

Access

SECTION 14.112 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 Hearings Officer when the following conditions exist:

1. When a parcel of land is an isolated ownership where not more than 2 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.
2. 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 Commission or Hearings Officer 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 Planning Commission or Hearings Officer.

SECTION 14.113 Special Purpose Roads.

No partitioning or subdivision of land shall be authorized except as permitted in Section 14.112, 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.

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Signs

SECTION 14.114 Signs.

1. In addition to specific sign standards listed in Subsection 2 below, the following provisions shall apply to all districts:
 - a. 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.
 - b. Temporary political signs are permitted in accordance with state statutes.
 - c. 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.
 - d. Signs shall be maintained in a neat, clean, and attractive condition.
 - e. Signs shall be removed within 6 months after the business, product or service is abandoned or no longer used.
 - f. Advertising signs will be permitted along Interstate Freeway 5, U. S. Highway 199, U.S. Highway 99 and Oregon State Highway 238 in industrial and commercial districts only. Such signs shall meet the requirements of the State Highway Division
 - g. Signs may be located within the front yard setbacks, unless otherwise stated. They must, however, meet the visibility standards under Section 14.110 (5).
2. Sign standards shall apply to the following districts:
 - a. Forest Commercial (3.020), Woodlot Resource (4.020), Serpentine (5.020), Exclusive Farm (6.020), Farm Resource (7.020).
 - i. Signs identifying the property or advertising agricultural products; the total cumulative sign area shall not exceed 32 square feet.

SUPPLEMENTARY PROVISIONS

- ii. 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.
- iii. Signs advertising the use of the property as a home occupation. The cumulative area shall not exceed 3 square feet.
- iv. Signs advertising the sale of the property. Total cumulative area shall not exceed 8 square feet for each street frontage.

b. Rural Residential.

- i. Signs identifying the property or advertising agricultural products. The total cumulative sign area shall not exceed 16 square feet.
- ii. 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.
- iii. Signs advertising the use of the property as a home occupation. The total cumulative area shall not exceed 3 square feet.
- iv. Signs advertising the sale of the property. Total cumulative area shall not exceed 8 square feet for each street frontage.

c. Rural Commercial.

- i. On-premises 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 80 square feet per side.
- ii. On or off-premises directional signs not to exceed 6 square feet.
- iii. Signs advertising the rental of premises, not artificially illuminated, of a temporary nature, with a maximum area on one side of 3 square feet.
- iv. Signs advertising the sale of the property, not to exceed 8 square feet for each street frontage.

d. Tourist Commercial.

- i. Signs advertising the rental of a premises, not artificially illuminated, of a temporary nature, with a maximum area on one side of 3 square feet.

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- ii. Signs Advertising the sale of the property, not to exceed 8 square feet for each street frontage.
- iii. On-premises identification sign identifying a business or group of businesses located on the site which shall not exceed 40 feet in height with 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.
- iv. Off-premises signs shall not exceed 150 square feet and not to exceed 40 feet in height.

e. Rural Convenience Center.

- i. One on-premises principal sign for each enterprise, not to exceed 1 1/2 square feet in area for each linear foot of building frontage paralleling a street, or 150 square feet, whichever is less. Such signs shall be placed flat against the building wall and may be illuminated, but shall have no flashing lights or moving parts.
- ii. One on-premises detached sign identifying a business 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.
- iii. Signs advertising the rental of a premises, not artificially illuminated, of a temporary nature, with a maximum area on one side of 3 square feet, when erected at least 10 feet behind the street property line.
- iv. Signs advertising the sale of the property, not to exceed 8 square feet for each street frontage.
- v. On or off-premises directional or regulator signs not to exceed 6 square feet in area.
- vi. Off-premises signs shall not exceed 150 square feet nor be greater than 40 feet in height.

f. Rural Industrial.

- i. One on-premises principal sign. Such sign shall not exceed 200 square feet in area or 40 feet in height for each building and may be illuminated, but shall have no flashing lights or moving parts.

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- ii. One on-premises secondary principal sign per frontage, where the frontage exceeds 200 feet. Such signs shall not exceed 50 square feet in area or 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.
 - iii. Off-premises signs shall not exceed 150 square feet nor exceed 40 feet in height.
- g. Industrial Park. See General Requirements under number 1 of this Section.

Parking

SECTION 14.115 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 14.116 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 Commission or Hearings Officer, which bind the parking to the development site.

SECTION 14.117 Parking Area Design.

1. All public or private parking areas and parking spaces, except those required in conjunction with a single-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 3 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

SUPPLEMENTARY PROVISIONS

- 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 ingress 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 14.118 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- 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 and one half 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.

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2. Institutional types:

- a. Churches
One for every three fixed seats or every seven feet of bench length or every 28 square feet where no permanent seats or benches are maintained in main auditorium or cultural hall, whichever is greater.

- b. Hospitals:
 - 0 to 3,000 square feet
Five spaces for every 1,000 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 for 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.

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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 and
Gas Only 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.

Fast food (take-out with seating) 30 per 1,000 square feet of floor area.

