Official Change Document

JOSEPHINE COUNTY

RURAL LAND DEVELOPMENT CODE

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CHAPTER 10

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ARTICLE 10 - ADOPTION

10.010 - TITLE

This Code shall be known as the Josephine County Rural Land Development Code.

10.020 - PURPOSE

The purpose of the Rural Land Development Code is to coordinate Josephine County regulations governing the use and development of land, and more specifically:

A. To implement the Josephine County Comprehensive Plan and to guide and manage the future growth of the County in accordance with that plan;

B. To protect the public health, safety, and welfare;

C. To assist the public in identifying and understanding regulations affecting the development and use of specific parcels of land.

10.030 - AUTHORITY

A. This Code is established pursuant to Oregon Revised Statutes, Chapters 92, 197, 203 and 215.

B. This document has been legally adopted by Ordinance under ORS 203.035, ORS 197.175(2), and Section 13 of the Charter for Josephine County, as amended.

C. This Code shall be administered under Sections 14.100(C), 15.237, 15.238, 15.239, 15.240, and 15.241 of the Josephine County Zoning Ordinance, Ordinance 85-1, as amended.

10.040 - REPLACEMENT OF OTHER ORDINANCES

The Josephine County Rural Land Development Code replaces all previously enacted zoning, subdivision, flood hazard, and other related land use ordinances of Josephine County for the rural areas of the County not included in the urban growth boundary as established by Ordinance and drawn on the Official Map of the Grants Pass Urban Growth Boundary.

10.050 - REPEALER

A. The Josephine County Zoning Ordinance, Ordinance 85-1, as amended except for Sections 14.100(C), 15.237, 15.238, 15.239, 15.240, and 15.241, and Ordinance 90-4 - the Josephine County Land Use Hearing Rules, are repealed. The following Ordinances will no longer apply to the area covered under this Land Development Code unless otherwise specified:

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

   2. Ordinance 90-8 - The Flood Hazard Ordinance, the portions of this Ordinance which apply to the Building and Safety Department shall continue to apply to the area covered under this Code;

   3. Ordinance 90-22 - The Aquifer Ordinance.

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

10.060 - SEVERABILITY

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

10.070 - WITHDRAWAL OF APPLICATION

If an applicant or appellant withdraws an application in writing, any actions, considerations, decisions, and appeals shall be deemed null and void.

10.080 - RELATIONSHIP TO OTHER LAWS

When Oregon Revised Statutes and Oregon Administrative Rules relating to land use are enacted, amended, or repealed, mandatory state laws and rules shall apply from the time they are effective and shall be amended into this Code at the earliest possible time.

ARTICLE 11 - DEFINITIONS

11.010 - PURPOSE

The purpose of this Article is to define the terms and phrases of this Code which are technical, specialized, or may not reflect common usage. If a term is not defined, the definition found in the current edition of Websters, Oxford, or Blacks Law Dictionary shall be used.

11.020 - DEFINITIONS ADOPTED BY REFERENCE

In addition to the definitions in this Article, the following are incorporated by reference. If any definition in this Code conflicts with a definition included by reference, the definition of state statute shall prevail except where this Code is more restrictive.

A. Oregon Revised Statutes
Chapter 92 - Subdivisions and Partitions

B. Oregon Revised Statutes
Chapter 197 - Comprehensive Plan Coordination; Planning Districts

C. Oregon Revised Statutes
Chapter 215 - County Planning; Zoning; Housing Codes

11.030 - TERMS DEFINED

1. AASHTO. The acronym stands for American Association of State Highway and Transportation Officials. This organization publishes material on road design and construction.

2. ABUTTER. An individual, firm, association, syndicate, corporation, or other legal entity having an interest in property bordering directly on a public road or approved private road.

3. ABUTTING. Adjoining with a common lot or parcel line, except that where 2 or more lots or parcels adjoin only at a corner or corners, they shall not be considered as abutting unless the common lot or parcel line between the two lots or parcels measures 8 or more feet in a single direction.

4. AC. This abbreviation stands for asphaltic concrete pavement.

11.030 - TERMS DEFINED (continued...)

5. ACCESS. The place, means, or way by which pedestrians or vehicles shall have ingress and egress to a property or use.

6. ACCESS CONTROL STRIP. A designation on the final plat which restricts or prohibits access to a specific public road or highway.

7. ACCESS ROAD, LOCAL. A public road that is not a county road, state highway, or federal road.

8. ACCESSORY STRUCTURE OR USE. A structure or use that is incidental, consistent with, and subordinate to the primary structure or use on the same unit of land.

9. ADEQUATE ACCESS. For Site Plan Review purposes, the term shall mean one of the following:

   A The development fronts on a county road or state highway with a valid access permit; or

   B. The development is served by a special access road under the control of the United States Bureau of Land Management, the United States Forest Service or the Oregon Department of Forestry with a valid long-term access use permit; or

   C. The development is served by a road decreed by a court to be a public usage road; or

   D. The development is served by a written and recorded easement which contains no language excluding commercial or industrial traffic, and the proposed activity is a home occupation business or resource use involving farm, forest, mining, or aggregate.

10. ADJACENT. Near or close by; may be contiguous, abutting, or adjoining, or separated by a roadway, alley, or natural separation. Same as abutting.

11. ADMINISTRATIVE PERMIT. Permit issued by the Planning Office which does not generally require review at a public hearing.

12. ADVERSELY AFFECTED. A parties use and enjoyment will be negatively impacted by a land use decision due to identified consequences from the proposed use or development. Examples of adverse affects may include noise, odors, increased traffic, or potential flooding.

11.030 - TERMS DEFINED (continued...)

13. ADVERTISING STRUCTURE. Any structure used to facilitate advertising of goods or services. This includes billboards, sandwich boards, and exterior signs.

14. AGGREGATE PROCESSING. The extraction, screening, and crushing of sand, gravel, and/or quarry material.

15. AGGREGATE USE. The extraction, screening, stockpiling, and crushing of sand, gravel, and/or quarry material.

16. 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 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 the construction and use of dwellings customarily provided in conjunction with farm use. It does include:

    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 perennial prior to maturity.

    As used in this Code, "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.

17. AGRICULTURAL ENTERPRISE, COMMERCIAL. A farm operation that:

    A. Contributes in a substantial way to the area's existing agricultural economy; and

    B. Helps maintain agricultural processors and established farm markets.

11.030 - TERMS DEFINED (continued...)

18. AIRPORT APPROACH ZONE. That area of approach and transition surfaces around airports where special land use and height regulations are applied.

19. AIRPORT CLEAR ZONE. As defined by the FAA, an area extending from each end of a runway which is kept clear of obstructions that may affect incoming and departing aircraft.

20. AIRPORT OVERLAY ZONE. An area in which special land use regulations are established to ensure the safety of the airport operation.

21. AIRPORT, COMMERCIAL. An airport used by the general public and commercial airline operations including associated maintenance, operations, and support facilities.

22. 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.

23. AIRPORT, PERSONAL-USE. An airstrip for airplanes and helicopter pads, including associated hanger, maintenance and service facilities, restricted except for any and all aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in conjunction with agricultural activities only. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip.

24. AIRPORT ZONE BOUNDARY. An area adjacent to an airport within the boundaries of which there is significant impact from dust, fuel particles, noise, and related activities arising from the operation of an airport.

25. ALLEY. A public way not over 30 feet wide providing a secondary means of access to abutting property.

26. ALTER; ALTERATION. A change, addition, or modification in either construction or use of a building or structure.

27. AMENDMENT. A change in the text or maps of applicable ordinances, resolutions, or related regulations pertaining to land use, including the Comprehensive Plan, the Goals and Policies, and the Land Development Code.

28. ANIMAL HUSBANDRY. Management, breeding, and raising of animals.

11.030 - TERMS DEFINED (continued...)

29. APPEAL. A request that a decision by the staff, Hearings Officer, Planning Commission, and/or Board of Commissioners be reviewed by a higher authority.

30. APPLICANT. The property owner, (or contract-purchaser, attorney, or representative holding a valid Power of Attorney) requesting approval of a proposed land use action by a Review or Hearing Body.

31. AQUIFER TEST. A test designed to determine the hydrogeological properties of aquifers and aquitards, where the effect of pumping a well at a known rate is measured in the pumped well and in observation wells penetrating the aquifer.

32. ARMORY. Place owned and operated by a government agency, where arms and military equipment is stored and/or a facility for military training and national security.

33. ASSESSOR. The County Assessor of Josephine County.

34. AUTO REPAIR. Facilities for the general repair of automobiles, including rebuilding and reconditioning of engines, transmissions, mechanical parts, and brake and muffler shops. The repair of motorcycles and small engines is allowed in this type of facility.

35. AUTO, BOAT, AND RECREATIONAL VEHICLE SALES LOT. Any property where the business is the display, sale, or rental of operative new or used motor vehicles, boats, trailers, or recreational vehicles. Repair or service facilities must be accessory to the primary sales function of the business.

36. AUTOMOBILE SERVICE STATION. Any property where the business is the supply of motor fuel, oil, lubrication, and accessories to motor vehicles, including tune-up services and vehicle maintenance service.

37. AUTOMOBILE WRECKING YARD. Any property where the 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.

38. AWNING. Any stationary structure used in conjunction with a structure for the purpose of providing shelter and having a roof with supports with not more than 1 wall or storage cabinet substituting for a wall.

39. BASEMENT. A space wholly or partly underground, having more than 1/2 of its height, measured from floor to ceiling, below the average finished grade.

40. BED AND BREAKFAST INN. A Bed and Breakfast Inn is an accessory use to a single family residential dwelling, which is intended to provide temporary accommodation and breakfast to travelers for a daily fee. No meal other than breakfast shall be provided. The owner and/or operator shall live on the site. The limitations of Article 92 of this Code shall not apply to a Bed and Breakfast Inns operating in a Commercial Zone.

41. BERM. A manmade mound or small hill used as a buffer to deflect sound or to block a view. (See Buffer)

42. BILLBOARD. Same as "Advertising structure."

43. BIKE LANE, PATH, OR WAY. Any trail, path, or part of a highway, shoulder, sidewalk, or travelway specifically signed and marked for bicycle travel.

44. BLOCK. An area of land within a subdivision which may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

45. BOARD; BOARD OF COUNTY COMMISSIONERS. Board of County Commissioners of Josephine County.

46. 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:

    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,

47. BOARDING HOUSE. A dwelling, or part thereof, other than a hotel, motel, or multiple-family dwelling, where lodging, with or without meals is provided, for compensation.

11.030 - TERMS DEFINED (continued...)

48. BOAT YARD. Any place or structure used for the construction, dismantling, sales, storage, service, repair, or maintenance of boats.

49. BOND. Any form of security, including a cash deposit, surety bond, collateral, property, or credit instrument submitted to guarantee performance by a developer, builder, or land owner.

50. BUFFER. An area of land used to separate land uses and mitigate impacts from one to the other(s). A buffer may include site developments such as berms, walls, fences or other similar structures or may be composed of vegetation.

51. BUILDABLE AREA. The portion of the lot or parcel, excluding setbacks, where a structure may be erected.

52. BUILDING. A structure built for the shelter or enclosure of persons, animals, or property of any kind.

53. BUILDING, AGRICULTURAL. A structure whose use shall be primarily for the storage of farm implements, crops, feed or similar farm products, or to provide shelter for livestock, poultry, or fowl.

54. BUILDING HEIGHT. See Height of Building.

55. BUILDING LINE. A line on a plat or map indicating the limit beyond which buildings or structures cannot be erected.

56. BUILDING LOT. A lot or parcel of land, which is legally created and designed for the purpose of erecting a building or buildings (See Lot, Authorized and Tax Lot)

57. BUILDING SITE. The ground area of a building or buildings, together with all open spaces required by this Code, and which generally has its principal frontage upon a public or private street.

58. CABANA. A stationary lightweight structure which may be prefabricated or demountable, with 2 or more walls, used adjacent to, or in conjunction with, a manufactured dwelling to provide additional living space which is meant to be moved with the manufactured dwelling.

59. CAMPGROUNDS. An area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

11.030 - TERMS DEFINED (continued...)

60. CAMPING ON PROPERTY. Camping on a parcel without service connections for a period of four (4) months in any twelve (12) month period will not be considered a permanent residence.

61. CARETAKERS QUARTERS. A manufactured dwelling or apartment limited to 1000 square feet for a caretaker who is necessary for the protection of the main use on industrial property.

62. CARETAKERS RESIDENCE. A manufactured dwelling or home for a caretaker who is necessary for the protection of the main use on property zoned for forest use.

63. CARPORT. A roofed structure for sheltering a motor vehicle, open on two or more sides.

64. CARRYING CAPACITY. The ability of land to support proposed development as determined by an evaluation of suitability for sewage disposal, the adequacy of the domestic groundwater supply (quantity and quality), the presence of adequate off-site roads, the suitability of soil and terrain to support on-site roads, the presence or absence of flood, fire or erosion hazards, and the applicability of other special land use concerns (e.g., watershed protection, protection of wildlife and fishery habitat, the presence of scenic easements, airport flight paths, the availability of emergency services, etc.).

65. CEMETERY. Property designated and dedicated for cemetery purposes, including burial grounds, columbaria, crematories, mausoleums, and mortuaries.

66. CERTIFIED PUMP TESTER. An individual certified by the Water Resources Department as possessing the knowledge and equipment to conduct Major and Minor Pump Tests.

67. CHURCH. Building and premises used for the conduct of regular religious services; may include a Sunday School and a residence for the pastor, but not including academic schools operated by a church.

68. CITIZEN ADVISORY COMMITTEE (CAC). A CAC is a group of citizens from a defined geographic area which was adopted by the Board of County Commissioners, and whose members have been elected in an election conducted according to the Josephine County Citizen Involvement Committee By-laws as amended.

69. 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.

70. CLUB OR LODGE. Buildings 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 and is recognized by the IRS as a tax exempt organization subject to Section 501 C(3) of the Tax Code.

71. COMMERCIAL. Any activity or use involving the exchange of products or services for compensation in the course of a business. "In the course of business" means the use or activity must involve repeated transactions, and does not include the isolated exchange of products or services for compensation. It is not necessary for a commercial use or activity to be conducted for profit in order to be commercial. In addition, compensation may include a trade for goods or services or the receipt of donations.

72. 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;

72. COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE. (continued...)

    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 which may include retail sales;

    K. Other such uses which may be construed as similar to the uses listed above.

73. 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, geothermal 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 an energy facility, including associated transmission lines, reservoirs, and intake structures built in conjunction with and used as part of the energy facility.

74. COMMISSION. The Josephine County Rural Planning Commission.

75. COMMUNICATION FACILITY. A structure for the purpose of transmitting and receiving telegraph, telephone, microwave, television, radio, and other similar signals.

76. 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.

77. COMMUNITY SEWAGE SYSTEM. An on-site sewage system which serves more than one lot or parcel, or more than one condominium unit, or more than one unit of a planned unit development, and is approved by the Oregon State Department of Environmental Quality as a Community System.

78. COMPARABLE PUMP. An equivalent or similar pump; one which will produce the amount of water necessary for the intended use.

79. COMPLAINANT. A person(s) who lodges a complaint about an alleged violation of this Code.

80. COMPREHENSIVE PLAN. The Plan adopted by the Board of County Commissioners for the guidance of growth and development of the County, which is prepared and adopted in conformance with ORS Chapter 92, ORS Chapter 197 and ORS Chapter 215.

81. CONDITIONAL USE. A use, which requires review and either approval, approval with conditions, or disapproval, by a Review or Hearing Body.

82. CONFERENCE GROUNDS. A retreat or meeting place for the formal exchange of views and consultation, which may include overnight accommodations for conferees.

83. CONTIGUOUS. Connected in such a manner as to form a single block of land.

84. CONVALESCENT HOME, NURSING HOME. Any certified and licensed institution which operates and maintains a facility providing convalescent and chronic care and keeping, for a period exceeding 24 hours for 2 or more ill or infirmed patients not related to the administrator or owner by blood or marriage. Convalescent and chronic care includes all procedures commonly accepted in nursing and caring for the sick, but does not include surgical facilities.

85. COUNTY. Josephine County, Oregon.

86. COUNTY ENGINEER. A registered engineer who plans, organizes, and directs the Engineering Division of the Josephine County Public Works Department.

87. COUNTY MAINTAINED ROAD OR STREET. A road or street and appurtenances which has been accepted for County maintenance by order of the Board of County Commissioners under the authority of ORS 368.705, or any other provisions of law.

88. COUNTY ROAD OR STREET. A public way which has been accepted by the Board of County Commissioners by dedication, deed or grant of right-of-way.

89. CRITERIA. A general rule upon which a finding, judgement, or decision can be based.

90. CUL-DE-SAC. The vehicle turnaround portion of a dead-end road.

91. CULTURED CHRISTMAS TREES. As defined in ORS 215.203(3) are trees which are:

    A. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

    B. Of a species for which the Department of Revenue requires a "Report of Christmas Trees Harvested" for purposes of ad valorem taxation;

    C. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture;

    D. Evidencing periodic maintenance practices of shearing for Douglas Fir and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, and irrigation.

92. CURB LINE. The line separating the roadway from the planting strip or footway.

93. DAY CARE FACILITY. A facility which provides the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, provided to a child during part of the 24 hours of the day, with or without compensation. May include a day nursery, nursery school group, or home of the day care provider, as set out in ORS 418.805(3).

94. DECLARANT. The person who files a declaration under the requirements of this Code and the Oregon Revised Statutes.

95. DECLARATION. The instrument described in this Code by which the subdivision or partition plat was created.

96. DEDICATION. An approved or accepted designation of land for public or general use by the owner.

97. DE NOVO. (Latin) A new hearing, which can take into account all previous testimony and any new testimony presented by the proponent and/or the opponent to an issue.

98. DENSITY. The number of dwelling units to be contained within a specified land area.

99. DESIGN. The design of any street or alley alignment, grade, or width, or the alignment or width of easements and right-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

100. DESTINATION RESORT. A self-contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities.

101. DEVELOPED RECREATIONAL FACILITIES. For the purpose of developing a Destination Resort or a Recreational Resort, means improvements constructed for the purposes of recreation and may include but are not limited to golf courses, tennis courts, swimming pools, marinas, ski runs, and bicycle paths.

102. DEVELOPER. A person or other entity seeking to divide and/or develop and/or redevelop a lot or parcel of land for public or private purposes.

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

104. DEVELOPMENT PERMIT. A permit issued by the County Planning Department for any development to establish compliance with this Code and the Comprehensive Plan.

105. DEVELOPMENT SITE. A tract of land consisting of one or more contiguous lots of record under common ownership, subject to a Development Permit.

106. DISPLAY SURFACE. The area made available by the sign structure for the purpose of displaying an information or advertising message.

107. DIRECTOR of PLANNING. The Planning Director for Josephine County or a designate that is acting on behalf of the Director.

108. DIRECTOR of PUBLIC WORKS. The Josephine County Director of Public Works or a designate that is acting on behalf of the Director.

109. DIRECTOR of WATER RESOURCES. The Josephine County Director of Water Resources or a designate that is acting on behalf of the Director.

110. DOCUMENTED WATER PROBLEM AREA. See Documented Water Quality or Quantity Area.

111. DOCUMENTED WATER QUANTITY PROBLEM AREA. An area which can be shown by public records to have problems which could result in the mining of the groundwater supply of that area, or result in substantial ground water interference.

112. DOCUMENTED WATER QUALITY PROBLEM AREA. An area which can be shown by public records to have problems which may endanger the quality of the ground water of that area, or adjacent areas. "WATER QUALITY", is defined by OAR 333-42-210, and the National Interim Public Drinking Water Regulations.

113. DRAINAGE WAY. Natural or man-made watercourse which transmits natural stream or storm runoff.

114. DRIVEWAY. A way of access for a vehicle to serve a limited number of users from a road or street, which is usually of narrow width and often in private ownership or subject to restricted public use.

115. DRIVEWAY APPROACH. A vehicle access constructed to standards adopted by the Board of County Commissioners from a public right-of-way to property which abuts a public street.

116. DWELLING. One or more rooms containing one kitchen and occupied by one family. A dwelling shall not be used as a rental for vacation or resort occupancy, unless approved under other provisions of this Code. May be referred to as a residence. A modular home is considered a dwelling under the terms of this Code.

117. DWELLING UNIT, SINGLE-FAMILY. A residential structure containing 1 dwelling.

118. EASEMENT. A grant of the right to use the property of another for a specific purpose; may be either appurtenant or in gross.

119. EATING/DRINKING ESTABLISHMENTS. Businesses providing facilities for preparation and consumption of food and beverages, including alcoholic beverages.

120. EMPLOYEES. All persons working for another, for wages or salary.

121. EXISTING MANUFACTURED DWELLING PARK OR SUBDIVISION. A manufactured dwelling park or subdivision for which the construction of facilities for servicing the lots on which the manufactured dwellings are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

122. FAMILY. One or more persons living in one dwelling as one housekeeping unit.

123. FARMING, FARM USE. See Agriculture, Farming, Farm Use.

124. 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; 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.

125. FINAL ACTION. A final determination or decision on a land use or land division issue made by the Review or Hearing Body and accompanied by adopted findings, and signed by the Review or Hearing Body or its designee.

126. FINAL PLAT. A map and other writings prepared in conformance with an approved tentative plan for a subdivision, planned unit development, partition, replat, or property line adjustment which is recorded with the County Clerk to complete the process for dividing land or adjusting property lines.

127. FINDINGS. As required in ORS 215.416(8), written statements of fact, conclusions, and determinations based upon the evidence at hand, presented relative to the criteria and standards for such review and accepted by the Review or Hearing Body in support of a final action.

128. FIRE LANE. A way cleared of obstacles so as to allow clear passage for vehicles during a fire emergency.

129. FIREWORKS. Those fireworks as defined in ORS 480.110(1), and which are prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, but which do not include an explosive as defined in ORS 480.220(1). Such products include diversionary devices used for law enforcement and military purposes which are similar in scope and effect to fireworks as defined in ORS 480.110(1).

130. FLAGLOT. A unit of land created by a subdivision or partition and which includes a narrow projection with a vehicular pathway to a public road, and which projection is commonly known as the "flagpole".

131. FLAGPOLE. An area which is impractical to develop used primarily for a vehicular access to reach the main body of a lot.

132. FLOOD HAZARD AREA. An area highly prone to flooding for which the following terms have special significance:

A. BASE FLOOD. A standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V;

B. FLOOD PLAIN. The area adjacent to a stream that is subject to periodic flooding;

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

D. FLOOD FRINGE. The area of the flood plain lying outside the floodway, but subject to periodic flooding;

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

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

133. FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of waters; and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

136. 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.

137. FOREST OPERATIONS. Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

138. FOREST USE, FOREST MANAGEMENT. The management, production, and harvesting of timber resources in accordance with the Oregon Forest Practices Rules, including:

    A. The production of trees and the processing of forest products;

    B. Open space and to buffer conflicting uses (See Buffer);

    C. Watershed protection and wildlife and fisheries habitat;

    D. Soil protection from wind and water;

    E. Maintenance of clean air and water;

    F. Outdoor recreational activities and related support services and wilderness values compatible with these uses; and

    G. Grazing land for livestock.

139. FORESTRY BUILDING. A building in conjunction with, and necessary to, a forestry operation or forestry management use.

140. FOSTER HOME. A family home or facility which is licensed by the State in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage.

141. FRONTAGE. That portion of a parcel of property which abuts a street or highway.

142. FUEL BREAK. An area of non-combustible materials or slow burning plants or the absence of vegetation around a structure.

143. FUEL DEPOT. Any lot or building used for the storage and/or marketing of all fuel products.

144. GARAGE. A building or a portion of a building permanently constructed for the purpose of enclosing a motor vehicle.

145. GEOLOGIC BOUNDARY. A line between areas of the earth's surface occupied by rocks or formations of different type or age.

146. GOALS. The statements identified as such in the LCDC Goals and Guidelines and the Comprehensive Plan of Josephine County.

147. GOLF COURSE. An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), and OAR 660-33, means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

    A. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

    B. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

    C. Non-regulation golf course is a golf course or golf course-like development that does not meet this definition, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges;

    D. Accessory uses provided as part of a golf course must be consistent with the following standards:

147. GOLF COURSE. (continued...)

1. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include parking, maintenance buildings, cart storage and repair, practice or driving range, clubhouse, restrooms, lockers, showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include sporting facilities unrelated to golfing such as tennis courts, swimming pools, weight rooms, wholesale or retail operations oriented to the non-golfing public, and housing;

2. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g. food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

148. GRADE (GROUND LEVEL). The average of the finished ground level at the center of all walls of a building. Case walls are parallel to and within 5 feet of a sidewalk and the ground level should be measured at the sidewalk.

149. 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.

150. GROUNDWATER. Groundwater is defined by ORS 537.515(3) as: "Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of this State, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves."

151. GUEST HOUSE. An accessory structure, site constructed and built to the following specifications: no plumbing for a sink except for a bathroom and a wetbar; no 220 wiring or natural gas pipes to an outlet other than a water heater, furnace, or heating system; no kitchen facilities, or laundry facilities; and limited to a maximum of 1,000 square feet. There may be only one guest house in addition to the main residence per legal lot. A floor plan shall accompany the application for a Development Permit for a Guest House. A Guest House may be used for rental purposes as a Bed & Breakfast Inn under Article 92.

152. HALF STREET. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been, or could later be, provided in another subdivision or partition.

153. HARDSHIP. For the purpose of obtaining a variance, it is a condition which arises out of the land which may make it difficult for a person to construct a building or install improvements which are in compliance with the provisions of this Code.

154. HEARING. A proceeding to hear a quasi-judicial application or a legislative amendment before a Hearing Body.

155. HEARING BODY. That entity which has jurisdiction over a particular hearing.

156. HEARINGS OFFICER. The Josephine County Land Use Hearings Officer.

157. HEIGHT OF BUILDING. The vertical distance above finish grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hip roof. The measurement shall be taken from the finish grade of the adjoining sidewalk or ground surface. The height of a stepped or terraced building is the maximum height of any segment of the building.

158. HIGH VALUE CROP AREA. For the purpose of siting a Destination Resort, means an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1000 per acre per year. These crops and products include field crops, small fruits, berries, tree fruits, nuts, vegetables, dairying, livestock feedlots, or christmas trees as these terms are used in the 1983 County and State Agricultural Estimates prepared by the Oregon State University Extension Service. The "high value crop area" designation is used for the purpose of minimizing conflicting uses in resort siting and does not revise the requirements of Goal 3.

159. HIGH VALUE FARMLAND. For the purpose of locating a limited lot of record dwelling on farmland, means soils that are:

A. Irrigated and classified prime, unique, Class I or Class II; or

B. Not irrigated and classified prime, unique, Class I or Class II; and

C. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards but not including seed crops, hay, pasture, or alfalfa.

160. HIGHWAY READY. A recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

161. HOME OCCUPATION. An occupation or enterprise carried on within a dwelling or accessory building, for financial gain by the tenant in possession of the property; the occupation or enterprise must be accessory to the primary residential use and in compliance with the applicable requirements of this Code. A home occupation does not include operations which meet all of the following criteria:

A. The person is engaged in making objects in the residence which are sold elsewhere including but not limited to arts and crafts, quilting, and/or sewing toys; or

B. The person is engaged in a mail order business including but not limited to selling Avon or other cosmetics, Fuller Brush, toys, other items; or

C. The person offers a service which is conducted within the residence including but not limited to computer programming, data entry, consulting, accounting, and/or bookkeeping;

D. The business shall not have any employees;

E. The business shall not have a sign;

F. Customers shall not be coming to the residence to conduct business.

161. HOME OCCUPATION. (continued...)

G. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer (exceeding 2.5 tons GVW) not including a licensed parcel service or United States Mail.

162. 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 when not limited to immediate family members.

163. HORTICULTURE. The science and pursuit of growing plants.

164. HOSPITAL. An institution providing medical or surgical care to patients, and the related overnight nursing and long-term care requirements arising from that treatment.

165. HOSPITAL, PET. See Veterinary Clinic.

166. 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.

167. IMPROVEMENTS. Include the following:

A. ON-SITE IMPROVEMENTS. Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, streets, and irrigation systems located within the boundary lines of the lot or parcel;

B. ADJACENT OFF-SITE IMPROVEMENTS. Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, and irrigation systems located outside of and adjacent to any boundary line of the lot or parcel;

C. OFF-SITE IMPROVEMENTS. Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, and irrigation systems located outside of and not adjacent to any boundary line of the lot or parcel.

168. INDOOR ANIMAL HUSBANDRY. The continuous, confined housing of livestock 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 Code.

169. INDUSTRIAL. The on-site production of goods and products. Industrial uses include manufacturing, production, processing, assembling, packaging, warehousing, shipping, and receiving of goods and materials, bulk storage of fuels and related materials, and similar uses.

170. INFRACTION. An offense against the County in the form of a violation of the County Rural Land Development Code, constitutes an infraction and shall be handled in accordance with a set of procedures.

171. INSTITUTIONAL USE. Appropriation of water for any organization having a social, educational, or religious purpose.

172. INTERIOR YARDS. The area enclosed by the designated setback.

173. IRRIGATION. IRRIGATED. Watered by an artificial or controlled means, including sprinklers, furrows, ditches or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation including tracts that receive water for irrigation from a water or irrigation district or other provider.

174. JUDICIAL NOTICE. A decision by the Presiding Officer to accept as evidence and recognize the existence and truth of certain facts, which may have an impact on the issue or application before the Hearing Body, and which are universally accepted as true and existing. These facts can be referenced and utilized by the Hearing Body in a decision, without them being introduced as a formal document into evidence at the hearing.

175. JUNK YARD. Any property where any person is engaged in the breaking up, dismantling, sorting, or distributing of any scrap, waste, recycled, or discarded material.

176. KENNEL. A use providing for the accommodation of 4 or more dogs, cats, or other household pets at least 6 months of age.

177. KITCHEN. Any space within a building designed to be used for cooking and preparing food, may contain a sink (excluding bar sinks), range, stove, or microwave. The following criteria will be considered by the Planning Director in determining whether a space is designed as a kitchen: if the size and location of counter and cabinet will facilitate food storage, preparation, and cooking; do the number, size, and location of electrical outlets exceed those normally used for activities not associated with a kitchen; is the area plumbed for a sink; is the area separated from the main living space so as to form a room which is not suitable for a bathroom.

178. LANDING STRIP, PERSONAL-USE. See Airport, Personal-Use.

179. LOADING AREA. An off-street space or berth for the temporary parking of commercial vehicles while loading or unloading.

180. LODGE. A facility providing temporary lodging in conjunction with outdoor recreational activities.

181. LOT. A unit of land that is created by a subdivision of land.

182. LOT AREA. The total area within the boundary lines.

183. LOT or PARCEL, AUTHORIZED. (See Building Lot and Tax Lot) An authorized lot or parcel shall be defined as a separate unit of land created by one of the following:

    A. A parcel of land in a recorded subdivision, legally created under the law in force at the time; (ORS 92.010)

    B. A parcel 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 created by a land partitioning as defined in ORS 92.010;

    D. By deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances, codes, or regulations;

    E. Does not include a unit of land created solely to establish a separate tax account.

184. LOT, CORNER. A lot abutting two streets at their intersection or a single street with a right angle turn.

185. LOT DEPTH. The average distance between the front lot line and the rear lot line.

186. LOT, INTERIOR. A lot other than a corner lot.

187. LOT LINE. The property line separating a lot or parcel from a street, alley or abutting parcel.

188. LOT LINE, FRONT. The property line separating a lot or parcel from the street. In case of a corner lot, the property line most parallel to the front of the house. In case of a flaglot, the line at which the flagpole enters onto the body of the lot.

189. 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.

190. LOT LINE, SIDE. Any property line not a front or rear lot line.

191. LOT, THROUGH. An interior lot having both a front and rear lot line abutting a street.

192. 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.

193. LOUNGE. A place where the sale and consumption of alcoholic beverages occurs in conjunction with a food service operation.

194. LOWEST FLOOR. The lowest floor or the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code found at Section 69.160.

195. MAJOR PUMP TEST. A water quantity test designed to measure the extent of drawdown and recovery in a well(s) and to produce and measure a cone of depression where possible with the pump or a comparable pump installed to accommodate the proposed use.

196. MANUFACTURED DWELLING. A manufactured dwelling is the term used to describe all three of the following types of manufactured structures:

    A. RESIDENTIAL TRAILER. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962 with a minimum size of at least 8 feet by 32 feet;

    B. MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction;

    C. MANUFACTURED HOME. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards, (HUD standards), and regulations in effect at the time of construction.

197. MANUFACTURED DWELLING PARK. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. It does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by Josephine County under an Ordinance or Code adopted pursuant to ORS 92.010 to 92.190.

198. MANUFACTURING. The fabrication, production, or making of goods by hand or machine to a useable form.

199. MAP. A diagram, drawing, or other writing that depicts the arrangement of lots or parcels.

200. MARKETING. An activity or use in which the main object is the promotion and sale of products or services. Marketing may involve the preparation of products for shipment or sale and may include wholesale, retail or warehouse operations.

201. MASS GATHERING. A gathering of 100 or more persons that is usually of a temporary non-continuing nature and is for a profit or to raise funds for a purpose. Family reunions, church socials, similar activities or activities in public parks are not intended to be included in this definition.

202. MEMBERSHIP OWNED RECREATIONAL AREA. A privately owned development on a single parcel, providing temporary accommodations such as campsites or recreational vehicle spaces.

203. METES AND BOUNDS. The boundary lines of a lot or parcel of land with their terminal points and angles which are described by listing courses and distances of the boundaries. Usually produced through a survey done by a licensed surveyor.

204. MINERALS. Includes soil, coal, clay, stone, sand gravel, metallic ore, and any other solid material or substance excavated for commercial, industrial, or construction use from natural deposits situated within or upon lands in this state.

205. MINING. The act, process, or business of extracting resources from the ground.

206. MINOR PUMP TEST. Same as a Major Pump Test but of lesser duration.

207. MODULAR UNIT. A prefabricated structure other than a manufactured dwelling, that meets the State Building Code standards for a given occupancy, and is transportable to a building site in distinct modules or units.

208. MORTGAGE LOT. A parcel or lot created to provide security for the purchase price of that parcel, lot, or an improvement on the parcel or lot, which does not involve transfer of legal title and possession.

209. MORTUARY. Facility for funeral and interment services including crematories, funeral homes, and related facilities.

210. MOTEL. A building or group of buildings containing guest rooms or units with accompanying automobile parking including auto courts, motor courts, motor hotels, and similar designations, intended or used primarily for the accommodation of transients.

211. MOTOR HOME. See Recreational Vehicle.

212. NATIONAL WILD AND SCENIC RIVER. A national wild and scenic river 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:

    A. WILD RIVER AREAS. Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted;

    B. 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;

    C. 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.

213. NATURAL AREAS. A designated physical or biological unit.

214. NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this Code.

215. NEW WELL. Any well drilled or altered for the purpose of new construction after the effective date of this Code.

216. NON-COMMERCIAL FOREST LAND. An area of land that has been evaluated for forestry potential and has a Composite Internal Rate of Return of less than 3.50 using the soil evaluation system adopted by Josephine County.

217. NON-CONFORMING LOT, OR STRUCTURE. A parcel of land or a structure which lawfully existed prior to adoption of this Code, but which does not meet the standards for lot area, dimension, setbacks, or other criteria in this Code.

218. NON-CONFORMING USE. Any use which lawfully existed prior to the adoption of this Code, but which does not conform with the permitted or conditional uses described in the Zone.

219. NON-CONFORMING USE, ALTERATION OF. As specified in ORS 215.130(9), it shall mean the following:

    A. A change in the use of no greater adverse impact to the neighborhood; and

    B. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

220. NON-COMPLIANCE, CONTINUING. A failure to comply with any part of this Code which occurs on more than one day during any period of time of three months or less.

221. NON-COMPLIANCE, NON-CONTINUING. A failure to comply with any part of this Code which is not a continuing noncompliance.

222. NURSING HOME. See Convalescent Home.

223. OAR. Oregon Administrative Rules.

224. OFFENSE. A violation of the provisions of this Code.

225. OFFICE. A building, use, or structure designed for use by businesses and professions for the performance of their day to day functions including medical and dental clinics and other professional offices, but excludes laboratories, kennels, and offices incidental to a primary use such as warehouses, storage facilities, and small manufacturing facilities.

226. OFFICIAL MAP. The map or maps upon which locations are located in detail and with exactness, so as to furnish the basis for property acquisition, land use, zoning, or building restrictions.

227. OPEN SPACE. Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails, or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use, and lands used as buffers. Open space does not include residential lots or yards, or streets or parking areas.

228. OPPONENT. The individual or group opposing the Applicant's request, their attorney, or qualified representative.

229. ORS. Oregon Revised Statutes.

230. OUTDOOR STORAGE. The keeping of materials, merchandise, goods, or vehicles outside of an enclosed structure.

231. OUTDOOR SALES. A use of land for the purpose of retail sales and services, outside of a structure and may include a sales office.

232. OVERNIGHT LODGINGS. Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins, and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation or check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms, and similar accommodations do not qualify as overnight lodgings for this definition.

233. OWNER. An individual, firm, association, syndicate, partnership, or corporation having any proprietary interest in land for which an application for a land use or land division under these regulations and other applicable law has been filed.

234. PARCEL. A unit of land that is created by a partitioning of land, intended for lease, transfer of ownership, or development.

235. PARKING AREA. An area containing parking spaces and maneuvering area, not a street or other public way, to be used for parking of motor vehicles.

236. PARKING SPACE. A delineated area for the temporary storage of motor vehicles.

237. PARTITION. Either an act of partitioning land or an area or tract of land partitioned under the provisions of Article 52.

238. PARTITION LAND. To divide land into two or three parcels of land within a calendar year, but does not include:

    A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;

238. PARTITION LAND. (continued...)

B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning regulations;

C. The division of land resulting from the recording of a subdivision or condominium plat;

D. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right of way compiles with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215,283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street, or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further partitioned.

239. PARTITION PLAT. A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition, replat, or property line adjustment.

240. PARTY. A person or organization who meets the following criteria:

A. Participates in the hearing or review either orally or in writing; and

B. Either:

1) Was entitled to notice of the application prior to the hearing or review; or

2) Would be adversely affected as defined in Section 11.030(12) by a final action of the Review or Hearing Body.

241. PEDESTRIAN WAY. An area for ingress and egress solely designed for pedestrian use; generally used in conjunction with a commercial or multi-family residential design.

242. PERFORMANCE AGREEMENT. An agreement between a developer and the Governing Body where the developer agrees to perform certain tasks and make certain improvements to the property as a condition of receiving an approval. The improvements may be done over a period of time and the developer agrees to set aside monies to pay for the improvements. The terms and conditions of a performance agreement are subject to Article 14.

243. PERMANENT FOUNDATION. An approved structural support system that is capable of resisting flood forces. A building (including manufactured dwellings) is anchored to a "permanent foundation" when it will resist flotation, collapse, or lateral movement produced by a 100-year flood. A permanent foundation may include reinforced piers or block walls, posts, concrete walls, properly compacted fill or other systems of equivalent strength. Dry-stacked concrete blocks do not constitute a reinforced pier.

244. PERSON. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and includes any trustee, receiver, assignee, or other similar representative.

245. PET. Dogs, cats, birds, and other common household animals generally kept in a residence, and not present in sufficient numbers to constitute a business or create a problem for neighbors.

246. PLACE OF PUBLIC ASSEMBLY. A structure which is designed for purposes which include deliberation, education, worship, or entertainment for the public at large.

247. PLANNED UNIT DEVELOPMENT. A self contained development, often with a mixture of building types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

248. PLANNING COMMISSION. The Rural Planning Commission for Josephine County, appointed by the Board of County Commissioners.

249. PLANNING DIRECTOR. The Planning Director of Josephine County or an authorized representative.

250. PLAT. A final map including a subdivision plat, replat, or partition plat.

251. PLOT PLAN. A drawing, prepared to scale, showing accurately and with dimensions of all the uses proposed for a development on a lot or parcel. The plot plan shall meet the requirements of Section 41.050.

252. PRESERVE, HUNTING, FISHING. Land set aside for commercial or non-commercial hunting and fishing.

253. PRESIDING OFFICER. The person who presides over the proceedings of a Hearing Body, and is charged with the responsibilities as delineated in Article 31 of this Code.

254. PRIMARY SAFETY ZONE: A fuel break extending a minimum of 50 feet in all directions around dwellings unless the area extends onto an adjoining lot or parcel where the fuel break may terminate at the property line. (See Fuel Break)

255. PRIVATE ROAD. The entire right-of-way for vehicular and pedestrian traffic, which does not provide for continuous and unrestricted rights of the public to travel across.

256. PROCESSING OF EXTRACTIVE RESOURCES. All operations involved in the removal and preparation of mineral resources for shipment, refinement, sale or personal use.

257. PROFESSIONAL OFFICE. The place of business of a person engaged in a recognized profession.

258. PROPERTY LINE. The division line between two units of land.

259. PROPERTY LINE ADJUSTMENT. The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size complies with the zoning requirements for lot size.

260. PROPERTY OWNER. Person(s) who by title and deed owns the property.

261. PROPONENT. The applicant or an attorney.

262. PUBLIC NEED. A conclusion based upon presentation of findings of fact that substantiate that a specific request is in the best interests of the public in terms of economic, social, and environmental reasons.

263. PUBLIC ROAD. A road over which the public has a right of use that is a matter of public record.

264. PUBLIC AND SEMI-PUBLIC BUILDINGS. Granges, community centers, and structures of similar nature and use.

265. PUBLIC WATER SYSTEM. A system for the provision to the public of piped water for human consumption, if the system has more than 3 service connections or supplies water to a public or commercial establishment which operates a total of at least 60 days per year, and which is used by 10 or more individuals per day or is a facility licensed by the Environmental Health Division. A public water system may be further defined by the Environmental Health Division.

266. QUARTERS. An apartment which is part of an industrial building or mini-warehouse, limited to 1000 square feet, for the purpose of housing a night watchman or a caretaker.

267. QUASI-JUDICIAL ACTION. Under Oregon Land Use law, an action involving application of adopted policies to specific land use or division proposals requiring findings of fact and conclusions to substantiate approval or disapproval.

268. QUORUM. A majority of the members of a Hearing Body appointed by the Board of County Commissioners present at any meeting.

269. RAMADA. A stationary structure having a roof extending over a manufactured dwelling; the structure may also extend over a patio or parking area for motor vehicles which is used principally for protection from sun and rain.

270. 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.

271. RECREATION. Any experience voluntarily engaged in during leisure (discretionary) time from which the individual derives satisfaction.

272. RECREATIONAL RESORT. A self-contained development providing visitor oriented accommodations and developed recreational facilities.

273. RECREATIONAL VEHICLE. A vehicle which is identified as a recreational vehicle by the manufacturer, and is licensed as a recreational vehicle by the Department of Motor Vehicles. It is commonly known as a travel trailer, motor home or an RV.

274. RECREATIONAL VEHICLE PARK. A development designed as temporary siting for recreational vehicles, having limited facilities including potable water and sewer, to serve the users.

275. REINFORCED PIER. A pier that has, at a minimum, a footing adequate to support the weight of a manufactured dwelling under saturated soil conditions. Concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers.

276. RENTAL UNIT. Any dwelling which is occupied, by parties other than the owner, pursuant to a lawfully executed rental agreement, oral or written.

277. REPLACEMENT WELL. A well constructed for the purpose of being used in conjunction with, or replacing an established well, which over time has declined in capacity and can no longer serve the established needs of the user(s).

278. REPLAT. The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.

279. RESIDENCE. See definition of a dwelling, Section 11.030(116).

280. RESIDENTIAL CARE FACILITY. A residential care, residential training, or residential treatment facility, licensed by or under the Oregon Department of Human Resources, for 6 to 15 individuals who need not be related. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

281. RESIDENTIAL CARE HOME. A residential care, residential training, or residential treatment facility, licensed by or under the Oregon Department of Human Resources, for 5 or fewer individuals who need not be related. Staff persons required to meet the Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

282. RESOURCE RECOVERY. A facility to accept municipal solid waste for separation, processing, storage, and distribution. Material may be crushed, shredded, chipped, or compacted in preparation for transport to market. Material (refuse) that is not to be recycled shall be transported to an authorized sanitary land fill site.

283. RESOURCE STRUCTURE. A building or structure used in conjunction with a forest, farm, or mining operation.

284. RESTAURANT. Any establishment where food and drink is prepared for sale to the public on or off the premises.

285. RETIREMENT FACILITY. A building, or group of buildings for elderly residents for which meal service, housekeeping, and activity programs are provided, but for which nursing care is not provided.

286. REVIEW BODY. Refers to the Planning Director or a designee, the Site Plan Review Committee, or the Subdivision Review Committee.

287. RIGHT-OF-WAY. The area between boundary lines of a street or road.

288. ROADWAY. The portion or portions of street right-of-way developed for vehicular traffic.

289. ROAD OR STREET. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land(s).

290. ROAD, SERVICE. A road contained entirely within property boundaries and used for internal traffic flow.

291. ROADSIDE STAND. A temporary structure designed and/or used for display and sale of agricultural products produced on the premises, for food, beverages, and/or produce not grown on the property, or for other goods and services..

292. RURAL ROADS. Any road outside of an urban growth boundary, built to county standards, including the following types:

    A. ARTERIAL STREET. A major street which functions to move large amounts of traffic. Generally consists of four lanes, or two lanes with adequate shoulders, and generally has higher speed limits than collector streets;

    B. MAJOR COLLECTOR. A rural road providing service between traffic generators and larger towns or with routes of higher classification, as designated on the Functional Highway Classification maps of Josephine County as periodically revised;

292. RURAL ROADS. (continued...)

C. MINOR COLLECTOR. Rural roads spaced at intervals consistent with population density to collect and distribute traffic from/to local rural roads and bring all developed areas within a reasonable distance of a collector system as designated on the Functional Highway Classification Maps of Josephine County as periodically revised;

D. LOCAL. A rural road providing access between residential roads and road systems of higher order or providing alternate cross linkage between roads of higher order but not serving as a collector;

E. RESIDENTIAL. A rural road providing direct access to abutting land and access to local rural roads or higher order road systems. The number of lots to be served shall be 60 or less;

F. LIMITED RESIDENTIAL. A rural road providing direct access to abutting land and access to local rural roads or roads of higher order. This is a road intended exclusively for access to abutting property where the number of lots is permanently restricted because one end terminates in a cul-de-sac without a street plug. In areas where the topography is gently rising, less than 15% side slopes, the number of lots served shall be 10 or less and the length is not to exceed 1300 feet. In areas where the terrain is steeper, more than 15% side slopes, the number of lots served shall not exceed 20 lots and the length shall not exceed 2600 feet;

G. RESTRICTED RESIDENTIAL. A rural road providing direct access to abutting land and access to local rural roads of a higher order. This is a road intended to serve a maximum of five (5) lots.

293. SALE OR SELL. For the sale of real estate, every disposition or transfer of land legally divided, or an interest or estate.

294. SANITARY LAND FILL. Land used for the disposal of solid waste, in conformance with the requirements of OAR, Chapter 34, Division 61.

295. SCENIC EASEMENT. The right to control the use of land, including air space above the land, for the purpose of protecting the natural qualities of a designated area, this control does not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

296. 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.

297. 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.

298. SELF-CONTAINED DEVELOPMENT. FOR SITING A DESTINATION RESORT A development for which community sewer and water facilities are provided on-site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" shall have developed recreational facilities provided on-site.

299. SERIES PARTITION. A series of partitions resulting in the creation of four or more parcels over a period of more than one calendar year.

300. SERVICE STATION. See Auto Service Station.

301. SETBACK. A specified distance for the placement of a structure from, including but not limited to, a road, a right-of-way or easement, property line, other structure, septic system, well, river or other waterway, or natural or man-made resource.

302. SIDEWALK. A pedestrian walkway with permanent surfacing.

11.030 - TERMS DEFINED (continued...)

303. 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.

304. SIGN, ILLUMINATED. A sign which is lighted by an artificial light source.

305. SILVICULTURE. Systematic management for the production of trees.

306. SIMILAR USE. A use that is nearly but not exactly the same; having a general resemblance to other uses allowed in a specific Zone.

307. SITE PLAN. A drawing, prepared to scale, showing accurately and with dimensions of all the uses proposed for a development on a lot or parcel. The site plan shall meet the requirements of Section 42.050.

308. SITE PLAN REVIEW COMMITTEE. A technical review committee established pursuant to the authority delegated by the Board of County Commissioners in the Land Development Code, normally consisting of the Planning Director, the Director of Public Works, and the Building Safety Director. Representatives of other agencies and the City of Grants Pass may be invited to participate as appropriate.

309. SLOW BURNING PLANTS. Plants which are naturally resistant to combustion.

310. SOILS. The soils identified in the document used by Josephine County to identify soils for development and division purposes is the 1983 SOIL SURVEY OF JOSEPHINE COUNTY, published by the Soil Conservation Service.

311. SPECIAL FLOOD HAZARD AREA (SFHA). Areas subject to inundation from the waters of a 100 year flood.

312. STATEMENT OF UNDERSTANDING. A document describing the rights and responsibilities of the applicant in the review of an application.

313. START OF CONSTRUCTION. FOR FLOOD ADMINISTRATION PURPOSES. Includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include the following: land preparation, including clearing, grading, and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundation or the erection of temporary forms; and the installation on the property of accessory buildings, including garages or sheds not occupied as dwelling units or not part of the main structure.

314. STREET PLUG. A parcel of land dedicated to the public or deeded to the County as road right-of-way to be used in the future for a public road, over which the control of and right to access across rests with the Board of County Commissioners at their discretion, consistent with this Code.

315. STREET, PUBLIC. See Road, Public.

316. 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.

317. 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, including a gas or liquid storage tank that is principally above ground. Decks, paved or concrete slabs, patios or walkways which are constructed less than 30 inches above grade are not considered structures. Decks, paved or concrete slabs, patios or walkways which are 30 inches or higher above grade are considered structures and a development permit shall be required. Fences which meet the height requirements set out in Article 73 are not considered structures.

318. SUBDIVIDE. To effect a subdivision, as applied to this Code.

319. SUBDIVIDER. Any person who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

320. SUBDIVIDE LAND. To divide an area or tract of land into four or more lots within a calendar year. However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided.

321. SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

322. SUBDIVISION PLAT. A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

323. SUBSTANDARD WELL. A well which does not meet the minimum standards for well construction and maintenance as defined by the Oregon Administrative Rules, Chapter 690, Division 200.

324. SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

325. SUBSTANTIAL DEVELOPMENT. Actions taken by the permit holder which encompass more than simple site preparation and grading. The permit holder shall have accomplished significant physical development of the site which may include the commencement of one or more services (sewer, septic system, water, storm drainage, parking, roads, etc.) If no physical improvements are required for the conditional use, operation of the project must have begun. The level of development must demonstrate a good faith commitment by the permit holder to beginning the project.

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

    A. Before the improvement or repair is started; or

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

326. SUBSTANTIAL IMPROVEMENT. (continued...)

The term does not, however, include either:

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

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

327. SUBSTANTIAL INTERFERENCE. Interference which is caused by use of a groundwater source, which diminishes another groundwater source that is fully developed, to the extent that it will not supply its legally established use.

328. TAKING. A land use regulation applied to a specific property, such as rezoning, which directly interferes with or substantially disturbs the owner's use and enjoyment of the property, including substantial reduction of economically viable uses of the land, interference with distinct investment-backed expectations, prevention of the best use of the land, or deprivation of a fundamental attribute of ownership. Taking does not include the denial of a land use application or a refusal to grant a permit.

329. TAVERN. A place where the sale or consumption of beer and wine beverages is the principal activity.

330. TAX LOT. An area of land utilized for tax assessment purposes. A tax lot shall not be construed to imply that the lot has been created in conformance with applicable land use regulations or that it can be independently developed or sold without conformance with all regulations. (See Authorized Lot and Building Lot)

331. TENANT(S) IN POSSESSION. Person(s) responsible for the everyday management of a property.

332. TENTATIVE PLAN. A map and other writings submitted for review and approval for a subdivision, partition, replat, or property line adjustment.

333. TEST SUPERVISOR. An employee or representative of Josephine County Water Resources Department that oversees the Major and Minor Pump Tests.

334. TRACT. One or more contiguous lots or parcels in the same ownership. A tract may include property that is not included in the proposed site for a Destination Resort if the property to be excluded is on the boundary of the tract and constitutes less than 30 percent of the total tract.

335. TRANSFER CENTER. A facility where waste materials are taken from smaller collection vehicles and placed in larger vehicles for transport, including truck trailers, or railroad cars. Recycling and some processing may also take place at a transfer center.

336. TRAVEL TRAILER. See Recreational Vehicle.

337. TRUCK AND HEAVY EQUIPMENT REPAIR. Repair of heavy-duty and commercial trucks, construction equipment and other similar vehicles. Includes the sale, installation, servicing of the equipment and parts, and body repair.

338. USE. The primary or principal activity, structure or facility occurring on a lot or parcel of land. For the purposes of this Code, a change in tenancy is not considered a change in use. Further, a change of use of a room in a single-family dwelling or duplex is not considered a change in use unless the change is to facilitate the operation of a home occupation or a Bed and Breakfast Inn.

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

340. VETERINARY CLINIC. Facility providing for medical care and keeping, including a kennel, where overnight accommodation is limited to emergency care and treatment, with laboratories incidental to the operation of the clinic.

341. VISITOR-ORIENTED ACCOMMODATIONS. Overnight lodging, restaurants, and meeting facilities which are designed to provide for the needs of visitors rather than year-round residents.

342. VISION CLEARANCE AREA. A triangular area located on a lot abutting an intersection, created by drawing a diagonal line across the lot connecting extensions of the property lines at from the intersection, in which no planting, walls, structures, or obstructions shall be placed that will exceed a height of 3 feet above curb level, or if no curb, from the established street center-line grade. 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 73.020 of this Code.

343. VISUAL OBSTRUCTION. Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 3 feet and 8 feet above the curb level, located at a street, drive, or alley intersection which limits the visibility of pedestrians or persons in motor vehicles using the intersection.

344. 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.

345. WATER OF THE STATE. In Oregon, any natural waterway including bays, estuaries, streams, rivers, creeks, lakes, wetlands, or other area supporting aquatic life. All waters are regulated under the provisions of OAR 141-85-100(24).

346. WATER QUALITY TEST. A test to determine potability and/or chemical quality of the water.

347. WAY. A strip of land, whether public or private, providing access to some or all adjoining land ownerships.

348. WELL. Any artificial opening or artificially altered natural opening, however made, by which groundwater flows under natural pressure or is artificially withdrawn.

349. WET BAR. An accessory sink, used for convenience and is not used in conjunction with the preparation of food, located within the dwelling. A wet bar has the following dimensions: the maximum size for the sink is 16 inches by 16 inches and is limited to one compartment; the waste line to the sink is limited to 1 1/2 inches in size; and the P-trap is limited to 1 1/4 inches in size.

350. WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions.

351. WHOLESALE TRADE. Distribution and sale of goods at wholesale. Wholesale trade may include retail trade as an accessory use when wholesale is the dominant use.