Restaurant 10 per 1,000 square feet of gross floor area.

Tavern 15 per 1,000 square feet of gross floor area.

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.

Participating type; e.g. skating rinks, dance halls One for each 100 square feet of gross floor area.

Stadiums, sports arenas One for each five seats or ten feet of bench length.

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. | 28 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 establishment not otherwise specified herein. | One for each 200 square feet of gross floor area. |
| l. Retail stores handling bulky merchandise, house-hold 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 use. | Two for each 1,000 square feet of gross floor area. |

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| 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 14.119 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 Hearings Officer.

SECTION 14.120 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 14.121 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:

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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 4 feet and not more than 6 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 vegetative 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.

Airport District

SECTION 14.122 Airport Overlay District.

An airport overlay area is applied to an area which is in the proximity of active air fields where aircraft operations occur on a regular basis. The perimeter of this overlay area signifies a measure of noise level (sound measured in decibels), dust, engine exhaust, and visual impact, surrounding the airport. In order to prevent the creation of hazards, special airport zoning regulations controlling and limiting the use of land, are hereby established within the Airport Overlay District. The provisions

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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 requirements shall apply.

SECTION 14.123 Application of the Airport Overlay Area.

1. In any zoning district where an Airport Area Overlay is combined with a primary zoning district and any conflict in regulations or procedure occurs between such district, the most restrictive provisions shall govern.
2. The boundaries of the District shall be designated on the official Zoning Maps for Josephine County. Height, and land use limitations shall be imposed within the District. Height and other standards shall be consistent with the requirements of the Federal Aviation Administration, the Oregon State Department of Transportation, the Josephine County Airport Master Plan, and shall be adopted by the Planning Director as an administrative order.

SECTION 14.124 Uses - Permitted - Airport Clear Zone.

The following uses are permitted unless the use would penetrate the elevations of the approach and transitional zones. Any use allowed by this Section shall require an administrative approval from the Planning Director.

1. Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead.
2. Landscape nursery, cemetery, or recreation areas which do not include buildings or structures.
3. Roadways, parking areas, and storage yards unless located in such a manner that lighting will make it difficult for pilots to distinguish between landing lights and other lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach.
4. Game preserve or preservation.
5. Pipeline.
6. Underground utility wire.
7. Airports and heliports, subject to the approval of a master plan by the Board of County Commissioners, providing that FAA permits have been obtained, and lines, towers, structures or poles do not penetrate the air space of a clear zone approach or transitional surface of an airport.

SECTION 14.125 Delete by Amendment in Ordinance 85-11

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SECTION 14.126 Conditional Uses within an Airport District.

The uses listed as conditional uses within the primary zoning district, shall be subject to Sections 14.127, 14.128 and 14.129 in addition to the requirements of the primary zone district.

SECTION 14.127 Use Restrictions - Airport District.

The following use restrictions shall apply within the areas designated as Airport Overlay District on the Official Zoning Map.

1. Airport Clear Zone (Area A). No use other than those listed under Section 14.124 is permitted.
2. Airport Approach Zone (Area B within the Airport Overlay District). Any use listed in the primary zone district, subject to the requirements of this Chapter, may be permitted.
3. Airport Safety Approach Zone (is that portion of Area B located inside Area C - the Airport Zone Boundary).
 - a. Any use listed in the primary zone district, except for places of public assembly accommodating more than 100 persons, may be permitted within the approach zone, subject to the regulations of this Chapter.
 - b. Single-family dwellings not to exceed one dwelling unit per acre density, or commercial or industrial uses if permitted in the primary zoning district, subject to the requirements of this Chapter. A declaration of record shall be made on the permit recognizing the pre-existence of the airport.
4. No use may be made of land within the Airport Overlay Area that will result in interference with communications and/or visibility between airport and aircraft. No illumination of signs or material of a reflective nature used on exterior construction shall be installed which would result in glare or confusion with aeronautical lighting that may impair visibility from aircraft.

SECTION 14.128 Height Limitations - Airport District.

The allowable height of any building, structure, or tree within the Airport Overlay District shall conform to the following:

The ground level elevation plus the height of any structure, building, use, or tree at its proposed location shall not penetrate any approach, transitional, horizontal, conical surface of an airport as indicated on the Josephine County Airport Master

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Plan, and/or County document, unless specifically the FAA and Josephine County as part of a conditional use permit review.

SECTION 14.129 Provision for New Airports, Heliports and Landing Fields.

All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of pre-existing dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright light, as required by the Oregon Department of Environmental Quality rules and regulations.

SECTION 14.130 Erosion and Sediment Control.

1. Prior to the issuance of a development permit for a land use action that would require any grading or filling on slopes that are 15% or greater or soils that are granitic in composition as mapped by the Soil Conservation Service except when authorized or regulated by the State Forest Practices Rules, shall be subject to an Erosion and Sediment Control Plan that shall prevent or mitigate possible hazards to life, property or the natural environment.
2. An operation plan shall be submitted prior to any grading or filling on slopes 15% or greater or on granitic soils. 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 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.

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publication Soil Interpretations for Oregon shall be used.

SECTION 14.131 Sanitary Landfill.

1. The use complies with all requirements of the Department of Environmental Quality.
2. Demonstration that the proposal will not adversely impact forest uses on adjoining lands.
3. Demonstration that the proposal meets the public need of Josephine County.
4. Submission of a reclamation plan demonstrating how the land will be returned to a resource use including a timetable for the implementation of the plan.

SECTION 14.132 Landscaping.

Landscaping shall be provided in the front setback area of all uses in applicable districts. In addition, landscaping shall be provided on perimeter of any lot used for a public parking lot of more than 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.

SECTION 14.133 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. 35-foot fuel breaks, consisting of noncombustible 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 alternate practical means of access must be available.
4. Subdivisions shall not be permitted in box canyons using one-way access roads.

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SECTION 14.134 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 14.135 Streamside Setbacks.

Stream Setbacks. No structure, other than boat landings, docks, bridges, hydroelectric facilities, pumping, or water treatment facilities, shall be located within 25 feet of the high water line or 50 feet of 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 14.136 Mining and Exploration.

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. 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 mining, or limit other annoyances to adjoining, occupied, public or private property, State Scenic Waterways and adjacent public roads.
- c. Safe parking shall be available on 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 wherever 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 and the Department of Environmental Quality.

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- 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 operation plan pursuant to Section 3.075, the standards of this Regulation for the depth of final excavation.
- g. The proposed development is compatible with and shall not adversely impact agricultural or forestry uses on any adjoining lands.
- h. The proposed development is located on land generally unsuitable for agricultural or forestry uses for developments located in resource zones.

SECTION 14.137 Cement and Asphalt Batching.

Cement and asphalt batching, rock processing and crushing, subject to the following standards:

- a. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
- b. No cement or asphalt batching plant shall operate for a period greater than 180 days at a single site.
- c. 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.
- d. Commitment that if a malfunction of the air pollution control equipment occurs, the plant shall be shut down within 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 between the hours of 6:00 a.m. and 10:00 p.m.
- g. The proposed development is compatible with and shall not adversely impact agricultural or forestry use on any adjoining land.
- h. The proposed development is located on land generally unsuitable for agricultural or forestry uses for developments located in resource zones.

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SECTION 14.138 Setback From Aggregate Site.

The setback for structures from a significant aggregate site shall be determined by the Planning Director to minimize potential conflicts. In making such a determination, the Director shall take into account all factors that would adequately protect the resource from encroachment by incompatible uses. Such factors may include: topography, vegetation, sound attenuation measures, vibration attenuation measures, dust conditions, access, geology, probable exhaustion of the resource and possible expansion of the resource extraction. The decision of the Director may be appealed as provided in Section 15.201.

As a condition of the issuance of a development permit on any lot adjacent to a significant aggregate site, a notarized statement by the owner shall be required to the effect in the event of a conflict between the proposed use and the aggregate operation, the owner recognizes that the aggregate operation shall take precedence.

ADMINISTRATION

Permits

SECTION 15.200 Permits.

1. Development Permits.

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. If approval of the Site Plan Review Committee, the Planning Commission or Hearings Officer is required, the Director shall not issue the permit until such approval has been received. Development Permits are issued to assure that the development of the property or the proposed use of the land will be consistent with the standards of this Ordinance. If, in the opinion of the Planning Director, the proposal may not meet the requirements, he may refer the request to the adjoining property owners and/or the Planning Commission as set forth in Section 15.230.

2. Administrative Permit.

No building, structure, or use, subject to the provisions of this regulation, requiring an administrative Permit application, shall be issued an Administrative Permit without first being reviewed and approved by the Planning Director. The Planning Director may refer an application to the adjoining property owners and/or the Planning Commissioner or Hearings officer if, in his opinion, such action is appropriate.

Administration

SECTION 15.201 Administration.

The County Planning Director shall have the authority 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 Commission or Hearings Officer, as appropriate.

Waiver of Requirements

SECTION 15.202 Waiver of Requirements.

The County Planning Director shall have the authority and duty to administer and interpret the provisions of this Ordinance

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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 includes substantially the same standards as this Ordinance.

Multiple Zoned Parcels

SECTION 15.203 Multiple Zoned Parcels.

Lots or Parcels with more than one zone.

1. Whenever a lot or parcel has more than one zone, only one use shall be allowed on the entire parcel and the use shall be confined to only that portion of the property in which the zone allows such use.
2. The property may be partitioned along zoning boundaries without complying with the general area or width requirements of the zone. However, all other Ordinance requirements shall be met, such as access, setbacks and lot design.

Non-Conforming Uses

SECTION 15.204 Non-Conforming Uses.

The following provisions do not apply to a residence lawfully 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 Sections 15.204 through 15.211, a lawful 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 Hearings Officer, 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 Hearings Officer 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.

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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 Hearings Officer finds necessary to ensure the continued compatibility of the use with adjoining land uses.

SECTION 15.205 Conditions and Exceptions.

In considering an alteration or reconstruction of a non-conforming use, the Hearings Officer may attach such conditions as he 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 15.206 Alteration of a Non-Conforming Use.