352. WINERY. As defined in ORS 215.452, a facility that produces wine with a maximum annual production of:

352. WINERY. (continued...)

A. Less than 50,000 gallons and that:

1. Owns an on-site vineyard of at least 15 acres;

2. Owns a contiguous vineyard of at least 15 acres;

3. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery;

4. Obtains grapes from any combination of 1, 2, or 3 above; or

B. At least 50,000 gallons and no more than 100,000 gallons and that:

1. Owns an on-site vineyard of at least 40 acres;

2. Owns a contiguous vineyard of at least 40 acres;

3. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;

4. Obtains grapes from any combination of 1, 2, or 3 above.

353. WORKYARD, PUBLIC. An enclosed area for the storage of vehicles and supplies and the provision of maintenance services for public facilities.

354. WRECKING YARD. See Automobile Wrecking Yard.

355. YARD. A space open and unobstructed from the ground upward and unoccupied.

356. YARD, FRONT. A yard between the front line of the building (exclusive of steps) and the front property line.

357. YARD, REAR. An open, unoccupied space on the same lot with a building (exclusive of steps and porches) and the rear line of the lot.

358. YARD, SIDE. An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side lot line.

359. ZONE. Classification of land by purpose and use; those specific areas where requirements of density, use, coverage, landscaping, and parking may be applied. May include an overlay zone which applies specific conditions to all uses allowed in a zone based on physical or other characteristics.

360. ZONE, APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL. The area under the approach, transitional, horizontal, and conical surfaces defined in Part 77, Objects Affecting Navigable Air Space, Federal Aviation Regulations, published by the Federal Aviation Administration (FAA) of the U.S. Department of Transportation.

ARTICLE 12 - ADMINISTRATION

12.010 - SCOPE & COMPLIANCE

No transfer or division of property contrary to the provisions of this Code shall occur. No structure or lot shall be used or occupied, and no structure or part of the structure shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Code.

12.020 - CONSISTENCY WITH PLANS & LAWS

A. This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

B. Actions initiated under this Code shall be consistent with the Josephine County Comprehensive Plan, the Goals and Policies for Josephine County, and with any applicable local, state, or federal laws, rules and regulations.

C. Any use established or conducted, or any building or structure existing in violation of any duly enacted Ordinance upon the effective date of this Code, shall not be deemed to have acquired the status and rights of a non-conforming classification by reason of the adoption of this Code or any of the provisions. To the extent that the use, building, or structure was in violation of that Ordinance, code, statute, or law, or in violation of this Code, it shall be deemed a continuing violation.

D. Any use, activity, building, or structure found to be non-compliant, incompatible, or inconsistent with the Rural Land Development Code and/or the Josephine County Comprehensive Plan shall be considered a violation.

12.030 - OFFICIAL ZONING MAPS

Land use Zones defined in this Code are denoted on the Official Zoning Map(s) of Josephine County and are adopted as part of this Code.

12.040 - INTERPRETATION OF ZONE BOUNDARIES

Where uncertainties exist as to the boundaries of any Zone shown on the Official Zoning Map(s) of Josephine County, the following provisions shall apply:

12.040 - INTERPRETATION OF ZONE BOUNDARIES (continued...)

A. Where zone boundaries are indicated as approximately following lot lines, center lines, rights-of-way for highways, streets, alleys, roads, canals, railroads, or contours and the like, those lines shall be construed to be the zone boundaries.

B. The case of unsubdivided property where a zone boundary divides a lot or parcel of land, the location of the boundary when not indicated by dimension or legal description, shall be determined by the Planning Director in accordance with the Type II Review Procedure, Section 22.040.

C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area compromising the vacated highway, street, or alley shall have applied to it the same Zone applied to the property it becomes part of.

12.050 - ALLOWED USES

The following uses shall be allowed where located in all Zones:

A. Existing or functioning highway and road rights-of-way and areas used primarily for automobile and truck transportation shall be deemed to permit continued use and other uses supportive of the primary use.

B. Railroad rights-of-way and areas used solely for the purpose of accommodating track, signals and other operative devices and the movement or rolling stock shall be deemed to be zoned to permit continued use.

C. Easements or land areas used solely for electric power line and poles, telephone lines and poles, and gas transmission lines shall be deemed zoned to permit continued use.

12.060 - FEES REQUIRED

Any application for a land use, land division, development decision, or appeal shall be accompanied by a non-refundable fee when prescribed by this Code. The amount of the fee shall be decided by the Board of County Commissioners in a separate fee schedule adopted by Ordinance.

12.070 - RULES OF INTERPRETATION OF DOCUMENT

A. Effect of provisions:

1. These provisions are declared to be the minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this Code;

2. Where conditions imposed by this Code are less restrictive than comparative conditions imposed by any other local ordinance, code resolution or regulation, or by the provision of state law or state administrative regulation, then the more restrictive shall govern;

3. This Code shall not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. When the private documents impose a greater restriction upon the use of land than are imposed or required by this Code, the enforcement of the private documents shall be the responsibility of the parties signing the documents;

4. A signed application, appeal, or other document may be faxed to the Planning Office and will be accepted as a legal document, provided it is received and stamped in by 5:00 p.m. the day it is due.

B. Language used in this Code:

1. As used in this Code, the singular includes the plural; the words "can" and "may" are discretionary; and the words "will", "shall" and "must" are non-discretionary;

2. Whenever a certain hour or time of day is specified in this Code, or any permit, condition of approval, or notice is issued or given, that hour shall be standard time or daylight savings time, whichever is in current use in the County;

3. Time deadlines in this Code shall be computed with day 0 beginning on the date a document is postmarked or delivered or otherwise made public, and ending at 5:00 p.m. on the last working day of the notice or time period. If the last working day is on a Wednesday, the last day shall be on the next regular working day at 5:00 p.m.. If the last working day is on a holiday, the notice period shall run until 5:00 p.m. on the following regularly scheduled working day. Day shall mean calendar day unless otherwise specified in this Code;

12.070(B) - RULES OF INTERPRETATION OF DOCUMENT (continued...)

4. Whenever this Code requires consideration of distances, or parking spaces, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, those numbers are rounded to the next highest whole number;

5. "Filing" or "submitted" for the purposes of this Code shall mean that all required documents have been received by the Planning Department by any deadline required in this Code, order, or condition of approval.

12.080 - EDITORIAL REVISION

The County Legal Counsel or District Attorney may at any time direct changes be made to any currently maintained copies of this Code to comply with new or amended acts of the Legislature, pursuant to ORS 173.160, provided the editorial revisions are initiated by written memorandum filed with the County Clerk, and are subject to approval by the Planning Commission at its next regular meeting.

12.090 - DUTIES OF THE PLANNING DIRECTOR

In order to implement the Oregon Revised Statutes and carry out those mandates, the Planning Director shall have the authority and duty to administer and interpret the provisions of this Code. Duties of the Planning Director shall include, but not be limited to:

A. Permit Review:

1. Review all Development Permits to determine that the permit requirements of this Code have been satisfied;

2. Review all Development Permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required;

3. Issue all types of permits as required in the provisions of this Code.

B. The Planning Director shall perform the duties and functions required in Article 22, the Administrative Review Procedure.

12.090 - DUTIES OF THE PLANNING DIRECTOR (continued...)

C. The Planning Director shall perform the following duties pertaining where applicable, to site review, administrative reviews, and public hearings:

1. Refer and schedule applications to the appropriate Review or Hearing Body;

2. Conduct the correspondence of the Review or Hearing Body;

3. Give notice in accordance with Article 32;

4. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement, and continuances, and a summary of action taken by the Review or Hearing Body;

5. Prepare and maintain findings of fact and/or minutes of public meetings conducted under this Code;

6. Mail a copy of the final order to the applicant and any representative;

7. Mail a notice of decision to all parties participating in the review or hearing processes and have a copy of the decision available for public inspection.

D. The Planning Director may delegate the authority to review, process, and issue Development Permits, Administrative Permits, Temporary Use Permits, Variances, Conditional Use Permits, plan and zone changes, and to conduct Site Review. The Director may delegate other functions as deemed necessary.

E. The Planning Director may refer any application to a higher level of review under the Administrative Review Procedure, or to the Planning Commission or the Hearings Officer for a public hearing when:

1. The comments received raise substantive issues based on the decision criteria for the application which are listed in the notice; or

2. At the discretion of the Director.

ARTICLE 13 - NON-CONFORMING LOTS, USES & STRUCTURES

13.010 - NON-CONFORMING LOTS OR PARCELS

A. The minimum area or width requirements shall not apply to an authorized lot as defined in Section 11.030(183) of this Code. An authorized lot may be occupied by any use permitted in the applicable Zone subject to all other standards of this Code.

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

C. The general lot size or width requirements of this Code 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.

D. When the lot size deficiency is entirely th ›riginal parcel having been removed for public roadwa) ırvey defects, the owner may partition the parcel into 2 ›ize, provided the septic site evaluation is satisfactory a ı are met. For the purposes of this Subsection, the reco s Office or an independent survey by a property owr ›lish acreage figures.

Need to make clearer. Highlighted Means - cannot do in resource zones. Should be included in partitioning section Art 50

E. Lots which were legally created prior to June 29, 1973, and which do not meet the current minimum frontage, lot width or lot sizes required for the Zone, are deemed acceptable for development.

13.020 - NON-CONFORMING USES

A. 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.

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

D. If a non-conforming use is interrupted or ceases to operate for a period of one year, it may not be resumed unless the resumed use is in compliance with the requirements of the Zone in which the lot or parcel is located.

13.030 - NON-CONFORMING STRUCTURES

A. Subject to the provisions of Sections 13.040 and 13.050, a lawful non-conforming structure may be altered or maintained.

B. 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 alteration or enlargement may occur only to the extent that it conforms with all other requirements of this Code, and does not cause any further violation of the provision to which it is non-conforming.

C. The provisions of this Code shall not apply to applications for uses or structures which are submitted prior to the date of adoption, except when the uses or structures do not commence within 2 years from the date of approval. A structure shall be considered commenced when all required permits have been acquired and construction begins.

D. If a non-conforming structure is removed from the property for a period of one year, the structure may not be replaced unless the replacement conforms to the requirements of the zone in which the lot or parcel is located.

13.040 - DAMAGED OR DESTROYED USES & STRUCTURES

A. If a non-conforming structure, or a structure containing a non-conforming use is destroyed by fire or other casualty or natural disaster, the structure may be replaced or restored.

B. Construction must begin within one calendar year of the date the use or structure was destroyed.

C. The restoration or replacement shall be processed by issuing a Development Permit under the Type I Review Procedure, Section 22.030.

D. If construction begins more than one year from the date the use or structure was destroyed, the use or structure must conform to all the requirements of this Code.

13.050 - ALTERATION OF A NON-CONFORMING USE OR STRUCTURE

Alteration as defined in Section 11.030(219), of a non-conforming use or structure may be allowed or restricted as follows:

13.050 - ALTERATION OF A NON-CONFORMING USE OR STRUCTURE (continued...)

A. A change in ownership or occupancy of a lawfully established non-conforming use shall be permitted;

B. Alteration of a non-conforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use as a Type I Review Procedure under Section 22.030 subject to a Development Permit, Article 41;

C. Alteration of a non-conforming use may be permitted to reasonably continue the use as a Hearings Officer Review Procedure under Article 23 subject to a Development Permit, Article 41;

D. An alteration of a non-conforming use or structure which will cause adverse impact to the neighborhood is prohibited.

Reconsider whether this procedure should be open to property owner only, or to adjoining neighbors. If neighbors, were with burden of proof - who gets it, etc

13.060 - DETERMINATION OF A NON-CONFORMING USE

A. Any person may apply to the Planning Director for a determination of the existence and/or extent of a non-conforming use.

B. A request for a determination shall:

1. An application on forms provided by the Planning Department;

2. The application shall clearly state the purpose of the request, and why the determination is requested;

3. Contain a statement of facts relating to the non-conforming status, including all documents, records, photographs, affidavits or other evidence supporting the statement;

4. Be accompanied by a fee equivalent to a request for the alteration of a non-conforming use.

C. The application shall be processed as a Type II application as set out in Section 22.040 and subject to the requirements of Article 32.

D. The Planning Director may utilize the procedures above to make a determination on a claimed non-conforming use or structure as part of an application for another land use permit, including a Development Permit.

ARTICLE 14 - PERFORMANCE AGREEMENT

14.010 - PURPOSE

The purpose of performance agreements is to ensure that improvements or actions required by this Code are made, and that neither the County or other affected property owners will incur the costs.

14.020 - IMPROVEMENTS

A. The Review and/or Hearing Body may specify and require road improvements or repairs, infrastructure improvements or repairs, or other site improvements or repairs to be installed prior to final approval of any development. The Review and/or Hearing Body may require that applicants or developers enter into a performance agreement with the County for completion of required improvements or repairs.

B. The Review and/or Hearing Body may specify the installation of site improvements as a condition of approval. The Review and/or Hearing Body may require that applicants or developers enter into a performance agreement with the County for completion of required improvements.

14.030 - PERFORMANCE AGREEMENT

A. The Director of Public Works or the Planning Director may enter into an agreement, with security, allowing the applicant to install improvements or repairs over a period of time not to exceed 2 years from the time of filing a final plat, and may attach specific performance conditions to the agreement.

B. The Director of Public Works or the Planning Director may enter into an agreement, with security, allowing the applicant to install required improvements or perform an action required by this Code within a specific time period, and may attach specific performance conditions to the agreement.

C. A bond or other security acceptable to the Director of Public Works or the Planning Director, shall accompany any performance agreement. The bond or other security shall be one of the following:

1. A bond or other security;

2. Cash or a certified check;

14.030(C) - PERFORMANCE AGREEMENT (continued...)

3. Time deposit certificate payable to Josephine County;

4. Savings account assignment to Josephine County;

5. An irrevocable letter of credit in favor of Josephine County from a financial institution authorized to do business in the State of Oregon, in a form acceptable to Josephine County.

D. The amount of the guarantee to be set for each element of the agreement, (i.e. on-site, adjacent off-site, and off-site for basic service), shall be calculated on the basis of a publicly awarded contract including the elements of a construction contract, engineering, and surveying cost, financing and administration charges and contingencies.

E. The amount of the guarantee shall be calculated using a specific engineering plan. When an engineering plan is not available, the amount of the guarantee shall be based on reliable estimates from a established source of the product and/or service to be guaranteed which will be submitted by the developer and agreed to by the Planning Director and the County Engineer, as applicable.

F. The Director of Public Works or the Planning Director may grant special time extensions to a performance agreement, and attach conditions to any special time extension. Such an extension shall not be considered a land use decision and shall not require notice or be appealable.

14.040 - EXECUTION OF PERFORMANCE AGREEMENT

A. Assurance of full and faithful performance of an improvement agreement shall be for a sum calculated in Section 14.030(D) and (E).

B. In the event the applicant or developer fails to carry out all provisions of the agreement, the County shall:

1. Call on the surety company for full and faithful performance; or

2. Use the deposit or letter of credit to complete the work.

14.040 - EXECUTION OF PERFORMANCE AGREEMENT (continued...)

C. If the amount of the bond, deposit, or letter of credit is greater than the cost of completing the work, the County shall release the remainder to the rightful claimant.

D. If the amount of the bond, deposit, or letter of credit is less than the cost of completing the work, the applicant shall be liable for the difference, and upon demand, shall pay any liability to the County.

E. The bond or other security listed in Section 14.030(C) shall be payable or released to Josephine County upon the County's certification of the applicant's failure to comply with the performance agreement.

CHAPTER 2 - REVIEW PROCEDURES

ARTICLE 20 - BASIC PROVISIONS

20.010 - PURPOSE

The purpose of this Chapter is to establish uniform procedures for reviewing proposals and applications, and for making decisions on matters pertaining to the use and development of land in Josephine County. It is the intent of this Chapter to provide review procedures which ensure that the amount of private and public resources devoted to reaching a particular decision is proportional to its complexity and potential impact. These procedures are designed to encourage public familiarity with, and understanding of how, decisions are reached, and to increase the overall speed by which land use decisions are reached.

20.020 - TYPES OF REVIEW PROCEDURES

All reviewing bodies shall be governed by the Comprehensive Plan, the Goals and Policies, and the Rural Land Development Code. In order to achieve the purposes set forth above, the following procedures are established:

A. Pre-application Conference Procedure;

B. Administrative Review Procedure;

C. Hearings Officer Review Procedure;

D. Planning Commission Review Procedure;

E. Board of County Commissioners Review Procedure.

20.030 - GENERAL PROCEDURES

A. When a development proposal involves several different applications for the development of land, the applications may be processed concurrently as a package using the highest level of review procedure required by the different applications. The decision on the development proposal shall address each application.

20.030 - GENERAL PROCEDURES (continued...)

B. The Planning Director may require separation of applications where:

1. The cumulative package is too complex for a single hearing; or

2. Consolidation of the applications is not administratively feasible.

ARTICLE 21 - PRE-APPLICATION CONFERENCE PROCEDURES

21.010 - PURPOSE

The purpose of the pre-application conference is to acquaint potential applicants with the procedures and requirements for filing, processing, and reviewing a development permit or other application governed by this Code in an informal fashion prior to the submission of an application. Pre-application conferences shall take place prior to the filing of an application.

21.020 - SCHEDULING

Persons who wish information on developing or dividing land under the provisions set out in the Land Development Code shall schedule a meeting, at the discretion of the Planning Director, for a time mutually acceptable to the applicant and the planning staff. A pre-application conference may be waived by the Planning Director.

21.030 - CONTENT

During the pre-application conference, the following issues may be discussed, as appropriate:

A. Requirements for filing an application, including application forms, fees, and the submission of factual documentation about the proposal;

B. Procedural requirements for review and/or hearing the proposal;

C. Substantive review criteria embodied in the Comprehensive Plan and the Land Development Code;

D. Opportunities and constraints involved with the proposal resulting from policies and regulations contained in the Comprehensive Plan and the Land Development Code;

E. Other issues which may be appropriate.

21.040 - NOTICE, HEARING & APPEAL

No notice, hearing, or appeals shall be provided. The discussions of a pre-application conference shall not be binding on any party.

ARTICLE 22 - ADMINISTRATIVE REVIEW PROCEDURE

22.010 - PURPOSE

The purpose of this Article is to set out the procedures used by the Planning Department to conduct in-house administrative reviews of selected types of land uses and land divisions.

22.020 - RULES OF PROCEDURE

A. The Planning Department shall be governed by Articles 30, 32, and 33 of this Code for the conduct of all Administrative Reviews.

B. All Administrative Review Procedures shall be conducted without a hearing.

22.030 - TYPE I REVIEW

A. A Type I Review shall be conducted without notice.

B. Review and Decision Procedure:

1. The Planning Director shall review the application upon receipt of a complete application and determine its compliance with applicable provisions of this Code;

2. An authorized signature showing compliance or non-compliance shall constitute the final action.

C. A Type I decision does not require the exercise of judgement is not considered a land use decision and is not subject to appeal as such.

22.040 - TYPE II REVIEW

A. Review and Decision Procedure:

1. The Review Body shall review the application and determine its compliance with applicable provisions of this Code;

2. The Review Body shall make its proposed decision in writing. The decision shall contain the reasons for the proposed decision and shall be based on the evidence presented with the application;

22.040 - TYPE II REVIEW (continued...)

3. The Review Body shall mail notice of the proposed decision to all persons within the notice area as required under Article 32. Persons receiving notice shall be given 15 days to respond in writing to the proposed decision.

4. At the end of the comment period, the proposed decision shall either become final in the form of a final action or be modified based on the comments received, if any. If a decision is modified, a notice of revised final action shall be mailed out to all parties who participated;

5. The final action shall be incorporated into the official Planning Department file.

B. Appeal. A decision reached under the Type II Review Procedure may be appealed to the Board of County Commissioners within 10 days from the date of mailing the final action as set forth in Article 33.

22.050 - TYPE III REVIEW

A. Review and Decision Procedure:

1. The Review Body shall mail notice of an application to all persons within the notice area as required by Article 32. Persons receiving notice shall be given 15 days to respond to the notice of application in writing;

2. Site Plan Review under Article 42 may be required as part of a decision. The comments and conditions of the Site Plan Review Committee shall be forwarded to the Review Body if different from the Site Plan Review Committee;

3. At the end of the comment period, the Review Body shall review the application, comments received, if any, and the comments and conditions of the Site Plan Review Committee, if applicable, and shall determine its compliance with applicable provisions of this Code;

4. The Review Body shall reduce the decision to writing in the form of a final action upon the close of the comment period. The final action shall contain the reasons for the decision, shall be based on the evidence presented with the application, shall contain applicable comments, and shall contain findings of fact supporting the decision;

22.050(A) - TYPE III REVIEW (continued...)

5. The final action shall be incorporated into the official Planning Department file;

6. A notice of the final action shall be sent to all parties who participated.

B. Appeal. A decision reached under the Type III Review Procedure may be appealed to the Board of County Commissioners within 10 days from the date of mailing the final action as set forth in Article 33.

22.060 - TIME LIMIT

A. An application which is approved using a Type II or Type III Review Procedure which is not processed as an Administrative Permit, a Conditional Use Permit, a Temporary Use Permit, Site Plan Review or as a land division under Chapter 5, is valid for 2 years from the date of issue. During that time period, a Development Permit must be secured and development and/or construction must be started. If a Development Permit has not been received and development and/or construction has not begun, the approved application shall be null and void.

B. A 1 year extension of the approved application as specified in Section 22.060(A), may be granted by the Planning Director if the following are met:

1. The person holding the approved application must make a written request for the extension explaining why development and/or construction has not begun prior to the expiration of the approved application;

2. The written request is due before the approval expires;

3. The Planning Director shall determine that the reasons the person holding the approved application was not able to begin development and/or construction are valid and that they were beyond the control of the person;

4. Additional 1 year extensions may be authorized where the applicable criteria for the original decision have not changed;

5. The decision is not considered a land use decision and is not subject to notice and appeal as such.

ARTICLE 23 - HEARINGS OFFICER REVIEW PROCEDURE

23.010 - PURPOSE

The purpose of the Hearings Officer Review Procedure is to provide for the conduct of evidentiary, quasi-judicial hearings involving discretionary judgement in the application of standards and review criteria to specific factual situations. The Hearings Officer Review Procedure allows for an impartial tribunal, the opportunity to present evidence, assurance against ex-parte contacts, and the means to create a record of hearings providing findings of fact and conclusions of law. The change of land use or development proposals reviewed under this procedure will have variable impacts on adjacent land and persons.

23.020 - APPOINTMENT & DUTIES

A. The Board of County Commissioners shall appoint the Hearings Officer to serve at the pleasure of the Board. The Board may appoint more than one Hearings Officer.

B. The Hearings Officer(s) shall be appointed solely with regard to their qualifications for the duties of their position and shall have such training and experience as will qualify them to conduct hearings on land use matters and other duties conferred upon them.

C. The Hearings Officer(s) may act on behalf of the Board of County Commissioners in hearing and deciding land use matters governed by this Code.

23.030 - RULES OF PROCEDURE

The Hearings Officer shall follow Chapter 3 of this Code for the conduct of hearings. Chapter 3 shall be in writing and copies shall be available for review upon request to all individuals at any hearing.

23.040 - PUBLIC HEARING & NOTICE

A. The Planning Director shall schedule public hearings and provide notice of Hearings Officer Review as provided by Article 31 and Article 32.

B. The Planning Director or the Hearings Officer, may continue or reschedule a public hearing to a date and time certain upon a written request by the applicant as set out in Section 31.120(J):

23.040(B) - PUBLIC HEARING & NOTICE (continued...)

1. Written requests received between 19 and 7 days prior to the scheduled public hearing may be rescheduled. The applicant will be required to pay a fee for the second or any subsequent noticing;

2. Written requests received less than 7 days prior to the scheduled public hearing may be rescheduled. The date and time certain shall be announced at the public hearing if the Hearings Officer agrees to the request.

23.050 - REVIEW & DECISION

A. Public hearings conducted by the Hearings Officer shall be called to order at the date and time specified in the public notice. The conduct of the hearing shall be according to Article 31.

B. The Hearings Officer may continue an evidentiary hearing to a date and time certain on a matter before it, if, in its judgement, additional time is necessary to review the proposal or to receive additional information regarding the proposal.

C. The Hearings Officer may continue the evidentiary hearing to a date and time certain to conduct a site visit. At the time the hearing is continued, the date and time of the site visit should be announced, if known, as well as the date and time certain when the hearing will resume or a decision will be made.

D. At the conclusion of the final evidentiary hearing, the Hearings Officer may make a decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code, or shall continue the matter to a date and time certain for a decision.

E. A decision of the Hearings Officer shall incorporate findings of fact and conclusions of law based on substantial evidence in the whole record.

F. A decision of the Hearings Officer shall not be final until it is reduced to writing in the form of a final action, approved, and signed in accordance with Section 31.130(C).

23.060 - APPEAL

A final action of the Hearings Officer may be appealed to the Board of County Commissioners within 10 days from the date it is mailed as set forth in Article 33.

ARTICLE 24 - PLANNING COMMISSION REVIEW PROCEDURE

24.010 - PURPOSE

The purpose of the Planning Commission Review Procedure is to provide for the conduct of hearings necessary to reach quasi-judicial decisions involving discretionary judgement in the application of standards and review criteria to specific factual situations, or to make legislative recommendations involving the balancing of divergent positions. The change of land use or development proposals reviewed under this procedure may have significant impacts on adjacent land or persons, or involve policy decisions affecting a broad range of lands or persons.

24.020 - APPOINTMENT & DUTIES

A. The Board of County Commissioners, under the authority set out in ORS 215.020, shall appoint the members of the Planning Commission to serve terms fixed in length by the Board of County Commissioners.

B. The Planning Commissioners shall be appointed under ORS 215.030, with consideration given to the following criteria:

   1. The members of the Commission shall be residents of the various geographic areas of the County;

   2. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit either as individuals or for a company or corporation;

   3. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.

C. The members of the Planning Commission may act on behalf of the Board of County Commissioners in hearing and deciding land use matters governed by this Code.

24.030 - RULES OF PROCEDURE

The Planning Commission shall follow Chapter 3 of this Code for the conduct of hearings. Copies shall be available for review upon request to all individuals at any hearing.

24.040 - PUBLIC HEARING & NOTICE

A. The Planning Director shall schedule public hearings and provide notice of Planning Commission Review as provided by Article 31 and Article 32.

B. The Planning Director or the Planning Commission, may continue or reschedule a public hearing to a date and time certain upon a written request by the applicant as set out in Section 31.120(J):

1. Written requests received between 19 and 7 days prior to the scheduled public hearing may be rescheduled. The applicant will be required to pay a fee for the second or subsequent noticing;

2. Written requests received less than 7 days prior to the scheduled public hearing may be rescheduled. The date and time certain shall be announced at the public hearing if the Planning Director or Planning Commission agrees to the request.

24.050 - REVIEW & DECISION

A. Public hearings conducted by the Planning Commission shall be called to order by the Presiding Officer at the date and time specified in the public notice. The conduct of the hearing shall be according to Article 31.

B. The Planning Commission may continue an evidentiary hearing to a date and time certain on a matter before it, if, in its judgement, additional time is necessary to review the proposal or to receive additional information regarding the proposal.

C. The Planning Commission may continue the evidentiary hearing to a date and time certain to conduct a site visit. At the time the hearing is continued, the date and time of the site visit should be announced, if known, as well as the date and time certain when the hearing will resume or a decision will be taken.

D. <u>Quasi-Judicial Hearings:</u>

1. At the conclusion of the final evidentiary hearing, the Planning Commission may make its decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code, or shall continue the matter to a date and time certain for a decision;

2. A decision of the Planning Commission shall incorporate findings of fact and conclusions of law based on substantial evidence in the whole record;

24.050(D) - REVIEW & DECISION (continued...)

3. A decision of the Planning Commission shall not be final until it is reduced to writing in the form of a final action, approved, and signed in accordance with Section 31.130(C);

4. For items where the Planning Commission does not make the final decision but rather recommends a decision to the Board of County Commissioners, the Planning Commission shall make its recommendation using steps 1-3 above.

E. Hearings for legislative changes to the Comprehensive Plan, Land Development Code, or Zoning Map:

1. At the close of the final evidentiary hearing, the Planning Commission may make its decision to recommend, conditionally recommend, or recommend denial of the request based on review standards and criteria set forth in this Code; or

2. Shall continue the matter to a date and time certain for a recommendation.

24.060 - APPEAL

A final action of the Planning Commission on a land use issue may be appealed to the Board of County Commissioners within 10 days from the date mailed as set forth in Article 33.

ARTICLE 25 - BOARD OF COUNTY COMMISSIONERS REVIEW PROCEDURE

25.010 - PURPOSE

The purpose of the Board of County Commissioners Review Procedure is to provide for the conduct of hearings necessary to reach quasi-judicial decisions involving discretionary judgement in the application of standards and review criteria to specific factual situations, to adjudicate decisions of other Review Bodies, or to make legislative decisions involving the balancing of divergent positions. The change of land use or development proposals reviewed under this procedure may have significant impacts on adjacent land or persons, or involve policy decisions affecting a broad range of lands or persons.

25.020 - RULES OF PROCEDURE

The Board of County Commissioners shall follow Chapter 3 of this Code for the conduct of hearings. Copies shall be available for review upon request to all individuals at any hearing.

25.030 - PUBLIC HEARING & NOTICE

A. The Planning Director shall schedule public hearings and provide notice of Board of County Commissioners Review as provided by Article 31 and Article 32.

B. The Planning Director or the Board of County Commissioners, may continue or reschedule a public hearing to a date and time certain upon a written request by the applicant as set out in Section 31.120(J):

   1. Written requests received between 19 and 7 days prior to the scheduled public hearing may be rescheduled. The applicant will be required to pay a fee for the second or subsequent noticing;

   2. Written requests received less than 7 days prior to the scheduled public hearing may be rescheduled. The date and time certain shall be announced at the public hearing if the Board of County Commissioners agrees to the request.

25.040 - REVIEW & DECISION

A. Public hearings conducted by the Board of County Commissioners shall be called to order by the Presiding Officer at the date and time specified in the public notice. The conduct of the hearing shall be according to Article 31.

B. The Board of County Commissioners may continue an evidentiary hearing to a date and time certain on a matter before it, if, in its judgement, additional time is necessary to review the proposal or to receive additional information regarding the proposal.

C. The Board may continue the evidentiary hearing to a date and time certain to conduct a site visit. At the time the hearing is continued, the date and time of the site visit should be announced, if known, as well as the date and time certain when the hearing will resume or a decision will be taken.

D. Quasi-Judicial Hearings:

1. At the conclusion of the final evidentiary hearing, the Board of County Commissioners may make its decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code, affirm, reverse, or return an appeal, or shall continue the matter to a date and time certain for a decision;

2. A decision of the Board of County Commissioners shall incorporate findings of fact and conclusions of law based on substantial evidence in the whole record;

3. A decision of the Board of County Commissioners shall not be final until it is reduced to writing in the form of a final action, approved, and signed in accordance with Section 31.130(C).

E. Hearings for legislative changes to the Comprehensive Plan, Land Development Code, or Zoning Map:

1. At the close of the final evidentiary hearing, the Board of County Commissioners may make its decision to approve, conditionally approve, or deny the request based on review standards and criteria set forth in this Code; or

25.040(E) - REVIEW & DECISION (continued...)

2. Shall continue the matter to a date and time certain for a decision.

25.050 - APPEAL

A land use decision of the Board of County Commissioners shall be final unless appealed to the Oregon Land Use Board of Appeals as set forth in Article 33 consistent with ORS 197.805 through 197.860.

CHAPTER 3 - PUBLIC HEARINGS, NOTICE & APPEAL

ARTICLE 30 - BASIC PROVISIONS

30.010 - PURPOSE

The purpose of this Chapter is to prescribe procedures for the conduct of public hearings, public notice requirements, and the appeal of decisions reached as a result of the Review Procedures described in Chapter 2.

30.020 - APPLICATIONS

A. All documentation relied upon by the applicant in support of a Development Permit or any application processed using an Administrative Review Procedure under Article 22, where no public hearing is required by this Code, shall be submitted to the Planning Department by 5:00 p.m. on the date notice is mailed.

B. All documents or evidence relied upon by the applicant in support of an application which requires a public hearing as established by this Code, shall be submitted to the Planning Department by 5:00 p.m. 21 days prior to the date notice is mailed.

C. If additional documents or evidence is submitted in support of an application before or at the public hearing, any party shall be entitled to a continuance of the hearing. The hearing continuance shall not be subject to the 120 day time limitation for final local action per ORS 215.428.

D. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least 7 days after the hearing. Such an extension shall not be subject to the limitations of the 120 day rule found in ORS 215.428.

E. Review of an application or a public hearing on an application shall not be scheduled or noticed until the application is deemed complete by the Planning Director.

30.030 - STAFF REPORTS

Staff reports shall be available for public inspection at least 7 days prior to the date of the public hearing.

30.040 - GENERAL PROCEDURES

A. The Planning Director shall develop forms to be used for all applications and the appeal of all applications set out in this Chapter.

B. The burden of proof is on the applicant and/or the appellant to complete the forms and to substantiate the information presented on the application and/or appeal forms.

C. The Planning Director may reject applications or appeals which are not complete.

D. In the context of this Chapter, the term "applicant" shall have the following meaning:

1. When the original Review or Hearing Body hears and decides on the application, the applicant is the person(s) submitting the application;

2. When a decision is appealed, the applicant is the person(s) filing the appeal;

3. The proponent and opponent shall be considered in the same context as Section 30.040(D)(1) & (2) above.

ARTICLE 31 - PUBLIC HEARINGS

31.010 - PURPOSE

This Article shall govern the conduct of all quasi-judicial and legislative land use hearings within Josephine County, as well as the Urban Growth Boundary of Cave Junction, which are held or made by the Board or its designates. Such hearings include all proceedings before the Hearings Officer, Planning Commission, or the Board, and may involve comprehensive plan changes, zone changes, subdivision or partition platting, conditional use permit, changes in non-conforming uses, appeals, and the interpretation and administration of ordinances, codes, laws, and items referred by the Planning Director, as well as all other official actions upon application or request.

31.020 - SPECIAL HEARINGS

A. The Planning Director may process any question or decision regarding the administration of this Code by a special hearing before the Planning Commission or the Hearings Officer if the issue is complex, will have a substantial impact on the area, or if questions of a substantive nature are raised. The Presiding Officer of the Hearing Body assigned to hear the matter shall be consulted before the matter is scheduled.

B. The Planning Director may appoint a special fact-finder(s) to investigate any circumstance or question concerning this Code. The Planning Director shall consult with County Legal Counsel prior to appointing a special fact-finder(s):

   1. The Planning Director shall establish the scope of the investigation and the procedures which will be followed during the inquiry;

   2. The special fact-finder(s) shall report to the Planning Director and shall submit their results and/or findings as a recommendation to the Director.

C. Notice of a special hearing shall be given in accordance with Article 32.

D. The special hearing shall be conducted according to the rules set out in Article 31.

31.030 - REQUESTS FOR HEARING

A. A hearing as provided in these rules shall be initiated in one of the following ways:

1. By motion of the Board or the Planning Commission;

2. By an application filed with the Planning Director in conformance with Code requirements and this Article; or

3. By written directive of the Planning Director.

B. In cases where the hearing is initiated by a motion of the Board or Planning Commission:

1. The motion shall set forth the specific issue or issues to be considered in the hearing and shall identify, if appropriate, those who will be recognized as parties to the proceedings for the purpose of notice as required by Article 32 of this Code. The motion may relate to new matters, matters for rehearing, or previous decision requiring clarification or explanation;

2. The decision to issue or not issue a motion shall lie entirely within the discretion of the Board or Planning Commission, and the reason or reasons for the action need not be specified in the motion;

3. In all cases, the Board or Planning Commission shall cause notice of the hearing to be given in accordance with Article 32 of this Code.

C. In cases where the hearing is initiated by application, the application shall meet all the requirements for the type of application submitted as set out in Chapters 4 and 5.

D. In cases initiated at the direction of the Planning Director, the Director shall prepare a written statement of the matter to be considered. The statement shall include the following:

1. The name of the Hearing Body that will hear the request, as determined at the Director's discretion; and

2. A statement of the factual background or circumstances giving rise to the request, the applicable criteria, and the issue or issues requiring resolution.

E. In the event the request involves specific property or properties, notice of the hearing shall be given in accordance with Article 32 of this Code.

31.040 - NATURE OF HEARING

A. Land use hearings conducted pursuant to this Article which are quasi-judicial administrative determinations shall be conducted according to the rules and procedures governing those actions. All applicants are entitled to a notice of the hearing, to an opportunity to be heard, to present and rebut evidence before an impartial Hearing Body, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

B. Land use hearings conducted pursuant to this Article which are legislative determinations shall be conducted according to the rules and procedures governing those actions. Notice of the hearing shall be published and the public shall be invited to testify, to present and rebut evidence before an impartial Hearing Body, to have the proceedings recorded, and to have a decision rendered.

C. Hearings held pursuant to this Article are proceedings and the applicant(s) shall appear in person or through an attorney or authorized representative.

31.050 - PRESIDING OFFICER

A. The Hearing Body shall designate one of its members to preside over the proceedings. The Presiding Officer shall have the authority to:

1. Regulate the course and decorum of the meetings;

2. Dispose of procedural requests or similar matters;

3. Rule on offers of proof and relevancy of evidence;

4. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination, and rebuttal testimony;

5. Question any person appearing, and allow other members to question the person;

6. Waive, at the Presiding Officer's discretion, the application of any Section of this Article where the circumstances of the hearing indicate it would be expedient and proper to do so, provided the waiver does not act to prejudice or deny any party their substantial rights as provided in this Code or otherwise by law;

31.050(A) - PRESIDING OFFICER (continued...)

7. Take any other actions as authorized by the Board or Commission to appropriately conduct the hearing.

B. All procedural decisions of the Presiding Officer shall be those of the Hearing Body unless the Presiding Officer is overruled by a majority vote of the members of the Hearing Body.

31.060 - CONDUCT OF PARTICIPANTS

Proceedings shall, at all times, be orderly and respectful. No person shall be heard until they state their name and address for the record. The Presiding Officer may terminate the hearing when necessary or refuse to recognize anyone who:

A. Is disorderly, abusive, and/or disruptive;

B. Takes part in or encourages audience demonstrations, including applause, cheering, display of signs, or other conduct disruptive of the hearing;

C. Testifies without first receiving recognition from the Presiding Officer and stating their full name and residential address;

D. Presents irrelevant, immaterial, or repetitious evidence.

31.070 - BURDEN AND NATURE OF PROOF

A. The burden of proof shall be on the applicant. The more a proposed use or structure changes existing land use patterns, or causes impacts on surrounding lands or the community, the greater the burden of proof shall be on the applicant to show the request complies with all applicable criteria. The applicant shall address all the criteria listed in the staff report as it applies to the request. For purposes of an appeal, the burden of proof shall be upon the appellant. The applicant may present rebuttal evidence to the information in the staff report, as appropriate, to meet the requirements of this Subsection.

B. The decision of the Hearing Body shall be based upon substantial evidence and be supported by the record. The applicant shall address the required criteria and present evidence as appropriate to the specific proposal. In addition to the standards and criteria for the specific type of application, the Hearing Body shall deem the following criteria applicable to its decisions:

31.070(B) - BURDEN AND NATURE OF PROOF (continued...)

1. Conformance with the Josephine County Comprehensive Plan to include its Goals and Policies;

2. Conformance with applicable State Laws, Rules, and Regulations pertaining to land use and the specific proposal, including the applicable Oregon Administrative Rules in Chapter 660 and guidelines contained in the State Wide Planning Goals;

3. Conformance with the Rural Land Development Code, the Building Code, Health Code, and similar requirements as they relate to the specific proposal;

4. Conformance with general development considerations, such as the preservation of the character of the area involved, the properties peculiar suitability for particular uses, the conservation of property values, and the current direction of building development;

5. Whether or not a mistake has been made in the original Comprehensive Plan designation;

6. Whether or not a change of circumstances has occurred so that the existing condition within the vicinity of the proposal no longer conforms to the intent of the Comprehensive Plan, or applicable codes.

31.080 - DISCLOSURE RULE

A. Pre-Hearing/Ex parte Contact:

1. Members of the Hearing Body shall avoid significant ex parte and pre-hearing contacts with interested parties to the proposal so that their deliberations and recommendations can be based on the evidence presented at the time of the public hearing. Any contacts shall be revealed at the commencement of the hearing or when identified, and:

   a. If the contacts have not significantly impaired the member's impartiality or ability to vote on the matter, the member shall so state and may participate; or

31.080(A) - DISCLOSURE RULE (continued...)

b. If the contacts have significantly impaired the member's impartiality and ability to vote on the matter, the member shall so state and shall abstain from voting on the matter. The member may be counted for purposes of forming a quorum.

2. Parties to the request may challenge the impartiality of a member of the Hearing Body based on ex parte contact. The disqualification of a challenged member is discretionary and shall be determined by a majority vote of the unchallenged members. A quorum is not required for a vote of disqualification. In no case shall any member participate in a vote concerning his or her own disqualification;

3. Contact with County staff does not constitute ex parte contact.

B. Conflict of Interest. In addition to the ex parte and pre-hearing contacts, no member of the governing body shall participate in any vote on a proposal when:

1. The member (or spouse, brother, sister, child, parent, father-in-law, mother-in-law, or any business in which the member has a financial interest, or any business which the member is negotiating for) has a direct or substantial financial interest in the proposal;

2. The member has an interest in property within the area entitled to receive notice of the public hearing under Article 32;

3. The member has a relationship with the applicant or other participants so that the member is unable to be reasonably impartial in reaching a decision;

4. For any other reason specified by State Law;

5. No other official or employee of the County who has a financial interest or other private interest in the proposal shall participate in discussion with or give an official opinion on the proposal without first declaring for the record the nature and extent of the conflict of interest.

31.090 - CHALLENGE FOR BIAS, PREJUDICE, OR CONFLICT OF INTEREST

A. Any applicant or opponent of a proposal may challenge the qualification of any member to participate in such hearing and decision because of bias, prejudice or conflict of interest.

31.090 - CHALLENGE FOR BIAS, PREJUDICE, OR CONFLICT OF INTEREST (continued...)

B. The challenge shall be in writing, and shall state the facts relied upon for the challenge.

C. The challenge must be submitted, to the Planning Director not less than 48 hours preceding the time set for the public hearing, unless good cause is shown as to why the submission could not be made in a timely manner.

D. The Director shall attempt to notify the challenged member before the hearing.

E. The challenged member(s) shall have an opportunity at the hearing:

1. To agree with the challenge and withdraw from participation in the Hearing and decision; or

2. To disagree with the challenge and respond orally and in writing.

F. The challenge and any response shall be incorporated into the record of the hearing.

31.100 - PARTIES

A. Person(s) speaking at the hearing shall identify themselves as:

1. A witness only; or

2. A party as defined in Section 11.030(240); or

3. A County Official.

B. Person(s) appearing at a hearing either orally or in writing (including those representing an organization) shall state at the beginning of their testimony the facts which support their status as a party (as defined in Section 11.030(240) or a witness:

1. Persons who were not entitled to notice, but who claim party status because they will be adversely affected by the decision, shall identify and document the facts showing how they will be adversely affected. Persons who fail to do so shall be witnesses;

31.100(B) - PARTIES (continued...)

2. At the close of their statement of facts on how they will be adversely affected, the Presiding Officer will promptly rule on whether that person will be treated as a party or not;

3. The ruling of the Presiding Officer on this point shall be the ruling of the Hearing Body unless the Hearing Body votes to overruled the Presiding Officer.

C. After party status has been determined, anyone challenging the ruling shall be heard immediately and the Presiding Officer (or the Hearing Body) may change its decision on party status.

31.110 - RULES OF EVIDENCE

A. All evidence offered and not properly objected to may be received unless otherwise excluded by the Hearing Body. Evidence received at the hearing shall be of the same quality as the evidence used by reasonable persons in the conduct of their everyday affairs.

B. All documents or evidence relied upon by the applicant shall be submitted to the Planning Director as specified in Section 30.020(B) and shall be made available to the public for inspection.

C. All evidence received by the Hearing Body shall be made a part of the record of the case, except for matters stipulated to and matters judicially noticeable. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference (if the document so incorporated is a public record not exempt from inspection).

D. Cross-examination shall be at the discretion of the Hearing Body. Any cross-examination question shall be directed to the Presiding Officer who will determine if the cross-examination will benefit the Hearing Body. If the Presiding Officer determines the question will help in the decision, the Presiding Officer will ask the question to the party or witness appropriate to answer. In all cases, cross-examination shall be conducted in a non-inflammatory manner. The Presiding Officer may terminate cross-examination if it becomes disruptive to the hearing.

31.110 - RULES OF EVIDENCE (continued...)

E. Judicial notice may be taken of any ORS, OAR, Federal, State, or local rule or regulation, general fact, and/or scientific fact within the experience, technical competence, or specialized knowledge of a member of the Hearing Body, staff, or technical witness called by either side. Opportunity will be given for rebuttal of these facts.

F. No decision shall be rendered except upon consideration of the whole record, or portions as may be cited by the Hearing Body, and as supported by, and in accordance with, reliable, probative, and substantial evidence.

G. The Hearing Body at its discretion may be represented by the County Legal Counsel.

31.120 - ORDER OF PROCEDURE

The Presiding Officer shall conduct the hearing in an orderly fashion, within the guidelines in this Section. However, the technical rules of parliamentary procedure shall be avoided so the hearing may be conducted in a clear, simple and fair manner.

A. Quorum. The Presiding Officer shall establish a quorum:

1. If a member of the Hearing Body must leave prior to the close of the particular proposal at hand, losing the quorum, the Presiding Officer shall so state, and shall proceed with the hearing for purposes of taking evidence and testimony;

2. The members shall not vote on the proposal until the absent member has reviewed the evidence and testimony taken;

3. At the close of the hearing, the Hearing Body shall continue the request to a date and time certain for deliberation and decision when the absent member can participate;

4. If the request cannot be continued to a date and time certain during the public hearing, the Planning Director shall reschedule the request as soon as possible and give new notice as set out in Article 32;

5. If a quorum is not present, a Hearing Body may take action to continue the agenda until a date and time certain.

31.120 - ORDER OF PROCEDURE (continued...)

B. Commencement. The Presiding Officer shall announce the nature and purpose of the hearing, summarize the rules for the conduct of the hearing, identify the name of each applicant, and describe the general nature of each proposal. In addition, the Presiding Officer shall announce the following:

1. All testimony and evidence must be directed toward the criteria required by Section 31.120(E);

2. All speakers that failure to raise an issue in a hearing, in person or by letter, with sufficient specificity to afford the Hearing Body an opportunity to respond to the issue precludes a local or LUBA appeal based on that issue; (RAISE IT OR WAIVE IT)

C. Abstentions. The Presiding Officer shall inquire of the Hearing Body whether any member wishes to abstain from participation in the hearing on a specific proposal:

1. Any member so abstaining shall identify the reasons for the record and shall not participate in the discussion of, or vote on the proposal;

2. Any member whose participation has been challenged by an allegation of bias, prejudice, conflict of interest, or pre-judgment, or who has been subject to significant ex parte or pre-hearing contacts with proponents or opponents, may make a statement explaining the nature of the conflict or bias for the record, and shall announce whether the member will participate in the hearing as set forth in Section 31.080.

D. Objection to Jurisdiction. The Presiding Officer shall inquire of the audience if there are any objections to the jurisdiction of the Hearing Body to hear the matter. Objections, if any, shall be noted in the record, and the matter shall proceed or terminate at the discretion of the Hearing Body.

E. Criteria. The Presiding Officer shall request the Planning Director or staff member to present the criteria from the Land Development Code, the Comprehensive Plan, the Goals and Policies, or other document as required under ORS 197.763(5), under which the request shall be reviewed.

F. Staff Report. The Presiding Officer shall request the Planning Director or a member of staff be present at the meeting to report and indicate the action required.

31.120 - ORDER OF PROCEDURE (continued...)

G. Proponent's Case. The Presiding Officer shall allow the applicant or appellant to comment and present evidence in support of the application or appeal as follows:

1. 10 minutes for the proponent to make introductory comments and present evidence;

2. 5 minutes for each witness called by the proponent;

3. 5 minutes for each audience member speaking in favor of the proposal;

4. 5 minutes for cross-examination of planning staff regarding the Staff Report subject to the general rules of cross-examination set out in Section 31.110(D); and

5. The time allocations for the proponent's case may be adjusted at the discretion of the Hearing Body to expedite the hearing or promote fairness.

H. Opponent's Case. The Presiding Officer shall allow opponents to comment and present evidence in opposition to the proposal as follows:

1. 10 minutes for a representative of the opponents to make introductory comments and present evidence;

2. 5 minutes for each witness or party to speak in opposition to the proposal;

4. 5 minutes for cross-examination of planning staff regarding the Staff Report subject to the general rules of cross-examination set out in Section 31.110(D); and

5. The time allocations for the opponent's case may be adjusted at the discretion of the Hearing Body to expedite the hearing or promote fairness.

I. Rebuttal. The Presiding Officer shall allow the applicant to cross-examine the opponent by addressing questions to the Presiding Officer, and otherwise rebut any new matters presented by the opponents or their witnesses. The Hearing Body may allow the opponent to offer surrebuttal to the applicant's rebuttal if:

1. The applicant has provided new arguments in the rebuttal; and

2. The opponent has specific responses to the new arguments.

31.120 - ORDER OF PROCEDURE (continued...)

J. Continuances. The Hearing Body may grant a continuance of the hearing whenever it concludes additional time is reasonably required to either evaluate evidence in the record or to obtain additional evidence. In addition, continuances shall be granted in the following circumstances:

1. If the applicant places additional documents or evidence in the record, any party to the hearing may request the hearing be continued in order to review the additional documents or evidence. The period of continuance shall not count against the 120 day limit for final action specified in ORS 215.428;

2. If a continuance has not otherwise been granted, any participant may request the record remain open for at least 7 days after the hearing. The request must be made before the close of the evidentiary hearing and the period of continuance shall not count against the 120 day limit for final action specified in ORS 215.428.

K. Summation. The Presiding Officer shall allow the proponent and opponent 5 minutes, or other reasonable time limit determined by the Hearing Body, to summarize their arguments.

L. Discussion. At the close of the proponents and the opponents summation, the Planning Staff shall review the applicable criteria, the evidence submitted, and the staff recommendation. The members of the Hearing Body shall be allowed to openly discuss the proposal and further question planning staff or any party appearing for or against the proposal.

M. Close of Hearing. The Presiding Officer shall close the public hearing when certain that all of the testimony has been heard, and all questions have been answered:

1. If there should be a need to discuss the proposal with any person who is not a member of the Hearing Body, the Presiding Officer shall re-open the public hearing for that purpose;

2. Upon satisfaction of the situation, and an opportunity for comment and/or rebuttal by the proponent, the opponent and staff, the Presiding Officer shall again close the public hearing.

31.130 - FINAL ACTION

A. At the close of the public hearing, the Hearing Body may:

1. On a quasi-judicial application:

   a. Approve the application as submitted;

   b. Deny the application;

   c. Approve the application with certain conditions as it deems appropriate; or

   d. Continue the application for further study, a site visit, deliberations, or a decision to a date and time certain.

2. On a legislative matter:

   a. Approve the matter as submitted;

   b. Deny the matter;

   c. Approve the matter with conditions as it deems appropriate; or

   d. Continue the matter for further study, a site visit, deliberations, or a decision to a date and time certain.

B. The decision of the Hearing Body shall be made after the hearing is closed and deliberations are completed, and shall be in the form of a motion, duly seconded, and approved by a majority of the members. The Presiding Officer shall poll each member regarding their vote and the reasons for it. All members shall state their vote for the record.

C. A quasi-judicial decision of the Hearing Body shall not become final until written findings of fact are prepared and approved by a majority vote of the participating members, signed by the Presiding Officer or a designate, and mailed as required by Article 33. The findings shall include the criteria, standards for approval, the facts relied on in making the decision, and a statement showing how the facts, when applied to the criteria, justify the final action.

D. A legislative matter shall become final upon the second reading of the Ordinance, in a public meeting. Notice of the adoption shall be sent to DLCD. Local notice of the adoption shall be deemed given by a notice of the date for the second reading by publication.

31.140 - RECORD OF PROCEEDINGS AND DECISIONS

A. The Presiding Officer of the Hearing Body shall designate a person to record the proceedings electronically or stenographically. The proceedings shall not be transcribed unless required for appeal, review, or unless otherwise ordered by the Board, Commission or Hearings Officer.

B. All exhibits received in evidence shall be marked or otherwise made readily available and identifiable for purposes of review. Evidence or exhibits of unusual size or bulk, which cannot be conveniently held, shall not be received. All exhibits received into the record shall be retained by the Planning Director on behalf on the Hearing Body, and shall be made accessible per ORS Chapter 192 for inspection or copying by interested persons, subject to a reasonable copying fee. When all appeal periods have expired, the Planning Director is authorized to dispose of the exhibits.

C. The Planning Director shall hold all sound recordings made of hearings items for the following time periods after the date of the last meeting on that item. The tapes shall be made available for inspection or copying by interested persons, subject to a reasonable charge for copying:

1. If a meeting is fully transcribed, hold the tapes for 90 days;

2. If the meeting is summarized in minutes, hold the tapes for 1 year;

3. If the meeting is summarized in formal findings, hold the tapes for 5 years;

4. If minutes or findings are not done, the tape cannot be erased and must be kept forever.

D. Findings of fact are to be compiled for each decision taken at a hearing. Responsibility for preparation of this document shall be determined by the Presiding Officer of the Hearing Body at the close of each hearing on any matter.

E. Notice of the decision shall be mailed to parties as defined in Section 11.030(240), who perfect status under Section 31.100(B) who request a copy of the notice in writing at the Hearing.

ARTICLE 32 - PUBLIC NOTICE

32.010 - PURPOSE

The purpose of public notice is to provide an opportunity for affected or interested persons to participate in the local land use review and decision process.

32.020 - NOTICE SCHEDULE

A. The Planning Director shall determine the type of notice required for each decision, and may provide additional notice, in such a way that all persons reasonably determined to be potentially affected by a local land use decision receive actual notice.

B. The notice requirements for the various types of land use, development, and land division decisions are set forth in Sections 32.030 through 32.060.

32.030 - TYPES OF NOTICE

A. Notices shall be sent by first class mail at least fifteen days prior to the date of review for all applications processed as a Type II and Type III Review Procedure under Article 22 and at least 20 days prior to a hearing, to the following persons:

1. The applicant and subject property owner;

2. To all property owners, or contract purchasers of record, as shown on the most recent property tax assessment role where such property is located:

   a. Within 100 feet of the property which is the subject of the notice where the property is wholly or in part within an urban growth boundary;

   b. Within 250 feet of the property which is the subject of the notice where the property is outside an urban growth boundary and not within a farm or forest zone;

   c. Within 500 feet of the property which is the subject of the notice where the property is within a farm or forest zone;

d. To each mailing address for tenants of a mobile home park for an application involving property encompassing all or part of a mobile home park. The applicant shall provide a mailing list of all tenants of the park;

e. To a public airport owner for a zone change if:

(1) The zone could permit development of a structure greater than 35 feet in height, and the property is inside the runway "approach surface" as defined by the Oregon Department of Transportation; and

(2) The subject property is within 5,000 feet of the side or end of a runway.

f. To all property owners within 1500 feet of a parcel when a change of comprehensive plan designation and zone change, or a zone change is proposed;

g. To all property owners within 1500 feet of a proposed quarry, mining, or processing operation;

h. To the Citizen Advisory Committee, if any are certified in the area the application is located;

i. The Planning Director may increase the notice list for applications which may have an impact beyond the limitations in Section 32.030(A)(2)(a)-(h).