If a building or structure is non-conforming due to failure to comply with a yard or location requirements 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 15.207 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 15.207, be a discontinued use if not occupied within one year of the date of the passage of this regulation.

SECTION 15.208 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.

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SECTION 15.209 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 15.210 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% of the value of the structure, a future structure or use on the property shall comply, except as provided in Section 15.204, 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% of the value of the structure, shall be reconstructed without the approval of the Hearings Officer. 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 15.211 Use of Non-Conforming Lot.

The minimum area or width requirements shall not apply to an Authorized Lot as defined in Section 1.006 of this Ordinance. An Authorized Lot 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 Authorized Lot except that a new single-family residence may not be constructed on a "Lot of Record" as defined in Chapter 884 of Oregon Laws that has been assessed for 5 years based on valuation 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 821.810, unless:

1. The single-family dwelling is permitted either outright or conditionally in the applicable zoning district; or
2. The single-family dwelling is permitted consistent with the standards governing farm and non-farm housing in the Exclusive Farm, Forest Commercial, and Woodlot Resource Zoning District.

Conditional Uses and Procedures

SECTION 15.212 Conditional Uses and Standards.

Any use or structure which was lawfully established prior to the adoption of this regulation, 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 use, shall not require an additional hearing as provided by this Section, but shall conform to requirements of Section 15.216 through 15.232 of this Ordinance.

SECTION 15.213 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 Hearings Officer in accordance with the standards and procedures set forth herein.

1. In taking action on a conditional use request application, the Hearings Officer 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 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 resource zones, a conditional use may be approved only when findings can be made to satisfy all of the following:
 - a. That the use will not be injurious to property and improvement in the area of the request.
 - b. 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.
 - c. That the use is compatible with resource uses in the nearby area.
 - d. That the use does not interfere seriously with accepted forest or agricultural practices on adjacent lands devoted to resource use.
 - e. That the use does not materially alter the stability of the overall land use pattern of the area and the area utilized for the conditional use shall be limited to the size necessary for the proposed use.
 - f. That a disclosure statement is signed and recorded with the County which recognizes that agricultural and

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forest uses for land zoned forest conservation have priority over all land uses.

3. In approving a conditional use request or the modification of a conditional use, the Hearings Officer may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which are considered necessary to protect the best interest of the surrounding area of 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.
 - k. Requiring easements.

SECTION 15.214 Assurance.

The Hearings Officer 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 Hearings Officer.

SECTION 15.215 Revocation of a Conditional Use Permit.

Any permit granted pursuant to Section 15.213 shall be subject to denial or revocation by the Hearings Officer if it is ascertained that the application includes or included any false information,

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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 Hearings Officer 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 Hearings Officer finds that the conditions of permit approval have not been complied with or are not being maintained, the Hearings Officer at his 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 revocation of the permit.

Site Review

SECTION 15.216 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. A site plan is required unless waived by the Planning Director. Prior to issuing a development permit, the Planning Director may request review of commercial, industrial, or high density residential or any other development by a site plan review committee when, in the judgment 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 development proposals that will have significant impact on surrounding properties, public facilities, and transportation systems.

SECTION 15.217 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.

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SECTION 15.218 Site Plan.

When in the judgment 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, dimension, 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 and setbacks to property lines.
4. Indication of the proposed use of 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. See Section 14.130.
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, including septic systems.
10. Location of walkways and bikepaths.
11. Location of required landscaping. See Section 14.132.
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.

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15. Areas for trash and garbage disposal. See Section 14.134. (Solid Waste)
16. Security considerations.
17. Location of natural features such as creeks, drainage ways, ponds, irrigation ditches, etc.
18. Location of 100-year floodway and floodplain.
19. Fire Hazard. See Section 14.133.
20. Any other such architectural or engineering data as may be required to permit necessary findings that the provisions of this Ordinance are complied with.
21. If phased development, show boundary limits of each proposed phase.
22. Adjoining land uses including approximate distances to adjacent structures.
23. Airport overlay requirements. See Section 14.122 through 14.129.
24. 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. The Planning Director may determine that it need not include other data required in subsections 1 through 23.

SECTION 15.219 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 Commission or Hearings Officer has been delegated approval authority for the proposed use, the requirements of the Site Plan Committee are forwarded to the hearing as a recommendation. Any decision of the Site Plan Committee or Planning Director may be appealed to the Hearings Officer.

SECTION 15.220 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 15.222 through 15.226.

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SECTION 15.221 Exceptions to Lot Size Requirements.

1. The general lot size or width requirements of this Ordinance shall not apply when a portion of a tax lot under single ownership, in an area excepted from Statewide Planning Goals, is isolated from the remainder of the property by a public road.
2. When the lot size deficiency is entirely the result of a portion of the original parcel having been removed for public roadway purposes, or bonafide survey defects, the owner thereof may partition said parcel into 2 or 3 lots of nearly equal size, provided the septic site evaluation is satisfactory and all other lot requirements are met. For the purposes of this Subsection, the records of the County Assessor's Office shall be used to establish acreage figures or an independent survey by a property owner.

SECTION 15.222 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, Hearings Officer 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 the Hearings Officer, or Planning Director may attach conditions which are found necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance. Any decision of the Planning Commission, Hearings Officer, or Planning Director may be appealed to The Board of County Commissioners under Section 15.231.

SECTION 15.223 Conditions for Granting a Variance.

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

1. 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.
2. 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.

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3. The authorization of the variance shall not have a significant detrimental impact on the neighborhood.
4. The literal interpretation of these regulations would cause an undue or unnecessary hardship.

SECTION 15.224 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 body, shall accompany each application.

SECTION 15.225 Approvals Permitted by the Planning Director.

1. 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% of such standard, he may approve the request setting forth his reasons and conclusion in written form as an Administrative Order.
2. The Director shall notify adjoining property owners for all variances exceeding 25% 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 or Hearings Officer. 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.
3. The Director may refer any request directly to the Planning Commission or Hearings Officer, if he feels the request would set a precedent or would have a significant impact on surrounding property or persons.

SECTION 15.226 Review and Action by the Planning Commission or Hearings Officer.

1. All requests referred to the Planning Commission or Hearings Officer 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 4 days or more than 10 days prior to the date of the hearing; and not less than 10 days prior to the date of hearing, the Planning Director shall give written notice by mail of the hearing to owners

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of property within 250 feet of the lot or land parcel on which the variance is requested.

2. The Planning Commission or Hearings Officer shall report findings and recommendations in writing within 60 days after the hearing on the proposed variance. The parties shall be notified in writing of the action by the Planning Commission or Hearings Officer within 15 days after the decision is rendered. The Planning Commission or Hearings Officer may attach conditions to an authorized variance which are felt necessary to protect the public interest and carry out the purposes of this Ordinance.

Similar Uses

SECTION 15.227 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 Planning Director may utilize provisions stated in Section 15.225 for approval of a similar use. The decision of the Planning Director may be appealed to the Planning Commission.

SECTION 15.228 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. Any decision of the Planning Director may be appealed to the Planning Commission or Hearings Officer.

SECTION 15.229 Conditions for Granting an Administrative Permit.

1. No administrative Permit except for medical hardships 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.

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- c. The authorization of the permit will not have a significant detrimental impact on the neighborhood.
 - d. The proposed use is authorized by an Administrative Permit in the zone in which the property is located.
2. Medical Hardship: No Administrative Permit for an additional housing unit for dependents shall be issued without compliance with the following:
- a. The Director, consistent with historic County policy, is authorized to issue permits for the placement of a second dwelling on a single tract of land for the occupancy of dependents of the property resident's immediate family. In the context of this rule "dependent" shall be liberally interpreted to consist of an individual or individuals who require the assistance and care of the family. A "dependent" need not be actually related to the care-providing family, if it is demonstrated that no other relationship is available to provide the needed care. A person or persons shall be considered "dependent" when due to a health condition or physical incapacity the individual or individuals require the care or presence of the family members.
 - b. The Director shall require demonstration that the individual or individuals occupying the second dwelling will, in fact, be dependent due to a health condition or physical incapacity. A statement shall be submitted to the Director by the applicant, signed by a medical doctor that the dependent person or persons has a health or physical problem which makes it difficult or inadvisable for that individual or individuals to maintain a separate or distant residence. The statement shall be submitted on forms prescribed by the Director and shall include an opinion that if the dependent were not enabled to reside in a second dwelling in close proximity to the property resident's family, the dependent person or persons would have to be institutionalized, placed in a nursing or rest home, be provided care in their home by a nurse or live-in companion, or comparable solution. In the case of a religious objection to medical treatment, a physician will only have to certify that the dependent has been examined and does possess a health condition or physical incapacity which might require such care. In such cases the applicant shall submit in addition, two notarized statements from officials of the religious organization that the need for care is as described above.

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- c. The purpose of the Ordinance is to allow for the care of dependents, not to merely facilitate deviations from the density standards of the Ordinance. The Director shall deny any application where it is not demonstrated that the individual will be dependent on the property resident's immediate family. Additions to the home and inclusion of family members within the housekeeping unit are permitted and encouraged by the Josephine County Zoning Ordinance.
- d. Any additional dwelling permitted pursuant to an Administrative Permit shall be temporary, and not more than one dwelling on the property shall be permanent. The applicant shall sign a notarized statement that the second dwelling shall be removed from the property upon termination of the need or allowed period of time. The applicant shall also sign a consent for periodic review of the use by the Director or his delegate, including inspection of the property, if necessary.
- e. Care of the dependent must be principally provided by the property resident's family, who must be capable of doing so or need for location of the second dwelling is negated. The property resident may employ or arrange for the services of others from time to time or during periods of absence. It must be demonstrated to the Director, however, that the family members will be principally responsible for services to the dependent.
- f. The Director shall limit the time of the permit to the duration of the health condition, and may limit the period to a specific period. If conditions continue to justify a second dwelling, the Director may extend the permit.
- g. The Director may condition an Administrative Permit to mitigate impacts to adjoining properties or to ensure compliance with County ordinances or laws of the State of Oregon. The Director may impose conditions on access to public roads, off-street parking, fire safety, landscaping and screening, sewage disposal, lighting and electrical service, or other factors necessitated by site conditions. The Director may limit the distance a second dwelling may be located from the primary residence. In addition to dwelling types permitted by the Zoning Ordinance, the Director may permit the use of recreational vehicles as a second dwelling unit, when in the judgment of the Director such a unit will be reasonably safe for such occupancy.
- h. The Director may revoke an Administrative Permit when in the judgment of the Director the conditions necessitating the second dwelling no longer exist, the terms or conditions of the permit have been violated,