3. Notice of the final action on a land use application or application for division of land shall be sent to all participants who have been officially recognized as parties.

B. When required by Section 32.060, notice shall be given by publication in a newspaper of general circulation in the area affected, published at least 20 days prior to the date of the hearing.

C. The hearing may be continued when necessary to gather additional information, to visit the site, or to respond to new information presented after the 20 day deadline has passed. No additional notice is required provided the hearing is continued to a date and time certain. If an application is continued without setting a date and time certain, additional notice as originally required shall be sent.

32.030 - TYPES OF NOTICE (continued...)

D. Cost of the first notice shall be included in the application fee.

E. Additional or subsequent notices may require a fee.

32.040 - CONTENT OF MAILED NOTICE

A. Notice of the review date for the application or an evidentiary hearing before the Review or Hearing Body shall contain the following information, as appropriate:

1. The date, time, and location of the hearing;

2. Nature of the application and the proposed use or uses which could be authorized;

3. A list of the applicable criteria from the Comprehensive Plan, Land Development Code, and State Goals by reference only. A statement shall be included indicating where the criteria can be viewed or copies purchased;

4. A description of the subject property, reasonably calculated to give notice of its actual location;

5. A statement that failure to raise an issue in a hearing, in person or by letter, with sufficient specificity to afford the Review or Hearing Body an opportunity to respond to the issue precludes a local or LUBA appeal based on that issue; (RAISE IT OR WAIVE IT)

6. Name of a local government representative to contact and the telephone number where additional information may be obtained;

7. Statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost;

8. Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at a reasonable cost;

9. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

32.040 - CONTENT OF MAILED NOTICE (continued...)

B. Where the application is made for a change of zone classification, the Planning Director shall have the discretion to include within the notice of hearing, that the Hearing Body may consider a more restrictive zone classification than requested in the application.

32.050 - RECEIPT OF NOTICE

Failure of any party to receive notice shall not nullify a land use decision.

32.060 - NOTICE SCHEDULE

TYPE OF APPLICATION	REQUIREMENT
Similar Use	Mailed
Site Plan Review	Mailed
Administrative Permit	Mailed
Temporary Use Permit	Mailed
Variance	Mailed
Conditional Use Permit	Mailed
Subdivision	Mailed
Land Partition	Mailed
Replat	Mailed
Planned Unit Development	Mailed
Change of Zone Designation: Quasi-Judicial	Mailed Published
Change of Plan Designation: Quasi-Judicial	Mailed Published
Legislative Amendment: Comprehensive Plan, Data Base, Goals & Policies, & Land Development Code Text	Mailed Published
Appeal to the Board of County Commissioners	Mailed

ARTICLE 33 - APPEAL OF DECISIONS

33.010 - PURPOSE

The purpose of this Article is to establish uniform procedures for the appeal of decisions rendered pursuant to this Code.

33.020 - APPEAL AUTHORITY

A. Final actions made under the following review procedures may be appealed to the Board of County Commissioners:

1. Type II & Type III Administrative Review - Article 22

2. Hearings Officer - Article 23

3. Rural Planning Commission - Article 24

B. Recommendations to another Review or Hearing Body do not constitute a final action and cannot be appealed.

33.030 - APPEALS

A. An action by the Planning Director, Site Plan Review Committee, Hearings Officer, or the Planning Commission may be appealed to the Board by a party filing a statement of appeal with the Planning Director within:

1. 21 days after written notice of the decision is given or mailed to the individual on the matter for the following types of issues:

   a. Zone changes;

   b. Comprehensive Plan amendments;

   c. All legislative matters.

2. 10 days after written notice of the decision is given or mailed to the individual on all other types of land use or land division applications.

33.030 - APPEALS (continued...)

B. Notice is deemed given when:

1. It is mailed (as established by the date of the official postmark) to the last known address of the party;

2. It is personally given to the party.

C. A party shall mean a person or organization perfecting status as a party as defined in Section 11.030(240). Party status may be challenged on appeal by any party to the appeal, the Planning Director, or the Board. Any challenge shall be settled by the Board as its first order of business in the appeal hearing.

D. Notice for appeal hearings shall be given to all parties as defined in Section 11.030(240) perfecting status.

33.040 - STATEMENT OF APPEAL

A. A statement of appeal shall be on a form supplied by the Planning Director and shall contain the following information:

1. How the Comprehensive Plan, Josephine County Land Development Code, applicable State law, or other evidence, was incorrectly interpreted or applied in the decision;

2. What information in the record of decision was pertinent to the decision, but was not considered by the Review Body. This may include the Comprehensive Plan, Josephine County Land Development Code, applicable State law, or other evidence;

3. Each ground or reason for appeal must be separately numbered and explained, and the appeal hearing will be strictly limited to the items specified in the statement of appeal; Change as applies to PD appeals per §33.040 (initial and hearing)

B. The grounds for the local or LUBA appeal must have been raised at the Review or Hearing Body with sufficient specificity to allow the Review or Hearing Body an opportunity to respond to the issue.

no statement required?

33.040 - STATEMENT OF APPEAL (continued...)

C. The statement of appeal shall be accompanied by the following:

1. The required filing fee;

2. In cases involving an appeal on the record, the statement shall also be accompanied by a deposit, in an amount established by the Planning Director, to cover the estimated cost of producing a typewritten summary of the testimony in the hearing;

3. In the event the deposit is insufficient to cover the cost of the preparation of the typewritten summary, the Planning Director shall mail written notice to the appellant of the balance due;

   a. Within 10 days from the mailing of the notice of completion of the summary, appellant shall tender to the Director the balance due for the cost of the summary;

   b. Failure to tender the balance is a jurisdictional defect and the appeal shall be dismissed;

   c. Any part of the deposit in excess of the actual cost of the summary shall be returned to the appellant.

D. In the event more than one party files an appeal, the Planning Director shall require equal deposits from each appellant. The final cost of the typewritten summary, shall be shared equally by all appellants.

E. Failure to submit a statement of appeal in conformance with the requirements of this Section shall be considered a jurisdictional defect, and the appeal shall be dismissed.

33.050 - EFFECT OF APPEAL

A. Failure to file an appeal within the specified time or in the manner prescribed in Sections 33.030 and 33.040 shall nullify the appeal and the decision shall be final.

B. The effect of an appeal to the Board shall be to stay or suspend the appealed action.

33.060 - STANDING TO APPEAL

To have standing to appeal a decision rendered under the procedures of this Code, persons or parties must have participated, either orally or in writing, in the local review process, and must have been granted standing under Section 31.100(B) of this Code by the Presiding Officer at the public hearing.

33.070 - ACTION OF THE PLANNING DIRECTOR OR SITE PLAN REVIEW COMMITTEE

as initial evidentiary hearing

Appeal from actions by Planning Director or Site Review Committee shall be heard de novo by the Board:

A. Within 14 days from the filing of the statement of appeal, the Planning Director shall prepare a report of the action under appeal, and mail notice to the parties indicating the report is available for inspection and/or copying;

B. The report shall consist of all materials, documents, and exhibits considered by the Planning Director or the Site Review Committee in taking the action, including the final action under appeal, if one exists;

C. The Planning Director is authorized to charge a reasonable fee for the preparation and copying of the report.

33.080 - ACTION OF THE HEARINGS OFFICER OR PLANNING COMMISSION

A. An appeal from an action by the Hearings Officer or Planning Commission shall be to the Board, and shall be confined to the record of the hearing. The record shall include:

1. All materials, pleadings, memoranda, stipulations, motions, exhibits, and documents submitted by any party to the action as evidence in the hearing;

2. All materials submitted by the Planning staff in the hearing;

3. The tape recording, if one exists, of the hearing;

4. A typewritten summary of the testimony given at the hearing. The typewritten summary shall be prepared by the Planning Director or a designate;

5. The findings of fact entered by the Hearing Body.

33.080 - ACTION OF THE HEARINGS OFFICER OR PLANNING COMMISSION (continued...)

B. Within 21 days of filing of the statement of appeal, the Planning Director shall cause the record to be compiled, including the written summary of testimony, and mail notice to the parties indicating the record is available for inspection and/or copying. The Planning Director is authorized to charge a reasonable fee for paper or tape copying.

C. Any party wishing to challenge the composition or completeness of the record, or the accuracy of the typewritten summary of the testimony, shall file written objections within 14 days from the date of the mailing of the notice of completion of record. In addition;

1. Objections to the accuracy of the summary of testimony shall be accompanied by a verbatim transcript for the portion(s) of the hearing which supports each challenged point;

2. Controversy concerning any of these matters shall be settled by the Board as its second order of business at the appeal hearing, after questions about party status, if any exist, are settled.

D. The parties to an appeal from any action by the Hearings Officer or Planning Commission shall be allowed to present oral or written arguments concerning any ground or reason for appeal specified in the statement of appeal, but no new matters or evidence shall be submitted unless permitted pursuant to Section 33.080(E).

E. A party to an appeal from any action by the Hearings Officer or Planning Commission may request permission to submit evidence not contained in the record for an appeal when all of the following criteria are met:

1. The evidence was not reasonably available to the party at the time of the original hearing, and the facts supporting this conclusion are documented by affidavit(s);

2. The evidence is substantially relevant to issues raised in the appeal. Evidence is substantially relevant when, in the opinion of the Board, it has special value to prove relevant criteria, so that consideration of the new evidence is likely to alter deliberations;

33.080(E) - ACTION OF THE HEARINGS OFFICER OR PLANNING COMMISSION (continued...)

3. The evidence to be introduced was made available to all parties to the appeal at least 20 days prior to the hearing, and there is no significant prejudice or unfairness to another party. In addition:

   a. If it becomes available within 20 days of the hearing, a continuance may be requested by the proponent in order to meet the 20 day rule;

   b. The Board may grant a continuance so the new evidence will meet the 20 day rule provided the continuance serves the public interest; and

   c. If the applicant is the party requesting the privilege of introducing evidence, a written waiver of the 120 day time limit specified in ORS 215.428 must be submitted to the Board.

33.090 - ACTION OF THE BOARD OF COUNTY COMMISSIONERS

A. In addition to appeals created by other provisions in this Chapter, the Board may order its own review of a final action by a Review or Hearing Body. Review under these circumstances shall be governed by the provisions of this Article including the creation of the record as provided in this Article. A summary of testimony as required by Section 33.040(C) shall be prepared at the County's expense.

B. The Board may affirm, reverse, or amend the decision under appeal, and may impose additional or different conditions as may be necessary to carry out its decision. The Board may also return the proceeding to the initial Review or Hearing Body for additional consideration or action. The return shall contain specific instructions to the initial Review or Hearing Body regarding the nature and scope of its further consideration or action.

C. The Board shall make written findings and conclusions as part of its written decision. This document will constitute the final action of the Board for appeal and other purposes.

D. The Board may cause supplemental or replacement findings and conclusions, based on the record for the decision, to be prepared and signed after the original findings and conclusions have been executed. When supplemental or replacement findings and conclusions are prepared and signed, this document shall constitute the final action of the Board for appeal and other purposes in lieu of the original findings and conclusions.

33.090 - ACTION OF THE BOARD OF COUNTY COMMISSIONERS (continued...)

E. The Board may open the record for clarification on a part of the record.

F. The Board by its own motion only, may choose to hear any appeal de novo. The decision to do so must within 10 days of receiving a statement of appeal.

G. An appeal of a decision of the Board to the Land Use Board of Appeals (LUBA), shall follow the procedures outlined in ORS 197.805 to 197.860.

33.100 - CONSOLIDATION OF APPEALS

In the event the final action for a single land use or land division is subject to concurrent appeals, the Board is authorized to consolidate the appeals into a single proceeding. In this event, the Presiding Officer may modify the rules of procedure contained in this Chapter, or implement new rules, which facilitate the merger of the appeal applications and the taking of evidence, testimony and argument. The decision of the Board shall be documented in a single set of findings of fact which shall act as the formal decision and final action on all of the appeals for the purpose of further appeals.

33.110 - REMANDS - LAND USE BOARD OF APPEAL

In all cases, a copy of the opinion on remand shall be filed with the Planning Director to be included in the permanent file.

33.120 - PARTICIPATION IN LAND USE BOARD OF APPEAL (LUBA)

The County shall not participate in appeals filed with the LUBA. The response to an appeal shall be left to the party whose interests are, or may be, affected by a modification, reversal, or remand upon appeal. Only in those cases that represent a significant issue to the entire County, or establish a precedent that may be detrimental to County interests, will the Board and the County Legal Counsel consider participating in a response.

33.130 - REHEARING

Remanded land use applications shall be subject to the following rules regarding rehearing:

A. Only a party of record in the appeal to the LUBA appeal may initiate an application for rehearing before the Board. The Board reserves the right to initiate a rehearing by its own motion.

B. Participation in the rehearing shall be strictly limited to those persons or organizations who were parties to the LUBA appeal. Therefore:

   1. Notice of the rehearing required by Article 32 shall be given only to persons who were parties to the LUBA appeal; and

   2. Only parties to the LUBA appeal may present evidence, witnesses, testimony or arguments in the rehearing. Josephine County shall be considered a participant in the rehearing even if it did not directly appear in the LUBA appeal.

C. The rehearing shall be initiated by an appeal application, subject to the normal appeal fee, and on a form prescribed by the Planning Director. The appeal must be filed with the Planning Director within 14 days from the date the decision is mailed to the participants by LUBA.

D. The rehearing shall be strictly limited to the ground or grounds specified in the LUBA decision for remand, and no evidence, testimony, or arguments shall be received on other issues, even if such issues were matters within the scope of the Board's original action.

E. The rules otherwise governing applications, hearings, and appeals contained in Articles 30, 31, 32 and 33 shall control rehearings unless modified by the provisions of this Section.

F. The party prevailing at the rehearing shall prepare the findings of fact necessary to support the decision upon rehearing.

CHAPTER 4 - APPLICATION PROCEDURES

ARTICLE 40 - BASIC PROVISIONS

40.010 - PURPOSE

The purpose of this Chapter is to establish standards and criteria for issuing all types of land use permits including a Development Permit.

40.020 - TYPES OF APPLICATIONS

The following is a list of the application procedures, each of which is a separate Article in this Chapter: (Land divisions are covered under Chapter 5)

A. Development Permit;

B. Site Plan Review;

C. Administrative Permit;

D. Temporary Use Permit;

E. Variance;

F. Conditional Use Permit;

G. Change of Zone Designation;

H. Quasi-judicial Amendments to the Josephine County Comprehensive Plan;

I. Legislative Amendments to the Josephine County Comprehensive Plan, Land Development Code, or Plan and/or Zone Map.

40.030 - GENERAL PROCEDURES

A. The Planning Director shall develop forms to be used for all applications set out in this Chapter.

B. The burden of proof is on the applicant to complete the forms and to substantiate the information presented on the application forms.

40.030 - GENERAL PROCEDURES (continued...)

C. The Planning Director may reject applications which are not complete.

D. When a development proposal involves several different applications for the development of land, the applications may be processed concurrently as a package using the highest level of review procedure required by the different applications. The decision on the development proposal shall address each application.

E. The Planning Director may require separation of applications where:

1. The cumulative package is too complex for a single hearing; or

2. Consolidation of the applications is not administratively feasible.

40.040 - APPLICATION REQUIREMENTS

A complete application will have some of the following information either answered on the application or as an attachment to the application as determined by the person conducting the pre-application conference:

A. Proof of ownership;

B. A completed application form which includes the signature(s) of land owner and applicant;

C. A complete legal description of the parcel including tax lot number and the acreage;

D. A Power of Attorney;

E. A Statement of Understanding which is signed and notarized;

F. All required fees;

G. Proof of access and a copy of all easements affecting the property;

H. A lot history to prove the parcel is a separate, legal parcel;

I. A plot plan drawn to scale to meet the requirements of 41.050;

40.040 - APPLICATION REQUIREMENTS (continued...)

J. If review by the Site Plan Review Committee is required, a site plan drawn to meet the requirements of 42.050;

K. A copy of the assessors map showing the subject parcel and the adjacent tax lots;

L. A copy of the Flood Hazard Map or Flood Insurance Rate Map with elevations, showing the property proposed for development, the location of the 100 year flood, and the floodway;

M. Indicate where the Airport Overlay is;

N. A map of the soils on the property, including soil numbers;

O. State Highway Access Permit;

P. Copy of a long term access permit or agreement with a federal agency such as the Forest Service or the Bureau of Land Management;

Q. A letter or other approval from the appropriate federal and state agency(s) if the property is located within a scenic easement;

R. A drainage plan showing existing drainage, creeks, streams, and ditches, and future culverts, drainage, creeks, streams, and ditches;

S. An elevation map showing six to eight relative elevations or contours of the site before grading for the erosion control plan (a United States Geologic Survey contour map may be substituted if approved in the pre-application conference);

T. A statement from the County Watermaster identifying what acreage has irrigation and water rights, and how many acres are covered under each right;

U. Copy of all existing well logs and relevant water quality and quantity information;

V. A signed Statement of Intended Water Use and information on how the standards in Article 84 will be met;

W. Copies of all existing and proposed site evaluations and/or septic system approvals;

X. A copy of any existing surveys of the property;

40.040 - APPLICATION REQUIREMENTS (continued...)

Y. A copy of an aerial photo of the property;

Z. All information required for a dwelling on resource land;

AA. All documentation to substantiate an exception;

AB. A summary that describes the proposed project;

AC. Any other information determined as necessary or helpful for the type of application.

ARTICLE 41 - DEVELOPMENT PERMIT

41.010 - PURPOSE

The purpose of this Article is to set out the procedures and standards for issuing a Development Permit.

No building or structure, subject to the provisions of this Code, shall be constructed, changed in use, erected, moved, reconstructed, replaced, extended, enlarged, or altered without first obtaining a Development Permit from the County Planning Director.

41.020 - APPLICATION OF DEVELOPMENT PERMIT

A. A Development Permit shall be required for all of the following types of development:

   1. Issuance of a building permit for new construction exclusive of interior remodeling;

   2. The construction, relocation, replacement, addition, or extension of a structure, or a change of occupancy or use change within a structure;

   3. Some types of development or change of land use request.

B. Review of the site plan by the Site Plan Review Committee, as set out under the procedures in Article 42, prior to issuing the Development Permit, shall be required when specified in Chapter 6.

C. The Development Permit is the final permit required after all other permits, including an Administrative Permit, Temporary Use Permit, Conditional Use Permit, Variance, and approvals for all dwellings in the Resource Zones, have been issued.

D. A Development Permit is not required when a single family dwelling or duplex is sold or rented and new occupants move in and continue the use as a single family dwelling or duplex.

41.030 - REVIEW PROCEDURE

A. A Development Permit shall be processed as a Type I Review Procedure for a single family dwellings in a Rural Residential Zone.

41.030 - REVIEW PROCEDURE (continued...)

B. A Development Permit submitted with a plot plan which involves the application of clear and objective standards or review criteria shall be processed as a Type I Review Procedure.

C. A Development Permit submitted with a site plan which requires review by the Site Plan Review Committee and which involves the interpretation or exercise of factual, policy, or legal judgement shall be processed as a Type III Review Procedure under Section 22.050.

D. If the application requires approval from the Planning Director, the Site Plan Review Committee, the Planning Commission, or Hearings Officer, then the Development Permit shall not be issued until final action has been made, all conditions have been either met or suitably guaranteed under Article 14 and all appeal periods have expired.

41.040 - REVIEW STANDARDS

All applications for a Development Permit shall be reviewed to ensure they comply with any applicable property development standards for the Zone the parcel is located in.

41.050 - PLOT PLAN REQUIREMENTS

Plot plans, processed with the Development Permit shall contain the following information:

A. Township, range, section, tax lot number, and street address;

B. General shape and dimensions of the property, and a north arrow;

C. Location and name of adjacent streets and roads;

D. Location of driveways;

Location, dimensions (including height), and intended use or occupancy of all existing and proposed structures on the property, including accessory structures, decks, and other structural elements;

E. Distance from property lines to existing and proposed structures, sewage disposal systems and water supply;

F. Location and dimensions of all easements;

41.050 - PLOT PLAN REQUIREMENTS (continued...)

G. Other appropriate information that may be identified in the pre-application conference or that may be otherwise required by this Code;

H. Signature of the applicant.

41.060 - PROCESSING

A. When applicable, an application for a Development Permit shall be accompanied by any information required by the pre-application conference under Section 40.040 including plans, drawn to scale.

B. No Development Permit which requires Site Plan Review shall be issued unless the requirements of site plan approval are incorporated and made part of the permit.

C Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

D. A Development Permit shall not be issued until all other applications relating to the project have been processed and approved, and the appeal period has expired without a local appeal.

E. Addresses may be issued as part of the Development Permit.

F. The issuance of a Development Permit does not involve the exercise of judgement and is not considered a land use decision which is subject to appeal.

41.070 - PERFORMANCE AGREEMENTS

The Review Body shall require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the Review Body if the conditions set by the Review Body are not completed prior to the issuance of a Development Permit.

41.080 - TIME LIMIT

An approved Development Permit is valid for 1 year from the date of issue. During that time period, development and/or construction must be started. If development and/or construction has not begun within that time period, the permit shall be null and void.

41.090 - REVOCATION

A. A Development Permit granted pursuant to Article 41 shall be subject to denial or revocation by the Planning Director if it is found that the application includes or included any false or misleading information.

B. A decision to revoke a Development Permit is appealable to the Board of County Commissioners.

ARTICLE 42 - SITE PLAN REVIEW PROCEDURES

42.010 - PURPOSE

The purpose of the Site Plan Review Procedure is to insure compliance with all county and state ordinances and standards. To provide for the safety and convenience of the general public and the functional use of the property while mitigating conflicts with the surrounding property.

42.020 - SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee shall meet to carry out the duties of this Article. This committee normally consists of the Planning Director, the Building Safety Director, and the Public Works Director, or their designees. Representatives of other agencies and the City of Grants Pass may be invited to participate when appropriate.

42.030 - REVIEW PROCEDURE

A. The proposed project shall be processed as a Type III Review Procedure under Section 22.050.

B. If the proposed project is being reviewed as a part of another permit, the site review conditions shall be submitted to the appropriate Review or Hearing Body and a separate notice shall not be required.

C. The Planning Director may waive review of an application by the Site Plan Review Committee when the following conditions exist:

   1. The parcel proposed for development does not have unusual topographic or pre-existing conditions which may pose hazards to the general public;

   2. The proposal involves development which will not have a significant impact on surrounding properties, public facilities, and on transportation systems.

42.040 - REVIEW CRITERIA

A. The application for a use requiring Site Plan Review shall demonstrate:

   1. Compliance with the provisions of the Rural Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals and policies of the County;

42.040 - REVIEW CRITERIA (continued...)

2. Compliance with the Josephine County Roadway and Traffic Management Plan, including the Official Street Map;

3. Compliance with all applicable federal, state and other jurisdictional laws, regulations or rules applicable to the development (compliance may be demonstrated through performance of conditions after issuance of the Development Permit);

4. Existing and required infrastructure and public facilities and services are adequate to serve the proposed development;

5. The carrying capacity, as defined in Section 11.030(64), of the subject property is adequate for the proposed density of development;

6. The subject property has adequate access, as defined in Section 11.030(9) to serve the level of the proposed development;

7. Structures and other development features are laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets or other existing or planned facilities;

8. The proposed development will not conflict with legally established easements or accesses within or adjacent to the property;

9. The development is compatible with existing land use patterns in the area;

10. The development is not in an area subject to flooding, water hazard, earth movement or fire, if it is, the developer shall present a solution to mitigate the hazard.

B. The Site Plan Review Committee shall review the proposed project against the following standards:

1. The property development standards for the Zone in which the property is located; and

2. The standards and requirements found in Chapter 7, as applicable; and

3. The standards and requirements found in Chapter 8, as applicable; and

4. The project meets the requirements set out by the County Public Works Department.

42.040 - REVIEW CRITERIA (continued...)

C. The Site Plan Review Committee may require information or development beyond the standards and criteria specified in this Code as special conditions if it determines the information or development is needed to protect the public health, safety and welfare of the neighborhood or community. In order to impose special condition(s), the Site Plan Review Committee in its findings of approval shall:

1. Identify and describe the circumstances resulting from the development which create a threat to the public health, safety or welfare of the neighborhood or community; and

2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.

42.050 - REQUIREMENTS

The developer shall submit to the Site Plan Review Committee a site plan for total parcel development. The site plan shall be drawn to scale and shall indicate the following as appropriate:

A. Location of parcel by address, a legal description, dimensions of the parcel, size in acres, and orientation of the parcel;

B. Scale, north arrow, date of preparation;

C. Location, size, height, and dimensions of existing and proposed buildings and structures, including distances between buildings and setbacks to property lines;

D. Indication of the proposed use of buildings shown on the site;

E. Grading and slopes, where they affect the relationship of the buildings, including storm drainage, storm water detention, and erosion control plan if required;

F. Location of existing and proposed roadway improvements including existing right-of-way and any additional right-of-way required by the Josephine County Roadway and Traffic Management Plan, points of entry and exit for motor vehicles, other uses of the streets, such as parking, walkways, and bikepaths, etc.;

G. Location, dimensions and uses for all existing and proposed easements on and/or serving the parcel;

42.050 - REQUIREMENTS (continued...)

H. Location and layout of off-street parking, surfacing, internal circulation pattern, and loading facilities, including number of spaces and dimensions;

I. Location and layout of existing and proposed public and private utilities on and adjoining the site, including septic systems;

J. Location of off-street walkways and bikepaths;

K. Location of walls and fences, their height, and type of fence including construction materials;

L. Exterior lighting and area covered by illumination from lighting standards and devices;

M. Location, size, and height of exterior signs and outdoor advertising;

N. Areas for trash and garbage disposal;

O. Security considerations;

P. Location of natural features including creeks, drainage ways, ponds, irrigation ditches, etc;

Q. Location of 100-year floodway and floodplain;

R. Any existing or potential fire hazard(s);

S. Any other architectural or engineering data as may be required to show that the provisions of this Code have been met;

T. If phased development, show boundary limits of each proposed phase;

U. Adjoining land uses including approximate distances to adjacent structures;

V. Airport overlay requirements;

W. Where an attachment or minor addition to an exiting building or structure is proposed, the site plan shall indicate the relationship of the proposal to the existing development.

42.060 - PROCESSING

A. A request for Site Plan Review may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a site plan drawn to the requirements of Sections 42.050.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. A decision of the Site Plan Review Committee shall be reduced to writing within 21 days from receiving a completed application. The written decision supported by the appropriate citation to the provision of this Code supporting each requirement including findings supporting the requirements which are not mandated by this Code, shall constitute the findings of fact for the final action on the decision.

F. If the proposed project is being reviewed as a part of another application, the site review conditions shall be submitted to the appropriate Review or Hearing Body and shall be incorporated into the final action and findings of fact. Each recommended condition shall be supported by the appropriate citation to the provision of this Code. The recommendations shall be submitted to the appropriate Review or Hearing Body within 21 days from receiving a completed application.

42.060 - PROCESSING (continued...)

G. A final action, excluding recommendations, of the Site Plan Review Committee can be appealed to the Board of County Commissioners within 10 days from the date of mailing the findings. The scope of the appeal shall be limited to whether the proposed site plan meets the conditions set out in the decision of the Site Plan Review Committee and whether the conditions set out in the decision are adequate or appropriate. Appeals to allowing the use in the Zone shall not be allowed. Appeals of the standards shall not be allowed unless the applicant can show that the standard is not mandated in the body of this Code or by reference in this Code. Appeals shall follow the procedures set out in Article 33.

H. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder shall apply for a Development Permit as set out in Article 41 before proceeding with development.

42.070- PERFORMANCE AGREEMENT

The Review Body shall require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this code or conditions of the Review Body if the conditions set by the Review Body are not completed prior to the issuance of a Development Permit.

42.080 - TIME LIMIT

A. An approved Site Plan Review is valid for 2 years from the date of issue. During that time period, a Development Permit must be secured and development and/or construction must be started. If a Development Permit has not been received and development and/or construction has not begun, the Site Plan Review shall be null and void.

B. A 1 year extension of the Site Plan Review may be granted by the Planning Director if the following are met:

   1. The person holding the Site Plan Review must make a written request for the extension explaining why development and/or construction has not begun prior to the expiration of the Site Plan Review;

   2. The written request is due before the Site Plan Review approval expires;

42.080 - TIME LIMIT (continued...)

3. The Planning Director shall determine that the reasons the person holding the Site Plan Review was not able to begin development and/or construction are valid and that they were beyond the control of the person;

4. Additional 1 year extensions may be authorized where the applicable criteria for the original decision have not changed;

5. The decision is not considered a land use decision and is not subject to notice and appeal as such.

42.090 - REVOCATION

Any approval granted pursuant to Section 42.030 shall be subject to denial or revocation by the Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained.

A. In order to consider revocation of a Site Plan Review the Hearings Officer shall hold a public hearing in order for the approval holder to show cause why the approval should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the approval holder.

B. If the Hearings Officer finds that the conditions of approval have not been complied with or are not being maintained, the Hearings Officer may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the approval shall become effective immediately after the time specified.

C. All Site Plan Review approvals shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the approval.

ARTICLE 43 - ADMINISTRATIVE PERMIT

43.010 - PURPOSE

The purpose of the Administrative Permit is to provide a review of uses that are generally a benefit to the community but may cause an impact on surrounding property and to allow the imposition of conditions to mitigate potential impacts.

43.020 - REVIEW PROCEDURE

An application for an Administrative Permit shall be processed as a Type II or III Review Procedure under Article 22, subject to the notice and appeal requirements of Articles 32 and 33.

43.030 - REVIEW CRITERIA

A. The following conditions must be met when considering an application for an Administrative Permit:

   1. 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;

   2. 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;

   3. The authorization of the permit will not have a significant detrimental impact on the neighborhood;

   4. The proposed use is authorized by an Administrative Permit in the Zone in which the property is located.

B. The Director may condition an Administrative Permit to mitigate impacts to adjoining properties or to ensure compliance with County Ordinances, Codes, or laws of the State of Oregon. The Director may impose the following conditions:

   1. Access to public roads;

43.030(B) - REVIEW CRITERIA (continued...)

2. Fire safety;

3. Buffering;

4. Sewage disposal;

5. Water supply;

6. Lighting and electrical service;

7. Other factors necessitated by site conditions.

43.040 - PROCESSING

A. A request for an Administrative Permit may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a site plan drawn to the requirements of Sections 41.050 or 42.050 as appropriate.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

43.040 - PROCESSING (continued...)

E. Where indicated in Chapter 6, a review of an application by the Site Plan Review Committee may be required. The review may result in a set of conditions which are recommended to the Review Body for inclusion in the final action.

F. If the request meets the purpose and criteria for an Administrative Permit, the Review Body may approve the request setting forth the reasons and conclusions in written form as an final action meeting the requirements of Sections 22.040(A) and 22.050(A).

G. The approval of an Administrative Permit may be appealed to the Board of County Commissioners within 10 days under the procedures in Article 33.

H. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder shall apply for a Development Permit as set out in Article 41 before proceeding with development.

43.050- PERFORMANCE AGREEMENT

The Review Body shall require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this code or conditions of the Review Body if the conditions set by the Review Body are not completed prior to the issuance of a Development Permit.

43.060 - TIME LIMIT

A. An approved Administrative Permit is valid for 2 years from the date of issue. During that time period, a Development Permit must be secured and substantial development must have occurred. If a Development Permit has not been issued and substantial development has not begun, the Administrative Permit shall be null and void.

B. A 1 year extension of the Administrative Permit may be granted by the Planning Director if the following are met:

   1. The person holding the Administrative Permit must make a written request for the extension explaining why development and/or construction has not begun prior to the expiration of the Administrative Permit;

43.060(B) - TIME LIMIT (continued...)

2. The Planning Director shall determine that the reasons the person holding the Administrative Permit was not able to begin development and/or construction are valid and that they were beyond the control of the person;

3. Additional 1 year extensions may be authorized where the applicable criteria for the original decision have not changed;

4. Approval of the extension is not considered a land use decision and is not subject to an appeal as such.

43.070 - REVOCATION

Any permit granted pursuant to Section 43.020 shall be subject to denial or revocation by the Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained.

A. In order to consider revocation of an Administrative Permit the Hearings Officer shall hold a public hearing in order for the permit holder to show cause why the permit should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the permit holder.

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

C. All Administrative Permits shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the permit.

ARTICLE 44 - TEMPORARY USE PERMIT

44.010 - PURPOSE

The purpose of the Temporary Use Permit is to provide for the establishment of certain uses on a short term basis; it is not intended to be used to facilitate deviations from the density standards of the Land Development Code.

44.020 - REVIEW PROCEDURE

A. An application for a Temporary Use Permit for a mass gathering or a roadside stand shall be subject to the Type I Review Procedure set out in Section 22.030.

B. An application for a Temporary Use Permit for a medical hardship or the temporary storage of an unoccupied manufactured dwelling shall be subject to the Type II Review Procedure set out in Section 22.040.

44.030 - PERMITTED TEMPORARY USES

A. Medical Hardship. 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 when necessary to allow for the care of a dependant:

1. In the context of this rule "dependent" shall be liberally interpreted to consist of an individual(s) 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;

2. A person(s) shall be considered "dependent" when due to a health condition or physical incapacity the individual(s) require the care or presence of the family members;

3. The type of dwelling placed on the property as a second dwelling for the duration of the medical hardship shall be limited to a manufactured dwelling; or recreational vehicle, when in the judgment of the Director, the unit will be reasonably safe for occupancy;

44.030(A) - PERMITTED TEMPORARY USES (continued...)

4. The dwelling shall be connected to the same subsurface sewage disposal system used by the existing dwelling, if that system is adequate to accommodate the additional dwelling. The sewage disposal system must meet Department of Environmental Quality standards and requirements including inspection and certification;

5. The application shall be reviewed against the criteria and standards set out in Section 44.040.

B. Temporary or mass gatherings may be allowed subject to the following:

1. The mass gathering shall be limited to 4 days for each gathering and shall further be limited to 4 gatherings per calendar year;

2. A sign-off from the following departments shall be required prior to issuing the permit for the mass gathering:

a. The Josephine County Sheriffs Department; and

b. The Josephine County Health Department; and

c. The Josephine County Environmental Health Department; and

d. The Oregon Department of Environmental Quality; and

e. The appropriate agency for fire control.

C. The temporary storage of an unoccupied manufactured dwelling for a period of time exceeding 180 days is subject to the following criteria:

1. The manufactured dwelling shall be in habitable condition and not altered, enlarged, dismantled, or wrecked, and shall be maintained as such;

2. The manufactured dwelling shall be secured from easy entry, may be supported on blocks, but shall remain unconnected to any utility or service;

3. The manufactured dwelling shall not be placed on any area of the lot or parcel so that it encroaches on any required setback area; or where it blocks any access road or driveway; and shall be placed, to the greatest extent possible, where it is screened from the view of adjacent properties;

44.030(C) - PERMITTED TEMPORARY USES (continued...)

4. The manufactured dwelling shall be maintained so as to remain free of weeds, trash, and other debris, and shall not present a fire hazard;

5. The Planning Director may extend the time limit for the storage of an unoccupied manufactured dwelling and may set additional conditions as appropriate;

6. Approval of the extension is not considered a land use decision and is not subject to an appeal as such.

D. A roadside stand for the sale of food, beverages, produce not grown on the property, or other goods or services may be allowed subject to the following conditions:

1. The stand may not be located on a public right-of-way without a letter as part of the application indicating the approval of the responsible public agency;

2. A roadside stand shall be limited to 30 days unless the Planning Director establishes a different time limit on the duration of the roadside stand;

3. The applicant shall provide off-street parking consistent with Article 75;

4. Approval by the County Environmental Health Department will be required for all food and or beverage sales at a roadside stand.

44.040 - REVIEW CRITERIA & STANDARDS

The following review criteria and standards shall be reviewed for a Temporary Use Permit for a medical hardship dwelling only:

A. The Director shall require documentation showing that the individual(s) occupying the second dwelling will, in fact, be dependent due to a health condition or physical incapacity on the resident's immediate family as set out in Section 44.030(A)(1):

1. 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;

44.040(A) - REVIEW CRITERIA & STANDARDS (continued...)

2. 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;

3. 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 care. The applicant shall submit, in addition, two notarized statements from officials of the religious organization that the need for care is as described above.

B. Care of the dependent must be principally provided by the resident's family, who must be capable of providing the care or the need for the placement of the second dwelling is negated:

1. The resident may employ or arrange for the services of others from time to time or during periods of absence;

2. It must be demonstrated to the Director, however, that the family members will be principally responsible for services to the dependent.

C. Any additional dwelling permitted pursuant to a Temporary Use Permit shall be temporary, and not more than one dwelling on the property shall be permanent:

1. 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;

2. The applicant shall also sign a consent for an annual review of the use by the Director, including an inspection of the property, if necessary.

D. The Director may limit the distance a second dwelling may be located from the primary residence.

44.050 - PROCESSING

A. A request for an Temporary Use Permit may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, as applicable, and shall be accompanied by a plot plan drawn to the requirements of Section 41.050.

B. A pre-application conference may be required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. The Director shall deny any application for a medical hardship where it is not demonstrated that the individual will be dependent on the 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 Land Development Code.

F. Final actions which are approved subject to a Type I Review Procedure do not involve the exercise of judgement and are not considered a land use decision which can be appealed.

G. Final actions which are approved subject to a Type II Review Procedure are subject to appeal within 10 days under the provisions of Article 33.

44.050 - PROCESSING (continued...)

H. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder shall apply for a Development Permit as set out in Article 41 before proceeding with development.

44.060 - ANNUAL REVIEW

A. All Temporary Use Permits shall be reviewed as a Type I Review Procedure on an annual basis unless an expiration date has been attached to the permit or an earlier review date was set.

1. The time period shall begin on the date of issue;

2. The application for a renewal of a medical hardship must include a doctors statement that meets the criteria set out in Section 44.040(A).

B. The Director shall limit the time of the permit to the duration of the health condition, or may limit the time of the permit to a specific period. If conditions continue to justify a second dwelling, the Director may extend the permit.

44.070 - PERFORMANCE AGREEMENT

The Review Body shall require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the Review Body as applicable.

44.080 - REVOCATION

Any permit granted pursuant to Section 44.030 shall be subject to revocation by the Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained or if the conditions necessitating the medical hardship dwelling no longer exist;

A. In order to consider revocation of a Temporary Use Permit the Hearings Officer shall hold a public hearing in order for the permit holder to show cause why the permit should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the permit holder.

44.080 - REVOCATION (continued...)

B. If the Hearings Officer finds that the conditions of permit approval have not been complied with or are not being maintained, the Hearings Officer 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. In addition, the following may be imposed:

1. Give the occupants of the medical hardship dwelling 30 days to vacate the unit;

2. Order the medical hardship dwelling be removed from the property within 45 days of the date of notice.

C. All Temporary Use Permits shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the permit.

D. Continued operation of the temporary use or of the existence of the medical hardship dwelling on the property after the expiration of these periods shall constitute a violation of the Josephine County Land Development Code.

ARTICLE 45 - VARIANCES

45.010 - PURPOSE

The purpose of the Variance is to permit justifiable departures from the requirements of this Code where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this Code may result from the strict application of certain provisions. This section shall not be used to allow a use that is not permitted by this Code for the Zone in which the land is located. The Planning Director may authorize Variances from the requirements of this Code where it can be shown that, because of special and unusual circumstances related to a specific piece of property, the literal interpretation of this Code would cause an undue or particular hardship.

45.020 - REVIEW PROCEDURE

Applications for a Variance shall be reviewed according to the Type II Review Procedure set out in Section 22.040, except as follows:

A. An application for a Variance may be referred at the discretion of the Planning Director, to the Hearings Officer for review under the Hearings Officer Review Procedure, Article 23;

B. An application for a Variance when in conjunction with an Administrative Permit or a Conditional Use Permit application shall be reviewed according to the appropriate review procedure for the land use and development request;

C. An application for a Variance when in conjunction with a land partition or subdivision, property line adjustment, replat, or a planned unit development shall be reviewed according to the appropriate review procedure for the land division and the development request.

45.030 - REVIEW CRITERIA

The Planning Director may grant the requested Variance if substantial compliance with all of the following standards is found:

A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same Zone or vicinity, the conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control;

45.030 - REVIEW CRITERIA (continued...)

B. The Variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same Zone or vicinity;

C. The authorization of the Variance shall not be materially detrimental to the purposes of this Code, be injurious to property in the Zone or vicinity in which the property is located, or be otherwise detrimental to the objective of any County development pattern or policy;

D. The Variance requested is the minimum variance from the provisions and standards of this Code which will alleviate the hardship provided the hardship is not self imposed;

E. Economic hardship may be argued provided such hardship is not self-imposed, it arises out of the physical features of the land, it is not sought in connection to allowing a use not allowed in the Zone, and it would not confer a right not granted to other property owners in the neighborhood.

45.040 - PROCESSING

A. A request for a Variance may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a plot plan drawn to the requirements of Section 41.050.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

45.040 - PROCESSING (continued...)

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. In granting a Variance, the Review or Hearing Body 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 Code.

F. The Review or Hearing Body shall reduce the decision to writing in the form of a final action, and shall specifically and fully set forth the Variance granted and the conditions designated.

G. A final action granting a Variance may be appealed to the Board of County Commissioners within 10 days consistent with the provisions of Article 33.

H. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder shall apply for a Development Permit as set out in Article 41 before proceeding with development.

45.050 - PERFORMANCE AGREEMENT

The Review Body shall require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the Review Body if the conditions set by the Review Body are not completed prior to the issuance of a Development Permit.

ARTICLE 46 - CONDITIONAL USE PERMIT

46.010 - PURPOSE

The purpose of the Conditional Use Permit is to provide a method to allow uses within a basic zone designation, which may impact a neighborhood but which may be suitable for certain locations or may be designed or operated in a particular manner by placing conditions on the use to mitigate the impacts of the use to an acceptable level.

46.020 - REVIEW PROCEDURE

A. An application for a Conditional Use Permit shall be processed using a Type III Review Procedure as set out in Section 22.050.

B. An application for a Conditional Use Permit may be referred by the Planning Director for a hearing before the Hearings Officer under Article 23.

C. An application for a Conditional Use Permit in conjunction with a Planned Unit Development, which is processed using the Planning Commission Review Procedure as set out in Article 24, shall be processed using that procedure.

D. Any use or structure which was lawfully established prior to the adoption of this Code, and which is permitted as a Conditional Use within that Zone, shall be treated as an authorized use, and shall be allowed to alter or improve the use subject to the issuance of a Development Permit under a Type I Review Procedure as set out in Section 22.030, when the application will not involve an expansion.

E. If a Conditional Use or structure is destroyed, it may be reconstructed or resumed within one year of the event of destruction subject to the issuance of a Development Permit under a Type I Review Procedure as set out in Section 22.030.

F. Expansion of a Conditional Use shall require site review by the Site Plan Review Committee under Article 42 and may require a hearing prior to authorizing the expansion.

46.030 - REVIEW CRITERIA

The criteria for a Conditional Use shall be:

A. The use complies with the Goals and Policies for Josephine County; and

46.030 - REVIEW CRITERIA (continued...)

B. The use is in conformance with all other required standards and criteria of this Code; and

C. The location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area; and

D. The use does not materially alter the stability of the overall land use pattern of the area; and

E. The area utilized for the Conditional Use shall be limited to the size necessary for the proposed use.

46.040 - PROCESSING

A. A request for a Conditional Use Permit may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and shall be accompanied by a site plan drawn to the requirements of Section 42.050.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

46.040 - PROCESSING (continued...)

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. The Site Plan Review Committee shall review all applications for a Conditional Use Permit and shall recommend conditions necessary to mitigate the impacts of the proposed use on the surrounding properties to the Review Body.

F. In taking action on a Conditional Use application, the Review or Hearing Body may either approve or deny the application and shall reduce the decision to writing in the form of a final action.

G. In approving a Conditional Use request or the modification of a Conditional Use, the Review or Hearing Body may impose, in addition to those standards and requirements expressly specified by this Code, 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:

1. Increasing the required lot size or yard dimensions;

2. Limiting the height of buildings;

3. Controlling the location and number of vehicle access points;

4. Increasing the street width;

5. Limiting the number, size, location, and lighting of signs;

6. Requiring fencing, buffering, diking, or other facilities to protect adjacent or nearby property;

7. Designating sites for open space;

8. Setting a time limit for which the Conditional Use is approved;

46.040(G) - PROCESSING (continued...)

9. Site reclamation upon discontinuance of a use;

10. Requiring easements.

H. A final action granting a Conditional Use Permit may be appealed to the Board of County Commissioners within 10 days consistent with the provisions of Article 33;

I. After all approvals have been signed and the appeal period has passed without a local appeal being filed, the permit holder shall apply for a Development Permit as set out in Article 41 before proceeding with development.

46.050 - TIME LIMIT

A. A Conditional Use Permit shall be void after 2 years if substantial development of the project and the property has not taken place.

B. The permit holder may make a request for a 1 year time extension for an approved and final Conditional Use Permit for which substantial development has not begun:

1. The extension shall be reviewed as a Type III Review Procedure using the same notice requirements as for the original application as set out in Section 22.050;

2. The fee for a time extension shall be the same as for the original Conditional Use application;

3. The request for a time extension shall be based on the following criteria:

a. The application for a time extension shall be accompanied by a site plan of the development which may be reviewed by the Site Review Committee if it deems such a review necessary;

b. The conditions in the neighborhood have not significantly changed since the permit was granted;

c. The reasons the permit holder was not able to meet the substantial development requirement. A discussion of why the circumstances were beyond the control of the permit holder;

46.050(B) - TIME LIMIT (continued...)

d. The permit holder demonstrates the ability to commence the use within the time extension granted.

C. A Conditional Use Permit is considered void if the use is discontinued for a period of 1 year.

46.060 - PERFORMANCE AGREEMENT

The Review Body shall require a performance agreement pursuant to Article 14 in order to ensure compliance with any requirements of this Code or conditions of the Review Body if the conditions set by the Review Body are not completed prior to the issuance of a Development Permit.

46.070 - REVOCATION

Any permit granted pursuant to Section 46.020 shall be subject to denial or revocation by the Hearings Officer if it is determined that the application includes or included any false or misleading information, or if the conditions of approval have not been complied with or are not being maintained.

A. 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 the permit should not be revoked. No hearing may be convened without a minimum of 24 hour notice to the permit holder.

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

C. All Conditional Use Permits shall be conducted in full compliance with any other County Ordinance, Code, or requirement of State Law. Failure to conform to other applicable laws shall be grounds for revocation of the permit.

ARTICLE 47 - CHANGE OF ZONE DESIGNATION (QUASI-JUDICIAL)

47.010 - PURPOSE

The purpose of the quasi-judicial change of Zone designation is to provide for revisions to the land use Zone designation in response to individual land owner requests.

47.020 - REVIEW PROCEDURE

A. An application for a change of Zone designation shall be reviewed according to the Planning Commission Review Procedure set out in Article 24 and the Board of County Commissioners Review Procedure set out in Article 25. Public hearings may be scheduled jointly or separately at the discretion of the Board of County Commissioners.

B. An application for a change of Zone designation in conjunction with a change of Comprehensive Plan designation may be processed at the same time as the change of Comprehensive Plan designation if requested in writing by the applicant and approved by the Planning Director.

47.030 - REVIEW CRITERIA

A. A request for a change of Zone designation may only be approved if it meets all applicable review criteria.

B. A request for a change of Zone designation shall be reviewed against the following criteria:

1. The proposed change of Zone designation is in conformance with the Comprehensive Plan, and the Goals and Policies, and does not afford special privileges to an individual property owner not available to the general public or special privileges outside the overall public interest for the change;

2. The property effected by the change of Zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with the proposed zoning;

3. Demonstrate the carrying capacity of the land to support the uses permitted in the proposed Zone (as defined in Section 11.030(64),adequate access as defined in Section 11.030(9) and any other physical characteristics determined applicable in the pre-application conference);

47.030(B) - REVIEW CRITERIA (continued...)

4. The property effected by the proposed change of Zone designation will have available adequate public facilities and services to support the projected intensity of uses in the proposed Zone;

5. The proposed change of Zone designation will not have a significant adverse effect on the appropriate use and development of adjacent properties;

6. Demonstrate the property's suitability for the uses allowed in the proposed Zone, and that the request is consistent with the purpose of the proposed Zone;

7. The proposed change is supported by specific studies or other factual information.

47.040 - PROCESSING

A. A request for a Zone Change may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and may be accompanied by a plot plan drawn to the requirements of Section 41.050.

B A pre-application conference is required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

47.040 - PROCESSING (continued...)

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the Board of County Commissioners.

F. The Board shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion.

G. The Board of County Commissioners decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C).

H. The final action of the Board may be appealed to LUBA within 21 days under the provisions of Article 33.

ARTICLE 48 - COMPREHENSIVE PLAN MAP AMENDMENT (QUASI-JUDICIAL)

48.010 - PURPOSE

The purpose of the quasi-judicial change of Comprehensive Plan designation and the corresponding implementing Zone designation is to provide for revisions to the Comprehensive Plan Map in response to individual land owner requests and changing public needs for the allocation and development of land in Josephine County.

48.020 - REVIEW PROCEDURE

Amendments to the Comprehensive Plan Map shall be reviewed according to the Planning Commission Review Procedure set out in Article 24 and the Board of County Commissioners Review Procedure set out in Article 25. Public hearings may be scheduled jointly or separately at the discretion of the Board of County Commissioners.

48.030 - REVIEW CRITERIA

A. A request for a change of Plan designation may only be approved if it meets all applicable review criteria.

B. A request for a change of Plan designation shall be reviewed against the following criteria:

1. The proposed change of Plan designation is in conformance with the Comprehensive Plan, the Goals and Policies and any applicable Statewide Planning Goals;

2. Demonstrate consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land;

3. Demonstrate the compatibility with resource uses on surrounding lands;

4. Demonstrate consistency with current or projected development patterns, or a demonstration why different use should be introduced into the area;

5. The property effected by the change of Plan designation is adequate in size and shape to facilitate any uses allowed in conjunction with the proposed Plan designation;

48.030(B) - REVIEW CRITERIA (continued...)

6. Demonstrate the carrying capacity of the land to support the uses permitted in the proposed Plan and underlying Zone (as defined in Section 11.030(64),adequate access as defined in Section 11.030(9) and any other physical characteristics determined applicable in the pre-application conference);

7. The property effected by the proposed change of Plan designation will have available adequate public facilities and services to support the projected intensity of uses in the proposed Plan designation and underlying Zone;

8. The proposed change of Plan designation will not have a significant adverse effect on the appropriate use and development of adjacent properties;

9. Demonstrate the property's suitability for the uses allowed in the proposed Plan designation, and that the request is consistent with the purpose of the proposed Plan designation and the underlying Zone;

10. The proposed change is supported by specific studies or other factual information.

C. When the proposal is to change a Plan designation from a resource designation to a non-resource designation the following criteria must be addressed in addition to the criteria above:

1. For an exception to Goal 3 - Agricultural Land, the following must be shown:

   a. The soils are predominately other than Class I-IV; and

   b. The land is unsuitable for farm use considering soil fertility, grazing, climate, irrigation, land use patterns, technology, and accepted farm practices; and

   c. The land is not necessary to permit farm practices on adjacent or nearby lands.

2. For an exception to Goal 4 - Forest Land, the following must be shown:

   a. The soils have a Composite Internal Rate of Return (CIRR) of less than 3.50; and

48.030(C)(2) - REVIEW CRITERIA (continued...)

b. The land is not needed for watershed, wildlife and fisheries protection, and recreation; and

c. There are no extreme physical conditions that require maintenance of vegetative cover; and

d. This land is not a part of a larger forest use.

48.040 - PROCESSING

A. A request for a Plan Amendment may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and may be accompanied by a plot plan drawn to the requirements of Section 41.050.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the Board of County Commissioners.

48.040 - PROCESSING (continued...)

F. The Board shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion.

G. The Board of County Commissioners decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C).

H. The final action of the Board may be appealed to LUBA within 21 days under the provisions of Article 33.

ARTICLE 49 - LEGISLATIVE AMENDMENT TO THE JOSEPHINE COUNTY COMPREHENSIVE PLAN, LAND DEVELOPMENT CODE OR PLAN AND/OR ZONE MAP

49.010 - PURPOSE

The purpose of amendments to the Josephine County Comprehensive Plan, Land Development Code, or Plan and/or Zone Map is to provide for changes based on periodic assessments of the development patterns and land use allocations or public need, and in order to carry out the Oregon Statewide Planning Goals or state statutes. Amendments to the Comprehensive Plan shall be based on new information; or an overall public need for the change; or may be made as a result of periodic studies or reviews. Amendments to the Land Development Code may be made in response to new ORSs, new OARs, to amendments to the Comprehensive Plan, or to provide for the continued efficient administration of this Code.

49.020 - REVIEW PROCEDURE

Amendments to the Comprehensive Plan, Land Development Code, or Plan and/or Zone Map shall be reviewed according to the Planning Commission Review Procedure set out in Article 24 and the Board of County Commissioners Review Procedure set out in Article 25. Public hearings may be scheduled jointly or separately at the discretion of the Board of County Commissioners.

49.030 - REVIEW CRITERIA

A. A request for a change of Plan and/or Zone designation may only be approved if it meets all applicable review criteria.

B. A request for a change of Plan and/or Zone designation shall be reviewed against the following criteria:

1. The proposed change of Plan and/or Zone designation is in conformance with the Comprehensive Plan, the Goals and Policies and any applicable Statewide Planning Goals;

2. Demonstrate consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land;

3. Demonstrate the compatibility with resource uses on surrounding lands;

49.030(B) - REVIEW CRITERIA (continued...)

4. Demonstrate consistency with current or projected development patterns, or a demonstration why a different use should be introduced into the area;
5. The property effected by the change of Plan designation is adequate in size and shape to facilitate any uses allowed in conjunction with the proposed Plan and/or Zone designation;

6. Demonstrate the carrying capacity of the land to support the uses permitted in the proposed Plan and underlying Zone (as defined in Section 11.030(64),adequate access as defined in Section 11.030(9) and any other physical characteristics determined applicable in the pre-application conference);

7. The property effected by the proposed change of Plan and/or Zone designation will have available adequate public facilities and services to support the projected intensity of uses in the proposed Plan designation and underlying Zone;

8. The proposed change of Plan and/or Zone designation will not have a significant adverse effect on the appropriate use and development of adjacent properties;

9. Demonstrate the property's suitability for the uses allowed in the proposed Plan and/or Zone designation, and that the request is consistent with the purpose of the proposed Plan designation and the underlying Zone;

10. The proposed change is supported by specific studies or other factual information.

C. When the proposal is to change a Plan designation from a resource designation to a non-resource designation the following criteria must be addressed in addition to the criteria above:

1. For an exception to Goal 3 - Agricultural Land, the following must be shown:

   a. The soils are predominately other than Class I-IV; and

   b. The land is unsuitable for farm use considering soil fertility, grazing, climate, irrigation, land use patterns, technology, and accepted farm practices; and

49.030(C)(1) - REVIEW CRITERIA (continued...)

c. The land is not necessary to permit farm practices on adjacent or nearby lands.

2. For an exception to Goal 4 - Forest Land, the following must be shown:

a. The soils have a Composite Internal Rate of Return (CIRR) of less than 3.50; and

b. The land is not needed for watershed, wildlife and fisheries protection, and recreation; and

c. There are no extreme physical conditions that require maintenance of vegetative cover; and

d. This land is not a part of a larger forest use.