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the use has not complied with other applicable County or State regulations, or the application was misrepresented. In revoking a permit the Director shall give a minimum of 24 hours notice to the permit holder or property owner. Occupants of the second dwelling shall have 30 days to vacate unit, and the second dwelling shall be removed from the property within 45 days of the date of notice. Continued existence of the second dwelling on the property after the expiration of these periods shall constitute a violation of the Josephine County Zoning Ordinance.

SECTION 15.230 Procedure.

1. A request for an Administrative Permit may be initiated by filing an application in the same manner required in Section 15.224 for a Variance.
2. 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.
3. 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 10 days of such solicitation, the Planning Director may approve the request.
4. 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 or Hearings Officer. Such referrals shall be done in the same manner required in Section 15.226.

Appeals

SECTION 15.231 Appeals to Board of County Commissioners.

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

SECTION 15.232 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

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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 15.233 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; or
4. By proposal of the Planning Director or County Legal Counsel.

SECTION 15.234 Planning Commission Hearings 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 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 15.235 Commission Recommendations 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.

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SECTION 15.236 Action by Board of County Commissioners on Amendments.

Upon receipt of the Planning Commission report, the Board of County 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 conclusions of law adopted by the Board.

Violations

SECTION 15.237 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 15.238 Notification of Violation.

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

1. Be in written form and shall be composed in such a manner that no accusations are made;
2. Cite the alleged violation, the section of the ordinance which may be violated, and the remedies which are available to correct the problem;
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, not more than 30 days, to abate the alleged 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 15.239 Compliance Procedure.

1. If the Planning Director has reasonable cause to believe a violation of this Ordinance exists, a site inspection may be conducted on the property by the Planning Director or his assistants with the consent of the property owner. If the property owner refuses access to the property, the Director shall document such refusal and utilize other available legal remedies to gain access to said property.

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2. If an alleged violation is not abated within the period authorized by the original notification, the Planning Director or his assistants shall attempt to document the violation with photographs and appropriate field notations. Departmental files shall contain a recording of the time, date and location of any photographs pertaining to the alleged violation, together with the names of any witnesses who, in addition to the enforcement officer, viewed the alleged violation.
3. Prior to submission of the alleged violation for legal remedy, the Planning Director or his assistants shall attempt to re-contact the property owner, explain the standards of the Ordinance, and seek to obtain voluntary compliance with the law. If an extension of time is necessary, such extension shall be agreed to in writing and shall be limited to no more than 30 days, or a compliance schedule with intermediate program check-ups.
4. If a property owner does not respond to notifications of violation, the Planning Director shall prepare documentation of the alleged violation for submission for appropriate legal remedy. Prior to submission of the violation the Director shall send a certified letter containing the following:
 - a. Citation of previous compliance request, extensions of time, or commitments;
 - b. Description of alleged violations and necessary corrective actions; and
 - c. Indication of a time limit of 15 days to comply with the Ordinance and a statement that if the alleged violation is not corrected within the time limit, formal legal action will begin without further notice.
5. The Planning Director or his assistants shall continue to offer to meet with the property owner to discuss any alleged violation and to secure a possible solution other than a court proceeding. Formal correspondence shall include a copy of the applicable sections of the County Ordinance and copies of all previous correspondence and agreements related to the matter.

SECTION 15.240 Legal Action.

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

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SECTION 15.241 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 15.242 Fees.

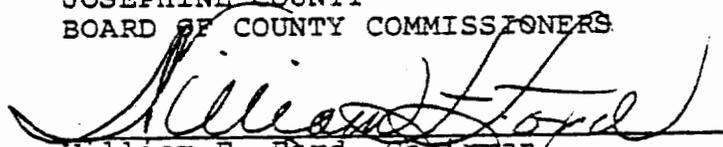
Any application for a permit, variance, appeal, or change in zoning districts shall be accompanied by a non-refundable fee in an amount to be established by resolution of the Board of County Commissioners.

SECTION 15.243 Effective Date.