49.040 - PROCESSING

A. Amendments to the Comprehensive Plan and Plan and/or Zone Map, and the text of this Code 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 citizen petition filed with the Planning Director upon forms prescribed by the Commission; or

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

B. If an amendment to the Comprehensive Plan is initiated by a property owner or an authorized agent, the following shall apply:

1. A request for a Plan and/or Zone Map Amendment may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 40.040 and the pre-application conference, and may be accompanied by a site plan drawn to the requirements of 41.050;

49.040(B) - PROCESSING (continued...)

2. A pre-application conference is required.

3. Within 30 days from the date the application is received, the application will be reviewed against the requirements of Section 40.040 and the pre-application conference to determine if all the necessary information is complete and of sufficient detail to describe the proposal. A letter shall be sent to the applicant detailing what is missing and setting out a time period to correct the deficiencies as specified by the Planning Director. The application shall be deemed complete when the requested information is submitted. If the applicant does not submit the requested information within the time specified in the letter, the application shall be deemed complete and processed. A portion of the fee may be retained to cover the cost of reviewing the application.

4. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

C. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the Board of County Commissioners.

D. The Board shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion.

E. The Board of County Commissioners decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C).

F. The final action of the Board may be appealed to LUBA within 21 days under the provisions of Article 33.

CHAPTER 5 - LAND DIVISIONS

ARTICLE 50 - BASIC PROVISIONS

50.010 - PURPOSE

The purpose of this Chapter is to provide standard procedures and requirements for dividing land which are consistent with Oregon statutes and requirements. The provisions contained in this Chapter shall apply to all land divisions regardless of the Zone, or the number or use of the proposed parcels or lots.

50.020 - TYPES OF LAND DIVISIONS

A. In order to achieve the purposes set forth above, the following land division procedures are established: (Land uses and applications are established in Chapters 4 and 6)

1. Subdivision Procedure;
2. Land Partition Procedure;
3. Replatting Procedure;
4. Property Line Adjustment Procedure;
5. Planned Unit Development.

B. In addition to the tentative plan, all land divisions shall be required to comply with the standards set out in the following:

1. Final Plat;
2. Monumentation.

50.030 - GENERAL PROCEDURES

A. The Planning Director shall develop forms to be used for all applications set out in this Chapter.

B. The burden of proof is on the applicant to complete the forms and to substantiate the information presented on the application forms.

50.030 - GENERAL PROCEDURES (continued...)

C. The Planning Director may reject applications which are not complete.

D. When a development proposal involves several different applications for the development of land, the applications may be processed concurrently as a package using the highest level of review procedure required by the different applications. The decision on the development proposal shall address each application.

E. The Planning Director may require separation of applications where:

1. The cumulative package is too complex for a single hearing; or

2. Consolidation of the applications is not administratively feasible.

F. Where application is made to the Planning Director for approval of the creation of lots or parcels which were improperly formed without the approval of the governing body, the County may consider and approve an application for the creation of lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval.

G. If property has been divided in violation of the standards of this Code, a Notice of Violation shall be recorded with all appropriate County Departments. The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors with an interest in such property.

H. Whenever it becomes discovered that real property has been divided in violation of this Code, the County shall notify the current owner of record, by certified mail, of the County's intent to record a Notice of Violation. The notice shall describe the real property and shall provide an opportunity to the owner to present evidence to refute the alleged violation. The notice shall also describe the suspected violation and explain why the subject property is not lawful under the provisions of this Code.

I. The Notice of Intention described in Section 50.030(H), shall provide the owner at least 30 days, but not more than 60 days, to present evidence showing a violation has not occurred. If evidence is presented and it is determined that there is no violation, a clearance letter shall be mailed to the owner of record.

J. If it is determined by the County that after examining evidence submitted by the owner, a violation does exist or if the owner fails to respond to the notice within the time specified in Section 50.030(I), the County shall record the Notice of Violation with all appropriate County Departments.

50.030 - GENERAL PROCEDURES (continued...)

K. Certificate of Compliance:

1. Any property owner may request a determination as to whether real property complies with the County Subdivision and Land Development Code adopted pursuant to the provision of the Oregon Revised Statutes, Chapter 92. The County shall make a determination of compliance and shall provide a Certificate of Compliance for recording with all appropriate County Departments of the determination. The Certificate shall describe the property and shall state that the division of such property complies with the Josephine County Land Development Code;

2. If a property owner requests a Certificate of Compliance and the County determines that the real property does not comply with the provisions of the Josephine County Land Development Code, the County shall issue a Conditional Certificate of Compliance. The County may, as a condition of granting such a certificate, impose conditions that would bring the property into compliance with the provisions of the Land Development Code;

3. A Final Plat of a subdivision, planned unit development, partition, replat, or property line adjustment shall constitute a Certificate of Compliance when recorded with all appropriate County Departments.

50.040 - APPLICATION REQUIREMENTS

A complete application will have some of the following information either answered on the application or as an attachment to the application as determined by the person conducting the pre-application conference:

A. Proof of ownership;

B. A completed application form which includes the signature(s) of the land owner and the applicant;

C. A Power of Attorney;

D. A Statement of Understanding which is signed and notarized;

E. All required fees;

50.040 - APPLICATION REQUIREMENTS (continued...)

F. The tentative plan map which meets the requirements of Section 51.060 or 52.060 or 55.060, drawn to scale and legible; the number of copies required may be reduced during the pre-application conference;

G. A copy of the assessors map showing the subject parcel and the adjacent tax lots;

H. A copy of the assessors map indicating the ownership of all abutting land that appears under the same legal name as the parcel proposed for development;

I. A statement from the County Watermaster identifying what acreage has irrigation and water rights, and how many acres are covered under each right;

J. Copy of all existing well logs and relevant water quality and quantity information;

K. A signed Statement of Intended Water Use and information on how the standards in Article 84 will be met;

L. A copy of an aerial photo of the property;

M. A lot history to prove the parcel is a separate, legal parcel;

N. State Highway Access Permit, as applicable;

O. Copy of a long term access permit or agreement with a federal agency such as the Forest Service or the Bureau of Land Management;

P. A letter or other approval from the appropriate federal and state agencies if the property is located within a scenic easement;

Q. A map of the soils on the property including soil numbers;

R. The location of all water wells on the parcel including the water supply, water depth, the gallons per minute produced and copies of all well logs;

S. A copy of any concurrent land use applications including resource and non-resource dwellings, and variances;

T. Other information deemed necessary or helpful for the type of application.

50.050 - EXCLUSION OF PROPERTY

All property held under contiguous ownership at the beginning of the calendar year, other than existing platted lots or authorized lots, shall be considered as one unit for subdividing or partitioning purposes. A developer may exclude, subject to the standards of this Section, a portion of the contiguous property from the subdivision or partition for purposes of preparation of the tentative plan. The exclusion, however, will be calculated as a lot or parcel for the purpose of determining whether the proposed development constitutes a subdivision or a partition. No exclusion shall be permitted unless the following conditions exist:

A. The area to be excluded from the tentative plan is greater than 1 acre in size;

B. The excluded area is being reserved for future development and will not be immediately developed, or has already been developed;

C. The excluded area will not be provided access by the creation of any new street or road in the subdivision or partition.

ARTICLE 51 - SUBDIVISIONS

51.010 - PURPOSE

The purpose of the subdivision procedure is to ensure that the division of land into lots for subsequent use and development is conducted in an orderly manner and in compliance with this Code and Oregon law.

51.020 - SUBDIVISION RESTRICTIONS

No person, agent, or corporation shall divide or sell any parcel located in any subdivision except according to the provisions of an accepted final subdivision plat. If any change is made to the subdivision inconsistent with the accepted final subdivision plat, or if any improvements required by this Code are not complete, the Director may rescind acceptance of the subdivision.

51.030 - APPLICATION

All applications for tentative approval of the proposed subdivision shall meet the requirements of Section 50.040 as determined in the pre-application conference and shall be accompanied by at least 10 prints of a tentative plan furnished by the subdivider.

51.040 - REVIEW PROCEDURE

A. Subdivisions which do not meet the criteria set out in Section 51.040(B), shall be reviewed and a decision rendered under the Type III Review Procedure as established in Section 22.050 of this Code.

B. Subdivisions which meet the following criteria shall be reviewed and a decision rendered under the Planning Commission Review Procedure as established in Article 24 of this Code:

   1. The proposed subdivision will create 10 or more lots; or

   2. The proposed subdivision will create a through and/or connecting street or road; or

   3. The general topography of the property proposed for a subdivision has a slope of 15% or greater; or

51.040(B) - REVIEW PROCEDURE (continued...)

4. The proposed subdivision is located in a known and mapped hazard area including but not limited to flood hazard and a water hazard area.

51.050 - REVIEW CRITERIA

In addition to the requirements of Chapters 7 & 8, the following information will be reviewed in order to determine if the subdivision complies with County standards:

A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;

B. The proposed development conforms with the Official Street Map and/or any potential street extensions, and will not prohibit the extension of streets or roads;

C. The existing and required infrastructure and public facilities and services are adequate to serve the proposed development;

D. The carrying capacity as defined in Section 11.030(64), of the subject property is adequate for the proposed density of development;

E. All lots created shall conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;

F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;

G. The proposed development will not conflict with legally established easements or access within or adjacent to the parcel configuration resulting from the subject property;

H. The proposed development is compatible with the existing land use pattern in the area;

I. Any development located in an area subject to flooding, water hazard, earth movement or fire, shall present a solution to mitigate the hazard as a condition of approval.

51.060 - TENTATIVE PLAN REQUIREMENTS

The tentative plan of a subdivision shall be at a scale so that all survey and mathematical information, and all other details, will be clearly and legibly shown. The tentative plan shall show all of the following information:

A. The proposed name of the subdivision;

B. North arrow, scale, date of application, and bases of bearing;

C. Names and addresses of the owner(s), and any participating engineer, surveyor, land planner, and/or landscape architect;

D. The tract designation or other description according to the real estate records of the Josephine County Assessor;

E. The boundary lines (accurate in scale) of the tract to be subdivided;

F. A topographic map with contour intervals, based on the overall difference in elevation in the proposed subdivision as listed in the following chart (all figures are in feet):

DIFFERENCE IN ELEVATION	CONTOUR INTERVAL
9 TO 25	2
26 TO 50	5
51 TO 100	10
101 TO 200+	10 open / 20 timber

G. The location, width, and names of streets or public ways within the tentative plan including existing buildings, railroad right-of-ways, and other important features such as section lines, political subdivisions or corporation lines, and school district boundaries;

H. Approximate location of existing septic systems, sewer mains, water mains, drainage structures, irrigation and mining ditches, fire hydrants, culverts, underground utilities, and improvements within the tract or immediately adjacent, including existing structures;

I. All parcels of land intended to be dedicated for public use or reserved by deed for the use of all property owners in the proposed subdivision including the purpose of any conditions or limitations of the deed reservation;

51.060 - TENTATIVE PLAN REQUIREMENTS (continued...)

J. The name of new streets, the approximate grades of all streets proposed and/or existing in the subdivision, and the approximate widths and locations of any proposed easements for drainage, sewerage, and public utilities;

K. Typical cross-sections of proposed streets, showing the location of all proposed utility improvements within the street right-of-way and adjacent easements at a scale which will clearly show the details, if required by the County Engineer;

L. Approximate location of all areas subject to inundation or storm water overflow, and the location, width, and direction of flow of all watercourses and natural drainages;

M. Proposed lots, approximate dimensions, square footage or acreage designation, and lot numbers;

N. Appropriate information clearly stating the map is a tentative plan;

O. Proposed source of water supply; if it is not a municipal source, the estimated volume of water available, including data on the proposed location and type of all storage facilities;

P. If a domestic water supply as proposed by the developer includes drilling wells, information on the feasibility of well drilling. The information will be provided even if the developer is not required by the Review Body to drill the wells;

Q. The proposed method of sewage disposal:

1. If the development is to be served by a community sewer system, information must be submitted regarding the location of lines and the feasibility of collection;

2. If treatment is to be accomplished by an existing municipal or public sewage facility information regarding the ability of the existing facility to accommodate the projected increased load;

3. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon Department of Environmental Quality;

4. If the development is to be served by a community collection and storage system, data shall be submitted regarding the location of all proposed lines, holding tanks, storage facilities, and pumping facilities. Information regarding the proposed removal and disposal of the sewage, the location of the pumping facility, eventual treatment, and the method of transport shall also be provided;

5. If the development is to be served by subsurface sewage disposal, then some combination of the following information shall be submitted: a suitability statement from a soil scientist regarding the suitability of the soils for subsurface disposal, or a septic site evaluation for 2 or more lots with a minimum of 25% of the lots, or copies of any existing septic system permits.

R. Identify the source of other public utilities;

S. Proposed deed restrictions, if any;

T. If the proposed subdivision is located within the boundaries of an irrigation district, identify the irrigation district involved and include copies of all appropriate easements;

U. The location of any environmental hazard, including areas unsuitable for building purposes, land subject to mass movement, erosion, or similar natural phenomena, the location of any flood hazard areas including base flood elevation data, the type and boundaries of the flood hazard area, and the boundaries of the regulatory floodway, if any;

V. A drainage plan showing existing and potential drainage, creeks, streams, ditches, and culverts;

W. An elevation map showing six to eight relative contours of the site before grading for the erosion control plan (a United States Geologic Survey contour map may be substituted if approved in the pre-application conference);

X. Comprehensive Plan and Zoning designation;

Y. A vicinity sketch meeting the following criteria:

1. The sketch shall either be a separate drawing or be drawn on the cover sheet of the tentative plan at a scale suitable for reproduction by copying;

51.060(Y) - TENTATIVE PLAN REQUIREMENTS (continued...)

2. Show all existing and adjacent subdivisions, streets, tract lines of acreage parcels, names of the recorded owners of parcels of land immediately adjoining the proposed subdivision, and between the subdivision and the nearest existing or proposed public road;

3. Show how streets and alleys in neighboring subdivisions or undeveloped property will be located to produce the most advantageous development of the entire neighborhood area.

51.070 - PROCESSING

A. The request for a subdivision may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and directed submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be deemed complete and processed.

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:

1. The Review Body shall submit a copy of the tentative plan for review by any agency or legal entity as required by law;

51.070(E) - PROCESSING (continued...)

2. The tentative plan and vicinity sketch shall be reviewed by the Subdivision Review Committee. The Subdivision Review Committee shall submit their recommendations to the Review Body for inclusion in the final decision;

3. The Review Body will include the comments and alternatives of all reviewing parties in the file;

4. The Planning Director may refer the subdivision to a formal hearing if the development will have a substantial impact on the area or if enough comments raising substantive issues based on the review criteria are received during the comment period;

5. The Review Body and the Subdivision Review Committee shall evaluate the Review Criteria set out in Section 51.050 in reaching a decision on approval of the tentative plan;

6. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation upon the tentative plan;

7. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan, and Articles 56 and 57 of this Code;

8. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat or final map.

F. A final action granting approval of a tentative plan may be appealed to the Board of County Commissioners within 10 days consistent with the provisions of Article 33.

G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the Board of County Commissioners.

51.080 - CONDITIONS AND IMPROVEMENTS

A. As special conditions of approval for the tentative plan, the Review Body may require information or development beyond the standards or criteria specified in this Code if it determines the information or development is needed to protect the public health, safety, and welfare of the neighborhood or the community. In order to impose special conditions, the Review Body in its findings shall:

1. Identify and describe the circumstances resulting from the development which create the threat to the public health, safety, and welfare of the neighborhood or the community; and

2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.

B. The conditions may include, but shall not be limited to:

1. The provision of domestic water on each or some of the lots;

2. Paving of streets or ways;

3. Construction of sidewalks or pedestrian paths;

4. Control of erosion;

5. Extension of streets to existing maintained roads.

C. The Review Body may require the following:

1. Dedication of lands for public parks, school sites, or other purposes;

2. Off-site improvements, to be completed by the developer, when necessary to mitigate impacts resulting from the development based on the property development standards set out in this Code or in other documents adopted by reference in this Code.

D. After approval of the tentative plan by the Review Body, but prior to any construction within a subdivision, the developer shall submit to the County Engineer the following information, as appropriate:

1. A plan and profile on Federal Aid sheets showing the following:

a. Width of the proposed dedication throughout the length of the proposal;

b. Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data, and bearings of tangents;

c. Ground line and grade line profile on the centerline of the proposed street or road;

d. Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent;

e. Earthwork distribution (only when the developer proposes to bond or provide other financial guarantee for construction of roads for approval of the subdivision plat);

f. Location and material type for waste or borrow areas;

g. Typical road section(s);

h. Drainage and culvert design and location, and typical ditch section.

2. Cross Sections:

a. Shall be platted on rolls of 10 on standard cross-section paper;

b. Computed cross-section printouts may be submitted in lieu of platted cross-sections;

c. Shall show proposed widened cuts or fill if these are needed for material balance.

3. Sheets and drawing showing the following:

a. Traverse data including the coordinates of the boundary of the subdivision, and ties to section corners and donation land claim corners showing the error of closure, if any;

b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

4. Provisions for road construction, installation of utilities, and scheduling of work will be provided by the developer prior to construction;

51.080(D) - CONDITIONS AND IMPROVEMENTS (continued...)

5. Sewer plans meeting requirements of any Josephine County service districts in which the subdivision is located, and approval of the Oregon Department of Environmental Quality.

E. After approval of the tentative plan but prior to any construction, the developer shall submit to the County Environmental Health Department, plans and profiles of any proposed water distribution system showing the location of any valves, fire hydrants, or storage facilities, meeting requirements of the Oregon Health Division. If required by the Review Body, water systems shall be designed to provide fire flow capacity meeting standards established by the State Fire Marshall.

51.090 - MODIFICATION

The Review Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and

B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Review Body.

51.100 - TIME LINE

An approved tentative plan is valid for 2 years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed under Article 14 and a final plat is not submitted for approval then the tentative plan shall become null and void.

51.110 - TIME EXTENSION

A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

51.110 - TIME EXTENSION (continued...)

B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

C. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

ARTICLE 52 - LAND PARTITION

52.010 - PURPOSE

The purpose of the land partitioning procedure is to ensure that the division of lands into parcels for subsequent use and development is conducted in an orderly manner and in compliance with this Code and Oregon law.

52.020 - PARTITION RESTRICTIONS

No person, agent, or corporation shall divide or sell any parcel located in any partition, except according to the provisions of an accepted partition plan map. If any change is made to the partition, inconsistent with the accepted partition map, or if any improvements required by this Code are not complete, the Director may rescind acceptance of the partition.

52.030 - APPLICATION

All applications for tentative approval of a tentative plan for a partition shall set forth in detail all necessary information under Section 50.040 as discussed in the pre-application conference, and shall be accompanied by 5 copies of a tentative map for the proposed partition. If a road is being created, 10 copies shall be submitted.

52.040 - REVIEW PROCEDURE

Partitions shall be reviewed and a decision rendered under the Type III Review Procedure as established in Section 22.050 of this Code.

52.050 - REVIEW CRITERIA

In addition to the requirements of Chapters 7 & 8, the following information will be reviewed in order to determine if the partition complies with County standards:

A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;

B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads;

52.050 - REVIEW CRITERIA (continued...)

C. The existing and required infrastructure and public facilities and services are adequate to serve the proposed development;

D. The carrying capacity as defined in Section 11.030(64), of the subject property is adequate for the proposed density of development;

E. All lots created shall conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;

F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;

G. The proposed development will not conflict with legally established easements or accesses within or adjacent to the parcel configuration resulting from the subject property;

H. The proposed development is compatible with the existing land use pattern in the area;

I. Any development located in a area subject to flooding, water hazard, earth movement, or fire shall present a solution to mitigate the hazard as a condition of approval.

52.060 - TENTATIVE PLAN REQUIREMENTS

The tentative plan for partitions shall include the following information on the map or attached to the map on supplemental sheets, as applicable:

A. North arrow, scale, and date;

B. Names and addresses of the owner and/or partitioner;

C. The tract designation or other description according to the real estate records of the Josephine County Assessor;.

D. The location, width and names of streets or public ways adjacent to the subject property, railroad right-of-ways, and other important features such as section lines, political subdivisions or corporation lines, and school district boundaries;

E. Parcel boundary lines and dimensions (accurate in scale), with parcel numbers;

52.060 - TENTATIVE PLAN REQUIREMENTS (continued...)

F. The approximate area of each parcel;

G. Identification that the map is a partition;

H. The name and address of any participating engineer, surveyor, and/or land use planner;

I. The location and size of drainage lines, sewer lines, water lines, culverts, underground utilities, utility easements, and the approximate location of utility poles; show existing buildings or structures together with distances in feet from existing structures to existing parcel lines; show new parcel lines created by the proposed partition. This information shall be provided for all partitions in all Zones;

J. The location of any flood hazard areas including base flood elevation data, the type and boundaries of the flood hazard area, and the boundaries of the regulatory floodway, if any;

K. Location, width, and direction of flow of natural drainages, water courses, irrigation ditches, and mining ditches;

L. The location of an environmental hazard, including areas unsuitable for building purposes, land subject to mass movement, erosion, or similar natural phenomena;

M. A drainage plan showing existing and potential drainage, creeks, streams, ditches, and culverts;

N. An elevation map showing six to eight relative contours of the site before grading for the erosion control plan (a United States Geologic Survey contour map may be substituted if approved in the pre-application conference);

O. Comprehensive Plan and Zoning designations;

P. Indicate where the Airport Overlay is, if applicable;

Q. The name of new streets, the approximate grades of all proposed or existing streets, and the locations of any proposed easements for drainage, sewerage, and public utilities;

52.070 - PROCESSING (continued...)

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:

1. The Review Body shall submit a copy of the tentative plan for review by any agency or legal entity required by law;

2. The Review Body will include the comments and alternatives of all reviewing parties in the file;

3. The Review Body shall evaluate the Review Criteria set out in Section 52.050 in reaching a decision on approval of the tentative plan;

4. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation upon the tentative plan;

5. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan, and Articles 56 and 57 of this Code;

6. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat or final map.

F. A final action granting approval of a tentative plan may be appealed to the Board of County Commissioners within 10 days consistent with the provisions of Article 33.

52.070 - PROCESSING (continued...)

G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the Board of County Commissioners.

52.080 - CONDITIONS AND IMPROVEMENTS

A. As special conditions of approval for the tentative plan, the Review Body may require information or development beyond the standards or criteria specified in this Code if it determines the information or development is needed to protect the public health, safety, and welfare of the neighborhood or the community. In order to impose special conditions, the Review Body in its findings shall:

1. Identify and describe the circumstances resulting from the development which create the threat to the public health, safety, and welfare of the neighborhood or the community; and

2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.

B. Such conditions may include, but shall not be limited to the following:

1. The provision of domestic water on each or some of the lots;

2. Paving of streets or ways;

3. Construction of pedestrian access;

4. Control of erosion;

5. Extension of streets to existing maintained roads;

6. Off-site improvements to be completed by the developer, when necessary to substantially mitigate impacts resulting from the development, based on the property development standards set out in this Code or in other documents adopted by reference in this Code.

52.090 - SURVEY REQUIREMENTS

A. When a partition creates one or more parcels 10.00 acres or smaller, the entire partition shall be surveyed in accordance with the requirements for the setting of monuments as contained in Article 57 of this Code and applicable State Laws.

B. Partitions where all parcels are greater than 10.00 acres shall be exempt from the requirement to survey the land in accordance with Article 57 of this Code. This exemption does not waive the requirement that a final plat be prepared by a surveyor licensed by the State of Oregon.

52.100 - MODIFICATION

The Review Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and

B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request and will not significantly alter the previous action of the Review Body.

52.110 - TIME LINE

An approved tentative plan is valid for 2 years from the date of approval. During that time, improvements must be installed or suitably guaranteed and a final plat prepared. If the improvements have not been installed and a final plat is not submitted for approval then the tentative plan shall become null and void.

52.120 - TIME EXTENSION

A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

52.120 - TIME EXTENSION (continued...)

B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

C. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

ARTICLE 53 - REPLATTING

53.010 - PURPOSE

The purpose of this Article is to provide a procedure to modify recorded lots or parcels or further divide recorded lots or parcels or change the lot configuration.

53.020 - REPLATTING RESTRICTIONS

A. Replatting is the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.

B. No person, agent, or corporation shall divide or sell any parcel located in any replat, except according to the provisions of an accepted replat map. If any change is made to the replat, inconsistent with the accepted tentative plan map, or if any improvements required by this Code are not complete, the Director may rescind acceptance of the replat.

C. A replat shall not serve to vacate any public street or road.

53.030 - APPLICATION

Whenever recorded lots or parcels are further divided or the lot configuration is changed, an application conforming to the requirements of Section 50.040 together with 5 copies of a tentative map for the proposed replat shall be submitted to the Planning Director. If the number of lots or parcels to be replatted is 4 or more, or the lots or parcels do not abut a maintained county road, 10 copies shall be submitted.

53.040 - REVIEW PROCEDURE

Replats shall be reviewed and a decision rendered under the Type III Review Procedure as set out in Section 22.050.

53.050 - REVIEW CRITERIA

In addition to the requirements of Chapters 7 and 8, as applicable, the following information will be reviewed in order to determine if the replat complies with County standards:

53.050 - REVIEW CRITERIA (continued...)

A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;

B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads;

C. The existing and required infrastructure, roads and public facilities and services are adequate to serve the proposed development;

D. The carrying capacity as defined in Section 11.030(64) of the subject property is adequate for the proposed density of development;

E. Adjustments to nonconforming lots or parcels shall not result in greater nonconformity or render substantially conforming lots or parcels more nonconforming;

F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;

G. The proposed development will not conflict with legally established easements or accesses within or adjacent to the parcel configuration resulting from the subject property;

H. The proposed development is compatible with the existing land use pattern in the area;

I. Any development located in a area subject to flooding, water hazard, earth movement, or fire shall present a solution to mitigate the hazard as a condition of approval.

53.060 - TENTATIVE PLAN REQUIREMENTS

A. A tentative plan meeting the requirements of Section 52.060 shall be required if the replat will decrease the number of lots or parcels remaining, if the lots or parcels abut a maintained county road or if the number of lots or parcels is less than 4.

B. A tentative plan meeting the requirements of Section 51.060 shall be required if the replat will increase the number of lots or parcels, the lots or parcels do not abut a maintained county road, or the replatting of 4 or more lots is proposed.

53.070 - PROCESSING

A. The request for a replat may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and directed submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be deemed complete and processed.

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:

1. The Review Body shall submit a copy of the tentative plan for review by any agency or legal entity as required by law;

2. The Review Body will include the comments and alternatives of all reviewing parties in the file;

3. The Review Body shall evaluate the Review Criteria set out in Section 53.050 in reaching a decision on approval of the tentative plan;

4. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation upon the tentative plan;

53.070(E) - PROCESSING (continued...)

5. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan and Articles 56 and 57 of this Code;

6. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat or final map.

F. A final action granting approval of a tentative plan may be appealed to the Board of County Commissioners within 10 days consistent with the provisions of Article 33.

G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the Board of County Commissioners.

53.080 - CONDITIONS AND IMPROVEMENTS

A. As special conditions of approval for the tentative plan, the Review Body may require information or development beyond the standards or criteria specified in this Code if it determines the information or development is needed to protect the public health, safety, and welfare of the neighborhood or the community. In order to impose special conditions, the Review Body in its findings shall:

1. Identify and describe the circumstances resulting from the development which create the threat to the public health, safety, and welfare of the neighborhood or the community; and

2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.

B. Conditions may include, but shall not be limited to the following:

1. Provision of domestic water on each or some of the lots;

2. Paving of streets or ways;

53.080(B) - CONDITIONS AND IMPROVEMENTS (continued...)

3. Construction of sidewalks or pedestrian paths;

4. Control of erosion;

5. Extension of streets to existing maintained roads;

6. Off-site improvements, to be completed by the developer, when necessary to substantially mitigate impacts resulting from the development, based on the property development standards set out in this Code or in other documents adopted by reference in this Code.

53.090 - SURVEY REQUIREMENTS

A. When a replat creates one or more parcels 10.00 acres or smaller, the entire replat for the lots or parcels of 10.00 acres or smaller shall be surveyed in accordance with the requirements for the setting of monuments as contained in Article 57 of this Code and applicable State Laws.

B. Replats where all parcels are greater than 10.00 acres shall be exempt from the requirement to survey the land in accordance with Article 57 of this Code. This exemption does not waive the requirement that a final plat be prepared by a surveyor licensed by the State of Oregon.

53.100 - TIME LINE

An approved tentative plan is valid for 2 years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed and a final plat is not submitted for approval then the tentative plan shall become null and void.

53.110 - TIME EXTENSION

A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

53.110 - TIME EXTENSION (continued...)

B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

C. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

ARTICLE 54 - PROPERTY LINE ADJUSTMENT

54.010 - PURPOSE

The purpose of this Article is to standardize property line adjustment procedures and ensure that the requirements of this Code are met.

54.020 - PROPERTY LINE ADJUSTMENT RESTRICTIONS

A. A property line adjustment is the relocation of a common boundary of two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size complies with the zoning requirements for lot size.

B. When one or both the lots being adjusted is smaller than the minimum lot size for the Zone in which lots or parcels are located, neither of the lots or parcels may be reduced to an area less than the original smallest lot or parcel. Further, if there is one parcel that is smaller than the minimum lot size required in the Zone before the adjustment, only one parcel smaller than the minimum lot size required in the Zone is allowed after the adjustment.

C. No person, agent, or corporation shall adjust or sell any parcel located in any property line adjustment except according to the provisions of an accepted property line adjustment plan map. If any change is made to the adjustment, inconsistent with the accepted adjustment map, the Planning Director may rescind acceptance of the adjustment.

D. Platted lots and parcels shall be reconfigured, adjusted, or revised by replatting. The process for replatting is found in Article 53 of this Code.

54.030 - APPLICATION

Whenever a common boundary between two lots or parcels is adjusted by relocation of the common boundary, an application meeting the requirements of Section 50.040 as discussed in the pre-application conference, and a tentative plan map shall be submitted to the Planning Director.

54.040 - REVIEW PROCEDURE

Property line adjustments shall be reviewed and a decision rendered under the Type I Review Procedure as established in Section 22.030 of this Code.

54.050 - REVIEW CRITERIA

In addition to the requirements of Chapters 7 and 8, as applicable, the following information will be reviewed in order to determine if the property line adjustment complies with County standards:

A. Both contiguous parcels were lawfully created;

B. The property line adjustment will not result in the creation of a new parcel;

C. The parcels resulting from the property line adjustment conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;

D. Adjustments to nonconforming lots or parcels shall not result in greater nonconformity or render substantially conforming lots or parcels more nonconforming;

E. The property line adjustment will not conflict with any public or private easement.

54.060 - TENTATIVE PLAN REQUIREMENTS

The map shall be prepared in the manner set forth in Section 52.060 of this Code.

54.070 - PROCESSING

A. The request for a property line adjustment may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and directed submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be deemed complete and processed.

54.070 - PROCESSING (continued...)

D. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:

1. The Planning Director will include the comments and alternatives of all reviewing parties in the file;

2. The Review Body shall evaluate the Review Criteria set out in Section 54.050 in reaching a decision on approval of the tentative plan;

3. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation on the tentative plan;

4. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan and Articles 56 and 57 of this Code;

5. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat or final map.

E. A final action granting approval of a tentative plan does not require the exercise of judgement, is not considered a land use decision and may not be appealed as such.

F. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the Board of County Commissioners.

54.080 - SURVEY REQUIREMENTS

A. When a Property Line Adjustment involves parcels 10.00 acres or smaller after the adjustment, the parcels that are 10.00 acres or smaller shall be surveyed in accordance with the requirements for the setting of monuments as contained in Article 57 of this Code and applicable State Laws.

54.080 - SURVEY REQUIREMENTS (continued...)

B. Property Line Adjustments where all parcels are greater than 10.00 acres shall be exempt from the requirement to survey the land in accordance with Article 57 of this Code. This exemption does not waive the requirement that a final plat be prepared by a surveyor licensed by the State of Oregon.

54.090 - ZONE BOUNDARY ADJUSTMENT

A. In conjunction with an application for a property line adjustment, the Planning Director has the authority to allow the adjustment of a Zoning boundary without requiring a Zone change application if the following criteria are satisfied:

1. The adjustment is in conjunction with a movement of a property line; and

2. The adjustment will not adversely impact adjoining properties; and

3. The adjustment will not alter the stability of the overall land use pattern in the area; and

4. The adjustment will not provide for a increase in residential lots or density; and

5. The adjustment will not create a significant increase in area for industrial or commercial uses.

B. A request for a Zone boundary adjustment may be initiated by a property owner, or an authorized agent, by filing an application with the Planning Director in conjunction with the application for a property line adjustment. The following shall apply:

1. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed zone boundary adjustment;

2. The Planning Director may request other drawings or material essential to an understanding of the proposed adjustment and its relationship to the surrounding properties.

C. The application shall be reviewed as a Type I Review Procedure in Section 22.030. The review shall be done concurrently with the review for the property line adjustment.

54.090 - ZONE BOUNDARY ADJUSTMENT (continued...)

D. If the request meets the purpose and criteria for a Zone boundary adjustment, the Planning Director may approve the request setting forth reasons and conclusion in written form as required in Section 22.030(B).

E. An application for a Zone boundary adjustment cannot be approved if the corresponding application for the property line adjustment is not approved and a final plat approved and filed.

54.100 - TIME LINE

An approved tentative plan is valid for 2 years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed and a final plat is not submitted for approval then the tentative plan shall become null and void.

54.110 - TIME EXTENSION

A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

C. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

ARTICLE 55 - PLANNED UNIT DEVELOPMENT

55.010 - PURPOSE

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

55.020 - PLANNED UNIT DEVELOPMENT RESTRICTIONS

A. No Development or Building Permits for required improvements may be authorized or issued within the PUD prior to final plat approval except in compliance with the following:

   1. Full compliance with all provisions of this Code including execution and filing of all required documents;

   2. Full compliance with the conditions imposed by the Planning Commission or by the Josephine County Land Development Code;

   3. Full compliance with the approved tentative plan.

B. No person, agent, or corporation shall adjust or sell any parcel located in any PUD except according to the provisions of an accepted final plat. If any change is made to the adjustment, inconsistent with the accepted final plat, the Planning Commission may rescind acceptance of the PUD.

C. The Planning Commission, on its own motion, may revoke any PUD approval for noncompliance with the conditions set forth in the order granting the approval, after first holding a public hearing and giving notice of the hearing.

55.030 - APPLICATION

An applicant shall submit 10 copies of a tentative plan to the Planning Director together with a completed application meeting the requirements set out in Section 50.040 as discussed in the pre-application conference.

55.040 - REVIEW PROCEDURE

Planned Unit Developments shall be reviewed and a decision rendered by the Planning Commission as established in Article 24 of this Code.

55.050 - REVIEW CRITERIA

In addition to the requirements of Chapters 7 and 8, the following information will be reviewed in order to determine if the PUD complies with the following County standards:

A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;

B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads;

C. The existing and required infrastructure and public facilities and services are adequate to serve the proposed development;

D. The carrying capacity as defined in Section 11.030(64), of the subject property is adequate for the proposed density of development;

E. All lots created shall conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;

F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;

G. The proposed development will not conflict with legally established easements or access within or adjacent to the parcel configuration resulting from the subject property;

H. The proposed development is compatible with the existing land use pattern in the area;

55.050 - REVIEW CRITERIA (continued...)

I. Any development located in a area subject to flooding, water hazard, earth movement, or fire shall present a solution to mitigate the hazard as a condition of approval. If the Commission finds that it is necessary and prudent for the protection of public safety and welfare to restrict development in the hazardous areas, the Commission may require, as a condition of approval, that those lands be dedicated to uses that minimize the aggravation of such hazards;

J. There are special physical conditions or objectives of development satisfied by the proposal which warrant a departure from the requirements in this Code;

K. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, and the area around the development can be planned to be in substantial harmony with the proposed PUD;

L. The plan can be completed within a reasonable period of time;

M. In granting approval for PUD, the Commission shall be guided by the following:

1. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal, the ability to carry out the project as proposed, and that construction shall begin within 2 years of the conclusion of any necessary action by the governing body, or within a longer period of time as may be established by the Planning Commission;

2. The proposal conforms with the Comprehensive Plan in terms of location and general development standards;

3. The project will accrue benefits to general public in terms of need, convenience, service, and appearance sufficient to justify any necessary exceptions to the regulations of the zone;

4. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points, and additional street right-of-way improvements;

5. That the project will be compatible with adjacent developments and will not adversely affect the character of the area;

6. No PUD shall be approved in any Zone if the housing density or the proposed development will result in an intensity of land use greater than permitted in the Zone.

55.060 - TENTATIVE PLAN REQUIREMENTS

The tentative plan shall be prepared in accordance with the requirements of Section 51.060. In addition, the applicant shall include the following information:

A. Proposed land uses, approximate building locations, type of construction, if known, and housing unit densities;

B. Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc;

C. Proposed open space uses, showing proposed landscaped areas;

D. Proposed grading and drainage pattern;

E. Relation of the proposed development to the surrounding area and the Comprehensive Plan.

55.070 - PROCESSING

A. The request for a PUD may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.

B. A pre-application conference is required.

C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and directed submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be deemed complete and processed.

55.070 - PROCESSING (continued...)

D. Within 5 working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:

1. The Planning Director shall submit a copy of the tentative plan for review by any agency or legal entity as required by law;

2. The tentative plan and vicinity sketch shall be reviewed by the Subdivision Review Committee and recommendations for the project prepared. The Subdivision Review Committee shall submit their recommendations to the Hearing Body for inclusion in the final decision;

3. The Planning Commission shall consider the tentative development plan at a meeting at which time the findings and recommendations of all reviewing parties shall be considered;

4. In considering the plan, the Commission shall review the proposal against the criteria set out in Section 55.050;

5. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the Board of County Commissioners;

6. The Board shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion;

7. The Board of County Commissioners decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C) and not by notation upon the tentative plan;

8. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan and Articles 56 and 57 of this Code;

55.070(E) - PROCESSING (continued...)

9. Any approved PUD shall be subject to all conditions imposed, and shall be excepted from other provisions of this Code only to the extent specified in the authorization;

10. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat or final map.

F. The final action of the Board may be appealed to LUBA within 10 days consistent with the provisions of Article 33.

G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the Board of County Commissioners.

55.080 - CONDITIONS AND IMPROVEMENTS

The following standards are the basic requirements governing a PUD in an area in which it is permitted, in accordance with the Land Development Code:

A. The standards set out in Chapters 7 and 8 including requirements for area, density, yards, off-street parking, or other requirements based on the underlying Zone in which the PUD is proposed;

B. The density of dwelling units shall not exceed that normally allowed by the Zone in which the proposed development is located. This provision is not to be confused with the ability of a developer to increase the density of dwelling units within a given area of the PUD through the retention of open space while maintaining the density ratio of acres per dwelling;

C. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests (common areas) will be subject to a non-profit corporation of owners organized under the laws of the State of Oregon. To comply with this provision, all of the following must be completed:

55.080(C) - CONDITIONS AND IMPROVEMENTS (continued...)

1. A non-profit corporation shall be established. The articles of incorporation shall provide that:

    a. The corporation shall maintain the common areas;

    b. The corporation shall pay taxes on common areas;

    c. The owners of each lot in the development shall have 1 vote as a shareholder in the corporation;

    d. The corporation is responsible for carrying out the provisions of approval of this PUD specifying the name of the PUD and Josephine County as the place the subdivision plat is recorded;

    e. The corporation is responsible for carrying out the responsibilities of the non-profit corporation (or any other entity, by any name) mentioned in the restrictive covenants (real covenants), however titled, referred to in Section 55.080(C)(2) of this Code;

    f. Any shareholder shall be able to enforce any obligation of the corporation which the corporation neglects or refuses to carry out and reasonable attorney fees shall be awarded to the successful party;

    g. None of the above provisions can be modified or repealed without the unanimous consent of all shareholders of the corporation, representing every lot of the subdivision after all lots have been sold by the original owner-developer-declarant.

2. There shall be filed in the County deed records, restrictive covenants (real covenants), however titled, which shall:

    a. Require, as a mutual benefit and burden of ownership of any lot in the PUD, the maintenance, perpetuation, and continuity of the non-profit corporation mentioned in Section 55.080(C)(1), and the payment of a pro rata share of the taxes and maintenance costs for common areas by each lot owner. This shall be done through the corporation;

    b. Specify other provisions as may be desired by the applicant-developer-declarant or required by the Hearing Body;

c. Specifically state that the covenants relate to the PUD, that the corporation mentioned in Section 55.080(C)(1), can enforce the covenants and any shareholder can require the corporation to enforce the covenants.

3. The Articles of Incorporation referred to in Section 55.080(C)(1) shall be approved in writing by the Planning Director and a certified copy, showing filing with the Oregon Corporation Commission, will be presented to the Planning Director prior to, and as a condition of, final plat approval;

4. The covenants mentioned in Section 55.080(C)(2) shall be approved in writing by the Planning Director and shall be filed simultaneously with, and be a condition of final plat approval;

5. The Planning Director may request the assistance of County Legal Counsel in a review of the Articles of Incorporation of covenants mentioned in Section 55.080(C)(1) and (2).

D. In any development which is primarily designed for or occupied by dwellings, electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission;

E. The Planning Commission may require easements necessary for orderly extension of public utilities to future adjacent developments;

F. The tract or tracts of land included in a proposed PUD must be in one ownership or control, or subject of a joint application by all persons possessing recorded interest in the title to the tract;

G. Areas of semi-public uses within the PUD may be included as open space in calculating the allowable density for residential projects;

H. The development program shall assure that unique or scenic natural features of the land are preserved, and that landscaping is provided for the common use areas when appropriate;

I. The PUD shall not be used as a vehicle for a developer to avoid the normal requirements of this Code;

55.080 - CONDITIONS AND IMPROVEMENTS (continued...)

J. In addition to the requirements of this Article, the Commission may attach conditions it finds necessary to carry out the purposes of this Article. These conditions may include, but are not limited to, the following:

1. Increasing the required setbacks;

2. Limiting the height of buildings;

3. Controlling the location and number of vehicular access points;

4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system;

5. Increasing the number of parking spaces and improving design standards for parking areas;

6. Limiting the number, size, location, and lighting of signs;

7. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;

8. Requiring additional view obscuring screening or fencing;

9. The Planning Commission may make requirements benefiting other factors relevant to the health, safety, and welfare of the community directly affected by the development.

K. If the method of sewage disposal is to be by subsurface septic treatment, the developer shall provide the Planning Commission with site evaluation for 25% of the proposed lots and copies of any existing septic permits for the proposed development:

1. In addition, a report from a soil scientist shall be submitted describing the septic capability of the soils to support the proposed use;

2. If any evaluations fail to meet septic system standards or the soil report reveals poor expectation of the capability of the soil to support the proposed use, site evaluations shall be required for all lots proposed for development;

3. If subsurface disposal is inadequate or not in the interest of public welfare, the Commission may require, as a condition of approval, that a community collection system or community sewer system be installed.

L. The developer shall inform the Planning Commission of all known environmental hazards such as mud slides, areas subject to floodwater inundation, area subject to mass earth movement, erosive soils, areas unsuited subject to similar environmental hazards;

M. After approval of the tentative plan by the Planning Commission, but prior to construction of any road or utility within a PUD, the developer shall submit to the County Engineer the following information as appropriate:

1. A plan and profile on Federal Aid sheets showing the following:

   a. Widths of the proposed dedication through the length of the proposal;

   b. Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data, and bearing of tangent;

   c. Ground line and grade line profile on the centerline of the proposed street or road;

   d. Vertical curve data showing P.I. elevations and stations, length of vertices, curve, and tangent;

   e. Earthwork distribution (only when the developer proposed to bond or provide other financial guarantee) for construction of roads following approval of the PUD;

   f. Locations and material type for waste or borrow areas;

   g. Typical road section(s);

   h. Location of drainages, culvert design, and typical ditch section.

2. Cross Section:

   a. Shall be platted on rolls of 10 on standard cross section paper. Computer cross section printouts may be submitted in lieu of platted cross sections;

b. Shall show proposed widened cuts or fill if these are needed for material balance.

3. Sheets and drawing showing the following;

   a. Traverse data including the coordinates of the boundary of the PUD and ties to section corners and donation land claim corners, and showing the error of closure, if any;

   b. Ties to existing monuments, proposed monuments, adjacent subdivision , street corners, and state highway stationing.

4. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction;

5. The stages for development of private and public facilities planned;

6. Plans and profiles of proposed sanitary and/or stormwater sewers, with grades, pipe sizes, and location of manholes indicated, meeting the requirements of any service district and the Oregon Department of Environmental Quality;

7. Plans and profiles of any proposed water distribution system showing pipes and the location of any valves, fire hydrants, or storage facilities, meeting the requirements of the Oregon Health Division. If required by the Hearing Body, water systems shall be designed to provide fire flow capacity meeting standards established by the State Fire Marshall;

8. Specifications for the construction of all proposed sewer and water lines and other utilities;

9. Grading plans and specifications as required by the County Engineer for areas other than streets and ways.

55.090 - FINAL PLAT REQUIREMENTS

A final plat shall be submitted and recorded in conformance with the tentative plan and the provisions of Article 56 of this Code. In addition to the information required in Article 56.050, the following information shall be shown on the Final Plat, where appropriate:

55.090 - FINAL PLAT REQUIREMENTS (continued...)

A. Land Use:

1. All areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, and otherwise dedicated or reserved to the public;

2. Open space that is to be maintained and controlled by the owners of the property and their successors in interest, which is available for the recreational and leisure use of the occupants and uses of the PUD.

B. Circulation:

1. Location of any special engineering features needed to facilitate or ensure the safety or circulation pattern;

2. Location and dimensions of pedestrian walkways, malls, and foot, bicycle and horse trails that will be dedicated as part of the development.

C. Parking and Loading:

1. Location, arrangement, number, and dimension of automobile garages, parking spaces, the widths of aisles and bays, and angle of parking, when interests in spaces are transferred with units of development;

2. Location, arrangement, and dimensions of truck loading spaces and docks for commercial or industrial development;

3. A certificate conforming to ORS 92.070 with the seal of, and signed by, the engineer or surveyor responsible for the survey and final plat or final map;

4. A certificate signed by all parties having any recorded title interest or vested interest in the land, dedicating to the public all streets and roads without any reservation or restriction, other than reversionary rights upon vacation of any such street or road and easement for public utilities.

55.100 - DEVELOPMENT PROGRAM

In addition to the final plat, a development program shall contain the following information and supplemental reports, where appropriate:

55.100 - DEVELOPMENT PROGRAM (continued...)

A. The location of all plantings, fences, and existing trees and vegetation areas to be retained in the development;

B. The location of all buildings to be constructed in conjunction with the development, and the location of all existing buildings to be retained;

C. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and their interest the premises;

D. Table showing the overall density of the proposed residential development and showing density by dwelling types;

E. Drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the public, including agreements by property associations, dedicatory deeds, or reservations of public open spaces.

55.110 - MODIFICATION

The Hearing Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and

B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Hearing Body.

55.120 - TIME LINE

An approved tentative plan is valid for 2 years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed and a final plat is not submitted for approval then the tentative plan shall become null and void.

55.130 - TIME EXTENSION

A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

C. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

ARTICLE 56 - FINAL PLAT

56.010 - PURPOSE

The purpose of this Article is to standardize the requirements for a final plat and to ensure that all final plats for all types of land divisions meet the standardized requirements.

56.020 - APPLICATION

Within 2 years from the date of approval of the tentative plan for a subdivision, partition, replat, property line adjustment, or planned unit development, the developer shall submit 5 copies of a final plat in conformance with the approved tentative plan to the Planning Director and the County Surveyor.

56.030 - REVIEW PROCEDURE

Final plats shall be reviewed and a decision rendered under the Type I Review Procedure as established in Section 22.030 of this Code.

56.040 - REVIEW CRITERIA

The final plat shall be reviewed to ensure compliance with the following criteria:

A. The final plat conforms to the tentative plan approved by the appropriate Review or Hearing Body; and

B. All conditions set out by the Review or Hearing Body have been met; and

C. Any additional requirements have been met.

56.050 - FINAL PLAT REQUIREMENTS

A. Any final plat for a subdivision, planned unit development, partition, replat, or property line adjustment submitted to the Planning Director shall be an accurate plat for official record prepared by a Land Surveyor licensed and registered by the State of Oregon, and shall conform to the provision of this Code, the applicable laws of the State of Oregon, and other requirements that the Review Body has approved:

56.050(A) - FINAL PLAT REQUIREMENTS (continued...)

1. The final plat shall have attached an affidavit from the surveyor that they have correctly marked, with proper monuments, if required, the land as represented in the plat and that the survey was carried out in accordance with the standards of Article 57 of this Code;

2. All outstanding assessments shall be paid prior to accepting the final plat, or proof shall be submitted that the assessments have been segregated.

B. The final plat for a subdivision, partition, replat, property line adjustment, or planned unit development, shall include dedications of streets, roads, or public parks and squares, and any other writings which were approved as part of the record, shall be made in permanent black india ink or silver halide permanent photocopy, upon 4 mil or thicker mylar or equivalent material, approved by the County Surveyor, that is 18 inches by 24 inches in size:

1. The strength and permanency shall be so that the original drawing will be a permanent record as kept in the office of the County Clerk;

2. All signatures on the original subdivision or partition plat shall be in permanent black india type ink;

3. The plat shall be of a scale that is acceptable to the County Surveyor;

4. The lettering of the approvals, any declarations, the affidavit, and all other information shall be of such a size or type as will be clearly legible, and no part shall come closer to any edge of the sheet than one inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon three or more sheets;

5. The final plat shall also be accompanied by an exact duplicate of the final plat, suitable for making prints.

C. The final plat for the subdivision, planned unit development, partition, replat, or property line adjustment shall show, in addition to the requirements of ORS and OAR, the following information which shall either be on the plat or shall accompany the plat:

1. The date, north arrow, scale, name of the subdivision and indicate the map is a "Final Plat";

2. Legal description of the tract boundaries;

56.050(C) - FINAL PLAT REQUIREMENTS (continued...)

3. Name of the owner or owners, subdivider, and engineer or surveyor;

4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division;

   b. Corners of adjoining land divisions;

   c. City boundary lines when crossing or adjacent to the land division;

   d. Other monuments found or established in making the survey of the land division, or required to be installed by provisions of this Code.

5. The exact location and width of streets and easements intercepting the boundary of the tract;

6. Tract, block, and lot or parcel boundary lines, street right-of-way and centerlines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Approximate high water lines for any creek, lake, or other body of water, and the 100 year flood hazard. Tract boundaries and street bearings shall be shown to the nearest 10 seconds with bases of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used;

7. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on a curvature which are being dedicated, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated;

8. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication. Private easements shall become effective when the plat is recorded;

9. Lot or parcel numbers beginning with the number "1" and numbered consecutively;

10. The area of each lot or parcel. For lots or parcels one acre or larger that have been surveyed, the area shall be shown to the nearest hundredth of an acre. If less than one acre, the area to the nearest square foot;

56.050(C) - FINAL PLAT REQUIREMENTS (continued...)

11. Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters;

12. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots or parcels intended for sale;

13. The following certificates which may be combined where appropriate:

    a. A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the plat or final map;

    b. A certificate signed and acknowledged as above, dedicating all lots of land shown on the final map or final plat intended for the exclusive use of the owners in the subdivision or partition, their licensees, visitors, tenants, and servants;

    c. A certificate conforming to ORS 92.070 with the seal of and signed by the engineer or surveyor responsible for the survey and final plat or final map;

    d. A certificate or transfer deed signed by all parties having any proprietary interest in the land, dedicating to the public all streets and roads without any reservation or restriction other than reversionary rights upon vacation of any street or road and easement for public utilities;

    e. Other certifications now or hereafter required by law.

D. In addition the following data shall accompany the final plat:

1. A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and their interest in the premises;

2. A copy of any deed restrictions applicable to the subdivision or partition;

3. A copy of any dedication requiring separate documents;

4. A list of all taxes and assessments on the tract which have become a lien on the tract;

5. Sheets and drawings showing the following:

   a. Traverse data including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure, if any;

   b. The computation of distances, angles, and courses shown on the plat;

   c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and street highway stationing.

6. A certificate by the County Engineer that the developer has complied with the improvement requirements of the tentative plan and Article 56 of this Code or a guarantee consistent with the requirements of Article 14 has been submitted and approved, which is sufficient to assure completion of all required improvements and monumentation;

7. One of the following provisions regarding water shall be received and accepted by the County prior to the approval of the plat:

   a. A certification by a municipality-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat;

   b. A bond, contract, or other assurance by the subdivider to the County that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line on each and every lot depicted in the proposed plat; and the amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any reasonable change in such amount as determined necessary by the County consistent with Article 14;

c. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report.

8. One of the following provisions regarding sewage shall be received and accepted by the County prior to the approval of the plat:

a. A certification by a municipality-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

b. A bond, contract, or other assurance by the subdivider to the County, consistent with the provisions of Article 14, that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, contract, or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the County considers necessary;

c. In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755(1)(b):

(1) A copy of any statement, signed by the subdivider and endorsed by the county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the Real Estate Commissioner in the public report made for the subdivision under ORS 92.385;

56.050(D)(8)(c) - FINAL PLAT REQUIREMENTS (continued...)

(2) If the making of a public report has been waived or the subdivision is otherwise exempt under Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot;

(3) The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy to the Real Estate Commissioner and shall keep any such receipt on file in this state, subject to inspection by the Real Estate Commissioner, for a period of three years after the date the receipt is taken.

E. The following information must accompany the final plat:

1. A final plat for a parcel of land outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must contain a statement of water rights on the plat;

2. If a water right is appurtenant to the lands of the plat, the statement of water right and a copy of the plat must be submitted to the Oregon Water Resources Department;

3. The statement of water rights shall be noted on the final plat together with the water rights certificate number, if applicable.

56.060 - PROCESSING

A. The Planning Director, after proper review and consideration, may approve the final plat by indicating approval on the original, and:

1. The final plat will then be circulated by the developer to other agencies for their review and approval;

2. For a planned unit development, the County Legal Counsel must review all legal documents which accompany the development;

56.060(A) - PROCESSING (continued...)

3. Signatures of the County Surveyor, the Assessor, an agent of any irrigation district in which the land is located, and other officials as applicable and/or required by law shall be placed on the final plat of record as proof of final approval;

4. For partitions and property line adjustments only the signatures of the Planning Director, County Assessor and County Surveyor are required;

5. All final plats require securing any necessary signatures, submittal of deeds, and payment of all fees, ad valorem taxes, special assessments or other charges required by law;

6. The final plat or map shall not be approved by the Director and/or the Board of Commissioners until the Director and/or the Board are satisfied that all applicable state and local regulations and conditions have been satisfied. The Board shall sign all final plats or maps for subdivisions and planned unit developments;

7. If the plat is not submitted to the Board within 90 days of the Planning Director's approval, the approval of the Planning Director shall be null and void.

B. Prior to review of a final plat of a subdivision, partition, replat, property line adjustment, or planned unit development, the plat must be submitted to and approved by the County Surveyor:

1. The County Surveyor shall check the subdivision, partition, replat property line adjustment or planned unit development plat and shall determine that the plat complies with the applicable provisions of ORS and with the provisions of this Code;

2. The County Surveyor may direct such changes to be made on the plat or at the site as are necessary to satisfy the requirements of ORS 92.050 or this Code;

3. The subdivider shall pay fees in the amount specified in ORS 92.100(2) to the County Surveyor.

C. After reviewing the final plat or final map, the Planning Director may reject the document by providing the subdivider with a summary of the reasons for taking such action:

56.060(C) - PROCESSING (continued...)

1. This rejection shall be in the form of specification of elements of tentative plan approval that have not been completed in a satisfactory manner;

2. The developer must resubmit a revived plat or map correcting all the deficiencies specified by the Planning Director in order to receive approval.

D. After obtaining all required approvals and signatures, pursuant to ORS 92.120, the developer shall file the plat or map within thirty (30) days with the County Clerk or the plat or map shall become null and void.

E. Failure to file the document within 30 days will require resubmission of the tentative plan.

F. A copy of the survey shall be filed with the County Surveyor.

56.070 - TIME LINE

A. If the approval on a final plat expires before the final plat is filed, the developer must resubmit a tentative plan in the same manner as a new tentative plan.

B. Approval of a final plat or map by the Board of Commissioners shall not be deemed to constitute or effect an acceptance for maintenance by the County of the dedication of any street or other proposed public way or area shown on the plat, unless agreed to by a separate order of the Board of Commissioners.

56.080 - GUARANTEES TO CONSTRUCT REQUIRED IMPROVEMENTS

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in this Code, the Review or Hearing Body may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. The guarantee will be made in writing specifying the exact terms of the items to be completed. The guarantee shall be in conformance with Article 14 of this Code.

ARTICLE 57 - MONUMENTATION

57.010 - PURPOSE

The purpose of this Article is to ensure that the procedures used to survey and set monuments for all land divisions are standardized.

57.020 - REVIEW PROCEDURE

Monumentation shall be reviewed as a part of Final Plat requirements.

57.030 - MONUMENTATION REQUIREMENTS

All subdivision, partition, replats, property line adjustment, and planned unit development plats designating land within Josephine County shall, unless excepted in Sections 52.090(B), 53.090(B), and 54.080(B), be surveyed and all monuments erected shall comply with ORS 92 with the addition of the following:

A. The survey for the plat of the subdivision, planned unit development, partition, replat, or property line adjustment shall be done with reference to Federal Geodetic Control Committee guidelines for third order class II;

B. The initial point of all plats shall be on the exterior boundary of the plat and shall be marked with a monument, either of concrete, galvanized iron pipe, or an iron or steel rod:

   1. If concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently imbedded in the concrete;

   2. If galvanized iron pipe is used, it shall not be less than three-quarters of an inch least dimension and 30 inches long; and if an iron or steel rod is used it shall not be less than five-eighths of an inch least dimension and 30 inches long;

   3. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation Land Claim corner, monumented lot corner, or boundary corner of a recorded subdivision, partition, or condominium plat;

4. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

C. In subdivision and planned unit development plats, the intersections, points of curves, and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerline of all public streets and roads, and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods:

1. If concrete is used it shall be as described in Section 57.030(B)(1);

2. If galvanized iron pipe is used it shall not be less than three-quarters of an inch least dimension and 30 inches long;

3. If iron or steel rods are used they shall not be less than five-eighths of an inch in diameter and 30 inches long;

4. In addition all P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driven 28 inches into the ground, when possible, set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point;

5. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monument is impracticable.

D. All lot or parcel corners, except lot corners of cemetery lots, shall be marked with monuments of either galvanized iron pipe not less than one-half inch in least dimension and two feet long, or iron or steel rods not less than 5/2 inch in least dimension and not less than 24 inches long. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable;

E. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision, partition or property line adjustment plat, whichever is greater;

57.030 - MONUMENTATION REQUIREMENTS (continued...)

F. All monuments for the exterior boundaries of a subdivision, shall be marked and such monuments shall be referenced on the plat before the plat is offered for recording;

G. Interior monuments for the subdivision need not be set prior to the recording of the plat or final map if the registered professional land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in ORS 92.070(2), and if the person subdividing the land furnishes to the County a bond, cash deposit, or other security consistent with Article 14, guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in ORS 92.065;

H. All monuments on the exterior boundary and all parcel corner monuments of partitions and property line adjustments shall be placed before the partition or property line adjustment is offered for recording;

I. If the interior corners of a subdivision are to be monumented on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in the subdivision plat shall furnish to the County Surveyor, prior to the approval of the subdivision plat by the County Surveyor, a bond, cash deposit, or other security, consistent with the requirements of Article 14, in an amount equal to 120 percent of the estimated cost of performing the work for the interior monumentation;

J. The County Surveyor may require that the setting of the interior corners of the subdivision be delayed, according to the provisions of this section, if the installation of street and utility improvement has not been completed, or if other conditions or circumstances justify the delay;

K. The person subdividing the lands described in Section 57.030(J) shall pay the surveyor for performing the interior monumentation work and notify the County Surveyor of the payment:

1. The County Surveyor, within 3 months after the notice, shall release the bond or other required security or return the cash deposit upon finding that the payment has been made;

2. Upon written request from the person subdividing the land, the governing body may pay the surveyor from moneys within a cash deposit held by it for that purpose and return the excess of the cash deposit, if any, to the person who made the deposit;

57.030(K) - MONUMENTATION REQUIREMENTS (continued...)

3. If the subdivider has not paid the surveyor within 30 days of the final approval of the interior monumentation, the County may pay the surveyor from moneys held in a cash deposit, if any, or require payment to be made from other security.

L. In the event of the death, disability, or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision, or upon failure or refusal of the surveyor to set the monuments, the County Surveyor shall cause the monumentation to be completed and referenced for recording as provided in ORS 92.070:

1. If another surveyor completes the interior monumentation, the surveyor completing the interior monumentation shall place the surveyor's seal and signature on the original subdivision plat and any true and exact copies filed in accordance with ORS 92.120(3);

2. Payment of the fees for completing the monumentation shall be made by the subdivider within 30 days of the completion of the work;

3. In the event that the subdivider fails to pay the fees within 30 days, the bond, cash deposit, or other security may be used to pay the fees; and when such cash or other securities are inadequate to cover the cost incurred by the County Surveyor, the balance due will constitute a lien on any lots in the subdivision that are still in the ownership of the subdivider when recorded pursuant to ORS 93.600 to 93.800.

57.040 - FILING REQUIREMENTS

A. Except as otherwise provided in this section, all subdivision, partition, and property line adjustment plats, designating the location of land within Josephine County, offered for record, shall include on the face of the plat a surveyor's certificate together with the seal and signature of the surveyor having surveyed the land represented on the plat, to the effect that they have correctly surveyed and marked with proper monuments the lands as represented, that they marked a proper monument as provided in ORS 92.060 indicating the initial point of such plat, and giving the dimensions and kind of monument, and its location in accordance with ORS 92.060 (1), and accurately describing the tract of land upon which the lots and blocks or parcels are laid out.

57.040 - FILING REQUIREMENTS (continued...)

B. If the person subdividing or partitioning any land has complied with Article 57.030 (H) and Article 56.060 of this Code, the surveyor may prepare the plat for recording with only the exterior monuments referenced thereon as submitted for recording:

1. There shall be attached to any such plat a certification of the surveyor that the interior monuments for the subdivision will be marked on or before the specified date in accordance with ORS 92.060, noting those monuments to be set on or before the specified date on the plat as approved by the Review or Hearing Body.

C. After the interior corners for a subdivision have been monumented as provided in the certificate submitted under Section 57.040(B), the surveyor performing the work shall:

1. Within 5 days after completion of the work, notify the person subdividing the land involved and the County Surveyor; and

2. Upon approval of the work under ORS 92.100 by the County Surveyor, submit an affidavit for recording stating that the subdivision plat has been correctly surveyed and marked with proper monuments at the interior corners of the subdivisions as noted on the original subdivision plat:

a. Any monument that cannot be set shall be separately noted and a reference monument shall be set;

b. The affidavit shall be approved by the County Surveyor before recording;

c. The surveyor who prepared the affidavit shall cause the affidavit to be recorded in the office of the County Recorder;

d. The County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor;

e. The County Surveyor shall note the monuments set and the recorder's information on the original subdivision and any true and exact copies filed in accordance with ORS 92.120 (3).

D. The County Clerk, upon receipt of a plat copy filed pursuant to Section 57.040(C), shall record such copy and endorse the recording reference for the copy on the plat of the previously recorded subdivision.

CHAPTER 6 - LAND USE ZONES

ARTICLE 60 - BASIC PROVISIONS

60.010 - PURPOSE

The purposes of this Chapter are to establish land use Zones required to implement the goals and policies of the Josephine County Comprehensive Plan, to define the purpose of each Zone, and to specify the types of land uses appropriate for each Zone. More specifically, the Zones are formulated:

A. To permit orderly and beneficial development, while protecting the character of neighborhoods and communities, and the social and economic stability of the County;

B. To reconcile discordant land uses by identifying the relationship between compatible uses which minimize land use conflicts;

C. To support the protection and preservation of the agricultural and silvicultural industry and the natural resources essential to the conduct of those industries;

D. To support the protection and preservation of the natural and recreational resources while providing for appropriate development;

E. To provide areas where forestry, agricultural, residential, commercial, and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments; and

F. To further the goals and policies of the Josephine County Comprehensive Plan.

60.020 - LIST OF BASIC ZONES

For the purposes of this Code the following Zones are established:

ZONE	MAP SYMBOL
Rural Residential - 1 acre	RR-1
Rural Residential - 2.5 acres	RR-2.5
Rural Residential - 5 acres	RR-5
Rural Commercial	RC

ZONE	MAP SYMBOL
Tourist Commercial	TC
Rural Commercial Center	RCC
Light Industrial	LI
Rural Industrial	RI
Exclusive Farm	EF
Farm Resource	FR
Forest Commercial	FC
Woodlot Resource	WR
Aggregate Resource	AR
Serpentine	S
Limited Development	LD

60.030 - LIST OF OVERLAYS

The Overlay is a series of requirements which allow or regulate certain uses, types of land development and land divisions. The Overlay is delineated by a special line and\or a special symbol on the map. The Overlays used in Josephine County are as follows:

Flood Hazard Overlay
Deer Overlay
Wild & Scenic Rivers Overlay
Airport Overlay
Water Hazard Overlay

60.040 - APPLICABILITY OF ZONE

A. The regulations, uses, and requirements which follow shall apply to all lands as zoned on the official Zoning Map for Josephine County under that zoning designation. A use, or structure which does not conform to these regulations and which lawfully existed at the time of adoption of this Code may be continued subject to the requirements of Article 13.

60.040 - APPLICABILITY OF ZONE (continued...)

B. Structures which are erected, altered, enlarged or moved, and land which is used or divided in any Zone in this Code shall comply with provisions of this Code. Development permits shall be issued pursuant to Article 41.

60.050 - MULTIPLE ZONED PARCELS

A. 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.

B. The property may be partitioned along Zoning boundaries without complying with the general area or width requirements of the Zone. However, all other Code requirements shall be met, such as access, setbacks and lot design.

60.060 - SIMILAR USES

A. The Planning Director may rule that an unlisted use, is an allowed use within a Zone if the following criteria are met:

1. The proposed use is not listed as a use (Permitted, Administrative Permit, Conditional Use or Temporary Use) in any other Zone;

2. The proposed use is similar to one or more listed uses. Uses are similar if their general activities are alike and the resulting impacts are similar in type and intensity; and

3. The request for a similar use is part of a specific development proposal for the Zone.

B. The Planning Director shall review the similar use request as part of the specific development proposal which gives rise to it. If the development proposal includes more than one type of application, the highest level of review shall be used for all the applications including the proposed similar use. The similar use shall not be processed using a different type of review procedure than that required for the application package.

60.070 - POLICIES AND LEVELS OF SERVICE

The following table shall apply to the levels of service for public facilities for all land use actions:

Comprehensive Plan & Zone Designations	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, 6b
AG/Exclusive Farm	I 1, 2, 3, 4, 5, 6; III 1, 6; VII 1, 2, 3; VIII 1, 2	1, 2, 3, 6a
AG/Farm Resource	I 1, 2, 3, 4, 5, 6; III 1, 6; VII 1, 2, 3; VIII 1, 2	1, 2, 3, 6a
F/Forest Commercial	II 1, 2a, 2b, 2c, 3a, 3b, 3c, 4, 5, 6; III 1; VII 1, 2, 3, 4; IX 2	1, 2, 3, 6a
F/Woodlot Resource	II 1, 2a, 2b, 2c, 4, 5, 6; III 1; VII 1, 2, 3, 4; IX 2	1, 2, 3, 6a
AR/Aggregate Resource	VII 1, 4, 5; VIII 1, 2	1, 2, 3, 6a
S/Serpentine	II 7; VII 1; VIII 1, 2	1, 2, 3, 6a
R/Rural Residential	III 1, 3a, 3b, 3c, 3d, 4, 5, 6; IV 3; V 5; VI 3; VII 1; VIII 1, 2	1, 2, 3, 6a (4 & 5 in the sewer trans. line; water problem areas)
C/Rural Commercial	IV 1, 5; V 1, 2, 5; VII 1, 2, 7; VIII 1,2	1, 2, 3, 6a
C/Tourist Commercial	IV 1, 5; V 1, 2, 5; VII 1, 2, 7; VIII 1,2	1, 2, 3, 6a
C/Rural Commercial Center	III 2, 5; IV 5; VII 1; VIII 1, 2	1, 2, 3, 4 or 5, 6a
I/Light Industrial	IV 1, 5; V 1, 2, 5; VII 1, 2, 3, 5; VIII 1, 2	1, 2, 3, 4 or 5, 6a
I/Rural Industrial	IV 1, 5; V 1, 2, 5; VII 1, 2, 3, 5; VIII 1, 2	1, 2, 3, 4 or 5, 6a
Wilderness Area	IV 9; VII 1, 6	
Airport Hazard	IV 5; V 3	
Flood Hazard	VI 1; VII 1, 4; VIII 1	
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

ARTICLE 61 - RURAL RESIDENTIAL ZONE

61.010 - PURPOSE

The purpose of this Zone is to preserve the rural character of Josephine County while providing areas for rural residential living. This Zone 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 Zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.

61.020 - PERMITTED USES

The following uses and their accessory uses shall be permitted with the issuance of a Development Permit under Article 41, processed as a Type I Review Procedure under the requirements of Section 22.030, and shall meet the standards set out in Section 61.070 when applicable:

A. Agriculture, farming and farm use as defined in Section 11.030(16), subject to the standards provided in Section 61.060, and also subject to the further limitations that all products must be produced on the property and commercial feed lots are prohibited;

B. Forest management, production and harvesting of timber resources, as defined in Section 11.030(138);

C. Single-family residence or manufactured dwelling;

D. Accessory buildings, including private garage or carport, guest house, greenhouse, stable, barn, pen, coop, or other similar buildings normally required in connection with a use specified in Section 61.020 and subject to the provisions of Sections 61.060 and 72.060;

E. Stands for the display and sale of farm and forest products produced on the land;

F. Residential Care Home;

G. Residential Care Facility.

61.030 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure as set out in Section 22.040 and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 61.070 when applicable:

A. Home Occupations subject to Article 92.

B. Signs subject to Article 74;

C. One temporary sign for a subdivision not exceeding 32 square feet subject to Article 74;

D. Real estate tract sales office subject to the following criteria:

   1. The office must be located as part of a residential subdivision or planned unit development and no sales may be made for property other than lots contained within the same residential development;

   2. Upon termination of the sales activity the structure shall be removed or converted to a use permitted by this Zone.

E. Open, non-commercial storage of up to 4 motor vehicles, from which parts have not been removed, when such vehicles are currently unlicensed, or when the stored vehicles are owned by an individual other than the resident or owner of the property;

F. Boat landings and docks.

61.040 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as an Type III Review Procedure under Section 22.050 or as a Planning Commission Review Procedure under Article 24 as specified, subject to Site Plan Review under Article 42 and the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 61.070 when applicable:

A. Churches; (Type III)

61.040 - CONDITIONAL USES (continued...)

B. Cemeteries; (Type III)

C. Public or private schools; (Type III)

D. Residential dormitories or housing in conjunction with public or private schools, conditioned upon, but not limited to, the following criteria: (Type III)

1. Demonstrate 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 Code.

E. Kennels, subject to the following criteria: (Type III)

1. Demonstrate that the kennel will not create nuisance conditions for adjoining properties due to noise or odor; and

2. Demonstrate that all animals will be confined to the property; and

3. Demonstrate adequate methods for sanitation and sewage disposal.

F. Indoor Animal Husbandry, subject to the following criteria: (Type III)

1. Demonstrate that the proposed development will have adequate, sanitary waste disposal facilities, by means of on-site or off-site disposal, or a combination of both which are approved by the Soil Conservation Service and Department of Environmental Quality, and are 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;

2. Demonstrate that the use will not impose nuisance conditions upon persons located within the neighborhood;

3. 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 on persons residing or working in the neighborhood arising from the disposal of waste, creation of odor, generation of traffic, and creation of noise;

61.040(F) - CONDITIONAL USES (continued...)

4. Use shall be located on a parcel at least 5 acres in size.

G. Rodeo grounds and golf courses; (Type III)

H. Campgrounds subject to Article 98; (Type III)

I. Parks, playgrounds and community centers subject to Article 98; (Type III)

J. Destination Resort subject to Article 96; (Planning Commission Review)

K. Recreational Resort subject to Article 97; (Planning Commission Review)

L. Utility and communication facilities including commercial power generation facilities, conditioned upon, but not limited to, the following criteria: (Type III)

1. Submission of an acceptable site plan for landscaping and protection of adjoining residential properties;

2. Demonstration of Compliance with applicable State Air Quality Discharge Permits.

M. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants and fire stations; (Type III)

N. Sanitary landfills, and non-hazardous waste disposal site subject to Article 86; (Type III)

O. Exploration, mining and processing of aggregate and other mineral resources subject to Article 91; (Type III)

P. Cement and asphalt batching, rock processing and crushing subject to Article 91. (Type III)

61.050 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 61.070 when applicable:

61.050 - TEMPORARY USES (continued...)

A. One additional dwelling for a medical hardship;

B. Mass gathering;

C. Temporary storage of an unoccupied manufactured dwelling.

61.060 - CRITERIA FOR FARM USE

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

A. Farm uses shall not interfere with the use of adjoining residential properties;

B. All farm animals shall be confined to the property;

C. 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 property line, in addition to the requirements of Article 72;

D. Farm uses shall not constitute a sanitation or health hazard.

61.070 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Size - RR-1: 1 acre
RR-2.5: 2.5 acres
RR-5: 5 acres

B. Minimum Lot Width - RR-1: 150 feet
RR-2.5: 250 feet
RR-5: 300 feet

C. Lot Size and Shape - See Article 71

D. Building & Accessory Heights, Setbacks, Yards - See Article 72

E. Stream Setbacks - See Article 72

61.070 - PROPERTY DEVELOPMENT STANDARDS (continued...)

F. Fences, Wall, and Screens - See Article 73

G. Signs - See Article 74

H. Parking - See Article 75

I. Access - See Article 81

J. Erosion and Sediment Control - See Article 83

K. Water Standards - See Article 84

L Utilities - See Article 85

M. Solid Waste - See Article 86

N. Aggregate Mining and Processing - See Article 91

O. Home Occupations - See Article 92

P. Archeological Resources - See Article 93

Q. Historic Resources - See Article 94

R. Destination Resort - See Article 96

S. Recreational Resort - See Article 97

T. Parks, Playgrounds, and Campgrounds - See Article 98

U. Flood Hazard Overlay - See Article 69.1

V. Wild & Scenic Rivers Overlay - See Article 69.3

W. Airport Overlay - See Article 69.4

X. Water Hazard Overlay - See Article 69.5

Y. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 62 - RURAL COMMERCIAL ZONE

62.010 - PURPOSE

This Zone 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.

62.020 - PERMITTED USES

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type III Review Procedure under Article 22, shall be subject to Site Plan Review, Article 42 if the building is not existing. All uses shall be subject to the issuance of a Development Permit under Article 41 and shall meet the standards set out in Section 62.040 when applicable:

A. Meat processing and packing, excluding slaughter house;

B. Grocery and food store;

C. General store;

D. Service station including a minor repair garage, towing service and impound yard limited to 20 stored vehicles screened from view;

E. Public facilities, including post office, fire and police substation and library;

F. Bus stop;

G. Feed and fuel store;

H. Photo copying;

I. Appliance, small engine, pump, and electronics sales and repair;

J. Art studio, including printing, sculpting, ceramics, glasswork, photography, pottery, woodcarving, and similar crafts;

K. Bakery;

L. Barber and beauty shop;

M. Book or stationery store, including newsstand;

62.020 - PERMITTED USES (continued...)

N. Building materials store and hardware store;

O. Frozen food store and lockers;

P. Garden supply sales and service;

Q. Greenhouses, including retail sales;

R. Restaurant;

S. Ambulance and emergency medical facility;

T. Church;

U. Pharmacy;

V. Off-street parking facility when operated in conjunction with the permitted use;

W. Signs;

X. Wholesale sales within a totally enclosed building with a 10,000 square foot maximum;

Y. Print shop, including off-set, blueprinting and bindery;

Z. Coin laundry;

AA. Veterinary Clinic;

AB. Tavern;

AC. Mini-warehouse which may include quarters;

AD. Medical or dental clinic;

AE. Professional office;

AF. Automobile repair;

AG. Rental Service Stores and Yards;

62.020 - PERMITTED USES (continued...)

AH. Manufactured dwelling shall only be allowed when in conjunction with a business located on the same parcel and when occupied by the owner/operator of the business. All services and requirements for both the dwelling and the business shall be located on the same lot. When the business ceases to operate, then the dwelling shall be removed;

AI. Replacement of existing single-family and/or manufactured dwellings;

AJ. A Residential Care Home or Residential Care Facility.

62.030 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 62.040 when applicable:

A. Temporary roadside stand.

62.040 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Size - one half acre (1/2 acre)
1 acre if a dwelling or quarters are with the business

B. Lot Size and Shape - See Article 71

C. Building & Accessory Heights, Setbacks, Yards - See Article 72

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74

G. Parking - See Article 75

62.040 - PROPERTY DEVELOPMENT STANDARDS (continued...)

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

J. Water Standards - See Article 84

K. Utilities - See Article 85

L. Solid Waste - See Article 86

M. Archeological Resources - See Article 93

N. Historic Resources - See Article 94

O. Flood Hazard Overlay - See Article 69.1

P. Wild & Scenic Rivers Overlay - See Article 69.3

Q. Airport Overlay - See Article 69.4

R. Water Hazard Overlay - See Article 69.5

ARTICLE 62.1 - TOURIST COMMERCIAL ZONE

62.110 - PURPOSE

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

62.120 - PERMITTED USES

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type III Review Procedure under Article 22, shall be subject to Site Plan Review, Article 42 if the building is not existing. All uses shall be subject to the issuance of a Development Permit under Article 41 and shall meet the standards set out in Section 62.150 when applicable:

A. Travelers accommodation:

1. Campgrounds and conference grounds;
2. Lodges;
3. Motels;
4. Bed and Breakfast Inns;
5. Recreational vehicle parks;
6. Boarding house;
7. Destination Resort; (Planning Commission Review)
8. Recreational Resort. (Planning Commission Review)

B. Retail and Service:

1. Antique shop;
2. Art/craft studio, including ceramics, glassware, woodcarving, hand weaving and similar crafts;
3. Art gallery and artists supply store;

62.120(B) - PERMITTED USES (continued...)

4. Automobile service station and garage; including automobile wash rack;

5. Bakery;

6. Barber and beauty shop;

7. Book store, news dealer, newsstand;

8. Camera and photographic store and gallery;

9. Coin-operated laundry;

10. Confectionery;

11. Gift, novelty, curio and souvenir shop, including myrtlewood products manufacture, and boutiques;

12. Convenience store and delicatessen which may include gasoline sales and pumps;

13. Lapidary shop;

14. Pharmacy;

15. Real estate office;

16. Restaurant and lounge;

17. Sporting goods store, including rental or recreational equipment;

18. Tavern;

19. Church;

20. Bank;

21. Health Spa;

22. Guide service;

23. Manufactured dwelling, recreational vehicle, automobile retail sales and service.

62.120 - PERMITTED USES (continued...)

C. Amusement and recreation:

1. Carnival (transient in nature);
2. Circus;
3. Community center;
4. Drive-in theater;
5. Miniature golf course;
6. Museum or library;
7 Music studio;
8. Penny arcade;
9 Rodeo grounds;
10. Shooting gallery;
11. Stands for the sale of farm or forest products;
12. Swimming pool;
13. Taxidermy;
14. Theater;
15. Utility or communication facilities necessary for public services, including transmission and receiving towers;
16. Athletic club, club house;
17. Wildlife park.
18. Automobile, go-carts or motorcycle race track when operating on Friday, Saturday, Sunday and holidays only.

D. Signs;

62.120 - PERMITTED USES (continued...)

E. Fire station;

F. Manufactured dwelling shall only be allowed when in conjunction with a business located on the same parcel and when occupied by the owner/operator of the business. All services and requirements for both the dwelling and the business shall be located on the same lot. When the business ceases to operate, then the dwelling shall be removed;

G. Replacement of existing single-family and/or manufactured dwellings;

H. A Residential Care Home or a Residential Care Facility.

62.130 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type III Review Procedure under Section 22.050, subject to Site Plan Review under Article 42, the issuance of a Development Permit under Article 41, and shall be subject to the standards set out in Section 62.150 when applicable:

A. Automobile, go-carts or motorcycle race track when operating all the time;

B. Performance facility.

62.140 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 62.150 when applicable:

A. Mass gathering;

B. Temporary roadside stand.

62.150 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Size - one half acre (1/2 acre)
1 acre if a dwelling or quarters are with the business

B. Lot Size and Shape - See Article 71

C. Building & Accessory Heights, Setbacks, Yards - See Article 72

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74

G. Parking - See Article 75

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

J. Water Standards - See Article 84

K. Utilities - See Article 85

L. Solid Waste - See Article 86

M. Archeological Resources - See Article 93

N. Historic Resources - See Article 94

O. Hydroelectric Facilities - See Article 95

P. Destination Resort - See Article 96

Q. Recreational Resort - See Article 97

62.150 - PROPERTY DEVELOPMENT STANDARDS (continued...)

R. Parks, Playgrounds, and Campgrounds - See Article 98

S. Flood Hazard Overlay - See Article 69.1

T. Wild & Scenic Rivers Overlay - See Article 69.3

U. Airport Overlay - See Article 69.4

V. Water Hazard Overlay - See Article 69.5

ARTICLE 62.2 - RURAL COMMERCIAL CENTER ZONE

62.210 - PURPOSE

This Zone, is intended to provide for the commercial needs of rural residents in the County. The purpose of the Zone 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.

62.220 - PERMITTED USES

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type III Review Procedure under Article 22, shall be subject to Site Plan Review, Article 42 if the building is not existing. All uses shall be subject to the issuance of a Development Permit under Article 41 and shall meet the standards set out in Section 62.250 when applicable:

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;
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.

B. Amusement and recreation:

62.220(B) - PERMITTED USES (continued...)

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 and impound yard, limited to 20 stored vehicles screened from view.

E. Retail and service:

62.220(E) - PERMITTED USES (continued...)

1. Appliance, radio, television and electronics sales and repair;

2. Art studio, including painting, sculpting, printmaking, ceramics, glasswork, photography, pottery, woodcarving, and similar crafts;

3. Bank;

4. Barber and beauty shop;

5. Bicycle shop;

6. Book or stationer;

7. Building materials store to include outdoor storage and sales on a lot that is adjacent and/or across the street from the main store;

8. Business and office machines and supplies, sales and repair;

9. Cabinet shop;

10. Camera and photographic store;

11. Contractors' establishments, including retail sales and servicing, for uses such as carpentry, plumbing, sheet metal, electrical and pump shops;

12. Dry goods or notions store;

13. Farm implement and equipment store;

14. Feed store;

15. Florist and gift store;

16. Frozen food store and lockers;

17. Furniture repair and upholstery;

18. Garden supply store;

19. General store;

20. Greenhouses, including retail sales;

62.220(E) - PERMITTED USES (continued...)

21. Grocery store;

22. Gunsmith;

23. Hardware and paint store;

24. Hobby store;

25. Jewelry store;

26. Lapidary shop;

27. Laundry;

28. Meat processing and packing, excluding slaughter house;

29. Medical and dental offices;

30. Mini-warehouse which may include quarters;

31. Manufactured dwelling, recreational vehicle, automobile retail sales, and repair;

32. Monument or tombstone store;

33. Music store;

34. Pharmacy;

35. 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;

36. Religious goods store;

37. Rental service stores and yards;

38. Restaurant;

39. Retail sale of food products, including groceries and bakeries;

62.220(E) - PERMITTED USES (continued...)

40. Roofing establishment;

41. Saw shops, including sales and service;

42. Septic tank installers;

43. Service station and automobile or truck repair garage;

44. Sign painting shop;

45. 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;

46. Sporting goods store;

47. Tack and saddlery shop;

48. Tailor and dressmaker;

49. Tavern;

50. Tractor dealers, repairing and service;

51. Variety store;

52. Veterinary hospital or clinic;

53. Welding and blacksmith shop;

54. Fuel depot and sales;

55. Hotels and motels;

56. Recreational vehicle park.

F. Signs;

62.220 - PERMITTED USES (continued...)

G. Manufactured dwelling and single-family dwelling shall only be allowed when in conjunction with a business located on the same parcel and when occupied by the owner/operator of the business. All services and requirements for both the dwelling and the business shall be located on the same lot. When the business ceases to operate, then the manufactured dwelling shall be removed. A waiver of remonstrance shall be recorded with the deed which recognizes the right of commercial operations to exist and that the normal conduct of business shall not be considered a nuisance;

H. Replacement of existing single-family and/or manufactured dwellings;

I. A Residential Care Home or a Residential Care Facility.

62.230 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type III Review Procedure under Section 22.050, subject to Site Plan Review under Article 42, the issuance of a Development Permit under Article 41, and shall be subject to the standards set out in Section 62.240 when applicable:

A. Sewage treatment plants;

B. Water treatment plants, water reservoirs.

62.240 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 62.250 when applicable:

A. Temporary roadside stand.

62.250 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

62.240 - PROPERTY DEVELOPMENT STANDARDS (continued...)

A. Minimum Lot Size - one half acre (1/2 acre)
1 acre if a dwelling or quarters are with the business

B. Lot Size and Shape - See Article 71

C. Building & Accessory Heights, Setbacks, Yards - See Article 72

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74

G. Parking - See Article 75

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

J. Water Standards - See Article 84

K. Utilities - See Article 85

L. Solid Waste - See Article 86

M. Archeological Resources - See Article 93

N. Historic Resources - See Article 94

O. Hydroelectric Facilities - See Article 95

P. Parks, Playgrounds, and Campgrounds - See Article 98

Q. Flood Hazard Overlay - See Article 69.1

R. Wild & Scenic Rivers Overlay - See Article 69.3

S. Airport Overlay - See Article 69.4

T. Water Hazard Overlay - See Article 69.5

ARTICLE 63 - LIGHT INDUSTRIAL ZONE

63.010 - PURPOSE

This Zone is intended to provide a classification for lands appropriate for light manufacturing, research or development in a rural setting without the need for full urban services.

63.020 - PERMITTED USES

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type III Review Procedure under Article 22, shall be subject to Site Plan Review, Article 42 if the building is not existing. All uses shall be subject to the issuance of a Development Permit under Article 41 and shall meet the standards set out in Section 63.030 when applicable:

A. Administrative, educational and other related activities and facilities in conjunction with a permitted use;

B. Ambulance service and fire station;

C. Truck sales, service, repair and rental;

D. Automobile and truck service stations;

E. Cold storage plants including storage and office;

F. Equipment sales, service, rental and repair;

G. Fuel oil distributors;

H. Printing, publishing and book bindings;

I. Public uses and buildings and public utility structures and yards;

J. Scientific research or experimental development of materials, methods or products including engineering and laboratory research;

K. Service commercial uses such as restaurants, cafes, lounges, and refreshment stands;

L. Veterinary clinic and hospitals operated entirely within an enclosed building;

63.020 - PERMITTED USES (continued...)

M. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welding;

N. Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, precious or semi-precious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planing mills and molding plants), yarns and paint not employing a boiling process;

O. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as sauerkraut, vinegar and yeast;

P. Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drugs, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise;

Q. Processing uses such as bottling plants, creameries, laboratories, blue-printing and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding;

R. Storage or sale yard for building materials, contractors equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition;

S. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones;

T. Manufacturing of electric, electronic, or optical instruments or devices;

U. Manufacturing of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment;

V. Manufacturing of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions;

W. Warehousing and storage including mini warehouses which may include quarters;

63.020 - PERMITTED USES (continued...)

X. Commercial parking lots;

Y. Taxicab dispatch office;

Z. Quarters or a manufactured dwelling for a caretaker or night watchman. The unit must be related to the business, and the manufactured dwelling must be removed when the business ceases to operate. The resident must be an employee of the business, rent must not be charged and employee status must be documented;

AA. Signs;

AB. Airports and related uses, including hanger and maintenance facilities.

63.030 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Size - one half acre (1/2 acre)
1 acre if a dwelling or quarters are with the business

B. Lot Size and Shape - See Article 71

C. Building & Accessory Heights, Setbacks, Yards - See Article 72

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74

G. Parking - See Article 75

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

63.030 - PROPERTY DEVELOPMENT STANDARDS (continued...)

J. Water Standards - See Article 84

K. Utilities - See Article 85

L. Archeological Resources - See Article 93

M. Historic Resources - See Article 94

N. Flood Hazard Overlay - See Article 69.1

O. Wild & Scenic Rivers Overlay - See Article 69.3

P. Airport Overlay - See Article 69.4

Q. Water Hazard Overlay - See Article 69.5

ARTICLE 63.1 - RURAL INDUSTRIAL ZONE

63.110 - PURPOSE

The Rural Industrial Zone 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 Zone is generally intended to be applied in areas which can provide the limited services necessary or in areas which are already committed to industrial use.

63.120 - PERMITTED USES

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type III Review Procedure under Article 22, shall be subject to Site Plan Review, Article 42 if the building is not existing. All uses shall be subject to the issuance of a Development Permit under Article 41 and shall meet the standards set out in Section 63.140 when applicable:

A. Airports and related uses, including hanger and maintenance facilities;

B. Automobile, truck and heavy equipment parts and accessory stores;

C. Automotive, truck and heavy equipment garages and repair, including paint and body shops, towing services and impound yard;

D. Building maintenance services;

E. Cement and asphalt batching, rock processing and crushing;

F. Compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks, or other food products;

G. Freight, train or bus terminals;

H. General laboratories and research facilities;

I. Heavy equipment and farm implement sales and repair;

J. Lockers, ice houses and cold storage facilities;

K. Manufacture of textiles, cloth, or fiber products;

63.120 - PERMITTED USES (continued...)

L. 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;

M. Metal fabrication and repair;

N. Metal reduction, milling, and refining, except for smelting;

O. Photographic film processing, photo engraving, photocopying establishments;

P. Plumbing and sheet metal shops;

Q. Printing, lithographing, blueprinting or publishing and distribution facilities;

R. Public and semi-public buildings including fire stations;

S. Quarters or a manufactured dwelling for a caretaker or night watchman. The unit must be related to the business, and the manufactured dwelling must be removed when the business ceases to operate. The resident must be an employee of the business, rent must not be charged and employee status must be documented;

T. Restaurant and lounges;

U. Saw shops, including sales and repair;

V. Signs;

W. Tavern;

X. Taxidermy;

Y. Tire store, repair and recapping;

Z. Upholstery, automobile and furniture;

AA. Warehousing;

AB. Wholesale distribution and retail sales facility or agricultural cooperative;

AC. Wood products manufacturing, including secondary and tertiary processing;

63.120 - PERMITTED USES (continued...)

AD. Fuel distribution facility;

AE. Processing or packaging of products including breweries, distilleries, slaughter houses, and canneries;

AF. Smelting;

AG. Commercial power generating facilities;

AH. Automobile wrecking yard.

63.130 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type III Review Procedure under Section 22.050, subject to Site Plan Review under Article 42, the issuance of a Development Permit under Article 41, and shall be subject to the standards set out in Section 63.140 when applicable:

A. Assembly, manufacture, or preparation of products included in the definition of fireworks.

63.140 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Size - one half acre (1/2 acre)
1 acre if a dwelling or quarters are with the business

B. Lot Size and Shape - See Article 71

C. Building & Accessory Heights, Setbacks, Yards - See Article 72

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74

63.140 - PROPERTY DEVELOPMENT STANDARDS (continued...)

G. Parking - See Article 75

H. Fireworks - See Article 76

I. Access - See Article 81

J. Erosion and Sediment Control - See Article 83

K. Water Standards - See Article 84

L. Utilities - See Article 85

M. Solid Waste - See Article 86

N. Aggregate Standards - See Article 91

O. Archeological Resources - See Article 93

P. Historic Resources - See Article 94

Q. Hydroelectric Facilities - See Article 95

R. Flood Hazard Overlay - See Article 69.1

S. Wild & Scenic Rivers Overlay - See Article 69.3

T. Airport Overlay - See Article 69.4

U. Water Hazard Overlay - See Article 69.5

V. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 64 - EXCLUSIVE FARM ZONE

64.010 - PURPOSE

The purposes of this Zone 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 Zone are authorized by the Oregon Revised Statutes, Chapter 215, and are designated in compliance with the Statewide Planning Goal on Agricultural Land for lands which are potentially productive for farm use.

The Exclusive Farm Zone is intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activity. Normal resource management practices shall not be considered a nuisance condition in an Exclusive Farm Zone or bordering Zones. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of this Zone should recognize that the intent of the Zone is to protect resource activities and that in the event of a conflict between residential use and resource practices, this Code will be interpreted in favor of the resource practice.

64.020 - OUTRIGHT USES

The following uses shall be allowed outright:

A. Agriculture, farming, and related farm use including indoor animal husbandry and the boarding and breeding of horses; (no permit or Site Plan Review)

B. The propagation or harvesting of a forest product; (no permit or Site Plan Review)

C. The creation of, restoration of or enhancement of wetlands.

64.030 - PERMITTED USES

The following uses and their accessory uses shall be permitted using a Type I Review Procedure as specified in Section 22.030 and shall be subject to the issuance of a Development Permit under Article 41, and to the standards set out in Section 64.095 when applicable:

A. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480;

64.030 - PERMITTED USES (continued...)

B. Alteration, restoration or replacement of an existing lawfully established dwelling that:

1. Has intact exterior walls and roof structure;

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3. Has interior wiring for interior lights;

4. Has a heating system; and

5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.

C. A Residential Care Home or a Residential Care Facility in an existing building;

D. Signs;

E. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building;

F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result;

H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weight stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

J. Operations for the exploration of minerals.

64.040 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure under Section 22.040 subject to the criteria set out in Section 64.060, and shall be subject to the issuance of a Development Permit under Article 41, and shall meet the standards set out in Section 64.095 when applicable:

A. Home Occupation subject to the provisions of Article 92;

B. The propagation, cultivation, maintenance and harvesting of aquatic species;

C. Dog kennels;

D. A facility for the primary processing of forest products:

   1. The approval period for the permit shall be one year which is renewable;

   2. The facilities are intended to be portable or temporary in nature;

   3. The primary processing of forest products means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market;

   4. Forest products means timber grown on the parcel of land or contiguous land where the primary processing facility is located.

E. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height;

F. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

G. Improvement of public road and highway related facilities such as maintenance yards, weight stations and rest areas, where additional right-of-way is required but not resulting in the creation of new land parcels;

H. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

I. Roads, highways and other transportation facilities and improvements not allowed under Sections 64.030, 64.040, and 64.050 may be established subject to:

64.040(I) - ADMINISTRATIVE PERMIT USES (continued...)

1. Adoption of an exception to Goal 3 and to any other applicable statewide planning goal with which the facility or improvement does not comply; or

2. Other uses which will be established by OAR subject to Section 64.060.

64.050 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46 subject to the criteria set out in Section 64.060, processed as a Type III Review Procedure under Section 22.050 unless otherwise specified, subject to Site Plan Review under Article 42 and the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 64.095 when applicable:

A. Winery as defined in Section 11.030(351); (Type III)

B. Farm stands, if: (Type III)

   1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 % of the total sales of the farm stand; and

   2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

C. Commercial activities that are in conjunction with farm uses; (Type III)

D. Public or private schools subject to the following criteria:

   1. Must be located more than 3 miles from an Urban Growth Boundary; or

   2. If located within 3 miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.

E. Churches, which may include a parsonage and a cemetery in conjunction with the church subject to the following criteria: (Type III)

64.050(E) - CONDITIONAL USES (continued...)

1. Must be located more than 3 miles from an Urban Growth Boundary; or

2. If located within 3 miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.

F. Destination Resort; (Planning Commission Review)

G. Private parks, playgrounds, hunting and fishing preserves, and campgrounds; (Type III)

H. Public parks, playgrounds, and community centers owned and operated by a governmental agency or a nonprofit community organization; (Type III)

I. Golf courses as defined in Section 11.030(147); (Type III)

J. Personal use landing strips for airplanes and helicopter pads; (Type III)

K. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead; (Type III)

L. Operations conducted for mining, crushing, stockpiling, and processing of aggregate into asphalt or portland cement and other mineral resources and other subsurface resources subject to ORS 215.298, including geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted by OAR 660-33.120; (Type III)

M. Commercial utility facilities for the purpose of generating power for public use by sale subject to the following criteria: (Type III)

1. The facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise; or

2. If the facility will preclude more than 20 acres from use as a commercial agricultural enterprise, an exception shall be taken.

N. Transmission towers over 200 feet in height; (Type III)

64.050 - CONDITIONAL USES (continued...)

O. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. (Type III)

64.055 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 64.095 when applicable:

A. One manufactured dwelling in conjunction with an existing dwelling 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).

64.060 - REVIEW CRITERIA

Applications for an Administrative Permit or a Conditional Use Permit in an Exclusive Farm Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030 as applicable:

A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

C. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm operations and that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

64.070 - DWELLINGS

Single family or manufactured dwelling may be allowed using a Type II Review Procedure as set out in Section 22.040, and the issuance of a Development Permit under Article 41. Dwellings shall meet the standards set out in Section 64.095 when applicable and may be allowed as follows:

64.070 - DWELLINGS (continued...)

A. Dwellings customarily provided in conjunction with farm use as defined in ORS Chapter 215.203(2) must meet one of the following tests:

1. Test 1 - Minimum Size. A dwelling may be considered customarily provided in conjunction with farm use if:

   a. The parcel on which the dwelling will be located is at least 160 acres and not designated rangeland; and

   b. The subject tract is currently employed for farm use, as defined in ORS 215.203, where the day-to-day activities on the subject land are principally directed to the farm use of the land; and

   c. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract; and

   d. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

   e. The parcel is not considered High-value farmland as defined in Section 11.030(159).

2. Test 2 - Production Capability. A dwelling may be considered customarily provided in conjunction with farm use if:

   a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and

   b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Section 64.070(A)(2)(a); and

   c. The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in Section 64.070(A)(2)(a); and

d. Notwithstanding Section 64.070(A)(2)(a), the subject lot or parcel on which the dwelling is proposed is not less than 10 acres; and

e. Except as permitted in ORS 215.283(1)(q) there is no other dwelling on the subject tract; and

f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Section 64.070(A)(2)(c); and

g. The parcel is not considered High-value farmland as defined in Section 11.030(159);

h. The information utilized in addressing the criteria in Sections 64.070(A)(2)(a) and (b) will be provided in a technical memorandum utilizing formulas detailed in OAR Chapter 660, Division 33. The technical memorandum is incorporated by reference herein and will be appended to this Code as an Appendix.

3. Test 3 - Actual Income. A dwelling may be considered customarily provided in conjunction with farm use if:

a. On a tract not defined in Section 11.030(159) as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1) At least $40,000 (1994 dollars) in gross annual income from the sale of farm products; or

2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

b. On a tract defined in Section 11.030(159) as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least $80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

c. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract; and

d. The dwelling will be occupied by the person or persons who produced the commodities which grossed the income in Section 64.070(A)(3)(a) or (b); and

e. In determining the gross income required by Section 64.070(A)(3)(a) or (b), the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

4. The structures shall be located on the least suitable portion of the property for farm use;

5. A Residential Care Home or a Residential Care Facility may be allowed;

6. The applicant must submit a written statement which meets the requirements of Section 64.060(C).

B. An additional dwelling may be located on the same lot or parcel, as the dwelling of the farm operator, which will be 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. The dwelling shall be reviewed against the following criteria:

1. The subject farm or ranch is currently employed for farm use, as defined in ORS 215.203;

2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

3. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested farm or ranch dwelling; and

4. Meets the following criteria which define a "commercial agricultural enterprise":

a. Will contribute in a substantial way to the area's existing agricultural economy; and

b. Will help maintain agricultural processors and established farm markets; and

c. The evaluation shall consider not only what is produced, but how much and how it is to be marketed.

5. The structures shall be located on the least suitable portion of the property for farm use;

6. A Residential Care Home or a Residential Care Facility may be allowed;

7. The applicant must submit a written statement which meets the requirements of Section 64.060(C).

C. One single family residential dwelling not provided in conjunction with commercial farm use, based on findings demonstrating that all of the following criteria are met:

1. The dwelling is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243. If the parcel is under forest assessment, the dwelling must be compatible with forest practices as described in ORS 527.620(6);

2. The dwelling does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use. If the parcel is under forest assessment, the dwelling must not seriously interfere with forest practices as described in ORS 527.620(6);

3. Does not materially alter the overall land use patterns in the area;

4. Demonstrate that the dwelling 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. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel:

64.070(C)(4) - DWELLINGS (continued...)

a. A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed or used for forest management, profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch, or forest operation, it is not "generally unsuitable".

5. If the application for a non-farm dwelling involves the creation of a new lot or parcel for the non-farm dwelling, the county shall consider whether creation of the parcel will lead to the creation of other nonfarm parcels to the detriment of agriculture in the area;

6. Submit proof that the lot or parcel has been disqualified for valuation for farm use under ORS 388.370 pursuant to the requirement of ORS 215.236;

7. If a dwelling is established on a lot or parcel, no additional dwelling may later be sited on the lot or parcel;

8. A written statement consistent with Section 64.060(C) will be recorded with the deed;

9. The dwelling is sited to satisfy the siting standards listed in Section 64.080;

10. A Residential Care Home or a Residential Care Facility may be allowed.

D. A dwelling may be sited under the following provisions as a limited lot of record:

1. The lot or parcel must have been lawfully created prior to January 1, 1985; and

2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after but may not have been purchased after January 1, 1985; and

3. The lot or parcel shall not have a dwelling on it; and

4. The dwelling cannot be prohibited by other requirements of the Comprehensive Plan or Zoning Ordinances and will comply fully with the Plan and Ordinances; and

64.070(D) - DWELLINGS (continued...)

5. The dwelling cannot be sited on a lot or parcel defined as high-value farmland unless a Hearings Officer from the Oregon Department of Agriculture determines that:

   a. The lot or parcel either alone or in conjunction with other parcels cannot be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity of the lot or parcel; and

   b. The dwelling meets the criteria set out in ORS and local codes for review of non-farm uses; and

   c. The dwelling will not materially alter the stability of the overall land use pattern in the area.

6. If the lot or parcel is located within a designated big-game habitat area, all density requirements must be met; and

7. The dwelling meets the siting criteria set out in Section 64.080; and

8. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling; and

9. The applicant must submit a written statement which meets the requirements of Section 64.060(C); and

10. A Residential Care Home or a Residential Care Facility may be allowed;

11. The following definition shall apply when reviewing a dwelling application under this Section:

    a. Date of Creation and Existence. When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot , parcel or tract.

64.080 - SITING STANDARDS

The placement of dwellings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules. The following will be required:

A. Drawing requirements:

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 to be placed on the site.

B. Siting requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; and

2. The placement of dwellings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract;

   a. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

3. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel; and

4. The dwelling will not materially alter the stability of the overall land use pattern of the area; and

64.080 - SITING STANDARDS (continued...)

5. If the dwelling is established under Sections 64.070(B) or (C), then additional dwellings may not be approved or sited.

64.090 - PARCEL STANDARDS

In addition to the requirements of Chapter 5, the following standards shall apply:

A. The requirements for a division of land within the Exclusive Farm Zone are:

1. The minimum size of newly created parcel(s) for agricultural uses shall be 80 acres;

2. A proposed land division shall meet all of the following criteria:

a. The parcels are for farm use as defined in ORS Chapter 215.203;

b. The division is appropriate for the continuation of the existing commercial agricultural operations within the area;

c. Parcels used or to be used for training or stabling facilities shall not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur;

d. The land division may not be approved for the purpose of siting a farm dwelling.

B. The minimum parcel size for uses not in conjunction with a farm or forest use including non-farm dwellings, shall be limited to the size reasonably necessary for the proposed use. The requirements for a non-farm division of land are:

1. A parcel between 2 and 10 acres may be created for a dwelling, existing and new, when the following are met:

a. The application is in conjunction with a Conditional Use Permit approval for a residential care home or a residential care facility;

b. For a historic property approved under Section 64.040(I);

c. The application is in conjunction with an application for a non-farm dwelling and both are approved;

d. In no case shall the parcel be smaller than 2 acres in size;

e. If the proposed parcel is located within the Deer Overlay, Article 69.2, all requirements of that Zone must be met;

f. The parcel must be disqualified from farm assessment and the back taxes have been paid.

2. The following criteria shall be considered when approving a non-farm land division and in establishing the parcel size:

a. Preserve the maximum area of the agricultural base of Josephine County for farm use;

b. Buffer adjoining farm uses from residential encroachment;

c. Utilize natural features and topography which would otherwise hinder normal farm activities;

d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;

e. The parcel being created is situated on the portion of the parent parcel that is least suitable for farm uses;

f. If the proposed parcel is located within the Deer Overlay, Article 69.2, all requirements of that Zone must be met;

g. The parcel must be disqualified from farm assessment and the back taxes have been paid.

C. Historic Gravesites. A parcel which has received special assessment as farmland under ORS 308.370, may be partitioned as a historic gravesite if all of the following criteria are met:

1. The new parcel must be less than 1 acre in size;

2. The site must have been used as a cemetery at any time between 1810 to 1950;

3. The site must contain fewer than 50 marked graves;

64.090(C) - PARCEL STANDARDS (continued...)

4. The site must have been issued a patent before 1900;

5. The site is entitled to a way of necessity for nonmotorized conveyance.

D. The following are the parcel width requirements for all land divisions:

1. The minimum parcel width for agricultural and forestry uses shall be 300 feet;

2. The minimum parcel width for a nonfarm dwelling shall be 200 feet;

3. The minimum parcel 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;

4. A lot or parcel having a width of less than 300 feet at the time of passage of this Code may be occupied by any use permitted in the Exclusive Farm Zone, provided all other laws and Code requirements are met including Lot of Record requirements and setbacks.

64.095 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Lot Size and Shape - See Article 71

B. Building & Accessory Heights, Setbacks, Yards - See Article 72

C. Stream Setbacks - See Article 72

D. Fences, Wall, and Screens - See Article 73

E. Signs - See Article 74

F. Parking - See Article 75

G. Access - See Article 81

H. Erosion and Sediment Control - See Article 83

64.095 - PROPERTY DEVELOPMENT STANDARDS (continued...)

I. Water Standards - See Article 84

J. Utilities - See Article 85

K. Solid Waste - See Article 86

L. Aggregate Mining and Processing - See Article 91

M. Home Occupations - See Article 92

N. Archeological Resources - See Article 93

O. Historic Resources - See Article 94

P. Hydroelectric Facilities - See Article 95

Q. Destination Resort - See Article 96

R. Parks, Playgrounds, and Campgrounds - See Article 98

S. Flood Hazard Overlay - See Article 69.1

T. Deer Overlay - See Article 69.2

U. Wild & Scenic Rivers Overlay - See Article 69.3

V. Airport Overlay - See Article 69.4

W. Water Hazard Overlay - See Article 69.5

X. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 64.1 - FARM RESOURCE ZONE

64.110 - PURPOSE

The purpose of this Zone is to carry out the Goals and Policies of the Josephine County Comprehensive Plan relating to the preservation of the rural quality of the County and conservation of agricultural lands for farm use. This Zone is designed to provide a classification for lands in Josephine County of marginal agriculture production capability. The uses established by this Zone are authorized by Oregon Revised Statutes, Chapter 215, and are designated in compliance with the Statewide Planning Goal on Agriculture Land for lands which are potentially productive for farm use.

The Farm Resource Zone is intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activity. Normal resource management practices shall not be considered a nuisance condition in a Farm Resource Zone or bordering Zones. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of this Zone should recognize that the intent of this Zone is to protect resource activities and that in the event of a conflict between residential use and resource practices, this Code will be interpreted consistent with the resource practice.

64.120 - OUTRIGHT USES

The following uses shall be allowed outright:

A. Agriculture, farming, and related farm use including indoor animal husbandry and the boarding and breeding of horses; (no permit or Site Plan Review)

B. The propagation or harvesting of a forest product; (no permit or Site Plan Review)

C. The creation of, restoration of or enhancement of wetlands.

64.130 - PERMITTED USES

The following uses and their accessory uses shall be permitted using a Type I Review Process as specified in Section 22.030 and shall be subject to the issuance of a Development Permit under Article 41, and to the standards set out in Section 64.195 when applicable:

A. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480;

64.130 - PERMITTED USES (continued...)

B. Alteration, restoration or replacement of an existing lawfully established dwelling that:

1. Has intact exterior walls and roof structure;

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3. Has interior wiring for interior lights;

4. Has a heating system; and

5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.

C. A Residential Care Home or a Residential Care Facility in an existing building;

D. Signs;

E. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building;

F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result;

H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weight stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

J. Operations for the exploration of minerals.

64.140 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Process under Section 22.040 subject to the criteria set out in Section 64.160 and shall be subject to the issuance of a Development Permit under Article 41, and shall meet the standards set out in Section 64.195 when applicable:

A. Home Occupation subject to the provisions of Article 92;

B. The propagation, cultivation, maintenance and harvesting of aquatic species;

C. Dog kennels;

D. A facility for the primary processing of forest products:

   1. The approval period for the permit shall be one year which is renewable;

   2. The facilities are intended to be portable or temporary in nature;

   3. The primary processing of forest products means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market;

   4. Forest products means timber grown on the parcel of land or contiguous land where the primary processing facility is located.

E. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height;

F. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

G. Improvement of public road and highway related facilities such as maintenance yards, weight stations and rest areas, where additional right-of-way is required but not resulting in the creation of new land parcels;

H. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

I. Roads, highways and other transportation facilities and improvements not allowed under Sections 64.130, 64.140, and 64.150 may be established subject to:

64.140(I) - ADMINISTRATIVE PERMIT USES (continued...)

1. Adoption of an exception to Goal 3 and to any other applicable statewide planning goal with which the facility or improvement does not comply; or

2. Other uses which will be established by OAR subject to Section 64.160.

64.150 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46 subject to the criteria set out in Section 64.160, processed as a Type III Review Procedure under Section 22.050 unless otherwise specified, subject to Site Plan Review under Article 42 and the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 64.195 when applicable:

A. Winery as defined in Section 11.030(351); (Type III)

B. Farm stands, if: (Type III)

   1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 % of the total sales of the farm stand; and

   2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

C. Commercial activities that are in conjunction with farm uses; (Type III)

D. Public or private schools subject to the following criteria:

   1. Must be located more than 3 miles from an Urban Growth Boundary; or

   2. If located within 3 miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.

E. Churches, which may include a parsonage and a cemetery in conjunction with the church subject to the following criteria: (Type III)

64.150(E) - CONDITIONAL USES (continued...)