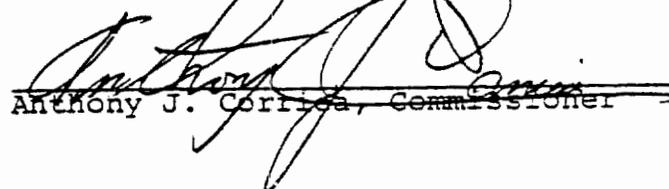
First reading by the Board of County Commissioners is this 18th day of January, 1985.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 6th day of February, 1985. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


William F. Ford, Chairman


Harold L. Haugen, Vice Chairman

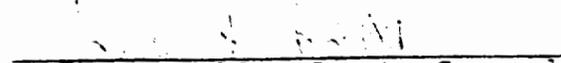

Anthony J. Corrice, Commissioner

ATTEST:


Georgette Brown, County Clerk


Recording Secretary

APPROVED AS TO FORM:


James H. Boldt, County Counsel

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- ABUTTING: defined in Section 1.006.
- ACCESS: Criteria Section 14.112.
- ACCESS ROAD: defined in Section 1.006.
- ACCESSORY STRUCTURE OR USE: defined in Section 1.006; Forest Commercial, Section 3.020(2); Woodlot Resource, Section 4.020(2); Serpentine, Section 5.020(12); Exclusive Farm, Section 6.020(8); Farm Resource Section 7.020(4); Rural Residential, Section 8.020(5); Rural Commercial, Section 9.020(24); Tourist Commercial, Section 10.020(5); Rural Convenience Center Commercial, 11.020(E)(1); Criteria, Section 14.108.
- ADMINISTRATION: Chapter 15, Section 15.201.
- ADMINISTRATIVE PERMIT: defined in Section 1.006; Forest Commercial; Section 3.030; Woodlot Resource, Section 4.030; Serpentine, Section 5.030; Exclusive Farm, Section 6.030; Farm Resource, Section 7.030; Rural Residential, Section 8.030.
- ADMINISTRATIVE PERMITS: Section 15.228 through 15.230; Administrative Permits Authorized, Section 15.228; Conditions for granting an Administrative Permit, Section 15.229.
- AGGREGATE RESOURCE DISTRICT: Chapter 2.
- AGRICULTURE, FARMING, FARM USE: defined in Section 1.006; Aggregate Resource, Section 2.020(1); Forest Commercial, Section 3.020(1); Woodlot Resource, Section 4.020(1); Serpentine, Section 5.020(2); Exclusive Farm, Section 6.020(1); Farm Resource, Section 7.020(1); Rural Residential, Section 8.020(1).
- AGRICULTURAL COOPERATIVE: Rural Industrial, Section 12.020(30).
- AGGREGATE PROCESSING: defined in Section 1.006; criteria, Section 14.126 and 14.137; Aggregate Resource, Section 2.020(2,3); Forest Commercial, Section 3.025(3,7); Woodlot Resource, 4.025(3,7); Serpentine, 5.020(3,4); Exclusive Farm, 6.025(2); Farm Resource, 7.025(3); Rural Residential 1, 2.5, 5, Section 8.025(4,5); Rural Industrial, Section 12.020(5).
- AIRPORTS and related facilities: Rural Industrial, Section 12.020(1).
- AIRPORT APPROACH: defined in Section 1.006; Criteria, Section 14.122-14.129.
- AIRPORT CLEAR ZONE: defined in Section 1.006; Criteria, 14.124; 14.127.
- AIRPORT DISTRICT: Criteria Section 14.122 through 14.129.
- AIRPORT OVERLAY DISTRICT: defined in Section 1.006; Criteria, Section 14.123; 14.124; 14.127; 4.128.
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- AIRPORT ZONE BOUNDARY: defined in 1.006; Criteria, Sections 14.124; 14.125; 14.126; 14.127; 14.128.
- ALLEY: defined in Section 1.006.
- ANIMAL HUSBANDRY: defined in Section 1.006.
- ANIMAL UNITS: defined in Section 1.006.
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- NEWSPAPER PUBLISHING PLANT: Rural Convenience Center Commercial, Section 11.020(C).
- NEWSSTAND: Rural Commercial, Section 9.020(13); Tourist Commercial, Section 10.020(3); Rural Convenience Center Commercial, Section 11.020(E).
- NON-CONFORMING LOT, STRUCTURE OR USE: defined in Section 1.006; Non-Conforming Uses, Section 15.204; Conditions and Exceptions, 15.205; Alteration of a Non-Conforming Use, Section 15.206; Completion of Structure, Section 15.207; Discontinuance of a Non-Conforming Use, Section 15.208; Change of Non-Conforming Use, 15.209; Destruction of a Non-Conforming Use, Section 15.210; Use of a Non-Conforming Lot, Section 15.211.
- NURSERIES FOR FOREST PRODUCTS, PROPAGATION AND RESEARCH: Forest Commercial, Section 3.020(2); Woodlot Research, Section 4.020(2).
- OFFICE SUPPLIES: (see Business and Office machines and supplies)
- OFFICES AND ADMINISTRATIVE COMPOUNDS: Forest Commercial, Section 3.025(8); Woodlot Resource, Section 4.025(4).
- OFFENSE, CONTINUING: defined in Section 1.006 (see Section 15.237, Penalty)
- OFFENSE, NON-CONTINUING: defined in Section 1.006 (see Section 15.237, Penalty)
- OFFICIAL MAP: defined in Section 1.006.
- ORDINANCE: defined in Section 1.006.
- ORS: defined in Section 1.006.
- OUTDOOR CONCERT: Tourist Commercial, Section 10.025(8).
- PAINT AND BODY SHOP: Rural Industrial, Section 12.020(3).
- PARCEL: defined in Section 1.006.
- PARK AND RECREATION FACILITIES: Aggregate Resource, Section 2.020(5); Forest Commercial, Section 3.020(2); Woodlot Resource, Section 4.020(2); Serpentine, Section 5.020(6) Exclusive Farm, Section 6.025(3); Farm Resource,

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- Section 7.025(4); Rural Residential 1, 2.5, 5, Section 8.025(6); Rural Convenience Center Commercial, Section 11.020(A).
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- PARKING AREA: defined in Section 1.006 (see Sections 14.115 through 14.121).
- PARKING FACILITY, off-street, with permitted use: Rural Commercial, Section 9.020(22).
- PARKING SPACE: defined in Section 1.006 (see Section 14.115 through 14.121).
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- PERSON: defined in Section 1.006.
- PERSONAL USE LANDING STRIP (see Airport, Private, Section 1.006).
- PHARMACY: Rural Commercial, Section 9.020(21); Tourist Commercial, Section 10.020(3); Rural Convenience Center Commercial, Section 11.020(E).
- PHOTO COPYING: Rural Commercial, Section 9.020(8); Rural Convenience Center Commercial, Section 11.020(C); Rural Industrial, Section 12.020(15).
- PHOTOGRAPHIC FILM PROCESSING: Rural Industrial, Section 12.020(15).
- PHOTOGRAPHY SHOP (CAMERA AND PHOTOGRAPHIC STORE): Tourist Commercial, Section 10.020(3); Rural Convenience Center Commercial, Section 11.020(E).
- PISTOL AND RIFLE RANGE: Woodlot Resource, Section 4.025(6); Serpentine, Section 5.020(7).
- PLANNING COMMISSION: defined in Section 1.006.
- PLANNING DIRECTOR: defined in Section 1.006.
- PLANNED UNIT DEVELOPMENT: defined in Section 1.006; Rural Residential 1, 2.5, 5, Section 8.020(9); Rural Convenience Center Commercial, Section 11.025(3).
- PLAT: defined in Section 1.006.
- PLUMBING AND SHEET METAL SHOPS: Rural Industrial, Section 12.020(16).
- POLICE STATION: Rural Commercial SECTION 9.020(5); Rural Convenience Center Commercial, Section 11.020(A).
- PORTABLE MILLS, PORTABLE CHIP-PERS, AND OTHER FACILITIES FOR THE PRIMARY PROCESSING OF FOREST PRODUCTS: Woodlot Resource, Section 4.020(2); Serpentine, Section 5.020(14); Exclusive Farm, Section 6.025(9) with criteria; Farm Resource, Section 7.025(8).
- POST OFFICE: Rural Commercial, Section 9.020(5), Rural Convenience Center Commercial, Section 11.020(A).
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- PRESERVE, HUNTING AND FISHING: defined in Section 1.006.
- PRINT SHOP, OFF-SET, BLUEPRINTING AND BINDERY: Rural Commercial, Section 9.025(1); Rural Convenience Center Commercial, Section 11.020(C); Rural Industrial, Section 12.020(17); Industrial Park, Section 13.020(5).
- PRINTING, LITHOGRAPHY, BLUEPRINTING PUBLISHING: Rural Industrial, Section 12.020(17); Industrial Park, Section 13.020(5).
- PRINTING AND PUBLISHING: Rural Convenience Center Commercial, Section 11.020(C).
- PROCESSING OF EXTRACTIVE RESOURCES: defined in Section 1.006.
- PROFESSIONAL OFFICE: defined in Section 1.006; Rural Commercial, Section 9.025(7); Rural Convenience Center Commercial, Section 11.020(E).
- PUBLIC AUCTION: Tourist Commercial, Section 10.025(9).
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- PUBLIC FACILITIES (water storage, pumping and treatment facilities, sewage disposal plant, post office, fire and police, library): Forest Commercial, Section 3.025(2); Woodlot Resource, Section 4.020(2); Rural Residential 1, 2.5, 5, Section 8.025(2); Rural Commercial, Section 9.020(5); Rural Convenience Center Commercial, Section 11.020(A), Section 11.025(5,7).
- PUBLIC PARKS AND RECREATION SITES: Rural Convenience Center Commercial, Section 11.020(A).
- PUBLIC AND SEMI-PUBLIC BUILDINGS: defined in Section 1.006; Rural Commercial, Section 9.020(5); Rural Convenience Center Commercial, Section 11.020(A); Rural Industrial, Section 12.020(18); Industrial Park, Section 13.020(4).
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- RETAIL AND SERVICE: Tourist Commercial, Section 10.020(3); Rural Convenience Center Commercial, Section 11.020(E).
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- ROAD, PUBLIC: defined in Section 1.006.
- ROAD, SERVICE: defined in Section 1.006.
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