1. Must be located more than 3 miles from an Urban Growth Boundary; or

2. If located within 3 miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.

F. Destination Resort; (Planning Commission Review)

G. Private parks, playgrounds, hunting and fishing preserves, and campgrounds; (Type III)

H. Public parks, playgrounds, and community centers owned and operated by a governmental agency or a nonprofit community organization; (Type III)

I. Golf courses as defined in Section 11.030(147); (Type III)

J. Personal use landing strips for airplanes and helicopter pads; (Type III)

K. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead; (Type III)

L. Operations conducted for mining, crushing, stockpiling, and processing of aggregate into asphalt or portland cement and other mineral resources and other subsurface resources subject to ORS 215.298, including geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted by OAR 660-33.120; (Type III)

M. Commercial utility facilities for the purpose of generating power for public use by sale subject to the following criteria: (Type III)

1. The facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise; or

2. If the facility will preclude more than 20 acres from use as a commercial agricultural enterprise, an exception shall be taken.

N. Transmission towers over 200 feet in height; (Type III)

64.150 - CONDITIONAL USES (continued...)

O. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. (Type III)

64.155 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 64.195 when applicable:

A. One manufactured dwelling in conjunction with an existing dwelling 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).

64.160 - REVIEW CRITERIA

Applications for an Administrative Permit or a Conditional Use Permit in a Farm Resource Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030:

A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

C. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm operations and that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

64.170 - DWELLINGS

Single family or manufactured dwelling may be allowed using a Type II Review Procedure as set out in Section 22.040, and the issuance of a Development Permit under Article 41. Dwellings shall meet the standards set out in Section 64.195 when applicable and may be allowed as follows:

64.170 - DWELLINGS (continued...)

A. Dwellings customarily provided in conjunction with farm use as defined in ORS Chapter 215.203(2) must meet one of the following tests:

1. Test 1 - Minimum Size. A dwelling may be considered customarily provided in conjunction with farm use if:

   a. The parcel on which the dwelling will be located is at least 160 acres and not designated rangeland; and

   b. The subject tract is currently employed for farm use, as defined in ORS 215.203, where the day-to-day activities on the subject land are principally directed to the farm use of the land; and

   c. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract; and

   d. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

   e. The parcel is not considered High-value farmland as defined in Section 11.030(159).

2. Test 2 - Production Capability. A dwelling may be considered customarily provided in conjunction with farm use if:

   a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and

   b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Section 64.170(A)(2)(a); and

   c. The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in Section 64.170(A)(2)(a); and

d. Notwithstanding Section 64.170(A)(2)(a), the subject lot or parcel on which the dwelling is proposed is not less than 10 acres; and

e. Except as permitted in ORS 215.283(1)(q) there is no other dwelling on the subject tract; and

f. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Section 64.170(A)(2)(c); and

g. The parcel is not considered High-value farmland as defined in Section 11.030(159);

h. The information utilized in addressing the criteria in Sections 64.170(A)(2)(a) and (b) will be provided in a technical memorandum utilizing formulas detailed in OAR Chapter 660, Division 33. The technical memorandum is incorporated by reference herein and will be appended to this Code as an Appendix.

3. Test 3 - Actual Income. A dwelling may be considered customarily provided in conjunction with farm use if:

a. On a tract not defined in Section 11.030(159) as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1) At least $40,000 (1994 dollars) in gross annual income from the sale of farm products; or

2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

b. On a tract defined in Section 11.030(159) as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least $80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

c. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract; and

d. The dwelling will be occupied by the person or persons who produced the commodities which grossed the income in Section 64.170(A)(3)(a) or (b); and

e. In determining the gross income required by Section 64.170(A)(3)(a) or (b), the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

4. The structures shall be located on the least suitable portion of the property for farm use;

5. A Residential Care Home or a Residential Care Facility may be allowed;

6. The applicant must submit a written statement which meets the requirements of Section 64.160(C).

B. An additional dwelling may be located on the same lot or parcel, as the dwelling of the farm operator, which will be 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. The dwelling shall be reviewed against the following criteria:

1. The subject farm or ranch is currently employed for farm use, as defined in ORS 215.203;

2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

3. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested farm or ranch dwelling; and

4. Meets the following criteria which define a "commercial agricultural enterprise":

a. Will contribute in a substantial way to the area's existing agricultural economy; and

b. Will help maintain agricultural processors and established farm markets; and

c. The evaluation shall consider not only what is produced, but how much and how it is to be marketed.

5. The structures shall be located on the least suitable portion of the property for farm use;

6. A Residential Care Home or a Residential Care Facility may be allowed;

7. The applicant must submit a written statement which meets the requirements of Section 64.160(C).

C. One single family residential dwelling not provided in conjunction with commercial farm use, based on findings demonstrating that all of the following criteria are met:

1. The dwelling is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243. If the parcel is under forest assessment, the dwelling must be compatible with forest practices as described in ORS 527.620(6);

2. The dwelling does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use. If the parcel is under forest assessment, the dwelling must not seriously interfere with forest practices as described in ORS 527.620(6);

3. Does not materially alter the overall land use patterns in the area;

4. Demonstrate that the dwelling 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. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel:

a. A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed or used for forest management, profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch, or forest operation, it is not "generally unsuitable".

5. If the application for a non-farm dwelling involves the creation of a new lot or parcel for the non-farm dwelling, the county shall consider whether creation of the parcel will lead to the creation of other nonfarm parcels to the detriment of agriculture in the area;

6. Submit proof that the lot or parcel has been disqualified for valuation for farm use under ORS 388.370 pursuant to the requirement of ORS 215.236;

7. If a dwelling is established on a lot or parcel, no additional dwelling may later be sited on the lot or parcel;

8. A written statement consistent with Section 64.160(C) will be recorded with the deed;

9. The dwelling is sited to satisfy the siting standards listed in Section 64.180;

10. A Residential Care Home or a Residential Care Facility may be allowed.

D. A dwelling may be sited under the following provisions as a limited lot of record:

1. The lot or parcel must have been lawfully created prior to January 1, 1985; and

2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after but may not have been purchased after January 1, 1985; and

3. The lot or parcel shall not have a dwelling on it; and

4. The dwelling cannot be prohibited by other requirements of the Comprehensive Plan or Zoning Ordinances and will comply fully with the Plan and Ordinances; and

64.170(D) - DWELLINGS (continued...)

5. The dwelling cannot be sited on a lot or parcel defined as high-value farmland unless a Hearings Officer from the Oregon Department of Agriculture determines that:

   a. The lot or parcel either alone or in conjunction with other parcels cannot be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity of the lot or parcel; and

   b. The dwelling meets the criteria set out in ORS and local codes for review of non-farm uses; and

   c. The dwelling will not materially alter the stability of the overall land use pattern in the area.

6. If the lot or parcel is located within a designated big-game habitat area, all density requirements must be met; and

7. The dwelling meets the siting criteria set out in Section 64.180; and

8. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling;

9. The applicant must submit a written statement which meets the requirements of Section 64.160(C);

10. A Residential Care Home or a Residential Care Facility may be allowed;

11. The following definition shall apply when reviewing a dwelling application under this Section:

    a. Date of Creation and Existence: When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot , parcel or tract.

64.180 - SITING STANDARDS

The placement of dwellings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules. The following will be required:

A. Drawing requirements:

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 to be placed on the site.

B. Siting requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; and

2. The placement of dwellings shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract;

   a. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

3. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel; and

4. The dwelling will not materially alter the stability of the overall land use pattern of the area; and

64.180 - SITING STANDARDS (continued...)

5. If the dwelling is established under Sections 64.070(B) or (C), then additional dwellings may not be approved or sited.

64.190 - PARCEL STANDARDS

In addition to the requirements of Chapter 5, the following standards shall apply:

A. The requirements for a division of land within the Farm Resource Zone are:

1. The minimum size of newly created parcel(s) for agricultural uses shall be 20 acres;

2. A proposed land division shall meet all of the following criteria:

a. The parcels are for farm use as defined in ORS Chapter 215.203;

b. The division is appropriate for the continuation of the existing commercial agricultural operations within the area;

c. Parcels used or to be used for training or stabling facilities shall not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur;

d. The land division may not be approved for the purpose of siting a farm dwelling.

B. The minimum parcel size for uses not in conjunction with a farm or forest use including non-farm dwellings, shall be limited to the size reasonably necessary for the proposed use. The requirements for a non-farm division of land are:

1. A parcel between 2 and 10 acres may be created for a dwelling, existing and new, when the following are met:

a. The application is in conjunction with a Conditional Use Permit approval for a residential care home or a residential care facility;

b. For a historic property approved under Section 64.140(I);

c. The application is in conjunction with an application for a non-farm dwelling and both are approved;

d. In no case shall the parcel be smaller than 2 acres in size;

e. If the proposed parcel is located within the Deer Overlay, Article 69.2, all requirements of that Zone must be met;

f. The parcel must be disqualified from farm assessment and the back taxes have been paid.

2. The following criteria shall be considered when approving a non-farm land division and in establishing the parcel size:

a. Preserve the maximum area of the agricultural base of Josephine County for farm use;

b. Buffer adjoining farm uses from residential encroachment;

c. Utilize natural features and topography which would otherwise hinder normal farm activities;

d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;

e. The parcel being created is situated on the portion of the parent parcel that is least suitable for farm uses;

f. If the proposed parcel is located within the Deer Overlay, Article 69.2, all requirements of that Zone must be met;

g. The parcel must be disqualified from farm assessment and the back taxes have been paid.

C. Historic Gravesites. A parcel which has received special assessment as farmland under ORS 308.370, may be partitioned as a historic gravesite if all of the following criteria are met:

1. The new parcel must be less than 1 acre in size;

2. The site must have been used as a cemetery at any time between 1810 to 1950;

3. The site must contain fewer than 50 marked graves;

64.190(C) - PARCEL STANDARDS (continued...)

4. The site must have been issued a patent before 1900;

5. The site is entitled to a way of necessity for nonmotorized conveyance.

D. The following are the parcel width requirements for all land divisions:

1. The minimum parcel width for agricultural and forestry uses shall be 300 feet;

2. The minimum parcel width for a non-farm dwelling shall be 200 feet;

3. The minimum parcel 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;

4. A lot or parcel having a width of less than 300 feet at the time of passage of this Code may be occupied by any use permitted in the Farm Resource Zone, provided all other laws and Code requirements are met including Lot of Record requirements and setbacks.

64.195 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Lot Size and Shape - See Article 71

B. Building & Accessory Heights, Setbacks, Yards - See Article 72

C. Stream Setbacks - See Article 72

D. Fences, Wall, and Screens - See Article 73

E. Signs - See Article 74

F. Parking - See Article 75

G. Access - See Article 81

H. Erosion and Sediment Control - See Article 83

64.195 - PROPERTY DEVELOPMENT STANDARDS (continued...)

I. Water Standards - See Article 84

J. Utilities - See Article 85

K. Solid Waste - See Article 86

L. Aggregate Mining and Processing - See Article 91

M. Home Occupations - See Article 92

N. Archeological Resources - See Article 93

O. Historic Resources - See Article 94

P. Hydroelectric Facilities - See Article 95

Q. Destination Resort - See Article 96

R. Parks, Playgrounds, and Campgrounds - See Article 98

S. Flood Hazard Overlay - See Article 69.1

T. Deer Overlay - See Article 69.2

U. Wild & Scenic Rivers Overlay - See Article 69.3

V. Airport Overlay - See Article 69.4

W. Water Hazard Overlay - See Article 69.5

X. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 65 - FOREST COMMERCIAL ZONE

65.010 - PURPOSE

The Forest Commercial Zone is intended to implement the Goals and Policies of the Josephine County Comprehensive Plan by conserving and protecting lands for forest uses. This Zone 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. This Zone is consistent with Statewide Planning Goal #4 for conservation of forest lands.

The Forest Commercial Zone is intended to facilitate the right to conduct forest practices consistent with the Forest Practices Act and 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 Forest Commercial Zone or bordering Zones, provided that such actions are consistent with the standards of the Oregon Forest Practices Act and do not extend beyond the boundaries of the Forest Commercial Zone. 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. Residents of this Zone must recognize that the intent of the Zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this Code will be interpreted in favor of the resource management practice.

65.020 - OUTRIGHT USES

The following uses shall be allowed pursuant to the Oregon Forest Practices Act:

A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvest of a forest tree species, application of chemicals, and the disposal of slash where such uses pertain to commercial forest activity:

   1. 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 500 feet from a surfaced road or highway or residence located on adjoining property;

   2. 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.

65.020 - OUTRIGHT USES (continued...)

B. Agriculture, farming, and related farm use, as defined in ORS 215.203; (no permit or Site Plan Review)

C. Uses to conserve soil, air and water quality and watershed management;

D. Conservation and management of fish and wildlife resources;

E. Temporary on-site structures and physical alterations to the land which are auxiliary to and used during the term of a particular forest operation or practice. Alterations include but are not limited to those made for the purposes of mineral exploration, mining, gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities:

   1. For the purposes of this subsection, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle. An auxiliary structure is removed when a particular forest practice has concluded.

65.030 - PERMITTED USES

The following uses and their accessory uses shall be permitted using a Type I Review Procedure under Section 22.030, and shall be subject to the issuance of a Development Permit under Article 41, and to the standards set out in Section 65.095 when applicable:

A. Temporary, portable facilities for the primary processing of forest products;

B. Temporary logging labor camps, or forest labor camps;

C. Private hunting and fishing operations without any lodging accommodations;

D. Uninhabitable structures accessory to fish and wildlife enhancement;

E. Caretaker residences for public parks and fish hatcheries;

F. Alteration, restoration or replacement of an existing lawfully established dwelling that:

   1. Has intact exterior walls and roof structure;

65.030(F) - PERMITTED USES (continued...)

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3. Has interior wiring for interior lights;

4. Has a heating system; and

5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.

G. A Residential Care Home or a Residential Care Facility in an existing building;

H. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

I. Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.283(1)(k) through (n);

J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;

K. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

65.040 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure under Section 22.040 subject to the criteria set out in Section 65.060, and shall be subject to the issuance of a Development Permit under Article 41, and shall meet the standards set out in Section 65.095 when applicable:

A. Home Occupations subject to the requirements of Article 92;

B. Fire stations for rural fire protection;

C. Cemeteries;

65.040 - ADMINISTRATIVE PERMIT USES (continued...)

D. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilization. Nurseries for the propagation of forest products, including genetic research and seed processing facilities;

E. Aids to navigation and aviation;

F. Television, microwave and radio communication facilities and transmission towers;

G. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., oil, gas, geothermal) with rights-of-way 50 feet or less in width;

H. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;

I. Reservoirs and water impoundments;

J. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

K. Public road and highway projects as described in ORS 215.283(2)(p) through (r) and 215.283(3).

65.050 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46 subject to the criteria set out in Section 65.060, processed as a Type III Review Procedure under Section 22.050, subject to Site Plan Review under Article 42 and the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 65.095 when applicable:

A. Permanent facility for the primary processing of forest products; (Type III)

B. Permanent logging equipment repair and storage; (Type III)

C. Log scaling and weight stations; (Type III)

65.050 - CONDITIONAL USES (continued...)

D. Emergency protection facilities, fire towers, fire suppression crew quarters and fire stations for forest fire protection; (Type III)

E. Parks and campgrounds. For the purpose of this Article, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds authorized under this Section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; (Type III)

F. Private seasonal accommodations for fee hunting or fishing subject to Article 76 in addition to all of the following requirements: (Type III)

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted;

3. Fishing accommodations must be located within one quarter mile of fish bearing Class I waters;

4. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons, or for the purpose of fishing during the fishing season; as authorized by the Oregon Fish and Wildlife Commission;

5. A governing body may impose other appropriate conditions.

G. Firearms training facility; (Type III)

H. Destination Resort; (Planning Commission Review)

I. Expansion of existing airports; (Type III)

J. Water intake facilities, related treatment facilities, pumping stations, and distribution lines; (Type III)

K. Mining and processing of aggregate and other mineral resources as defined in ORS Chapter 517, or oil, gas, or other subsurface resources as defined in ORS Chapter 520 and not otherwise permitted in Section 65.030; (Type III)

65.050 - CONDITIONAL USES (continued...)

L. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head; (Type III)

M. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation (includes a Solid Waste Transfer Station). (Type III)

65.055 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 65.095 when applicable:

A. One manufactured dwelling in conjunction with an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident.

65.060 - REVIEW CRITERIA

Applications for a Administrative Permit or a Conditional Use Permit in the Forest Commercial Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030:

A. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

C. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

65.060 - REVIEW CRITERIA (continued...)

D. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and that agricultural and forest uses on lands zoned for resource use have priority over all other land uses.

65.070 - DWELLINGS

A dwelling may be allowed utilizing a Type II Review Procedure under Section 22.040 and subject to the issuance of a Development Permit under Article 41. A written statement as specified in Section 65.060(D) shall be required as a condition of siting the dwelling. Dwellings shall meet the siting standards in Section 65.080, the fire requirements of Article 76 and the standards set out in Section 65.095 when applicable:

A. The Large-Tract Test. A dwelling may be allowed on land zoned for forest use under Goal 4 if:

1. It complies with other provisions relating to forest dwellings; and

2. It is sited on a tract of at least 160 contiguous acres. A public road or waterway does not split a tract and render lots or parcels not contiguous.

3. An owner of tracts of land which are not contiguous but are in the same or an adjacent county(s) and which are zoned for forest use, may add together the acreage of two or more tracts to total 200 acres or more to qualify for a dwelling:

   a. The owner who qualifies under this provision shall submit proof of covenants, conditions and restriction for the tracts on a form consistent with OAR 660-06-027(6)(a); and

   b. The covenants, conditions and restrictions are irrevocable unless a statement of release is signed by an authorized representative of the county or counties where the property is located; and

   c. Enforcement of the covenants, conditions and restrictions may be undertaken by the DLCD or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

65.070(A) - DWELLINGS (continued...)

4. A Residential Care Home or a Residential Care Facility may be allowed.

B. The Template Test. A dwelling may be allowed on land zoned for forest use under Goal 4 if the parcel is primarily composed of soils which are:

1. Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

   a. All or part of at least 3 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and

   b. At least 3 dwellings existed on January 1, 1993 on the other tracts or parcels.

2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

   a. All or part of at least 7 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and

   b. At least 3 dwellings existed on January 1, 1993 on the other tracts or parcels.

3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

   a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and

   b. At least 3 dwellings existed on January 1, 1993 on the other tracts or parcels.

4. Lots or parcels within a UGB shall not be used to satisfy this test.

5. A proposed dwelling is allowed only when:

   a. Dwellings have been disqualified by recorded deed restrictions on all other lots or parcels which are part of the same tract as the parcel or lot on which the dwelling is proposed; and

   b. A dwelling does not already exist on any part of the tract.

65.070(B) - DWELLINGS (continued...)

6. Rules for using the template:

   a. If the tract is less than 60 acres and does not abut a road that existed on January 1, 1993, the template will be a 160 acre square;

   b. If the tract is less than 60 acres and abuts a road that existed on January 1, 1993, the template may be a 160 acre rectangle which is 1 mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the greatest extent possible; or

   c. If the tract 60 acres or larger abuts a road that existed on January 1, 1993, or perennial stream, the template may be a 160 acre rectangle which is 1 mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the greatest extent possible; and

      1) 1 of the three dwellings shall be located on the same side of the road or stream as the proposed dwelling; and

      2) 1 of the dwellings shall be within one-quarter mile from the edge of the subject tract inside of the 160 acre template.

7. A Residential Care Home or a Residential Care Facility may be allowed.

C. <u>The Lot-of-Record Test</u>. A dwelling may be sited under a limited lot of record provision when the following criteria are met:

1. The lot or parcel must have been lawfully created prior to January 1, 1985; and

2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after but shall not have been purchased after January 1, 1985; and

3. The lot or parcel shall not have a dwelling on it; and

4. The dwelling cannot be prohibited by other requirements of the Comprehensive Plan or Zoning Ordinances and will comply fully with the Plan and Ordinances; and

65.070(C) - DWELLINGS (continued...)

5. The lot or parcel complies with the following requirements for the forest zone:

   a. The tract on which the dwelling will be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species; and

   b. The tract is located within 1500 feet of a public road excluding U. S. Forest Service and BLM roads. The road shall be maintained and either paved or surfaced with rock; and

   c. The parcel meets the minimum stocking requirements under ORS 527.610, verified by the applicant submitting a stocking survey report to the County Assessor who verifies the minimum stocking requirements have been met. and

6. If the lot or parcel is located within a designated big-game habitat area, all density requirements must be met; and

7. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling;

8. A Residential Care Home or a Residential Care Facility may be allowed.

D. The following definitions shall apply when reviewing a dwelling application under Sections 65.070(B) and (C):

   1. Cubic Foot per Acre per Year. The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service (SCS). Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry.

65.070(D) - DWELLINGS (continued...)

2. Cubic Foot per Tract per Year. The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service (SCS). Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry.

3. Date of Creation and Existence. When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot , parcel or tract.

65.080 - SITING STANDARDS

The placement of dwellings 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. The following shall be required:

A. Drawing requirements:

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 to be placed on the site.

B. Siting requirements. The dwelling shall be sited to meet all of the following criteria:

1. Have the least impact on nearby or adjoining forest or farm lands;

2. Ensure that adverse impacts on forest operations and accepted farm practices on the tract will be minimized;

3. Minimize the amount of forest lands used to site roads, service corridors;

4. Minimize the risks associated with wild fire;

5. Meet the siting and fire safety requirements of Article 76.

C. As a condition of approval, if the road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

D. Approval of a dwelling shall be subject to the following requirements:

1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Department of Forestry (DOF) stocking requirements at the time specified in the DOF administrative rules;

2. The Planning Department shall notify the County Assessor of the condition at the time the dwelling is approved;

3. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the DOF rules;

4. The Assessor shall inform the DOF in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

5. Upon notification by the County Assessor, the DOF shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the DOF determines that the tract does not meet those requirements, then:

a. The DOF shall notify the owner and the Assessor that the land is not being managed as forest land; and

b. The Assessor shall remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.

65.090 - PARCEL STANDARDS

In addition to the requirements of Chapter 5, the following standards shall apply:

A. Area: the minimum lot area for forestry or agriculture shall be 80 acres;

B. The minimum lot size of 80 acres may be reduced for uses authorized as Sections 65.040(B), (C), ~~(D)~~, (E), (F), (H), (I), and 65.050(A), (B), (C), (E), (G), (J), (K), and (M) when it can be demonstrated that: add (H) (L)

1. 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;

2. The proposed division is consistent with the forest use policy as provided in the Josephine County Comprehensive Plan and with ORS 527.630(1);

3. 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 the road or other public facilities and services;

4. The minimum lot area shall be established in the final action for the Review Body. In establishing the minimum lot area, the following shall be satisfied to the greatest degree possible:

   a. Preserve the maximum area of the timber base of Josephine County for forest use;

   b. Buffer adjoining forest uses from residential encroachment;

   c. Utilize natural features and topography which would otherwise hinder normal forest activities;

   d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;

   e. The lot being created is situated on the portion of the lot that is least suitable for forest uses;

   f. The parcel is the minimum size necessary for the use.

5. The land division must be accompanied by an application for approval of the related non-forest use.

65.090 - PARCEL STANDARDS (continued...)

C. Width:

1. 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;

2. A vacant lot or land parcel having a width of less than 300 feet of record at the time of the passage of this Code may be occupied by any use permitted in this Section, provided all other laws and Code requirements are met including Lot of Record requirements and setbacks.

65.095 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Lot Size and Shape - See Article 71

B. Building & Accessory Heights, Setbacks, Yards - See Article 72

C. Stream Setbacks - See Article 72

D. Fences, Wall, and Screens - See Article 73

E. Signs - See Article 74

F. Parking - See Article 75

G. Wildfire - See Article 76

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

J. Water Standards - See Article 84

K. Utilities - See Article 85

L. Solid Waste - See Article 86

M. Aggregate Mining and Processing - See Article 91

65.095 - PROPERTY DEVELOPMENT STANDARDS (continued...)

N. Home Occupations - See Article 92

O. Archeological Resources - See Article 93

P. Historic Resources - See Article 94

Q. Hydroelectric Facilities - See Article 95

R. Destination Resort - See Article 96

S. Parks, Playgrounds, and Campgrounds - See Article 98

T. Flood Hazard Overlay - See Article 69.1

U. Deer Overlay - See Article 69.2

V. Wild & Scenic Rivers Overlay - See Article 69.3

W. Airport Overlay - See Article 69.4

X. Water Hazard Overlay - See Article 69.5

Y. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 65.1 - WOODLOT RESOURCE ZONE

65.110 - PURPOSE

The purpose of this Zone 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 Zone is designed to provide a classification for lands in Josephine County that have resource potential but timber production is generally at a lower level than the primary forest zone because of soil limitations and smaller lot size. This Zone is consistent with Goal #4 for the preservation of forest lands.

The Woodlot Resource Zone is intended to facilitate the right to conduct forest practices consistent with the Forest Practices Act and 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 Zone or bordering Zones, 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 Zone. 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. Residents of this Zone must recognize that the intent of the Zone is to protect resource management activities, and that in the event of a conflict between residential use and normal forestry or agricultural practices, this Code will be interpreted in favor of the resource management practice.

65.120 - OUTRIGHT USES

The following uses shall be allowed pursuant to the Oregon Forest Practices Act:

A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvest of a forest tree species, application of chemicals, and the disposal of slash where such uses pertain to commercial forest activity:

   1. 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 500 feet from a surfaced road or highway or residence located on adjoining property;

   2. 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.

65.120 - OUTRIGHT USES (continued...)

B. Agriculture, farming, and related farm use, as defined in ORS 215.203; (no permit or Site Plan Review)

C. Uses to conserve soil, air and water quality and watershed management;

D. Conservation and management of fish and wildlife resources;

E. Temporary on-site structures and physical alterations to the land which are auxiliary to and used during the term of a particular forest operation or practice. Alterations include but are not limited to those made for the purposes of mineral exploration, mining, gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities:

   1. For the purposes of this subsection, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle. An auxiliary structure is removed when a particular forest practice has concluded.

65.130 - PERMITTED USES

The following uses and their accessory uses shall be permitted using a Type I Review Procedure under Section 22.030, and shall be subject to the issuance of a Development Permit under Article 41, and to the standards set out in Section 65.195 when applicable:

A. Temporary, portable facilities for the primary processing of forest products;

B. Temporary logging labor camps, or forest labor camps;

C. Private hunting and fishing operations without any lodging accommodations;

D. Uninhabitable structures accessory to fish and wildlife enhancement;

E. Caretaker residences for public parks and fish hatcheries;

F. Alteration, restoration or replacement of an existing lawfully established dwelling that:

   1. Has intact exterior walls and roof structure;

65.130(F) - PERMITTED USES (continued...)

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3. Has interior wiring for interior lights;

4. Has a heating system; and

5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.

G. A Residential Care Home or a Residential Care Facility in an existing building;

H. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

I. Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.283(1)(k) through (n);

J. Water intake facilities, canals and distribution lines for farm irrigation and ponds;

K. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

65.140 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure under Section 22.040 subject to the criteria set out in Section 65.160, and shall be subject to the issuance of a Development Permit under Article 41, and shall meet the standards set out in Section 65.195 when applicable:

A. Home Occupations subject to the requirements of Article 92;

B. Fire stations for rural fire protection;

C. Cemeteries;

65.140 - ADMINISTRATIVE PERMIT USES (continued...)

D. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilization. Nurseries for the propagation of forest products, including genetic research and seed processing facilities;

E. Aids to navigation and aviation;

F. Television, microwave and radio communication facilities and transmission towers;

G. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., oil, gas, geothermal) with rights-of-way 50 feet or less in width;

H. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;

I. Reservoirs and water impoundments;

J. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

K. Public road and highway projects as described in ORS 215.283(2)(p) through (r) and ORS 215.283(3).

65.150 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46 subject to the criteria set out in Section 65.160, processed as a Type III Review Procedure under Section 22.050, subject to Site Plan Review under Article 42 and the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 65.195 when applicable:

A. Permanent facility for the primary processing of forest products; (Type III)

B. Permanent logging equipment repair and storage; (Type III)

C. Log scaling and weight stations; (Type III)

65.150 - CONDITIONAL USES (continued...)

D. Emergency protection facilities, fire towers, fire suppression crew quarters and fire stations for forest fire protection; (Type III)

E. Parks and campgrounds. For the purpose of this Article, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds authorized under this Section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; (Type III)

F. Private seasonal accommodations for fee hunting or fishing subject to Article 76 in addition to all of the following requirements: (Type III)

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted;

3. Fishing accommodations must be located within one quarter mile of fish bearing Class I waters;

4. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons, or for the purpose of fishing during the fishing season; as authorized by the Oregon Fish and Wildlife Commission;

5. A governing body may impose other appropriate conditions.

G. Firearms training facility; (Type III)

H. Destination Resort; (Planning Commission Review)

I. Expansion of existing airports; (Type III)

J. Water intake facilities, related treatment facilities, pumping stations, and distribution lines; (Type III)

K. Mining and processing of aggregate and other mineral resources as defined in ORS Chapter 517, or oil, gas, or other subsurface resources as defined in ORS Chapter 520 and not otherwise permitted in Section 65.130; (Type III)

65.150 - CONDITIONAL USES (continued...)

L. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head; (Type III)

M. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation (includes a Solid Waste Transfer Station). (Type III)

65.155 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 65.195 when applicable:

A. One manufactured dwelling in conjunction with an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident.

65.160 - REVIEW CRITERIA

Applications for an Administrative Permit or a Conditional Use Permit in the Woodlot Resource Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030:

A. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

C. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

65.160 - REVIEW CRITERIA (continued...)

D. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

65.170 - DWELLINGS

A dwelling may be allowed utilizing a Type II Review Procedure under Section 22.040 and subject to the issuance of a Development Permit under Article 41. A written statement as specified in Section 65.160(D) shall be required as a condition of siting the dwelling. Dwellings shall meet the siting standards in Section 65.180, the fire requirements of Article 76 and the standards set out in Section 65.195 when applicable:

A. The Large-Tract Test. A dwelling may be allowed on land zoned for forest use under Goal 4 if:

1. It complies with other provisions relating to forest dwellings; and

2. It is sited on a tract of at least 160 contiguous acres. A public road or waterway does not split a tract and render lots or parcels not contiguous.

3. An owner of tracts of land which are not contiguous but are in the same or an adjacent county(s) and which are zoned for forest use, may add together the acreage of two or more tracts to total 200 acres or more to qualify for a dwelling:

   a. The owner who qualifies under this provision shall submit proof of covenants, conditions and restriction for the tracts on a form consistent with OAR 660-06-027(6)(a); and

   b. The covenants, conditions and restrictions are irrevocable unless a statement of release is signed by an authorized representative of the county or counties where the property is located; and

   c. Enforcement of the covenants, conditions and restrictions may be undertaken by the DLCD or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

4. A Residential Care Home or a Residential Care Facility may be allowed.

65.170 - DWELLINGS (continued...)

B. The Template Test. A dwelling may be allowed on land zoned for forest use under Goal 4 if the parcel is primarily composed of soils which are:

1. Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

   a. All or part of at least 3 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and

   b. At least 3 dwellings existed on January 1, 1993 on the other tracts or parcels.

2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

   a. All or part of at least 7 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and

   b. At least 3 dwellings existed on January 1, 1993 on the other tracts or parcels.

3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

   a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and

   b. At least 3 dwellings existed on January 1, 1993 on the other tracts or parcels.

4. Lots or parcels within a UGB shall not be used to satisfy this test.

5. A proposed dwelling is allowed only when:

   a. Dwellings have been disqualified by recorded deed restrictions on all other lots or parcels which are part of the same tract as the parcel or lot on which the dwelling is proposed; and

   b. A dwelling does not already exist on any part of the tract.

65.170(B) - DWELLINGS (continued...)

6. Rules for using the template:

   a. If the tract is less than 60 acres and does not abut a road that existed on January 1, 1993, the template will be a 160 acre square;

   b. If the tract is less than 60 acres and abuts a road that existed on January 1, 1993, the template may be a 160 acre rectangle which is 1 mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the greatest extent possible; or

   c. If the tract 60 acres or larger abuts a road that existed on January 1, 1993, or perennial stream, the template may be a 160 acre rectangle which is 1 mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the greatest extent possible; and

      1) 1 of the three dwellings shall be located on the same side of the road or stream as the proposed dwelling; and

      2) 1 of the dwellings shall be within one-quarter mile from the edge of the subject tract inside of the 160 acre template.

7. A Residential Care Home or a Residential Care Facility may be allowed.

C. <u>The Lot-of-Record Test</u>. A dwelling may be sited under a limited lot of record provision when the following criteria are met:

1. The lot or parcel must have been lawfully created prior to January 1, 1985; and

2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after but may not have purchased sold after January 1, 1985; and

3. The lot or parcel shall not have a dwelling on it; and

4. The dwelling cannot be prohibited by other requirements of the Comprehensive Plan or Zoning Ordinances and will comply fully with the Plan and Ordinances; and

65.170(C) - DWELLINGS (continued...)

5. The lot or parcel complies with the following requirements for the forest zone:

   a. The tract on which the dwelling will be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species; and

   b. The tract is located within 1500 feet of a public road excluding U. S. Forest Service and BLM roads. The road shall be maintained and either paved or surfaced with rock; and

   c. The parcel meets the minimum stocking requirements under ORS 527.610, verified by the applicant submitting a stocking survey report to the County Assessor who verifies the minimum stocking requirements have been met. and

6. If the lot or parcel is located within a designated big-game habitat area, all density requirements must be met; and

7. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling;

8. A Residential Care Home or a Residential Care Facility may be allowed.

D. The following definitions shall apply when reviewing a dwelling application under Sections 65.170(B) and (C):

   1. Cubic Foot per Acre per Year. The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service (SCS). Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry.

65.170(D) - DWELLINGS (continued...)

2. Cubic Foot per Tract per Year. The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service (SCS). Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry.

3. Date of Creation and Existence. When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for siting a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot , parcel or tract.

65.180 - SITING STANDARDS

The placement of dwellings 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. The following will be required:

A. Drawing requirements:

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 to be placed on the site.

B. Siting requirements. The dwelling shall be sited to meet all of the following criteria:

1. Have the least impact on nearby or adjoining forest or farm lands;

2. Ensure that adverse impacts on forest operations and accepted farm practices on the tract will be minimized;

3. Minimize the amount of forest lands used to site roads, service corridors;

4. Minimize the risks associated with wild fire;

65.180 - SITING STANDARDS (continued...)

5. Meet the siting and fire safety requirements of Article 76.

C. As a condition of approval, if the road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

D. Approval of a dwelling shall be subject to the following requirements:

1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Department of Forestry (DOF) stocking requirements at the time specified in the DOF administrative rules;

2. The Planning Department shall notify the County Assessor of the condition at the time the dwelling is approved;

3. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the DOF rules;

4. The Assessor shall inform the DOF in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

5. Upon notification by the County Assessor, the DOF shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the DOF determines that the tract does not meet those requirements, then:

a. The DOF shall notify the owner and the Assessor that the land is not being managed as forest land; and

b. The Assessor shall remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.

65.190 - PARCEL STANDARDS

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

A. Area. The minimum size of every lot or land parcel not adjacent to land zoned Forest Commercial shall be 20 acres;

B. The minimum size of every lot or land parcel adjacent to land zoned Forest Commercial shall be 40 acres;

C. The minimum lot size of 20 or 40 acres may be reduced for uses authorized as Section 65.140(B), (C), (D), (E), (F), (H), (I), and 65.150(A), (B), (C), (E), (G), (J), (K), and (M), when it can be demonstrated that: add-(H)(L)

1. 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;

2. The proposed division is consistent with the forest use policy as provided in the Josephine County Comprehensive Plan and with ORS 527.630(1);

3. 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 the road or other public facilities and services;

4. The minimum lot area shall be established in the final action for the Review Body. In establishing the minimum lot area, the following shall be satisfied to the greatest degree possible:

   a. Preserve the maximum area of the timber base of Josephine County for forest use;

   b. Buffer adjoining forest uses from residential encroachment;

   c. Utilize natural features and topography which would otherwise hinder normal forest activities;

   d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;

   e. The lot being created is situated on the portion of the lot that is least suitable for forest uses;

   f. The parcel is the minimum size necessary for the use.

65.190(C) - PARCEL STANDARDS (continued...)

5. The application for a land division must be accompanied by an application for approval of the related non-forest use.

D. Lot Width:

1. The minimum lot width shall be 300 feet;

2. 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;

3. A lot or parcel having.a width of less than 300 feet at the time of passage of this Code may be occupied by any use permitted in the Woodlot Resource Zone, provided all other laws and Code requirements are met.

65.195 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Lot Size and Shape - See Article 71

B. Building & Accessory Heights, Setbacks, Yards - See Article 72

C. Stream Setbacks - See Article 72

D. Fences, Wall, and Screens - See Article 73

E. Signs - See Article 74

F. Parking - See Article 75

G. Wildfire - See Article 76

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

J. Water Standards - See Article 84

K. Utilities - See Article 85

65.195 - PROPERTY DEVELOPMENT STANDARDS (continued...)

L. Solid Waste - See Article 86

M. Aggregate Mining and Processing - See Article 91

N. Home Occupations - See Article 92

O. Archeological Resources - See Article 93

P. Historic Resources - See Article 94

Q. Hydroelectric Facilities - See Article 95

R. Destination Resort - See Article 96

S. Parks, Playgrounds, and Campgrounds - See Article 98

T. Flood Hazard Overlay - See Article 69.1

U. Deer Overlay - See Article 69.2

V. Wild & Scenic Rivers Overlay - See Article 69.3

W. Airport Overlay - See Article 69.4

X. Water Hazard Overlay - See Article 69.5

Y. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 66 - AGGREGATE RESOURCE ZONE

66.010 - PURPOSE

The purpose of this Zone is to implement the objectives of the Josephine County Comprehensive Plan to facilitate the use and development of aggregate resources. This Zone sets out the standards which will allow the use and development of all land which is identified as aggregate resources consistent with Oregon Statewide Planning Goal #5. Josephine County recognizes the importance of protecting and utilizing the mineral and aggregate resources in the County. Residents of this Zone should recognize that the intent of this Zone is to protect resource activities and that in the event of a conflict between residential use and resource practices, this Code will be interpreted in favor of the resource practice.

66.020 - PERMITTED USES

The following uses and their accessory uses shall be permitted using an Administrative Review Process under Article 22, may be subject to Site Plan Review, Article 42, and shall be subject to the issuance of a Development Permit under Article 41, and to the standards set out in Section 66.030 when applicable:

A. Farm use; (no permit or Site Plan Review)

B. Boat landings and docks; (Type I, no Site Plan Review)

C. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources; (Type III with Site Plan Review)

D. Permanent placement of cement and asphalt batching, rock processing and crushing; (Type III with Site Plan Review)

E. Manufactured dwelling for a caretaker or night watchman; (Type III with Site Plan Review)

F. Personal use landing strips, with the restriction that, due to the proximity of streams, the loading or unloading of toxic chemicals is prohibited; (Type III with Site Plan Review)

G. Public utilities such as pipelines or transmission (lines) facilities, provided such utilities are flood-proofed and stabilized from flotation; (Type III with Site Plan Review)

66.020 - PERMITTED USES (continued...)

H. Fire station; (Type III with Site Plan Review)

I. Park and recreation facilities open to public use, excluding overnight camping facilities, but including golf courses and temporary marinas. (Type III with Site Plan Review)

66.030 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Size - No minimum set

B. Lot Size and Shape - See Article 71

C. Building & Accessory Heights, Setbacks, Yards - See Article 72

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74

G. Parking - See Article 75

H. Access - See Article 81

I. Erosion and Sediment Control - See Article 83

J. Water Standards - See Article 84

K. Utilities - See Article 85

L. Aggregate Mining and Processing - See Article 91

66.030 - PROPERTY DEVELOPMENT STANDARDS (continued...)

M. Parks, Playgrounds, and Campgrounds - See Article 98

N. Flood Hazard Overlay - See Article 69.1

O. Wild & Scenic Rivers Overlay - See Article 69.3

P. Water Hazard Overlay - See Article 69.5

ARTICLE 67 - SERPENTINE ZONE

67.010 - PURPOSE

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 Zone 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 Zone is designed to provide for the beneficial use of such lands as distinguished from other land types in Josephine County.

67.020 - PERMITTED USES

The following uses and their accessory uses shall be permitted using an Administrative Review Process under Article 22, may be subject to Site Plan Review, Article 42, and shall be subject to the issuance of a Development Permit under Article 41, and to the standards set out in Section 67.050 when applicable:

A. Forest Management; (no permit or Site Plan Review)

B. Farm use; (no permit or Site Plan Review)

C. Single-family dwelling or manufactured dwelling; (Type I, no Site Plan Review)

D. Residential Care Home; (Type I, no Site Plan Review)

E. Residential Care Facility; (Type I, no Site Plan Review)

F. Signs; (Type I, no Site Plan Review)

G. Utility or communication facilities necessary for public services, including transmission facilities and receiving towers; (Type I, no Site Plan Review)

H. Log scaling and log storage; (Type I, no Site Plan Review)

I. Temporary facilities for the primary processing of forest products produced on the property, including portable mills, portable chippers and portable processors; (Type I, no Site Plan Review)

J. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources; (Type III with Site Plan Review)

67.020 - PERMITTED USES (continued...)

K. Cement and asphalt batching, rock processing and crushing. (Type III with Site Plan Review)

67.030 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted when authorized by Administrative Permit under Article 43, processed as an Administrative Review Process under Article 22 unless specified, may be subject to Site Plan Review under Article 42 as specified and shall be subject to the issuance of a Development Permit under Article 41, and shall meet the standards set out in Section 67.050 when applicable:

A. Home Occupations subject to the requirements of Article 92; (no Site Plan Review)

B. One temporary sign for a subdivision not exceeding 32 square feet; (Type II, no Site Plan Review)

C. Open, 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; (Type II, no Site Plan Review)

D. Fire attack landing strips for airplanes and helicopter pads, emergency protection facilities, fire towers, public workyards, and temporary logging labor camps; (Type III with Site Plan Review)

E. Recreation sites, including parks, campgrounds, and conference grounds; (Type III with Site Plan Review)

F. Hunting and fishing preserves, archery, rifle, and pistol target ranges; (Type III with Site Plan Review)

G. Research and interpretive facilities related to the preservation of unique natural conditions or communities and the conservation and management of wildlife resources; (Type III with Site Plan Review)

H. Destination Resort. (Planning Commission with Site Plan Review)

67.040 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 67.050 when applicable:

A. One additional dwelling for a medical hardship;

B. Mass gathering;

C. Temporary storage of an unoccupied manufactured dwelling.

67.050 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum lot size of 20 acres or 5 acres for residential purposes both subject to the following:

   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 mineral resources of the Serpentine Zone;

   3. Water Supply:

      a. 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;

      b. A domestic water source may be a drilled and cased groundwater well or a surface source such as shallow well, spring, or perpetual stream;

      c. 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 water treatment.

67.050(A) - PROPERTY DEVELOPMENT STANDARDS (continued...)

4. No development permit or building permit, shall be issued for residential construction on any lot created after the adoption of this Code unless the lot or parcel has available a domestic water source as required by this Section;

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

    1. For surface water systems: approval from the Environmental Health Department showing that the water source meets domestic water standards and confirmation from the Watermaster's Office that water rights are approved; or

    2. 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;

    3. If the water source identified above is or will be located on an adjacent lot or parcel, must have written proof of an easement.

B. Minimum Lot Width - 500 feet (20 acre)
300 feet (5 acre)

C. Lot Size and Shape - See Article 71

D. Building & Accessory Heights, Setbacks, Yards - See Article 72

E. Stream Setbacks - See Article 72

F. Fences, Wall, and Screens - See Article 73

G. Signs - See Article 74

H. Parking - See Article 75

I. Access - See Article 81

J. Erosion and Sediment Control - See Article 83

K. Water Standards - See Article 84

67.050 - PROPERTY DEVELOPMENT STANDARDS (continued...)

L. Utilities - See Article 85

M. Aggregate Mining and Processing - See Article 91

N. Home Occupation - See Article 92

O. Archeological Resources - See Article 93

P. Historic Resources - See Article 94

Q. Destination Resort - See Article 96

R. Parks, Playgrounds, and Campgrounds - See Article 98

S. Flood Hazard Overlay - See Article 69.1

T. Deer Overlay - See Article 69.2

U. Wild & Scenic Rivers Overlay - See Article 69.3

V. Airport Zone - See Article 69.4

W. Water Hazard Overlay - See Article 69.5

X. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 68 - LIMITED DEVELOPMENT ZONE

68.010 - PURPOSE

The purpose of this Zone is to allow the full range of outdoor recreational activities. The lands included in the Limited Development Zone are not commonly classified as commercial forest lands, agricultural lands, or rural residential lands, although, depending upon ownership and management objectives, such lands have historically been used for all these purposes. This chapter is designed to provide for the beneficial use of land for outdoor recreation activities in Josephine County.

68.020 - PERMITTED USES

The following uses and their accessory uses shall be permitted using an Administrative Review Procedure under Article 22, may be subject to Site Plan Review, Article 42, and shall be subject to the issuance of a Development Permit, Article 41 and to the standards set out in Section 68.050 when applicable.

A. Farm use; (no permit or Site Plan Review)

B. Forest Management; (no permit or Site Plan Review)

C. Log scaling and log storage; (Type I, no Site Plan Review)

D. Temporary facilities for the primary processing of forest products produced on the property, including portable mills, portable chippers and portable processors; (Type I, no Site Plan Review)

E. Utility or communication facilities necessary for public services, including transmission facilities and receiving towers; (Type I, no Site Plan Review)

F. Signs; (Type I, no Site Plan Review)

G. Single-family dwelling or manufactured dwelling; (Type I, no Site Plan Review)

H. Residential Care Home; (Type I, no Site Plan Review)

I. Residential Care Facility; (Type I, no Site Plan Review)

J. Research and interpretive facilities related to the preservation of unique natural conditions or communities and the conservation and management of wildlife resources; (Type III with Site Plan Review)

68.020 - PERMITTED USES (continued...)

K. Recreation sites, including parks, campgrounds, and conference grounds; (Type III with Site Plan Review)

L. Hunting and fishing preserves, archery, rifle, and pistol target ranges. (Type III with Site Plan Review)

68.030 - ADMINISTRATIVE PERMIT USES

The following uses shall be permitted when authorized by an Administrative Permit using a Review Procedure under Article 22, may be subject to Site Plan Review, Article 42, and shall be subject to the issuance of a Development Permit, Article 41 and to the standards set out in Section 68.050 when applicable.

A. Home Occupations subject to Article 92; (no Site Plan Review)

B. One temporary sign for a subdivision not exceeding 32 square feet; (Type II, no Site Plan Review)

C. Open, 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; (Type II, no Site Plan Review)

D. Lodges and Conference Grounds; (Type III with Site Plan Review)

E. Shooting Range or Gun Club; (Type III with Site Plan Review)

F. Racetrack; (Type III with Site Plan Review)

G. Destination Resort; (Planning Commission with Site Plan Review)

H. Recreational Resort; (Planning Commission with Site Plan Review)

I. Fire attack landing strips for airplanes and helicopter pads, emergency protection facilities, fire towers, public workyards, and temporary logging labor camps; (Type III with Site Plan Review)

J. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources; (Type III with Site Plan Review)

68.030 - ADMINISTRATIVE PERMIT USES (continued...)

K. Cement and asphalt batching, rock processing and crushing. (Type III with Site Plan Review)

68.040 - TEMPORARY USES

The following uses and their accessory uses are permitted as an Temporary Use Permit under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the issuance of a Development Permit under the requirements of Article 41, and shall meet the standards set out in Section 68.050 when applicable:

A. One additional dwelling for a medical hardship;

B. Mass gathering;

C. Temporary storage of an unoccupied manufactured dwelling.

68.050 - PROPERTY DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this zone:

A. Minimum Lot Size - 20 acres

B. Minimum Lot Width - 500 feet

C. Lot Size and Shape - See Article 71

D. Building & Accessory Heights, Setbacks, Yards - See Article 72

E. Stream Setbacks - See Article 72

F. Fences, Wall, and Screens - See Article 73

G. Signs - See Article 74

H. Parking - See Article 75

I. Access - See Article 81

68.050 - PROPERTY DEVELOPMENT STANDARDS (continued...)

J. Erosion and Sediment Control - See Article 83

K. Water Standards - See Article 84

L. Utilities - See Article 85

M. Aggregate Mining and Processing - See Article 91

N. Home Occupations - See Article 92

O. Archeological Resources - See Article 93

P. Historic Resources - See Article 94

Q. Destination Resort - See Article 96

R. Recreational Resort - See Article 97

S. Parks, Playgrounds, Lodges, Conference Grounds, and Campgrounds - See Article 98

T. Flood Hazard Overlay - See Article 69.1

U. Deer Overlay - See Article 69.2

V. Wild & Scenic Rivers Overlay - See Article 69.3

W. Airport Overlay - See Article 69.4

X. Water Hazard Overlay - See Article 69.5

Y. Mineral & Aggregate Overlay - See Article 69.6

ARTICLE 69 - OVERLAY

69.010 - PURPOSE

The purpose of the Overlay is to provide additional standards and requirements in response to specific conditions, situations and circumstances, both natural and human caused, so that development can occur while mitigating the specific conditions, situations and circumstances the Overlay is designed to cover.

69.020 - APPLICABILITY

The requirements set out in each of the Overlays shall be in addition to the requirements of the underlying Zone. Where a conflict exists between the requirements of the underlying Zone and the Overlay, the more restrictive shall apply.

ARTICLE 69.1 - FLOOD HAZARD OVERLAY

69.110 - PURPOSE

A. It is the purpose of this Overlay to promote the public health, safety, and general welfare, and to minimize public and private loses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

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

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

4. To minimize prolonged business interruptions;

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

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

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

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

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

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

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

69.110(B) - PURPOSE (continued...)

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

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

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

69.120 - FLOOD HAZARD AREA DEFINED

A. This Article shall apply to all areas of special flood hazards within the jurisdiction of Josephine County identified in the Flood Insurance Study.

B. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, with the accompanying Flood Insurance Maps, including any revision(s), is adopted by reference as part of this Code. The Flood Insurance Study is on file in the Josephine County Planning Department.

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

69.130 - INTERPRETING FLOOD MAPS

A. The Planning Director shall be authorized to make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The following information shall be submitted to support the request for an interpretation:

69.130(A) - INTERPRETING FLOOD MAPS (continued...)

1. The developer shall obtain certification by a qualified professional (i.e., soil geologist, engineer, surveyor) that the development is reasonably safe from flooding;

2. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

B. In the interpretation and application of this Article, all provisions shall be:

1. Considered as minimum requirements;

2. Literally construed in favor of the governing body; and,

3. Where conditions imposed by this Article are less restrictive than comparative conditions imposed by any other local code, ordinance, resolution or regulations, or by the provision of State law or State Administrative regulation, now or in future, then the more restrictive shall govern, and is deemed neither to limit nor repeal any other powers granted under State Statutes.

69.140 - DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 69.120. The permit shall be for all structures including manufactured dwellings, as defined in Section 11.030(196), and for all development including fill and other activities, also as defined in Section 11.030(103).

69.150 - SITE PLAN REVIEW

A. Application for a Development Permit shall be made on the same forms as required by the applicable zoning request. Specifically the following information is required:

1. A plot plan which meets the requirements of Section 41.050 in duplicate, which shows the following additional information:

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

69.150(A)(1) - SITE PLAN REVIEW (continued...)

b. The location of existing or proposed structures, fill, storage of materials, drainage facilities.

2. The developer shall obtain certification by a qualified professional (i.e., soil geologist, engineer, surveyor) that the development is reasonably safe from flooding;

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

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

5. A site plan meeting the requirements of Section 42.050 shall be submitted for all development proposed within the floodway.

B. An application for a Development Permit shall be processed:

1. As a Type I Review Procedure under Section 22.030, if the proposed development is located in the floodplain;

2. As a Type III Review Procedure under Section 22.050, if it is located in the floodway. Development proposed in the floodway shall include review by the Site Plan Review Committee under the provisions of Article 42 and shall determine if the following standards have been met:

a. Review the application to determine if the proposed development is located in the floodway;

b. If located in the floodway, assure that the encroachment provisions of Section 69.180, are met;

c. To ensure that all standards in Section 69.160 and 69.170, have been met.

69.160 - SITE DESIGN STANDARDS

A. General Siting Standards:

1. All dwellings and substantial improvements to dwellings, to be placed (or substantially improved) within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the dwelling is at least one (1) foot above the base flood elevation;

2. Structures shall be located on the area least impacted by inundation taking into consideration terrain, adverse soil and land conditions, access, location of structures on adjoining lots, and the size and shape of the parcel.

B. Encroachments. Where base flood elevations have been provided, but floodway have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

69.170 - GENERAL DEVELOPMENT STANDARDS

All proposals for a subdivision within a flood zone shall comply with all of the following:

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities including sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

69.180 - FLOODWAY

Located within areas of special flood hazard established in Section 69.120 are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification in form of a technical study by a registered professional engineer or architect is provided which demonstrate that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. All new construction and substantial improvements meeting the requirements of Section 69.180(A), shall comply with all applicable flood hazard reduction provisions of Sections 69.160 and 69.170 of this Article.

69.190 - UNAVAILABLE ELEVATION DATA

When base flood elevation data has not been provided in accordance with Section 69.120, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 69.160, 69.170, and 69.180.

69.191 - ALTERATION OF WATER COURSES

A. Notify adjacent communities and the Division of State Lands and the Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

69.192 - VARIANCE APPLICATION

A. Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property, are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. The variance primarily addresses small lots in densely populated neighborhoods and so variances from the residential flood elevations should be quite rare.

69.192 - VARIANCE APPLICATION (continued...)

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

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

2. A plot plan which meets the requirements of Section 41.050 in duplicate, which shows the following additional information:

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

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

3. The developer shall obtain certification by a qualified professional (i.e., soil geologist, engineer, surveyor) that the development is reasonably safe from flooding;

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

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

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

69.193 - VARIANCE PROCEDURE

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

1. The application shall be processed using the Type III Review Procedure subject to the requirements of Section 22.050 and shall be subject to the standards set out in Section 69.195;

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

69.193(A) - VARIANCE PROCEDURE (continued...)

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

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

C. The Review Body shall maintain the records of all Variances, including technical information, and shall report any Variances to the Federal Insurance Administration upon request.

69.194 - VARIANCE CRITERIA

The following criteria shall be considered before granting a Variance:

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

B. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the items listed below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases:

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

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

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

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

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

69.194(B) - VARIANCE CRITERIA (continued...)

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

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

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

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

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

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

C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the Variance is the minimum necessary to preserve the historic character and design of the structure;

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

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

F. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

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

69.194(F) - VARIANCE CRITERIA (continued...)

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

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

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

69.195 - PROPERTY DEVELOPMENT STANDARDS

The property development standards in the underlying Zone shall apply to all development in this Overlay. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

ARTICLE 69.2 - DEER OVERLAY

69.210 - PURPOSE

The purpose of this Overlay is to restrict development so that sensitive deer habitat is protected.

69.220 - DENSITY REQUIREMENTS

In areas identified as sensitive deer habitat, findings must be made to show that a residence will not cause the density of dwellings in the winter range to exceed 32 homes per 2 square miles. The calculation will include the area outside impacted lands and below 2500 feet elevation.

69.230 - PROPERTY DEVELOPMENT STANDARDS

The property development standards in the underlying Zone shall apply to all development in this Overlay. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

ARTICLE 69.3 - WILD & SCENIC RIVERS OVERLAY

69.310 - PURPOSE

The purpose of this Overlay is to facilitate development which is compatible with the requirements of the State and Federal Scenic Waterways Program.

69.320 - SITING STANDARDS

Any use permitted in a Zone shall be allowed on lands adjacent to the Rogue River and Illinois River Scenic Waterways, provided that:

A. If the property 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;

B. If the property 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;

C. 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 72.030(B), or the structure is screened from the river by topography or vegetation.

69.330 - PROPERTY DEVELOPMENT STANDARDS

The property development standards in the underlying Zone shall apply to all development in this Overlay. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

ARTICLE 69.4 - AIRPORT OVERLAY

69.410 - PURPOSE

An Airport Overlay 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 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 established within the Airport Overlay. The provisions of this Section are not intended to abrogate any other Section of this Code and when it appears that there is a conflict, the most restrictive requirements shall apply.

69.420 - APPLICATION OF OVERLAY

A. In any Zone where an Airport Overlay is combined with a primary Zone and any conflict in regulations or procedure occurs between the Zone and the Overlay, the most restrictive shall govern.

B. The boundaries of the Overlay shall be designated on the official Zoning Maps for Josephine County. Height, and land use limitations shall be imposed within the Overlay. 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.

69.430 - USE RESTRICTIONS

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

A. Airport Clear Zone (Area A). No use other than those listed under Section 69.440 is permitted;

B. Airport Approach Zone (Area B within the Airport Overlay). Any use listed in the primary Zone, subject to the requirements of this Article, may be permitted;

C. Airport Safety Approach Zone (is that portion of Area B located inside Area C - the Airport Zone Boundary). Any use listed in the primary Zone, except for places of public assembly accommodating more than 100 persons, may be permitted within the approach zone, subject to the regulations of this Article. A declaration of record shall be made on the permit recognizing the preexistence of the airport;

69.430 - USE RESTRICTIONS (continued...)

D. No use may be made of land within the Airport Overlay 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.

69.440 - PERMITTED USES

The following uses are permitted unless the use would penetrate the elevations of the approach and transitional zones. The uses shall be reviewed using an Administrative Review Procedure under Article 22, may be subject to Site Plan Review under Article 42, and shall be subject to the issuance of a Development Permit under Article 41, and to the property development standards under Section 69.480:

A. Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead; (Type I, no Site Plan Review)

B. Landscape nursery, cemetery, or recreation areas which do not include buildings or structures; (Type I, no Site Plan Review)

C. Roadways, parking areas, and storage yards while allowed shall not be located so that the 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; (Type III with Site Plan Review)

D. Pipeline; (Type I, no Site Plan Review)

E. Underground utility wire; (Type I, no Site Plan Review)

F. 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. (Type III with Site Plan Review)

69.450 - CONDITIONAL USES

The uses listed as Conditional Uses within the primary Zone, shall be subject to Sections 69.430, 69.460, and 69.470 in addition to the requirements of the primary Zone.

69.460 - HEIGHT LIMITATIONS

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

A. 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 Plan and/or County document, unless specifically the FAA and Josephine County as part of a Conditional Use Permit review.

69.470 - NEW DEVELOPMENT

A. All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized.

B. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses.

C. 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.

69.480 - PROPERTY DEVELOPMENT STANDARDS

The property development standards in the underlying Zone shall apply to all development in this Overlay. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

ARTICLE 69.5 - WATER HAZARD OVERLAY

RESERVED FOR FUTURE USE

ARTICLE 69.6 - MINERAL & AGGREGATE OVERLAY

RESERVED FOR FUTURE USE TO IDENTIFY, PROTECT, AND FACILITATE THE USE OF SIGNIFICANT GOAL 5 MINERAL AND AGGREGATE RESOURCE SITES. THE OVERLAY WILL BE DEVELOPED AS PART OF THE COUNTY'S PERIODIC REVIEW PROCESS AS A WORK TASK.

CHAPTER 7 - GENERAL DEVELOPMENT STANDARDS

ARTICLE 70 - BASIC PROVISIONS

70.010 - PURPOSE

The purpose of this Chapter is to develop standards for the development and division of property. The standards are designed to protect the public health, safety, and welfare.

70.020 - APPLICATION

The standards established in this Chapter shall apply to all new development, expansion of an existing development, and to all land divisions in the rural area of Josephine County. The area involved includes all land outside of the Urban Growth Boundary for the City of Grants Pass as shown on the official map of Josephine County.

ARTICLE 71 - LOT SIZE & SHAPE

71.010 - LOT SIZE & SHAPE

A. All proposed lots or parcels in a subdivision, partition, replat, property line adjustment, or planned unit development, shall not be divided to a size less than the minimum requirements for the Zone the lot or parcel is located in. Lots or parcels containing less than the minimum lot size requirements may be approved provided that:

1. Not more than 20 percent of the lots, up to a maximum of five (5) deficient lots or parcels, are created from an original tract; and

2. The area deficiency is contained within the public road right-of-way; and

3. The applicant provides a written statement from the Department of Environmental Quality stating that the smaller lots do not constitute a public health, safety, and welfare hazard.

B. Each lot shall not be greater than four times deeper than it is wide, exclusive of the "pole" of a flaglot.

71.020 - FLAG LOTS

A. It shall be the policy of the County to encourage the construction of public roads to provide safe and identifiable access to properties. Flaglots shall not be approved unless, it can be shown that:

1. The creation of a road is not practical because of extra-ordinary physical limitations of the parcel for construction;

2. It will represent an efficient use of land;

3. It will not endanger the public health, safety, or welfare;

4. In no case shall flaglots be approved where the extension of a public road is shown on an official map and the extension will provide necessary access.

71.020 - FLAG LOTS (continued...)

B. The following requirements shall apply to flaglots:

1. The "flagpole" shall maintain a width of at least 25 feet as minimum access at the point of abutment to a public road and throughout its length;

2. The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without construction of a structure or fill and culvert capable of providing access for emergency vehicles. The Review Body may require certification from a registered engineer that the structure or fill and culvert has been constructed to support emergency vehicles;

3. The "flagpole" may alter course or direction as long as the view of the location and the address of the structure or use will not be confusing for mail delivery or emergency vehicle access; and provided that a driveway can be constructed wholly within the "flagpole" with a turn that does not exceed a 50 foot radius;

4. The grade of the flagpole shall not exceed a grade of 12 % for an unsurfaced driveway or a maximum grade of 18 % for a driveway surfaced with asphaltic concrete or Portland Cement:

   a. The Review Body may require grading and construction which meets these standards as a part of final approval of any land division; or

   b. When immediate construction of the driveway is not possible because of practical difficulties, the final map shall note the work has not been completed, and driveway construction shall become part of the performance agreement filed with the final plat.

5. The "flagpole" shall not exceed in length twice the width of the lot or twice the length of the lot, whichever dimension is the lesser;

6. Not more than one flaglot shall be created in the same subdivision or partition and it shall not abut any other flaglot.

C. The Review Body may permit flaglotting, contrary to Sections 71.020(B)(1), (5) and (6), where the proposed development meets the criteria set out in 71.020(A).

ARTICLE 72 - HEIGHTS, SETBACKS, & ACCESSORY STRUCTURES

72.010 - PURPOSE

The purpose of this Article is to establish and maintain minimum requirements for accessary structures, for structure heights, and for setbacks from property lines in order to provide a measure of buffering between uses, ensure adequate privacy, maintain safe visibility at road intersections, ensure access to and around buildings, and to provide access to natural light, ventilation, and sunlight.

72.020 - STRUCTURE HEIGHT & SETBACK REQUIREMENTS

A. The following minimum requirements shall be applied to all permitted, administrative, conditional, and accessory structures allowed by this Code unless specified otherwise. All requirements are specified in feet:

STRUCTURE		SETBACK FROM PROPERTY LINE		
ZONE	HEIGHT	FRONT	SIDE	REAR
RR*	35	30	10	25
RC	35	10	10	10
TC	35	10	10	10
RCC	35	10	10	10
LI**	35	10	20	20
RI**	35	10	10	10
EF*	35	30	30	30
FR*	35	30	30	30
FC*	none	30	30	30
WR*	35	30	30	30
LD*	35	30	30	30
AG	none	30	30	30
S*	35	30	30	30

* The restriction does not apply to agricultural buildings (See Section 72.030(B)(3)).
** The Setbacks may be reduced (See Section 72.020(C)).

72.020 - STRUCTURE HEIGHT & SETBACK REQUIREMENTS (continued...)

B. The height of a building shall be measured using the definition in Section 11.030(157).

C. The side and rear setback in a Commercial or Industrial Zone may be reduced to 0 when the side and rear property lines abut a Commercial or Industrial Zone, provided any walls of a structure placed upon the side or rear lot line are constructed to meet the fire resistance requirements of the most current edition of the Building Codes.

D. In the Aggregate Resource Zone, pipelines, landings, docks, bridges, hydro-electric facilities, and pumping or treatment facilities may be located closer than 30 feet to any property line.

E. In all Zones except the Commercial and Industrial Zones, all buildings shall be setback at least 60 feet from the centerline of any public street, road, or right-of-way which is surveyed and established. The Review Body may vary this standards where necessary for corner lots.

F. Decks, paved or concrete slabs, patios or walkways which are 30 inches or higher above grade shall comply with the setback requirements set out in Article 72; decks, paved or concrete slabs, patios or walkways which are lower than 30 inches above grade are exempted from yard setback requirements, but shall comply with the special stream setbacks in Section 72.040(A).

72.030 - SPECIAL HEIGHT REQUIREMENTS

A. The structures exempted from height requirements shall comply with the requirements in the Wild & Scenic Rivers Overlay, Article 69.3; the Airport Overlay, Article 69.4; and the requirements set out in Article 74.

B. The following may be erected above the height limits prescribed in Section 72.020(A) of this Code:

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, and T.V. antennas;

3. Agricultural buildings including barns and silos;

72.030(B) - SPECIAL HEIGHT REQUIREMENTS (continued...)

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, and air traffic control towers;

5. Other similar structures.

72.040 - SPECIAL SETBACK REQUIREMENTS

A. Stream Setbacks. No structure, excluding fences, boat landings, docks, bridges, hydroelectric facilities, pumping, or water treatment facilities, shall be located closer than 50 feet to the banks of any Class 1 stream, or 25 feet to the banks of Class 2 water courses as defined by the Oregon State Department of Fish and Wildlife:

   1. This setback area shall be maintained, to the greatest extent feasible, in stabilized vegetation;

   2. Streamside vegetation that provides shading of the surface waters shall be retained;

   3. Existing streamside vegetation shall be maintained to the greatest extent possible during construction and development.

B. There shall be a structure setback of 300 feet from significant rookeries or nest sites identified by the Oregon Department of Fish and Wildlife and located as a Goal 5 Resource on the Official Zoning maps for Josephine County. The Department of Fish and Wildlife has mandated consultation with them to mitigate adverse impacts for all development closer than 300 feet.

C. Setbacks for mineral and aggregate resource sites are found in Section 91.040.

72.050 - YARDS

A. Yard requirements for property abutting partial or future street right-of-way:

1. Except as provided in Section 72.050(B), 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 the 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 Code;

2. Where an official map of the Comprehensive Plan 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 shall relate to the future street boundaries as determined by the official map.

B. 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.

C. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site.

D. No front yards provided around any building for the purpose of complying with the regulations of this Code shall be used for public or private parking areas, garages, or other accessory buildings, except as specifically provided in this Code.

E. If a building or group of buildings is located on two or more contiguous lots or parcels, so that the required setbacks and yards on each side of the property lines cannot be met, the lots or parcels shall be considered a single development site and the setback and yard requirements shall apply to the properties as a whole.

F. The following intrusions may project into required yards as follows:

1. Depressed Areas. In any Zone, 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 the projections are no closer than 3 feet to an interior lot line:

72.050(F)(2) - YARDS (continued...)

a. Eaves, cornices, belt courses, sills, awnings, buttresses, ramada, or other similar features;

b. Chimneys, fireplaces, and heating and cooling equipment, provided they do not exceed eight feet in width;

c. Porches, platforms, or landings which do not extend above the level of the first floor of the building;

d. Signs conforming to Article 74;

e. Access facilities for the handicapped, including wheelchair ramps, may be located in any required yard, provided that the facilities do not obscure moving vehicle traffic.

G. Front Yards:

1. 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;

2. If there is a dwelling on 1 abutting lot with a front yard of less than the required depth for the Zone, 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;

3. 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.

H. Intrusions in a Residential Zone may be located in a required yard setback as follows:

1. Submersible pump insulation covers not exceeding 36 inches in height may be located in a front yard setback;

72.050(H) - YARDS (continued...)

2. The following may be located in a side or rear yard setback: submersible pump insulation covers not exceeding 36 inches in height; portable storage buildings not to exceed 120 square feet; metal patio covers; carports, provided that no more than one side is enclosed; or similar noncombustible or ornamental fixtures.

72.060 - ACCESSORY STRUCTURE STANDARDS

A. The cumulative size of all accessory structures (including attached garages) shall be limited based on the size of the lot or parcel on which they are to be constructed:

1. Smaller than one acre: 1500 square feet;

2. One acre but smaller than three acres: 2000 square feet;

3. Three acres but smaller than five acres: 2500 square feet;

4. Five acres and larger: 3000 square feet.

B. The Review Body may approve larger accessory structures by an Administrative Permit under Article 43 processed as a Type II Review Procedure as set out in Section 22.040.

ARTICLE 73 - FENCES, WALLS, & SCREENS

73.010 - PURPOSE

The purpose for establishing and maintaining standards for fences, walls, and screening is to protect certain uses from intrusion, to protect the public from uses which may be hazardous, and to increase compatibility of different land uses.

73.020 - VISION CLEARANCE

On all corner lots and lots located at the intersection of alleys and streets, vision clearance areas shall be triangular in shape with the following minimum distances establishing two legs of the triangle: 15 feet for corner lots and 7 1/2 feet for lots at the intersection of alleys and streets. No fences, walls, hedges or vegetation exceeding 3 feet in height when measured from the edge of the improved roadway may be located within the vision clearance area.

73.030 - PERMITTED FENCES, WALLS, & HEDGES

A. In any Residential Zone, a retaining wall not over 4 feet in height as measured from the bottom of the footing, and a sight obscuring fence or wall, not to exceed 6 feet in height, may be located or maintained in any interior yard except where the requirements of the vision clearance area, pursuant to Section 73.020, apply:

   1. 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;

   2. Fences which are not sight-obscuring may be placed on property lines.

B. In any Commercial or Industrial Zone, a retaining wall not over 4 feet in height as measured from the bottom of the footing, and a 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 the vision clearance area, pursuant to Section 73.020, apply:

   1. 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.

   2. Fences which are not sight-obscuring may be placed on property lines.

ARTICLE 74 - SIGNS

74.010 - PURPOSE

The purpose of sign regulations is to support the use of signing which is maintained in a safe and attractive condition, and to preserve and enhance the County's visual environment.

74.020 - SIGN STANDARDS

A. The following shall be considered the maximum size and height limitations for a sign. The size limits are in square feet and shall be considered the maximum for the total sign area:

ZONE	TYPE OF SIGN	ON	OFF	AREA	HEIGHT
RR	PROPERTY IDENTIFICATION	X		16	
RR	ADVERTISING AGRICULTURAL PRODUCTS	X		16	
RR	SALE FARM PRODUCTS - TEMPORARY	X		16	
RR	HOME OCCUPATION	X		6	
RR	SALE OF PROPERTY	X		8	
RC	IDENTIFICATION	X		80	40
RC	RENTAL OF PREMISES (TEMPORARY)	X		3	40
RC	DIRECTIONAL OR REGULATOR	X	X	6	40
RC	SALE OF PROPERTY	X		8	40
TC	IDENTIFICATION	X		200	40
TC	RENTAL OF PREMISES (TEMPORARY)	X		3	40
TC	ADVERTISING		X	150	40
TC	SALE OF PROPERTY	X		8	40
RCC	RENTAL OF PREMISES (TEMPORARY)	X		3	40

ZONE	TYPE OF SIGN	ON	OFF	AREA	HEIGHT
RCC	ATTACHED TO BUILDING	X		150	25
RCC	DETACHED	X		100	25
RCC	ADVERTISING		X	150	40
RCC	DIRECTIONAL OR REGULATOR	X	X	6	40
RCC	SALE OF PROPERTY	X		8	40
LI	DETACHED	X		200	40
LI	ATTACHED TO BUILDING	X		50	20
LI	ADVERTISING		X	150	40
RI	DETACHED	X		200	40
RI	ATTACHED TO BUILDING	X		50	20
RI	ADVERTISING		X	150	40

B. The size limits below shall be considered the maximum allowed for the following resource zones: the Forest Commercial Zone, the Woodlot Resource Zone, the Exclusive Farm Zone, the Farm Resource Zone, the Serpentine Zone, and the Limited Development Zone. The size limits are in square feet:

TYPE OF SIGN	ON	OFF	AREA	HEIGHT
PROPERTY IDENTIFICATION	X		32	
ADVERTISING AGRICULTURAL PRODUCTS	X		32	
SALE FARM PRODUCTS - TEMPORARY	X		32	
HOME OCCUPATION	X		6	
SALE OF PROPERTY	X		8	

C. When a piece of property which fronts two or more roads and is for sale, one sign meeting the size criteria for that type of sign may be placed on each street.

D. All sale and rental signs shall be setback 10 feet from the front property line and from any side property line which abuts a street.

74.020 - SIGN STANDARDS (continued...)

E. The attached sign for the RCC Zone shall be placed flat against the building. The size of the sign shall be calculated to allow 1 1/2 square feet in sign area for each linear foot of building frontage paralleling a street or the maximum area listed in the table, whichever is less.

F. The on-premises detached sign in the RCC Zone shall identify a group of businesses combined as a shopping center, in addition to permitted sign areas for individual businesses in the shopping center.

G. In the LI and RI Zones, one sign, attached to the building, shall be allowed for the building frontage which faces a street, when the street frontage exceeds 200 feet. The sign shall be placed flat against the wall of a building, shall not exceed the size requirements listed in Section 74.020(A), and shall not exceed 10% of the gross wall area of a building which faces the street.

H. Signs in the Commercial and Industrial Zones may be illuminated but shall have no flashing or moving parts.

I. Signs for a home occupation may not be illuminated.

J. Signs for a Bed and Breakfast Inn may be illuminated from the exterior of the sign.

K. Property identification signs may be illuminated from the exterior of the sign.

L. On-premises identification signs shall indicate the name and nature of any occupancy and/or the name and address of the building.

74.030 - GENERAL PROVISIONS

In addition to specific sign standards listed in Section 74.020, the following provisions shall apply to all Zones:

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 the ORS;

74.030 - GENERAL PROVISIONS (continued...)

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 of, or be confused with any authorized traffic sign including "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. Signs cannot be located within a county, state, or federal right-of-way;

G. The area of all signs shall be calculated using a measuring traverse. The measuring traverse shall be as follows:

1. A rectangle to be placed on the sign face so that the top and bottom sides are parallel to the ground grade, and whose four sides touch the extreme points of the outer edge of the sign frame and background;

2. If the sign is of a different geometric shape than a rectangle, then the measuring traverse is the same shape as the sign to be measured.

TREET PARKING

ɔff-street parking is to establish and maintain areas for efficient and .king for residential, civic, commercial, and industrial uses and to provide .s for discharging people and products from ground transportation.

.0 - APPLICATION

√hen a structure is erected or enlarged, or the use of an existing structure is changed, off-street parking spaces, loading areas, and access shall be provided as set out in this Article. Off-street parking shall not occur in any right-of-way required by this Code. If parking facilities have been provided in conjunction with an existing use, the facilities shall not be reduced.

75.030 - OFF-STREET PARKING

Off-street parking shall be provided on the development site or within 400 feet of the development site to be served by the parking facility. All parking must be located on the same lot or parcel as the development or on a lot or parcel under the same ownership as the development site unless a special covenant or agreement is approved by the Review Body, which will dedicate the parking to the development.

75.040 - PARKING AREA DESIGN

A. 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 Zone in which the parking area is located.

B. Groups of 3 or more parking spaces on a single lot, except those in conjunction with single-family dwellings, shall be served by a service road so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service roads shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress, ensure the 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.

75.040 - PARKING AREA DESIGN (continued...)

C. Public parking areas which are a permitted use shall be designed and laid out in conformance with this Section.

D. Parking space dimensions shall be as follows:

1. Truck or recreational vehicle parking space shall be designed to adequately accommodate the proposed use;

2. Standard parking space shall be no less than 9 feet wide by 20 feet long;

3. Compact parking space shall be no less than 8 feet wide by 17 feet long.

E. Bicycle racks or designated handicapped parking may be required when parking exceeds 20 spaces per parking area.

75.050 - PARKING SPACES

The actual number of parking spaces required for a development or use will be set by the applicant.

75.060 - PARKING AREA IMPROVEMENTS

All public or private parking areas which contain 3 or more parking spaces and outdoor vehicle sales areas, shall be improved according to the following:

A. If the parking area is not paved, then it shall be rocked or shaled;

B. All parking areas, except those in conjunction with a single-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;

C. All parking areas, except those required in conjunction with a single-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private or public property;

75.060 - PARKING AREA IMPROVEMENTS (continued...)

D. Except for single-family dwellings and vehicle sales areas, all parking areas, including service roads, which do not abut a Commercial or Industrial Zone shall be enclosed along all interior property lines which do not abut the Commercial or Industrial Zone, by a fence or wall not less than 4 feet and not more than 6 feet in height. The fence or wall shall meet the standards for visual clearance and front and interior yard requirements as established for the Zone in which it is located:

1. If the fence or wall is not located on the property line, the 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;

2. All plant vegetation in this area shall be adequately maintained and any 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 the parking area.

E. 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 Zone.

ARTICLE 76 - RURAL/WILDLAND FIRE SAFETY STANDARDS

76.010 - PURPOSE

The purpose of this Article is to establish standards for the placement of structures, and access to properties in areas where wildfires pose a risk to property and human lives.

76.020 - APPLICATION OF STANDARDS

A. The provisions of this Article shall apply to all lands zoned Forest Commercial and Woodlot Resource in Josephine County.

B. Replacement or substantial improvement of legally pre-existing dwellings requires compliance with the development standards set out in Sections 76.030(C), (D), (E), (I), (J) and (L).

C. Other mandatory fire safety provisions of this Code will not be required for replacement or substantial improvements unless the structure has not been habitable for more than one year, or the building is not being replaced at its pre-existing location.

D. The provisions of Section 76.050 shall apply to any fireworks operation in the Rural Industrial Zone.

76.030 - DEVELOPMENT STANDARDS

All site development will meet or exceed all of the following standards:

A. A plot plan shall be submitted to the Review Body in conformance with the standards of this Section;

B. No dwelling shall be sited on slopes greater than 40%;

C. All structures shall be placed or constructed with a minimum separation as described in the adopted Building Codes to reduce the risk of fire spreading from one structure to another;

D. All dwellings shall have a fire retardant roof and each chimney must have a spark arrestor;

E. Adequate access for fire-fighting vehicles shall be provided to within 50 feet of all habitable structures including manufactured dwellings and other significant buildings constructed or placed, after the effective date of this Code:

1. A structure or fill and culvert shall be provided to cross a live stream, ravine, irrigation ditch, or similar topographic feature in order to provide access for emergency vehicles;

2. While the responsibility to provide adequate access rests with the property owner, the Review Body may require certification from an engineer registered in the State of Oregon that the structure or fill and culvert has been constructed to support emergency vehicles grossing a minimum of 50,000 lbs;

3. Any structure or fill and culvert shall be maintained to the design capacity by the owner of the property.

F. Adequate horizontal and vertical clearance shall be created and maintained on driveways to permit emergency vehicles access to the dwelling;

1. Minimum surface width shall not be less than 12 feet. Width shall be increased to a minimum of 14 feet in curves with a centerline radius of less than 150 feet to ensure emergency vehicles remain on an all weather surface;

2. An all weather surface does not require paving;

3. As a rule, shrubbery and brush should be cleared from each side of the right-of-way, and tree branches should be trimmed to 14 feet above the road.

G. Grades on driveways shall not exceed 18% as described in Josephine County Land Development Code.

1. An unsurfaced driveway shall not exceed a grade of 12%, or a driveway surfaced with asphaltic concrete or Portland Cement shall not exceed a maximum grade of 18%;

2. Grade transitions shall not exceed 1% in 3 feet, on driveways in excess of 100 feet;

3. There shall be a turnout for every 400 feet of driveway length;

4. Driveways shall be extended to within 50 feet of habitable structures including manufactured dwellings and other significant buildings, and shall terminate in an approved cul-de-sac, clear area, or other turnaround arrangement.

5. Gate widths shall be a minimum of 14 feet unless on a curve where minimum driveway width is 14 feet, then the gate shall be a minimum of 16 feet.

H. Subdivisions shall not be permitted in box canyons using one-way access roads;

I. The dwelling must be located as follows:

1. In a fire protection district protecting structures or the applicant must provide evidence of a contract providing residential fire protection for the dwelling; or

2. If the dwelling is not located in a fire protection district protecting structures, the applicant provides evidence that they have requested being included in the district; or

3. If subsections 1 and 2 are not practical, an alternative may be developed utilizing a fire sprinkling system, on-site equipment and water storage, or other methods that are reasonable given site conditions.

J. The applicant must provide evidence of a domestic water supply from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of groundwater or surface water and not from a Class II stream as designated by the Oregon Department of Forestry. For the purpose of this subsection, evidence of a domestic water supply means;

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

2. A water use permit issued by the Water Resources Department for the use described in the application; or

3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application;

4. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

K. If a water supply is required for fire protection, it shall be a pond, swimming pool, lake, or similar body of water containing at least 4000 gallons or a stream having a continuous year round flow of at least 1 cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access to within 15 feet of the water's edge shall be provided for pumping units:

1. The road access shall accommodate the turnaround of fire fighting equipment during the fire season;

2. Permanent signs shall be posted along the access route to indicate the location of the emergency water source, as required by OAR 660-06-035 (1), as adopted March 1, 1990.

L. The Primary Safety Zone shall be delineated in Section 76.030(L)(6) around structures, and shall be maintained as follows:

1. Use of landscape plants within the Primary Safety Zone shall be of a low fuel and low growing variety;

2. Trees should be pruned to remove dead and low (less than 8 feet) branches and remove any limbs that are touching any structure;

3. Trees should be pruned to provide an 8 foot clearance between branches and chimneys and stovepipes. No branches overhanging a roofline;

4. Trees shall be thinned to 15 feet spacing between trunks;

5. Underbrush, dry leaves, twigs, weeds and debris shall be removed, and combustible materials limited;

76.030(L) - DEVELOPMENT STANDARDS (continued...)

6. The goal within the primary zone should be to exclude fuels that will produce flame lengths in excess of one foot:

Size of the Primary Safety Zone

SLOPE	SAFETY ZONE IN FEET	SAFETY ZONE DOWN SLOPE IN FEET
0%	100	0
10%	100	50
20%	100	75
25%	100	100
40%	100	150

76.040 - IDENTIFICATION NUMBERS

House numbers shall be posted on lots in a manner to clearly direct emergency equipment to the location of the dwelling. Numbers shall be at least 3" high, light reflective, and posted at driveway entrance and all intersections thereafter.

76.050 - FIREWORKS

The assembly, manufacturing, or preparation of products included in the definition of fireworks as provided in ORS 480.110(1) shall be conditioned upon the following in addition to all other requirements of this Code:

A. At no time shall more than five pounds of any active ingredient of the products be compounded or present on the premises in an unpackaged form;

B. Fire flow capability,shall be provided for the use at a rate of 500 gallons per minute and that water shall be provided from a municipal source or on-site storage with a minimum capacity as determined by the fire protection agency or company providing fire protection;

C. A fuel break shall be provided around the facility for a distance of at least 100 feet in all directions. The fuel break shall be maintained at all times;

76.050 - FIREWORKS (continued...)

D. The fuel break shall be wholly on the subject property or easements and shall be secured to provide for the maintenance of the fuel break;

E. All license and permit requirements from state and federal agencies shall be obtained prior to the commencement of operation of the facility;

F. The operation shall be conducted in accordance with the most current edition of the National Fire Protection Association Standards 1124 as adopted in 1984;

G. The facility shall be built to the standards required for any facility using Class "A" explosives as set forth in the most current edition of the National Fire Protection Association Standards 1124 as adopted in 1984;

H. A direct alarm system to emergency services shall be installed and maintained at all times;

I. There shall not be on-site testing of the products being assembled, manufactured, or prepared;

J. A binding contract with a fire protection service shall be in effect at all times for any facility located outside of a fire protection district.

CHAPTER 8 - PUBLIC FACILITIES DEVELOPMENT STANDARDS

ARTICLE 80 - BASIC PROVISIONS

80.010 - PURPOSE

The purpose of this Chapter is to establish standards for the design and development of property in order to protect the public health, safety, and welfare.

80.020 - APPLICATION OF CHAPTER

A. The subdivision, partition, replat, property line adjustment, or planned unit development shall conform to, and be in harmony with, the Josephine County Comprehensive Plan Text and Comprehensive Plan Map of that portion of the County within which the land division is located, and shall provide right-of-way dedication in conformance with an official map, adopted for the County or any urbanizing area within the County.

B. The requirements and standards set forth in this Chapter are the minimum which a subdivision, partition, replat, property line adjustment, or planned unit development must conform to before approval by the Review Body, except as otherwise provided in this Code.

C. The term land division shall apply to all subdivisions, partitions, replats, property line adjustments, or planned unit developments.

D. The standards in this Chapter shall apply to any relevant land use application and procedure.

80.030 - IMPROVEMENT PROCEDURES

Improvements required by this Chapter shall conform to the requirements of this Code, the Roadway and Traffic Management Plan for the Josephine County Rural Area, the Josephine County Standards and Specifications for Design and Construction of County Roads, the AASHTO standards, and any technical manuals used by the Department of Public Works in road development and plan review. These manuals, as revised, are incorporated into this Code by reference. The following procedures shall be used:

80.030 - IMPROVEMENT PROCEDURES (continued...)

A. Construction work shall not be commenced until all required plans, profiles, and specifications have been reviewed and approved by the Director of Public Works and the appropriate state agency. All plans, profiles, and specifications shall be submitted prior to final development approval;

B. Construction work shall not be commenced until the Director of Public Works has been notified; and

C. Required improvements shall be constructed in accordance with specifications as set forth by the Director of Public Works and inspected for conformance. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change. Any similar changes initiated by the developer must be reviewed with, and approved by, the Director of Public Works.

80.040 - PARCELS SPLIT BY AN URBAN GROWTH BOUNDARY

When a parcel proposed for division lies partly within and partly outside an Urban Growth Boundary, only that portion of the parcel which lies outside of the Grants Pass Urban Growth Boundary shall be subject to the applicable rural area standards.

ARTICLE 81 - VEHICULAR ACCESS & STANDARDS

81.010 - PURPOSE

The purpose of these standards is to ensure safe ingress and egress to and from properties; to minimize street congestion and traffic hazards; to provide safe and convenient access to businesses, public services, and places of public assembly; and to make vehicular circulation more compatible with surrounding land uses.

81.020 - ACCESS STANDARDS

A. Every lot or parcel created by a new land division 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. Lots or parcels that do not abut such a road or highway may be approved by the Review Body 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 June 29, 1973, 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 Review Body finds that acceptance of such road for partitioning purposes is in the public interest, any partitioning using those roads shall be conditioned upon the dedication of additional right-of-way and improvement as required by the Review Body.

B. No partitioning or subdivision of land shall be authorized except as permitted in Sections 65.060 and 65.160, and as above, using any special purpose roads, including 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.

81.030 - GENERAL ROADWAY DESIGN CRITERIA & STANDARDS

The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public safety, and to the proposed use of the land to be served by the street.

81.040 - STREET CREATION WITHIN A LAND DIVISION

The creation of a street within a subdivision, partition, replat, or planned unit development, shall be in full compliance with the platting requirements contained in this Code and applicable State regulations. No person shall create a street or road for the purpose of subdividing, partitioning, replating, or creating a planned unit development, on an area or tract of land without County approval.

81.050 - STREET CREATION OUTSIDE A LAND DIVISION

A. The provision of right-of-way for creation of streets outside of a subdivision, partition, replat, or planned unit development, where streets are not shown on an adopted Transportation Plan shall be in conformance with the County Road Standards, except that, the Review Body may approve the creation of a street by deed without full compliance with platting regulations provided any of the following conditions exist:

   1. The establishment of the street is initiated by the Board of County Commissioners and is declared essential for the general traffic circulation;

   2. The street is to provide access to parcels that were created prior to the enactment of this Code;

   3. The street is necessary to provide access intervening between a proposed subdivision, partition, replat, or planned unit development and a public road;

   4. The street may be established as a condition of Site Plan Review to facilitate the safe ingress and egress of a particular use.

B. In all cases, the creation of a street shall be consistent with the elements of the Comprehensive Plan; shall not disrupt the stability of the land use pattern in the area; and will promote and conserve the public health, safety, and welfare. The Review Body may deny the request or refer the request for the creation of a street to a public hearing where, in the Review Bodies opinion, the request would be in conflict with the provisions in Section 81.050(A).

81.060 - SUBMISSION OF PROPOSED DEED

A. In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivisions, partitions, replats, property line adjustments, or planned unit developments, a copy of the proposed deed shall be submitted to the Review Body.

81.060 - SUBMISSION OF PROPOSED DEED (continued...)

B. The deed and any information which may be submitted, shall be reviewed by the Review Body and the County Engineer, and, if not in conflict with the design standards of this Code, may be approved with any conditions necessary to comply with these standards.

C. Requirements for the creation of a street by deed must include engineering data, plan and profile, and the construction of the street to the appropriate standards.

81.070 - EASEMENTS

Easements for public facilities, public or private utilities, slopes, drainage, etc., shall be dedicated wherever necessary. The Review Body may require the developer to acquire and dedicate easements on adjoining property when necessary to protect the public health, safety, and general welfare.

81.080 - RELATION TO ADJOINING STREET SYSTEM

A. Applicants for a subdivision, partition, replat, property line adjustment, planned unit development or Site Plan Review shall provide for the continuation of the principal streets existing in adjoining subdivisions or of their proper projection when the adjoining property is not subdivided. The streets shall be a width not less than the minimum requirements for streets set out in Sections 81.130(A) and 81.200(F).

B. Where, in the opinion of the Review Body, topographic conditions make the continuation or conformity impractical with the existing, principal streets, an exception may be made.

C. Where an adopted neighborhood, area, or rural community plan is in place, the subdivision partition, replat, property line adjustment, or planned unit development shall conform to the adopted plan.

D. Where the plat submitted covers only a part of the developer's tract, a drawing of the prospective future street system on the part submitted shall be considered in light of its conformity to the street system of the entire tract.

E. Loop road systems are to be provided where possible in order to provide more than one route for traffic in the case of an emergency. Cul-de-sac roads are to be kept as short as practical to facilitate better emergency access.

81.090 - FUTURE EXTENSION OF STREETS

A. Where necessary to give access to, or permit a satisfactory future subdivision, partition, replat, or planned unit development, on adjoining land, the Review Body may require that streets be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround.

B. Street plugs may be required to preserve the objectives of street extensions, the control of which shall rest with the Board of County Commissioners according to their sole discretion.

81.100 - HALF STREETS

A. While generally not acceptable, half streets may be approved where they can be shown to be essential to the reasonable development of the subdivision, partition, replat, or planned unit development. The use of half streets must be in conformity with any other requirements of this Code, and when possible, shall require the dedication for construction of the other half, at the time any adjoining property is subdivided, partitioned, replated, or a planned unit development is created.

B. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated and constructed within the subdivision, partition, replat, or planned unit development. Street plugs may be required to ensure the objectives of obtaining full-width streets.

81.110 - ALIGNMENT AT INTERSECTIONS

As far as practical, streets shall be in alignment with existing streets by continuing the center lines. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction.

81.120 - STREETS ABUTTING A LAND DIVISION

A. At a minimum, applicants for subdivisions, partitions, replats, property line adjustments, planned unit developments and Site Plan Review, shall provide streets, of the appropriate standards, connecting directly to an existing publicly maintained street.

81.120 - STREETS ABUTTING A LAND DIVISION (continued...)

B. Where the right-of-way of an existing street, which directly abuts any land division, does not meet the appropriate rural standard, the applicant shall dedicate the right-of-way required to meet the standard unless exempted by another Section of this Code.

C. At County discretion, street improvements shall be constructed to an equivalent dollar amount of the half-width rural standard. Design standards for rural roads shall be in conformance with this Code, the Roadway and Traffic Management Plan for Josephine County Rural Area, the Josephine County Standards and Specifications for Design and Construction of County Roads, the AASHTO standards, and any technical manuals used by the Department of Public Works in road development and as provided in Section 81.130(A).

81.130 - IMPROVEMENT STANDARDS

A.

TABLE 1					
RURAL ROAD STANDARDS					
STANDARD	LIMITED RESIDENT	RESIDENT	LOCAL	MINOR COLLECTOR	MAJOR COLLECTOR
Design Speed	25 mph	25 mph	35 mph	50 mph	55 mph
Lane Width	11 feet	11 feet	12 feet	12 feet	12 feet
Surface Type	oil mat	oil mat	oil mat-AC	oil mat-AC	AC
Grade Maximum	15%	15%	12%	10%	8%
Shoulder Width	-----	2 feet	4 feet	6 feet	8 feet
Shoulder Surface	gravel	gravel	oil mat-AC	oil mat-AC	AC
Structure Width	28 feet	30 feet	32 feet	36 feet	40 feet
Vertical Clearance	16 1/2 feet	16 1/2 feet	16 1/2 feet	16 1/2 feet	16 1/2 feet
Load Design (Structure)	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44
R/W Width *	50 feet	50 feet	60 feet	60 feet	60 feet

NOTES: Grades in erosion sensitive soils as determined by the County Engineer will require erosion control measures.

* Right-of-way width may be increased because of the topography of a site.

B. Improvements shall be made by the developer prior to submission of the final plat or final map or by an agreement to improve roadways which shall be executed as provided in Article 14 of this Code. Roads proposed for construction will be categorized by location.

81.140 - BLOCKS

The length, width, and shape of blocks shall be designed to provide adequate building sites suitable for the proposed use(s), to satisfy any need for convenient access, circulation, control, and safety of street traffic, and the limitations and opportunities of the topography of the site.

81.150 - BICYCLE LANES

The Review Body may require the installation of separate bicycle lanes within streets and/or separate bicycle paths, if necessary to extend an existing or planned system of bicycle routes, shown on the adopted Bicycle Route Plan, or if a need is otherwise indicated. Such paths shall meet the standards of the State of Oregon.

81.160 - ALLEYS

The minimum width of alleys, when provided in residential blocks, shall be 20 feet. Alleys shall be provided in Commercial and Industrial Zones and shall not be less than 20 feet in width.

81.170 - CUL-DE-SACS

Dead-end streets shall terminate in a cul-de-sac turnaround with a minimum radius as listed in the road standards adopted by the Board of County Commissioners or standards adopted by AASHTO.

81.180 - STREET INTERSECTIONS

A. All streets shall intersect at right angles (90 degrees); where an intersection of 90 degrees cannot be secured because of physical constraints of the site, an angular intersection of not less than 60 degrees may be permitted.

B. Right-of-way lines at street intersections shall be rounded with an arc parallel to the curb or shoulder arc.

C. Collector and arterial intersections shall have roadway curb or road shoulder radii of not less than 25 feet; all other street intersections shall have roadway curb radii of not less than 20 feet.

81.190 - STANDARD DRIVE APPROACHES

Standard drive approaches shall be installed pursuant to County design standards.

81.200 - RESTRICTED RESIDENTIAL ROADS

A. When 5 or fewer lots or parcels are to be served by a public road, the developer may request approval to construct to a lesser standard than required by this Article. Those roads will not be accepted for maintenance by the County Board of Commissioners, unless improved to maintenance standards and specifications for Rural Roads found in Section 81.130(A).

B. If the road cannot be extended to serve ultimately more than 5 lots or parcels, the sub-grade may be constructed to only a single lane width:

   1. If the road potentially could be extended to serve more than 5 lots or parcels the sub-grade shall be constructed to a double lane width to allow future improvements to the appropriate road standard;

   2. Design standards for restricted residential roads are provided in Section 81.200(F), for partitions over 5 lots or parcels, however, surfacing may be limited to one lane only with turnouts intervisible or 800 feet maximum, 50 feet in length plus 25 foot tapers.

C. If a road is to be improved to the minimum standards of this Section, rather than the normal standards for Rural Roads, prior to approval, the developer shall submit to the Review Body a provision which shall include the following terms:

   1. The agreements for maintenance and improvement shall be enforceable by any abutter or the County on its own motion;

   2. The property owners abutting the road, their successors, or assignees, shall maintain the road, either equally or in accordance with a special formula, including, but not limited to, a formula proportional to the frontage or acreage.

D. The agreement required by Section 81.200(C) shall be recorded with the final plat and by the County Clerk prior to the transfer of lots or parcels served by the road created in compliance with this Section:

   1. Restoration of the road shall be accomplished whenever deterioration results in exposure of the sub-grade, failure of the foundation, erosion of ditches or road shoulders, or blockage of culverts;

   2. The agreement shall further specify that if the road includes a structure, the structure shall be continually maintained at the loading standard to which it was constructed, and the structure shall be inspected at a minimum of every ten years by a registered professional engineer;

3. This agreement shall not apply to any County road created prior to the passage of this Section, nor shall any maintenance agreement be binding on any lot or parcel, lawfully created and existing prior to the creation of a new road, that abuts a new road unless included in the maintenance agreement by voluntary action of the property owner.

E. The applicant may request that a gravel surface be constructed in lieu of the required oil mat surface. The Planning Director has the authority to approve this request if all the following conditions exist:

1. The road cannot be extended to serve more than a total of five lots including the lots requested in the current application;

2. The road shall be located on soils that are not erosive in nature to the extent that the road could substantially deteriorate under normal traffic conditions;

3. The parcels to be served are relatively isolated from an existing oil mat or County road;

4. The application of an oil mat surface would not be practical because of extraordinary circumstances that would cause a substantial hardship;

5. The creation of the road would lead to an orderly and efficient use of the land on the subject property and surrounding properties.

81.200 - RESTRICTED RESIDENTIAL ROADS (continued...)

F.

TABLE 2		
RESTRICTED RESIDENTIAL ROAD STANDARDS		
STANDARD	MAXIMUM 5 LOTS OR PARCELS	POTENTIAL FOR MORE THAN 5 LOTS OR PARCELS***
Design Speed	20 mph	25 mph
Lane Width	13 feet*	13 feet surfaced
Surface Type	oil mat	oil mat
Grade Maximum	18%	15%
Structure Width	14 feet	28 feet/30 feet
Vertical Clearance	16 1/2 feet	16 1/2 feet
Load Design (Structure)	HS 20-44	HS 20-44
R/W Width	25 feet**	50 feet

NOTES: Grades in erosion sensitive soils as determined by the County Engineer will require erosion control measures.

* Turnouts shall be provided intervisible or 800 feet, constructed 50 feet in length plus 25 foot tapers on each end.

** A different R/W Width may be required because of the topography of a site.

*** Future road standards above a residential standard will require the development to the greater standard.

81.210 - CREATION OF STREETS SHOWN ON THE TRANSPORTATION MASTER PLAN

A. Streets shown on the Adopted Master Transportation Plans are created at the time of adoption of the Plans.

B. Improvements and engineering data necessary for the completion of roads shall be submitted as reasonably requested by the County Engineer.

C. The review and approval of documents shall be performed by the Review Body and County Engineer to assure compliance with street improvements standards. Decisions made by the Review Body and County Engineer may be appealed as part of the original application under the provisions of Article 33.

ARTICLE 82 - SUBDIVISION & STREET NAMES & SIGNS

82.010 - SUBDIVISION NAMES

The name of any subdivision or planned unit development shall not be the same as, similar to, or pronounced the same as the name of any other subdivision or planned unit development within the County, unless the development is contiguous to and an extension of another land division which was platted by the same developer; or the developer files and records the consent of the original developer that platted the contiguous subdivision or planned unit development bearing that name. Adjacent plats shall continue the lot numbers and, if used, the block numbers of the subdivision or planned unit development plat of the same name last filed.

82.020 - STREET NAMES

The name of any proposed road shall not duplicate or be so similar as to be confused with the name of any existing road within the County.

82.030 - STREET SIGNS

Arrangements shall be made by the developer for the Public Works Department to furnish and install all required signs and traffic control devices. All costs of materials, labor, and equipment shall be paid by the developer.

ARTICLE 83 - EROSION CONTROL & STORM DRAIN FACILITIES

83.010 - PURPOSE

The standards and criteria for erosion and sediment control provide for the design of projects so as to minimize the harmful effects of stormwater runoff and the resultant inundation and erosion from projects, and to protect neighboring downstream and downslope properties from erosion and sediment impacts.

83.020 - APPLICATION OF STANDARDS

A. These standards shall apply to any land division or land use application including development and construction which 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 Oregon Forest Practices Act.

B. An Erosion and Sediment Control Plan to prevent or mitigate possible hazards to life, property, or the natural environment shall be required.

83.030 - PLAN REQUIREMENTS

A. An operation plan shall be submitted prior to any grading or filling on slopes 15% or greater, or on granitic soils.

B. The plan shall be prepared by a registered civil engineer, and shall provide the following information:

1. 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;

2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, including the following:

   a. Flow lines of surface waters onto and off of the site;

   b. Existing and proposed contours at 2 foot intervals;

   c. Location, amount, and extent of cuts, fills, or contouring;

83.030(B)(2) - PLAN REQUIREMENTS (continued...)

d. Existing and proposed drainage ways;

e. Building corner and street elevations for existing and proposed improvements;

f. Existing and proposed retaining walls;

g. The location and design of facilities for storage or conveyance of surface water runoff;

h. Estimates of existing and proposed runoff on the site.

3. The Plan shall include an evaluation of the effects of projected runoff on adjacent properties and existing drainageways;

4. 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;

5. The plan shall include information detailing the final ground cover, landscaping, erosion and drainage controls, and requirements for stable cut and fill slopes which will be based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, United States Department of Agriculture publication Soil Interpretations for Oregon shall be used.

83.040 - EROSION & SEDIMENT CONTROL PLAN REVIEW

The Erosion and Sediment Control Plan shall be submitted as part of the land division or land use application and shall be reviewed as part of the application. The Review Body or the County Engineer where roads may be effected, shall review the Plan and may recommend the installation or construction of improvements necessary to mitigate the impacts of the potential erosion and runoff.

83.050 - STORM DRAINAGE FACILITIES

Drainage facilities shall be provided for subdivisions, partitions, replats, or planned unit developments, and shall be connected directly to existing drainage ways or storm sewers outside of the proposed land division that have an adequate capacity to accept drainage water from the subdivision, partition, replat, or planned unit development as provided below:

A. Design of drainage within the subdivision, partition, replat, or planned unit development shall be approved by the County Engineer, consistent with the County's Master Storm Drainage Plan, and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision, partition, replat, or planned unit development, and to allow extension of the system outside the subdivision, partition, replat, or planned unit development;

B. Drainage for the individual lots of the proposed subdivision, partition, replat, or planned unit development, and the proposed subdivision, partition, replat or planned unit development as a whole, shall be accomplished in such a manner so as to prevent the excessive flow of water across property lines, sidewalks, and other public right-of-ways;

C. When in the opinion of the County Engineer, land in a subdivision, partition, replat, or planned unit development which is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream, or creek, shall be required as a condition of approval to provide for adequate unrestricted drainage by the developer;

D. Provision for drainage shall be shown on a drainage plan both within and adjacent to the subdivision, partition, replat, or planned unit development. The plan shall show all easements and any improvements to be constructed;

E. Public improvements shall be approved by the Review Body as adequate for the drainage needs of the area. Where necessary, for protection of any needs, the Review Body may condition the tentative plan approval on the conveying of ownership of a drainage easement for drainage purposes to the County.

ARTICLE 84 - WATER STANDARDS

84.010 - PURPOSE

The purpose of this Section is to require prior testing and approval of development in order to reasonably assure an adequate and safe water supply for all citizens of Josephine County. A related purpose is to determine the availability, impact, and water quality for the users of ground water in Josephine County.

84.020 - APPLICATION

This Article shall apply to the following land divisions and uses when the owner/developer intends to use a groundwater source as a water supply. In addition, this Section shall apply to newly constructed and existing wells as outlined in Sections 84.070 and 84.080 of this Code. To implement this Article, the following shall apply:

A. All subdivisions proposing 1 or more lots less than 1 acre in size shall, successfully complete an Aquifer Test or a Major Pump Test, as determined by the Director of Water Resources, as a condition of final platting;

B. All land partitions creating 1 or more lots less than 1 acre in size shall successfully complete a Major Pump Test or a Minor Pump Test as, determined by the Director of Water Resources, a condition of final platting;

C. New construction of planned unit developments, shall successfully complete a Major Pump Test or a Minor Pump Test (for 3 units) as a condition of final platting;

D. New construction of RV Parks shall successfully complete a Major Pump Test or a Minor Pump Test (for 3 units) as a condition of Site Plan Review and prior to the issuance of a Development Permit;

E. Any change in the use of Commercial or Industrial Zoned property, or a change in the use of any property to a commercial or industrial use, after the effective date of this Code requiring more than 1600 gallons per day total, shall successfully complete a Major or Minor Pump Test, as determined by the Director of Water Resources as a condition of Site Plan Review and prior to the issuance of a Development Permit;

84.020 - APPLICATION (continued...)

F. Any new well for institutional use, other than a replacement well, or a change in use of the property to an institutional use, requiring more than 1600 gallons per day, shall successfully complete a Major or Minor Pump Test as determined by the Director of Water Resources as a condition of Site Plan Review and prior to the issuance of a Development Permit;

G. Any proposed land divisions in which a new well may threaten existing, properly constructed wells in documented water quantity problem areas, as shown on the official Groundwater Problem Area map, shall successfully complete a Major or Minor Pump Test and submit the results to the Review or Hearing Body prior to the dates set out in Section 30.020(A) and (B);

H. An application for a land use or a land division shall include a Statement of Intended Water Use signed by the applicant, and reviewed and signed by the Water Resources Department;

I. A land use or land division application which will require a state water use permit under ORS 537.545, may be required to conduct an Aquifer Test instead of a Major or Minor Pump Test. The following uses are exempt from this requirement:

1. Watering of livestock;

2. Watering any lawn or non-commercial garden not exceeding 1/2 acre in size;

3. Any single or group domestic purposes whose use will not exceed 15,000 gallons of water per day;

4. Down-hole heat exchange;

5. Any single industrial or commercial purpose whose use will not exceed 5000 gallons of water per day.

J. A Josephine County Water Well Permit shall be obtained prior to the commencement of any work for each of the following:

1. Construction of any well;

2. Alteration of any well;

3. Abandonment of any well.

84.030 - ADMINISTRATION

A. The standards in this Article shall be administered as a part of a land use or land division application.

B. If the Water Resources Department has determined that a pump test has failed, and subsequent appeal to the Hearings Officer confirms failure, the land developer may appeal as follows:

1. The developer may hire a qualified geologist to consult with the County's geologist to work toward an acceptable solution;

2. If the Counties geologist and developer's geologist cannot arrive at a solution acceptable to the developer, they may hire another consulting geologist acceptable to both parties, to consult with on this matter. A majority decision by these three experts will become a final recommendation to the Water Resources Department;

3. The land developer is responsible for all costs other than the cost of the County's geologist.

84.040 - TEST REQUIRED

A. No person shall use groundwater or install a new water system utilizing a groundwater source for any land use or division specified in Section 84.020, without successfully completing a Major Pump Test, a Minor Pump Test, or an Aquifer Test.

B. Any subsequent uses, not specified on the application for a land use or land division may not be covered by the test results or recommendations from the Major Pump Test, the Minor Pump Test or the Aquifer Test.

84.050 - TEST OBJECTIVE

The following objectives, standards, methods and procedures shall be utilized in conducting any testing required by this Article:

A. Test Objectives. A Major and Minor Pump Test shall accomplish two or more of the following objectives:

84.050(A) - TEST OBJECTIVE (continued...)

1. Obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissivity and storage, specific yield, and hydraulic conductivity;

2. Determine the location and character of geologic boundaries;

3. Develop data concerning the effects of well interference;

4. Produce information that will ensure that sufficient groundwater of acceptable quality, is available to serve the intended use.

B. Test Standard:

1. Aquifer Test. The test shall be designed and supervised by a qualified professional geologist who has first-hand knowledge of standard testing procedures. The test design must be approved by the Director of the Water Resources Department prior to beginning the test. When the test has concluded, a report shall be submitted to the Water Resources Department which details the conclusions and recommendations reached as a result of the test including whether there is adequate water and the potential for interference with other wells in the area;

2. Major Pump Test. The requirements specified in Section 84.050(B)(3) shall apply to the first 3 proposed dwelling units (5 g.p.m./dwelling unit):

   a. For any additional dwelling units proposed, the well(s) shall be capable of supplying 400 gallons per day per dwelling unit, in addition to existing uses, over a period of 12 hours;

   b. If the well(s) for a development will not supply water at the quantity specified in Section 84.050(B)(2)(a), the developer may test at a lesser amount provided the water systems are engineered and approved by the Oregon Health Division;

   c. Well(s) proposed to supply water for industrial or commercial developments shall meet, or exceed, the estimated needs of the development.

84.050(B) - TEST OBJECTIVE (continued...)

3. Minor Pump Test. The test shall establish the proposed well(s) is (are) capable of supplying water at a minimum rate of 5 gallons per minute per proposed dwelling unit in addition to existing uses, even though during testing a greater amount may be observed:

   a. If the proposed well(s) is (are) not capable of producing the minimum amount of water specified in Section 84.050(B)(3), the developer has the option to drill a well on each lot to be created;

   b. The wells drilled on each lot shall be capable of producing water at a minimum rate of 3 gallons per minute per proposed dwelling unit for 4 hours;

   c. The method of testing must be approved by the Water Resources Department;

   d. In addition, any well(s) being used for a commercial or industrial development shall be capable of supplying water to meet or exceed the estimated needs of the development.

4. For Major and Minor Pump Tests, the production well drawdown shall be as great as possible.

   a. The pumping rate shall be approved by the Water Resources Department prior to the beginning of the test so that, where possible, a drawdown goal of at least 20% of the initial standing column of water is achieved;

   b. In the case of unusually high capacity wells, the Water Resources Director may approve a lesser drawdown standard.

5. Any observation well shall not have the water level reduced to less than 25% of the initial standing water column;

6. All wells involved in a Major or Minor Pump Test shall be static with regard to water level at time of test start-up and, with the exception of the production well, shall be disconnected from the power source for the duration of the test;

7. Any observation well in which drawdown does not exceed 75% of the initial column of water shall have a recovery of, at least, 80% of the drawdown within 12 hours.

84.050 - TEST OBJECTIVE (continued...)

C. Prior to the Test:

1. The certified pump tester shall submit a preliminary report outlining the proposed test, including a map showing locations of all wells involved in the test, on a form supplied by Water Resources Department, no later than 10 working days prior to the pump test;

2. At least 24 hours prior to the pump test, a pre-test no less than 1 hour in length, shall be conducted to determine well capacity and an adequate rate of flow for the test. At least, 3 water level measurements shall be taken and recorded during the pre-test. The first measurement shall be taken prior to pump start-up (well must be static); second during pumping; and, third, just prior to pump shutdown;

3. For a Major or Minor Pump Test all wells shall be shut off no less than 1 hour prior to the test. At least, 3 water level measurements, no less than 20 minutes apart, shall be taken on all wells prior to test start-up. All wells must be static before beginning the pump test;

4. A pre-test information form, documenting pre-test results, shall be submitted to the test supervisor, prior to the beginning of a Major or Minor Pump Test;

5. Prior to the test, the certified pump tester shall attempt to notify all property owners, and occupants within a 500 foot radius of the proposed production well, of the upcoming test, and that the property owner will have the opportunity to participate by volunteering their well as an observation well. The notice shall also include a request to curtail or restrict water use during the pump test. Notification shall be in writing, mailed or hand delivered. Initial contact may be by phone providing a follow up letter is delivered.

D. Test Standards and Procedure:

1. Major Pump Test. A Major Pump Test shall be conducted using the well and pump, or a comparable pump, intended to accommodate whatever land uses are proposed:

   a. A Major Pump Test will be conducted, in the same manner as the Minor Pump Test, except the test duration will be twelve (12) hours minimum of pumping discharge;

b. The minimum acceptable amount to be pumped shall be determined as outlined in Section 84.050(B)(2)(b);

c. The withdrawal of water during the test must be as great as possible in order to develop a cone of depression;

d. The drawdown readings, after 240 minutes, will be read every 60 minutes;

e. The recovery readings will follow the Minor Pump Test criteria for the first 240 minutes; thereafter, readings will be taken every 60 minutes, until 80% recovery or until 720 minutes has been reached.

2. Minor Pump Test:

a. Discharge shall be solely from the well and is to be measured in gallons per minute (g.p.m.), by an approved method, and recorded on a standard form approved by the Josephine County Water Resources Department;

b. The pumping rate must be controlled with an adjustable valve. The size of the discharge pipe and valve shall be such that the valve will be from 1/2 to 3/4 open when pumping at the desired rate. Changing pump speed shall not be used as a method of controlling the discharge rate;

c. At least 2 of the following methods shall be used to measure the discharge flow rate:

(1) Observing time required to fill a container of known volume;

(2) Commercial type water meter to measure amount pumped in a given time (i.e., gallons in a minute);

(3) Non-invasive type flow meters (i.e., ultrasonic);

(4) Circular orifice weir;

(5) Orifice bucket;

(6) Open pipe flow:

i. horizontal pipe method (trajectory)

ii. vertical pipe method

(7) Several methods should be used to ensure accuracy (i.e,, 1 and 6, 1 and 4, 3 and 1, 2 and 1, etc.). Methods must be approved by the Water Resources Department prior to the test.

d. Using the pump or a comparable pump, intended to accommodate whatever land uses are proposed, measure static water level, and start pump at maximum flow which can be sustained by the pump and supported by the well constantly throughout the test.

(1) The first well water measurement shall be taken 1 minute after pump is started with measurements taken every 1 minute for the next 10 minutes and every 2 minutes for the following 10 minutes until 20 minutes have elapsed;

(2) The next measurement is taken at 30 minutes and measurements are taken every 15 minutes from 30 minutes to 240 minutes;

(3) Shut down pump and start recovery, recording in the same manner as pump drawdown;

(4) Continue for 4 hours or until there is an 80% recovery on all wells;

(5) If an 80% recovery has not been reached in 4 hours, consult with the test supervisor;

(6) A spot check may be required every 4 hours, on all wells until 80% recovery has been reached. In no case shall recovery be measured less than 1 hour;

(7) Any deviation from the measurement schedule must be approved by the Director of Water Resources prior to beginning the test.

e. The time each measurement is taken must be recorded;

f. Pumping is to be conducted a minimum of 4 hours. The time span will be determined by the requirements in Section 84.050(C), but in no case for less than 4 hours;

g. There shall be at least 2 observation wells used within a 500 foot radius of the pumped well:

(1) If observation wells are not available, a written explanation concerning the particulars will be included in the sworn report;

(2) Measurement and recording of measurements, in Section 84.050(D)(2)(c) and (d), also pertain to observation wells;

(3) If more than 2 observation wells are available, the Water Resources Department shall determine which wells are used.

h. The pump tester shall document any observed water use in the vicinity of the Major or Minor Test along with the time of that observation.

3. Test Supervision. The test shall be conducted under the general supervision of the Josephine County Water Resources Department using testing procedures in this Section. The Certified Pump Tester in charge shall be responsible for notifying the Water Resources Department 10 working days prior to the start of the test, including submittal of information form required in Section 84.050(C)(1);

4. Test evaluation. The Water Resources Department shall determine whether a Certificate of Compliance shall be issued for a pump test. The Water Resources Director, with the advice of a consultant, will set criteria for the Minor Pump Test and the Major Pump Test. In those instances where the impact appears to be questionable the issue may be resolved with the aid of a consultant;

84.050(D) - TEST OBJECTIVE (continued...)

5. Certification and Responsibility. A Major or Minor Pump Test is to be conducted by a firm, or individual, who has been certified by the Water Resources Department to have the necessary equipment and knowledge required to conduct the test. The data collected during this test are to be recorded, legibly and in a manner approved by the Water Resources Department, on a standard form, which will include a certified statement attesting to the accuracy of the information submitted and shall be filed with the Water Resources Department prior to issuance of a Development Permit or as a condition of final platting:

   a. A review of certified pump testers will be conducted annually. The Water Resources Department may fail to renew the certification for just cause. If the pump tester is to be recertified they may be required to retake and pass the certification exam;

   b. A land owner, or developer, may be certified for an individual test, after passing the certification test, and demonstrating the possession of the proper equipment.

6. Inadequate Tests. If any test does not meet the standards in Section 84.050, no land use, or development requiring groundwater, shall be approved by the Review or Hearing Body, until a subsequent test meets the standards or an alternative tested source is provided. If the test is deemed inadequate, the land developer may appeal as outlined in Section 84.030(B) of this Code;

7. Substandard Wells. Any substandard well on a lot or parcel proposed for development, must be properly abandoned or repaired as required by the Oregon Administrative Rules (OAR), Chapter 690, Division 200 to 235, for well construction, maintenance, and abandonment.

84.060 - FOLLOWING THE TEST

For all Major and Minor Pump Tests, in accordance with recognized principals of well hydraulics, graphs shall be prepared and filed with the Water Resources Department to show time vs. drawdown, and time vs. recovery for the pumped well and the observation wells. A distance vs. drawdown graph may be required for anticipated rates of pumping. The rate of pumping, time, and drawdown data are required, as well as other data, which may be considered necessary to satisfy the test objectives.

84.070 - WATER QUALITY OR QUANTITY TEST

A. While conducting a Major or Minor Pump Test, or Aquifer Test, a water quality test, to determine the extent of the suspected contaminant(s), must be conducted. If the water quality test indicates the presence of contaminants, a certificate of compliance may not be issued. If the water quality does not meet the Public Health Standards, as designated in OAR, Chapter 333, Division 61, and the National Interim Public Drinking Water Standards, then the well must be properly constructed in accordance with OAR, Chapter 690 Division 210 and 215, or abandoned in accordance with OAR, Chapter 690 Division 220.

B. A water quality test to detect the presence of suspected contaminants, or quantity test, shall be required for all wells being altered or constructed in documented water quality or quantity problem areas. Well construction, or abandonment, shall be in accordance with Oregon Administrative Rules, as cited in Section 84.070(A), if the water quality test does not meet the standards as stated.

C. If a water sample from a new well does not meet, either by laboratory analysis or by field examination,the above referenced Drinking Water Standards and the well is not subsequently abandoned, then the well owner may be required to submit a sample to a certified laboratory for further water quality information. The analysis shall be limited to 10 water quality parameters, in addition to any suspected contaminants. The parameters for analysis shall be determined from the Official Ground Water Problem Areas document.

D. A application for a land use permit or final platting may be denied if the water quality standards above are not met.

84.080 - NEW WELLS

Any new wells drilled after the effective date of this Code shall not be located within 5 feet of a property line. Furthermore, all wells shall meet the location requirements of OAR, Chapter 690, Division 210.

84.090 - EXEMPTIONS

All requests for exemption from this Article must be in writing to the Water Resources Department. The Department will submit the request with a staff report and recommendation to the Josephine County Hearings Officer. Requests for an exemption may include but are not limited to the following:

84.090 - EXEMPTIONS (continued...)

A. Proposed land divisions which fall under the scope of this Article on the basis of newly created roads or dedicated roadways;

B. Proposed land use change which fall within the scope of this Article and 2 properly executed pump tests of similar requirement have been conducted within a 500 foot radius of the proposed change, without a significant increase in ground water use;

C. Proposed land use change which fall within the scope of this Article and a municipal water supply is available and there are no other groundwater users within 500 feet of the developments' well;

D. Use of a well is being expanded and an adequate test has been conducted within 1 year using the same well;

E. The Water Resources Director may exempt the test from Section 84.050(B)(7), (80% recovery of drawdown, within 12 hours) based on department evaluation, or on the advice of a qualified professional, or if successfully appealed as outlined in Section 84.030(B).

84.100 - STATE LAW

Nothing in this Code is intended to conflict with ORS 537.505, et. seq., and the provisions of State law shall apply and prevail as applicable to any actual or intended groundwater use.

ARTICLE 85 - UTILITIES

85.010 - UTILITY IMPROVEMENTS

All utilities shall be placed underground.

A. In addition, utilities shall be placed underground to the lot line of each lot during the construction of any new street or road that:

   1. Will be maintained by the County;

   2. Has the potential to be maintained by the County; or

   3. Is maintained by abutting owners through a recorded agreement required as a part of an approved land division.

B. The developer shall make necessary arrangements with the utility companies or other persons or corporations effected for the installation of underground lines and facilities, including but not limited to communication, street lighting, and cable television, to place them underground.

85.020 - UTILITY EASEMENTS

Easements for public utilities shall be provided, as necessary, for the installation of utilities, and for the future installation of utilities when the subject property or adjoining property has the potential for further development.

85.030 - GUARANTEES TO CONSTRUCT REQUIRED IMPROVEMENTS

Waiver of Remonstrance regarding public facilities:

A. Applicants for land divisions shall sign a written waiver of their right to remonstrate or otherwise legally oppose the installation of public facilities, including but not limited to streets, storm drainage systems, sanitary sewer systems, and water supply systems, where such facilities are or may be proposed to serve the applicants property as part of any local improvement (assessment) district, developer installed improvement project or a local government improvement project of any type;

B. This Section shall not, however, prohibit the applicant, developer, or owner from expressing his or her personal views regarding the installation of a public facility.

85.040 - MODIFICATION OF REQUIRED IMPROVEMENTS

A. The Review Body has the authority to modify the improvements required by Sections 85.010 and 85.020. This authority may only be used in those cases where:

   1. The full requirement would cause an undue or unnecessary hardship based on unforeseen circumstances that would require extraordinary construction methods or materials; and

   2. The authorization will be consistent with the purposes of this Chapter as set forth in Sections 80.010 and 80.020.

B. The Review Body shall consider the modification after proper notice and shall consider any information necessary to demonstrate that the modification is in compliance with the criteria in the decision.

C. The decision of the Review Body may be appealed as part of the original application under the procedures set out in Article 33.

85.050 - SEWAGE DISPOSAL IMPROVEMENTS

Sewage disposal improvements for each lot or parcel shall be in compliance with the requirements of the County Environmental Health Department, the Department of Environmental Quality, and sanitary sewer district (if the proposed development is within the district boundaries or is proposed or conditioned for annexation of a district), and any other applicable laws.

85.060 - WATER SYSTEMS IN OTHER URBANIZING AREAS

A. Except for the Grants Pass Urban Growth Area, all subdivisions, partitions, replats, and planned unit developments located within urbanizing areas which are served by public sewers shall be provided with a public water system to the lot line of each lot within the subdivision or partition.

B. The system shall be designed for meeting domestic needs and may be required to be designed for meeting fire fighting capacity.

85.060 - WATER SYSTEMS IN OTHER URBANIZING AREAS (continued...)

C. The system shall be installed prior to approval of the final plat or the developer shall complete a performance agreement as provided in Article 14 of this Code. The agreement may include agreements to annex; incorporation of a water district, private water cooperative, or development of a service utility; and the posting of a bond or contributions of funds in sufficient amount to mitigate the burden created by the land division on public water supplies.

D. Pipe sizes and design standards for any system shall be specified by a city, special district, or cooperative that will eventually serve the proposed subdivision, partition, replat, or planned unit development:

1. In any area where a future public water supply source has not been identified, design standards shall be specified by the County Public Works Department in consultation with the authority which will eventually serve the proposed subdivision, partition, replat, or planned unit development;

2. Design approval shall take into account provision for extension beyond the subdivision, partition, replat, or planned unit development, to adequately grid the appropriate water system plan.

85.070 - IRRIGATION

A. If lands to be subdivided, partitioned, replatted, or turned into a planned unit development, include rights for irrigation, provision shall be made for the continuation of those rights by indication of an easement to allow the delivery of irrigation water and maintenance of irrigation facilities to each lot or parcel in the land division in which the historic application of water has been made.

B. Where rural land divisions affect facilities of the Grants Pass Irrigation District, the owners of the division shall be responsible for maintaining continuity of the District's system:

1. The owner of the division shall either buy out of the District or provide each lot within the subdivision, partition, replat, or planned unit development, with irrigation water, all in accordance with District requirements;

2. In addition, the owner or developer shall buy out of the District any publicly dedicated or deeded right-of-way.

ARTICLE 86 - SOLID WASTE

86.010 - APPLICATION

A. Any solid waste generated by a use permitted in any Zone shall be stored in a sanitary receptacle.

B. The standards contained in this Article shall apply to the siting of a sanitary or solid waste landfill, and to a resource recovery and/or transfer station.

86.020 - SITING STANDARDS

A. The following standards shall apply to siting a sanitary or solid waste landfill. These standards shall not replace any state or federal standards but shall supplement them:

1. The use complies with all requirements of the Department of Environmental Quality;

2. Demonstrate that the proposal will not adversely impact uses on adjoining lands;

3. Demonstrate that the proposal meets the public need of Josephine County;

4. Submission of a reclamation plan demonstrating how the land will be returned to resource use including a timetable for the implementation of the plan.

B. The following standards, as appropriate, shall apply to siting a resource recovery and/or transfer station. These standards shall not replace any state or federal standards but shall supplement them:

1. Lots are to be of sufficient size to allow a 30 foot separation of storage or buildings to adjacent property lines; greater if adjacent to a Residential Zone;

2. Entire use to be fenced and screened from adjacent property and public right-of-way;

3. All putrescible (garbage) shall be stored within an enclosed building;

4. Recyclable commodities may be stored outside if each type is placed in containers appropriate to the material contained;

86.020(B) - SITING STANDARDS (continued...)

5. All Federal and State environmental quality standards shall be met to include at a minimum noise, waste water discharge, surface drainage, disposal of putrescible material, etc.;

6. All material shall be confined to the site and shall not be stored in a manner that will allow littering of adjacent property.

CHAPTER 9 - SPECIAL USE STANDARDS

ARTICLE 90 - BASIC STANDARDS

90.010 - PURPOSE

The purpose of this Chapter is to establish supplementary development standards for land uses that present unique or complex land use planning opportunities or constraints.

90.020 - APPLICATION

The standards in this Chapter relate to special characteristics of the uses and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Code. In the event that the standards contained in this Chapter differ from other applicable standards in this Code, the more stringent shall apply.

ARTICLE 91 - AGGREGATE STANDARDS

91.010 - PURPOSE

The purpose of this Article is to implement and supplement the Aggregate Resource Zone, Article 66, and the other Zones where aggregate use or processing is allowed as a Permitted, Administrative, or Conditional Use. This Article sets out the standards for the development and operation of aggregate or other mineral site(s). These standards shall be used in the Site Plan Review process and when a land use application is pending. Josephine County recognizes the importance of protecting and utilizing the mineral and aggregate resources in the County. Residents of this Zone should recognize that the intent of this Zone is to protect resource activities, and that in the event of a conflict between residential use and resource practices this Code will be interpreted in favor of the resource practice.

91.020 - DEVELOPMENT STANDARDS

Exploration, mining, and processing of aggregate, mineral, or subsurface resources, including development of geothermal resources, conditioned on, but not limited to, the following criteria:

A. An access or service road, while used for the mining shall be maintained by the operator, to meet the most current air quality standards set out by the Department of Environmental Quality, for a distance of 500 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 maintained to meet the most current air quality standards set out by the Department of Environmental Quality, for 500 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement;

B. Buffering of a mining or construction site with berms may be required by the Review Body to obscure the view, minimize dust, reduce the sound from mining, or limit other annoyances to adjoining and 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 road, street or residence;

91.020 - DEVELOPMENT STANDARDS (continued...)

E. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of Article 83 when applicable, and all applicable permit requirements from the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department of Environmental Quality (DEQ);

F. Excavation shall be away from the property line at a distance adequate to maintain a fence on the property line, if needed, and any additional distance as is necessary to allow a normal safe angle of repose during the operation, and to meet all the requirements of the operating permit and the reclamation plan approved by DOGAMI;

G. New development shall be compatible with, and not adversely impact commercial agricultural or forestry operations on adjoining lands;

H. The proposed development is located on land generally unsuitable for commercial agricultural or forestry operations for developments located in resource zones;

I. When an aggregate operation remains unused for up to 30 years, it may be restarted through the issuance of a Development Permit;

J. When an aggregate operation remains unused for beyond 30 years, it may be restarted through the issuance of a Development Permit which will require Site Plan Review processed as a Type III Review Procedure under Section 22.050;

K. All operations shall comply with all applicable federal and state laws, rules, and requirements.

91.030 - PROCESSING STANDARDS

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

A. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the Department of Environmental Quality;

B. No portable cement or asphalt batching plant shall operate for a period greater than 180 days at a single site within a calendar year. Where processing is a permitted use in the Zone, a permanent plant will be allowed;

91.030 - PROCESSING STANDARDS (continued...)

C. If buffering of the processing site is necessary to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets, identify the type, size, height, and location of the method of buffering proposed;

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 meet current air quality standards set by the Department of Environmental Quality;

F. Equipment shall be operated only between the hours of 7:00 a.m. and 6:00 p.m.;

G. The proposed development shall be compatible with, and not adversely impact commercial agricultural or forestry operations on adjoining land;

H. The proposed development is located on land generally unsuitable for commercial agricultural or forestry operations for developments located in the Resource Zones;

I. All operations shall comply with all applicable federal and state laws, rules, and requirements.

91.040 - SETBACKS

A. Whenever practical, a crushing operation shall not be located closer than 1500 feet from any property line which abuts a Rural Residential Zone.

B. The setback for structures from a significant aggregate or mineral site shall be 1500 feet from the property line. Requests for structures closer than 1500 feet from the property line of a significant aggregate or mineral site shall be subject to the Administrative Permit process and the owner of the aggregate or mineral site will be notified of the proposal. If there is no objection, development may proceed. If there is a conflict, the request shall be referred to the Hearings Officer.

91.040 - SETBACKS (continued...)

C. Before a development permit will be issued on any lot adjacent to a significant aggregate site, the owner of the adjacent lot shall sign and file a notarized statement recognizing that in the event of a conflict between the proposed use and the aggregate operation, the aggregate operation shall take precedence and normal operations will not be considered a nuisance. The notarized statement will be recorded on the deed for that parcel or lot.

D. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within 2 miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed. Operations for batching and blending of mineral and aggregate under local land use approval on October 3, 1989, or a subsequent renewal of an existing approval are exempt from this Subsection.

ARTICLE 92 - HOME OCCUPATIONS

92.010 - PURPOSE

The purpose of this Article is to ensure that home occupations conducted on residentially developed property are compatible with the neighborhood in which it is located, and maintain the character and appearance of both the use and the neighborhood. A home occupation shall not run with the land and may not be assumed by a new owner.

92.020 - TYPE II CRITERIA

Help if this Section included info on exceptions found under definition 11.030 (16.1) (a) thru (G).

All Home Occupations as defined i ich meet the following criteria, shall be subject to plot plan re pe II Review Procedure under Section 22.040:

A. The home occupation shall be subordinate and incidental to the residential use of the property;

B. The home occupation shall not give the outward appearance of a business;

C. A home occupation shall be conducted by the resident(s) of the property on which the business is located;

D. No employees are allowed;

E. 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;

F. No outside storage is permitted;

G. No alteration of any building(s) shall be made which changes the character of the building(s) so as to make them unusable or incompatible with any uses normally permitted in the zoning classification of the property;

H. No home occupation shall require alteration of the structure or involve construction features or the use of electrical or mechanical equipment that would change the character of the structure under the Uniform Building Code;

I. An accessory structure used in a home occupation must meet the size requirements of Section 72.060. Oversize accessory structures shall require further review as specified in Section 72.060(B);

92.020 - TYPE II CRITERIA (continued...)

J. 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;

K. No outside parking or storage of more than 2 vehicles or 2 pieces of heavy equipment (more than 12,000 pounds) used as a part of the business is allowed;

L. One non-illuminated identification sign not exceeding six square feet is permitted;

M. No significant sight, sound, smell, vibration, traffic, or other impacts associated with the operation of the home occupation shall be detectable outside of the property lines;

N. Off-street parking shall be provided to accommodate employees and clients in accordance with Article 75;

O. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer (exceeding 2.5 tons GVW) not including a licensed parcel service or United States Mail;

P. No retail sales shall be allowed;

Q. There shall not be more than 1 home occupation authorized at any property location;

R. The home occupation shall be conducted in accordance with all local, state, and federal requirements to include proper permits for all structures, sanitation facilities, and water uses.

92.030 - TYPE III CRITERIA

A. Home Occupations as defined in Section 11.030(161), approved under this Section shall be reviewed and processed as a Type III Review Procedure under Section 22.050, subject to the issuance of a Development Permit under Article 41. The Planning Director may choose to refer the request to a Hearing Body because of possible adverse impacts and/or opposition based on applicable criteria. Such a hearing is deemed to be in the public interest in order to provide public involvement in the land use process.

92.030 - TYPE III CRITERIA (continued...)

B. Home Occupations which do not meet the standards of Section 92.020, may be approved under Section 92.030(A), subject to the following criteria:

1. A Home Occupation may be approved which is contrary to section 92.020 (D), (E), (F), (I), (K), (M), (O), (P), and (Q), where the use will not infringe on the continued residential use of adjoining properties and the character of the neighborhood;

2. Retail sales shall be limited as an activity incidental or secondary to the primary home occupation;

3. No more than 5 persons other than resident(s) occupying the dwelling shall be employed full or part time to assist the resident. Any person associated with the home occupation performing any phase of the business on-site shall be considered an employee. In all cases the business shall be operated by a resident of the property;

4. Any use of a home occupation conducted outside of a structure shall be screened from view so that it is not visible from the adjacent residences.

92.040 - ANNUAL REVIEW

All home occupation permits shall be reviewed annually. If a home occupation fails to maintain the standards of this Code, the permit may be revoked.

92.050 - BED & BREAKFAST STANDARDS

A. A Bed and Breakfast Inn shall be reviewed and processed as a Type III Review Procedure under Section 22.050, subject to Site Plan Review under Article 42 and the issuance of a Development Permit under Article 41, unless the Planning Director chooses to refer the request to a Hearing Body because of possible adverse impacts and/or opposition based on applicable criteria. Such a hearing is deemed to be in the public interest in order to provide public involvement in the land use process:

1. A Bed and Breakfast Inn must be located in a residence or guest house;

2. The owner of the Bed and Breakfast Inn must live on the premises and continue to use part of the structure as a residence;

92.050(B) - BED & BREAKFAST STANDARDS (continued...)

3. Any permit granted under this Section shall be subject to revocation by the Hearings Officer if it is determined that the application includes false information, or if the conditions (as originally specified or subsequently amended) have not been complied with. The Hearings Officer is authorized to add or modify existing conditions.

B. The following criteria must be satisfied for a Bed and Breakfast Inn to be approved:

1. Outward modification of the structure shall be made only if such changes are compatible with the character of the neighborhood and the intent of the Zone. In all cases, the changes shall maintain the residential character of the structure;

2. The number of rented bedrooms shall not exceed 2 except as follows:

   a. The Bed & Breakfast Inn has approved sanitation and water facilities which will allow more bedrooms;

   b. The number of bedrooms shall further be limited by the overall size of the residence;

   c. There must be at least 700 square feet of gross interior living area in the residence per each bedroom;

   d. The maximum number of bedrooms is determined by dividing the gross interior floor area of the residence by 700 feet;

   e. The use shall further be limited to a maximum of 10 guests and 5 bedrooms;

   f. The Bed & Breakfast Inn will be compatible with the neighborhood in terms of access, and the proximity to structures and the operation is screened from view from adjoining lots or parcels.

3. One on-premise sign which meets the requirements of Section 74.020 may be approved for the use;

4. Exterior illumination of the sign shall be limited so that the illumination will not adversely impact the residential character of the area;

92.050(B) - BED & BREAKFAST STANDARDS (continued...)

5. 1 off-street parking space for each sleeping room shall be provided in addition to the 2 off-street parking spaces required for the dwelling;

6. The Bed and Breakfast Inn must meet all applicable County and State water, sewage, and licensing requirements. The applicant shall submit evidence from the appropriate agency that the applicant has contacted them and is or shall be complying with the requirements;

7. In the event the criteria of this Section conflicts with those contained in other Sections of this Code, the criteria of this Section shall apply.

ARTICLE 93 - ARCHEOLOGICAL RESOURCES

93.010 - PURPOSE

The purpose of this Article is to establish provisions to mitigate adverse impacts to archeological resources and to prescribe the means by which archeological sites are assessed and protected.

93.020 - EFFECT OF DISCOVERY & DETERMINATION

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

A. The applicant shall be notified that the site has been determined to contain a significant archaeological resource;

B. No alteration to the site shall occur for 30 working days during which time the Planning Director shall notify the appropriate agencies;

C. If, during this 30 day period, the notified agency or archaeologist determines that no significant change in the site will occur, resumption of development may occur;

D. If, at the conclusion of the 30 day period, no recommendation is issued by the agency or archaeologist, no conflict with the archaeological resource is presumed and the project may proceed;

E. If the development is determined to have a significant effect on the archaeological value of the site, the development shall be delayed an additional 30 days to:

   1. Notify an appropriate agency to consider acquisition; and

   2. Refer the request to the Planning Commission for a public hearing to determine the ESEE consequences in accordance with OAR 660-16-005(2) and a proper course of action which will be one of the following:

      a. Protect the archaeological resource;

      b. Allow the requested alteration;

      c. Mitigate any detrimental effects of the request.

93.020 - EFFECT OF DISCOVERY & DETERMINATION (continued...)

F. If the Planning Commission decides that detrimental effects of the alteration need to be mitigated, the Commission will attach conditions to the development permit (such as alteration of the development plan or setbacks for roads and structures away from the resource site) to assure that the development is compatible with the archaeological resource;

G. If the Planning Commission determines that the archaeological site constitutes a 3A resource as defined by OAR 660-16-010(1), the development shall be delayed for an additional 30 days while the appropriate agency seeks a buyer for the property. If no action occurs within 30 days, the development may proceed.

ARTICLE 94 - HISTORIC BUILDINGS & SITES

94.010 - PURPOSE

The purpose of this Article is to establish provisions for the review of development proposals affecting identified historic properties.

94.020 - REVIEW PROCEDURE

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

A. The applicant shall be notified that the site or structure has been designated as a historic site;

B. No alteration to the site or structure shall occur for 30 working days during which time the Historic Review Committee shall be notified of the proposed action:

   1. "Alteration", for the purposes of this Section, shall mean any exterior modification requiring a demolition permit or development permit.

C. If, during this 30 day period, the Historic Review Committee determines that no conflict with the historic site will occur, resumption of development may occur:

   1. The Historic Review Committee shall determine no conflict exists if, the alteration proposed is determined to be harmonious and compatible with the historic resource with respect to style, scale, texture, and construction materials, and/or find that the alteration will enhance the historical value of the resource;

   2. The Historic Review Committee shall determine a conflict exists if the alteration will prove to be out of character with, or will otherwise reduce, the resource's value or historic significance.

D. If at the conclusion of the 30 day period, no recommendation is issued by the Historic Review Committee, the project may proceed, if the Planning Director determines that there is no conflict, pursuant to criterion 94.020(C);

E. If the development is determined to have a significant effect on the historic value of the site, the development shall be delayed an additional 30 days to:

   1. Notify an appropriate agency to consider acquisition; and

94.020(E) - REVIEW PROCEDURE (continued...)

2. Refer the request to the Planning Commission for a public hearing to the determine the ESEE consequences in accordance with OAR 660-16-005(2) and a proper course of action which will be one of the following:

   a. Protect the historic resource;

   b. Allow the requested alteration;

   c. Mitigate detrimental affects of the request.

F. If the Planning Commission decides that detrimental effects of the alteration need to be mitigated, the Commission will attach conditions to the development permit to assure that the alteration is harmonious and compatible with the historic resource with respect to style, scale, texture, and construction materials;

G. If the Planning Commission determines that the historic site constitutes a 3A resource, defined by OAR 660-16-010(1) (i.e., a resource that should be protected), the alteration (including demolition) shall be delayed for an additional 30 days while the Historic Review Committee seeks a buyer for the structure. If no action occurs within 30 days, the alteration may proceed;

H. Development on parcels located adjacent to properties in the National Register of Historic Places shall be subject to Site Plan Review to ensure compatibility.

ARTICLE 95 - HYDROELECTRIC & TRANSMISSION FACILITIES

95.010 - PURPOSE

The purpose of this Article is to establish standards for the siting of an energy facility and the related facilities and equipment.

95.020 - REVIEW PROCEDURE

Hydroelectric facilities and electric power transmission facilities may be approved subject to a Site Plan Review as set out in Article 42, and a demonstration that all necessary State and Federal permits, licenses, exemptions, or variances are approved prior to the issuance of a Development Permit under Article 41.

95.030 - REVIEW CRITERIA

Approval shall be subject to the following:

A. In addition to the requirements of the underlying Zone, the applicant shall demonstrate the following:

1. The facility is sited on land that is generally unsuitable for forest use, or the use of forest areas is warranted for the safe, economical, and efficient operation of the facility;

2. Will not significantly affect forest uses on the site or surrounding land;

3. Will not alter the stability of the land use pattern in the area;

4. Will be consistent with the forest policies of the Comprehensive Plan;

5. Is located in an area in which the use is designated as appropriate by the Zone. If the use is not listed in a Zone, an energy facility shall not be approved unless the Zone is amended;

6. Will comply with provisions applicable to archaeological and historical sites (Articles 93 and 94), the Flood Hazard Overlay (Article 69.1), the Wild and Scenic Rivers Overlay (Article 69.3), and Airport Overlay (Article 69.4);

7. 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;

8. Will avoid areas of steep slopes where cuts and fills are required and shall use natural contours;

9. Will not interfere with communication signals;

10. Will do one of the following:

    a. Produce 100 theoretical horsepower (thp) or less;

    b. Will take and return water to a man-made water conveyance without increasing the use of surface and groundwater;

    c. Other small scale facilities generating a maximum capacity of 5 megawatts;

    d. Shall not increase maximum surface area of an impoundment at an existing dam or diversion, or does not impound more than 2 acre feet at a new impoundment or diversion;

    e. Shall not impede fish management unless improvement in management will result;

    f. Shall not require more than 1 mile of new vehicular access road;

    g. 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 Zones.

11. The facility meets all necessary state and federal siting requirements, including any setbacks from dwellings.

B. Standards for a Conditional Use for Hydroelectric Facilities. In addition to the standards or conditions in Sections 46.030 and 95.030(A), the following standards shall apply:

1. 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;

2. Development shall be set back from the edge of public roads, viewpoints, and other significant visual resources identified in the Comprehensive Plan;

3. 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.

C. Protected Areas. An energy facility may not be sited in the areas listed below unless all of the following apply:

1. The energy facility is accessory to a permitted use; and

2. Authority is granted by the managing agency; and

3. Applicant provides resources equal or better in quantity and quality then those effected by the energy facility; and

4. The above apply in the following protected areas:

   a. All state and federally designated and managed areas, waysides, parks, and areas of critical concern, including scenic waterways, wildlife refuges, and wild fish streams, designated by the Department of Fish and Wildlife;

   b. Areas containing significant resources, habitats, scenic views and sites, and cultural, botanical, or recreational, that cannot be protected from the adverse consequences of the facility;

   c. Hydroelectric dam or diversion is not permitted in a scenic waterway or adjacent lands designated pursuant to ORS 390.825.

ARTICLE 96 - DESTINATION RESORTS

96.010 - PURPOSE

Destination Resorts may be allowed in specified Zones subject to a finding at a public hearing that the proposal meets all the following criteria. The Hearing Body may attach conditions it feels necessary to make the development compatible with the uses allowed in the area.

96.020 - STANDARDS TO QUALIFY

Standards to qualify as a destination resort:

A. The Destination Resort shall be located on a site of at least 160 acres;

B. At least 50 % of the site shall be dedicated permanent open space excluding yards, streets and parking areas;

C. At least $7 million shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Not less than 1/3 of this amount shall be spent on developed recreational facilities:

   1. The dollar amount is specified in 1993 dollars. The spending required shall be adjusted to the year the spending calculations are made using the United States Consumer Price Index.

D. Visitor-oriented accommodations shall be provided including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodging. The accommodations may be phased in as follows:

   1. At least 75 units of overnight lodging, not including individually owned homes, lots or units, shall be constructed or guaranteed through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units;

   2. The remainder shall be provided as individually owned lots or units subject to deed restrictions that limit their use to overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging;

   3. The required overnight lodging shall be constructed within 5 years from the date of the resort approval.

E. In lieu of the standards in subsections (A), (C) and (D) of this Section, the standards in Section 96.020(F) apply to a Destination Resort that is sited on one of the following:

1. On land that is not defined as agricultural or forest land under any Statewide Planning Goal;

2. On land where there has been an exception to any Statewide Planning Goal on agricultural lands, forest lands, public facilities and services and urbanization;

3. On secondary lands.

F. The following standards apply to the lands identified in Section 96.020(E):

1. The resort shall be located on a site of 20 acres or more;

2. At least $2 million, shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Not less than 1/3 of this amount shall be spent on developed recreational facilities;

   a. The dollar amount is specified in 1993 dollars. The spending required shall be adjusted to the year the spending calculations are made using the United States Consumer Price Index.

3. At least 25 units, but not more than 75 units, of overnight lodging shall be provided;

4. Restaurants and meeting rooms with at least 1 seat for each unit of overnight lodging shall be provided;

5. Residential uses shall be limited to those necessary for the staff and management of the resort;

6. The primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream;

96.020(F) - STANDARDS TO QUALIFY (continued...)

7. The resort shall be constructed and located so that it is not designed to attract highway traffic. Resorts shall not use any manner of outdoor advertising signing except:

   a. Tourist oriented directional signs as provided in ORS 377.715 to 377.030; and

   b. On-site identification and directional signs.

96.030 - SITING REQUIREMENTS

A destination resort shall not be sited within any of the following areas:

A. Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more;

B. On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service, or within 3 miles of farm land in a High Value Crop Area, as defined in Section 11.030(158), unless the resort complies with the requirements of Section 96.020(F) in which case the resort shall not be closer to a High Value Crop Area than 1/2 mile for each 25 units of overnight lodging or fraction thereof (area specified has been identified and a map is located in the Planning Office);

C. Predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception (area specified has been identified and a map is located in the Planning Office);

D. If a tract to be used as a Destination Resort has a site designated for protection as open space, a scenic area, a historic area, or a natural resource area, in the acknowledged Comprehensive Plan, the tract of land shall preserve the site by conservation easement sufficient to protect the resource values of the site. (area specified has been identified and a map is located in the Planning Office);

E. Especially Sensitive Big Game Habitat as mapped by the Oregon Department of Fish and Wildlife in July of 1984;

F. Structures and high intensity facilities shall not be located less than 200 feet from any exterior lot line;

96.030 - SITING REQUIREMENTS (continued...)

G. Buildings or structures shall not be erected to exceed a height of 2 1/2 stories or 35 feet. The Planning Commission may allow building or structures exceeding the limitation if it can determine that safety concerns are met;

H. Any change of use of facilities or construction of additional facilities shall be subject to approval by the Planning Commission in the same manner as the original development.

96.040 - PERMITTED USES

As a part of a Destination Resort, the following uses may be permitted when the uses are limited to serve visitors at the resort:

A. Overnight lodging including lodges, hotels, motels, time share units, and similar temporary living accommodations;

B. All manner of outdoor and indoor recreation facilities including but not limited to golf courses; tennis, racquetball, and handball courts; riding stables; nature trails; riding, running, and bicycle paths; boat launching and moorage facilities; and fishing and hunting facilities;

C. Restaurants, lounges, and similar eating and drinking establishments;

D. Convention facilities;

E. Commercial services and specialty shops limited to those necessary to meet the needs of visitors to the development;

F. Residential dwellings limited to a maximum of 2 dwellings per overnight accommodation subject to the following:

   1. The Planning Commission has the authority to limit the number of dwellings based on the limitations of facilities including water, sewage, storm drainage, transportation systems, and fire suppression;

   2. No lots for dwellings can be sold until the minimum resort requirements are completed or suitably guaranteed;

   3. A plan for management of the facilities necessary to service the dwellings is submitted to, and approved by, the Planning Commission.

96.050 - APPLICATION REQUIREMENTS

A development plan shall be submitted and include, at a minimum, the following information:

A. A general site plan of the proposed development, which shall include the following:

1. The location and total number of acres to be designated a Destination Resort, the location and number of acres to be developed, and the location and number of acres to be reserved as open space or common area;

2. Proposed overall density;

3. The type, location and extent of developed recreation facilities to be provided;

4. An indication of the building types proposed, including typical lot and building configuration, and typical architectural character, units to be utilized for overnight lodging shall be identified, a summary of the total number of each type of unit shall be provided;

5. Conceptual landscape plan showing areas to remain in a natural state, areas where vegetation is to be removed, and areas to be landscaped;

6. Natural features to include streams, rivers, and significant wetlands and riparian vegetation within 100 feet of streams, rivers, and wetlands;

7. Habitat of threatened or endangered species;

8. Hazards or development constraints and proposed mitigation;

9. Ecologically or scientifically significant natural areas; (See County Goal #5 Inventory)

10. Roadway system including points of ingress and egress to the property.

B. A discussion of existing and projected public and private uses on adjacent lands, including the impacts of the proposed development on those uses, potential problems of incompatibility for the uses, and measures which may be employed to mitigate anticipated problems or conflicts;

C. Preliminary studies describing the water supply system, the sewage management system, the storm drainage system, and the traffic management plan;

96.050 - APPLICATION REQUIREMENTS (continued...)

D. A description of the system to be used for management of individually owned units that will be used for overnight lodging and how it will be implemented;

E. An economic analysis of the proposed development, which shall include:

1. An analysis which addresses the economic viability of the proposed development;

2. Fiscal impacts of the project including changes in employment, increased tax revenues, demands for new or increased levels of public services, and effects of the loss of resource lands.

F. A description of how natural features identified in Section 96.050(A)(6), (7) and (9) will be maintained. Where structures and alterations are proposed on natural features, show how the overall value of the feature will be maintained;

G. A description of methods used to avoid or minimize adverse impacts on surrounding lands, particularly intensive farming operations. Such methods may include:

1. Setbacks of structures from adjacent land uses;

2. Buffers with adjoining uses consisting of natural vegetation, fences, berms, landscaped areas, or other similar features.

H. Other information required by the Hearing Body, as may be helpful to determine that the proposed development complies with the requirements of this Code.

96.060 - PROCESSING

A. A Destination Resort approval shall be considered at a public hearing before the Planning Commission. In addition to meeting the basic criteria contained in Sections 96.020 and 96.030, the Commission shall require the following:

1. The development is in conformance with the Comprehensive Plan, implementing Codes, and State requirements;

96.060(A) - PROCESSING (continued...)

2. The development must provide community sewer and water on-site which is limited to meet the needs of the development, or the development shall be serviced from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development;

3. Adverse impacts must be sufficiently mitigated through compliance with appropriate conditions, to include, at a minimum, water availability, sewage disposal, traffic management, erosion potential, noise generation, fire control, and flood protection;

4. That the applicant has submitted adequate documentation to address the requirements of Section 96.050.

B. Prior to a final approval of a Destination Resort a final development plan that meets the requirements of a site plan as set forth in Section 22.050, shall be submitted to the Site Plan Review Committee. The Committee shall review the site plan using the procedures set out in Article 42, for conformance with the approved development plan. Site specific conditions may be required by the Committee to insure compliance with the approved development plan and any applicable Code requirement.

C. A tentative plan prepared in conformance with Section 55.060 of this Code, shall be submitted for staff review of multiple lot Destination Resorts. If found to be in conformance with the approved development plan and any applicable Code requirement, a final plat may be submitted for approval by the Planning Commission and the Board of County Commissioners in accordance with Final Plat requirements contained in Article 56 of this Code.

96.070 - TIME LINE

A. Upon final approval of a Destination Resort, construction drawings for facilities shall be submitted within 2 years. Construction shall be completed within 5 years of approval of construction drawings unless an alternative timing schedule was approved by the Commission in its original approval.

B. A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

1. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

96.070 - TIME LINE (continued...)

2. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

3. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

4. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

C. Failure to submit the construction drawings or to complete construction as provided in this Section operates to revoke any prior approval and to render unlawful any further development of the property approved as a part of the final approval.

96.080 - MODIFICATION

The Review Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and

B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Review Body.

96.090 - PERFORMANCE AGREEMENT

A. All recreation facilities and visitor-oriented accommodations shall be constructed or suitably guaranteed in the initial Phase of any use approved pursuant to the regulations of this section. The suitable guarantee shall conform to the provisions of Article 14 of this Code.

B. The guarantees required by this subsection are in addition to, and not in lieu of, any other guarantees relating to the project which may be required by other portions of this Code, by other Ordinances or Codes, or by any other provision of applicable law.

ARTICLE 97 - RECREATIONAL RESORTS

97.010 - PURPOSE

Recreational Resorts may be allowed in specified Zones that are acknowledged exception areas subject to a finding at a public hearing that the proposal meets all the following criteria. The Hearing Body may attach conditions it feels necessary to make the development compatible with the uses allowed in the area.

97.020 - STANDARDS TO QUALIFY

A. The Recreational Resort shall be located on a site of at least 20 acres.

B. At least 50% of the site shall be dedicated permanent open space excluding streets and parking areas.

C. At least $1 million, (in 1984 dollars), shall be spent on improvements for on-site recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads.

D. At least 25 units for overnight accommodations shall be provided.

97.030 - SITING REQUIREMENTS

A. Structures and high intensity recreational facilities shall not be located less than 200 feet from any exterior lot line.

B. The character of the neighborhood shall be maintained through site buffering or other methods to keep the appearance of the Recreation Resort compatible with uses in the neighborhood.

C. Any change of use of facilities or construction of additional facilities shall be subject to approval by the Planning Commission in the same manner as the original development.

97.040 - PERMITTED USES

A. Overnight lodging including lodges, hotels, motels, time share units, and similar temporary living accommodations.

97.040 - PERMITTED USES (continued...)

B. All manner of outdoor and indoor recreation facilities including but not limited to golf courses; tennis, racquetball, and handball courts; riding stables; nature trails; riding, running, and bicycle paths; boat launching and moorage facilities; and fishing and hunting facilities.

C. Restaurants, lounges, and similar eating and drinking establishments.

D. Convention facilities.

E. Commercial services and specialty shops limited to those necessary to meet the needs of visitors to the development.

F. Residential dwellings limited to a maximum of 2 dwellings per overnight accommodation subject to the following:

1. The Planning Commission has the authority to limit the number of dwellings based on the limitations of facilities including water, sewage, storm drainage, transportation systems, and fire suppression;

2. No lots for dwellings can be sold until the minimum resort requirements are completed or suitably guaranteed;

3. A plan for management of the facilities necessary to service the dwellings is submitted to and approved by the Planning Commission.

97.050 - APPLICATION REQUIREMENTS

A development plan shall be submitted and include, at a minimum the following information:

A. A general site plan of the proposed development, which shall include the following:

1. The location and total number of acres to be designated Recreational Resort, the location and number of acres to be developed, and the location and number of acres to be reserved as open space or common area;

2 Proposed overall density.

3. The type, location, and extent of developed recreation facilities to be provided;

4. An indication of the building types proposed, including typical lot and building configuration, and typical architectural character, units to be utilized for overnight lodging shall be identified, and a summary of the total number of each type of unit shall be provided;

5. Conceptual Landscape Plan showing areas to remain in a natural state, areas where vegetation is to be removed, and areas to be landscaped;

6. Natural features to include streams, rivers, and significant wetlands and riparian vegetation within 100 feet of streams, rivers, and wetlands;

7. Habitat of threatened or endangered species;

8. Hazards or development constraints and proposed mitigation;

9 Ecologically or scientifically significant natural areas; (See County Goal #5 Inventory)

10. Roadway system including points of ingress and egress to the property.

B. A discussion of existing and projected public and private uses on adjacent lands, including the impacts of the proposed development on the uses, potential problems of incompatibility for the uses, and measures which may be employed to mitigate anticipated problems or conflicts;

C. Preliminary studies describing the water supply system, the sewage management system, the storm drainage system, and the traffic management plan;

D. A description of the system to be used for management of individually owned units that will be used for overnight lodging and how it will be implemented;

E. Other information required by the Hearing Body, as may be helpful to determine that the proposed development complies with the requirements of this Code.

97.060 - PROCESSING

A. A Recreational Resort approval shall be considered at a public hearing before the Planning Commission. The Commission shall require that all of the following are met:

1. The development is in conformance with the Comprehensive Plan, implementing Codes, and State requirements and Goals;

2. The development must provide community sewer and water on-site which is limited to meet the needs of the development, or the development shall be serviced from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development;

3. Adverse impacts must be sufficiently mitigated through compliance with appropriate conditions, to include, at a minimum, water availability, sewage disposal, traffic management, erosion potential, noise generation, fire control, and flood protection;

4. The Recreation Resort will not commit adjacent or nearby resource land to non-resource use as defined in OAR 660-04-028;

5. The Recreational Resort is compatible with adjacent or nearby uses;

6. The use is consistent with requirements for Exception Areas contained in OAR 660-04-018;

7. That the applicant has submitted adequate documentation to address the requirements of Section 97.050.

B. Prior to a final approval of a Recreational Resort, a final development plan that meets the requirements of a site plan as set forth in Section 22.050, shall be submitted to the Site Plan Review Committee. The Committee shall review the site plan using the procedures set out in Article 42, for conformance with the approved development plan. Site specific conditions may be required by the Committee to insure compliance with the approved development plan and any applicable Code requirement.

97.060 - PROCESSING (continued...)

C. A tentative plan prepared in conformance with Section 55.060 of this Code shall be submitted for staff review of multiple lot Recreation Resorts. If found to be in conformance with the approved development plan and applicable Code requirement, a final plat may be submitted for approval by the Planning Commission and the Board of County Commissioners in accordance with final plat requirements contained in Article 56 of this Code.

97.070 - TIME LINE

A. Upon final approval of a Recreational Resort, construction drawings for facilities shall be submitted within 2 years. Construction shall be completed within 2 years of approval of construction drawings unless an alternative timing schedule was approved by the Commission in its original approval.

B. A 1 year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

1. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;

2. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;

3. Additional 1 year extensions may be authorized where applicable criteria for the original decision have not changed;

4. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

C. Failure to submit the construction drawings or to complete construction as provided in this Section operates to revoke any prior approval and to render unlawful any further development of the property approved as a part of the final approval.

97.080 - MODIFICATION

The Review Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and

B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Review Body.

97.090 - PERFORMANCE AGREEMENT

A. All recreation facilities and visitor-oriented accommodations shall be constructed or suitably guaranteed in the initial phase of any use approved pursuant to the regulations or this section. The suitable guarantee shall conform to the provisions of Article 14 of this Code.

B. The guarantees required by this subsection are in addition to, and not in lieu of, any other guarantees relating to the project which may be required by other portions of this Code, by other Codes or ordinances, or by any other provision of applicable law.

ARTICLE 98 - CAMPGROUNDS, RV PARKS, & LODGES

98.010 - PURPOSE

The purpose of this Article is to set the standards for the development of campgrounds, recreational vehicle parks, lodges and conference grounds. It is recognized that each of the proposed uses may entail intensive development which may include permanent structures. The level of detail required will be determined by the intensity of development.

98.020 - SITING STANDARDS

Recreational development shall meet the following siting standards:

A. No recreation development shall be located within or adjacent to any area identified in the Comprehensive Plan for Josephine County as a natural area or potential research natural area where the 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 the development would restrict development of the mineral resource, unless the area has been withdrawn from mineral entry;

C. Demonstrate that the proposed site is not suited for continued resource management, and that the proposed development is compatible with adjacent resource uses;

D. Demonstrate that the proposed project meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan;

E. The project abuts a maintained state or county road. The proposal may abut a federal road where the applicant has proof of a long-term access agreement for the proposed use from the appropriate federal agency.

98.030 - APPLICATION REQUIREMENTS

A. The application for a campground, recreational vehicle park, lodge, or conference ground shall meet the requirements set out in the underlying Zone.

B. The application for a campground, recreational vehicle park, lodge, or conference ground shall be processed according to the requirements set out in the underlying Zone.

98.030 - APPLICATION REQUIREMENTS (continued...)

C. The application for a campground, recreational vehicle park, lodge, or conference ground shall include the submission of a site plan for the recreational development which shall meet the requirements set out in Article 42.

98.040 - UTILITIES & SERVICES FOR RECREATIONAL DEVELOPMENT

A. Campgrounds involving overnight use shall be developed as "dry camps", or shall include a water system meeting State water quality standards:

   1. 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.

B. The proposed recreational development shall meet all state and local building, health, sanitary, and environmental health standards and shall be licensed as appropriate.

ARTICLE 99 - SOIL REMEDIATION & TOXIC WASTE INCINERATION

RESERVED FOR FUTURE USE TO DEVELOP STANDARDS REGULATING THE SITING OF SOIL REMEDIATION PLANTS AND TOXIC WASTE INCINERATORS. UNTIL THE STANDARDS ARE DEVELOPED, NEW APPLICATIONS FOR SUCH A FACILITY SHALL NOT BE PROCESSED USING THE SIMILAR USE PROVISIONS IN SECTION 60.060, IN THE RURAL AREA OF JOSEPHINE COUNTY. THE DEFINITIONS USED BY THE FEDERAL GOVERNMENT AND THE STATE OF OREGON IN ORS AND OAR SHALL BE USED IN PROCESSING ANY REQUESTED TEXT AMENDMENT UNLESS NEW DEFINITIONS ARE DEVELOPED AND APPROVED.

CHAPTER 10

RESERVED FOR FUTURE USE TO DEVELOP RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING REQUIREMENTS FOR SPECIAL DISTRICTS, SERVICE DISTRICTS, CONTAINMENT BOUNDARIES, AND/OR RURAL COMMUNITIES WHEN THE OREGON ADMINISTRATIVE RULES ALLOWING RURAL COMMUNITY LEVEL DEVELOPMENT ARE APPROVED.

CHAPTER 11

RESERVED FOR FUTURE USE

CHAPTER 12 - INDICES

The following indices are meant to be used as a reference to understanding and using the Rural Land Development Code. There are seven indices designed to be used as quick references for front counter and telephone questions. The indices are:

1. Commonly Used References. This table is an alphabetical listing of the most commonly used references with a reference number and a page number.

2. Use Index. This is an alphabetical listing of all uses in the Zones. It is cross referenced with Section(s) number(s) and the type of permit required. An * indicates additional procedures or criteria or conditions may apply. The first page is a listing of the Section numbers in numeric order.

3. Processing Index. This index lists the different applications and several of the more common uses. It references the type of processing, the comment periods, the Review Body, if the application is appealable, the length of time the application is valid and whether it can be extended.

4. Notice Table. This index lists the different applications and several of the more common uses. It references who gets notice for the different types of application and how the notice will be given.

5. Lots Size and Setback Table. This lists the Plan designation, Zone designation, lot requirements and setbacks. Additional setbacks and/or exceptions to the setbacks may apply. The appropriate Section(s) are referenced.

6. Amendment Index. This is a listing of amendments to the document. It will allow a person to determine when a change was made to a specific section of the document and will identify map amendments for quick reference.

7. Parking Guidelines. This provides a guideline for developers when determining the number of spaces needed to provide adequate parking.

APPENDIX A - COMMONLY USED REFERENCES

The following list is a quick reference for the most questions most often asked. Each reference is followed by the Article or Section number and a page number.

REFERENCE	ARTICLE/ SECTION	PAGE
Access Requirements	Article 81	8-3
Accessory Structures	Section 72.060	7-9
Administrative Permit	Article 43	4-16
Aggregate Standards	Article 91	9-2
Aggregate Overlay	Article 69.6	6-129
Aggregate Resource Zone	Article 66	6-100
Airport Overlay	Article 69.4	6-125
Appeal to Board of County Commissioners	Sections 22.040(B), 22.050(B), 23.060, 24.060	2-5, 2-6, 2-8, 2-11
Appeal to LUBA	Section 25.050	2-14
Appeal	Article 33	3-21
Application for Hearing	Section 30.020	3-1
Archeological Resources	Article 93	9-11
Bed and Breakfast	Section 92.050	9-8
Board of County Commissioners Review	Article 25	2-12
Burden of Proof	'0	3-6
Campgrounds		9-32
Carport Setbacks	-1)(2)	7-9
Change of Zone		4-35
Comprehensive Plan Amendment (Legislative)		4-42
Comprehensive Plan Amendment (Quasi-Judicial)		4-38
Conditional Use	Article 46	4-30
Deer Winter Range	Article 69.2	6-123
Deer Overlay	Article 69.2	6-123
Definitions	Article 11	1-3
Destination Resort	Article 96	9-18

Campings on property

11.030

REFERENCE	ARTICLE/ SECTION	PAGE
Development Permits	Article 41	4-5
Erosion Control	Article 83	8-15
Exclusive Farm Zone	Article 64	6-36
Farm Resource Zone	Article 64.1	6-53
Fences, Walls, and Hedges	Section 73.030	7-10
Final Plat	Article 56	5-49
Flaglots	Section 71.020	7-2
Flood Hazard Overlay	Article 69.1	6-113
Forest Commercial Zone	Article 65	6-70
Garages Setbacks (additional standards)	Section 72.050(G)(3)	7-8
Hearings Officer Review	Article 23	2-7
Height Requirements	Sections 72.020, 72.030	7-4, 7-5
Historic Site	Article 94	9-13
Home Occupations	Article 92	9-6
Hydro Electric	Article 95	9-15
Index	Chapter 12	12-1
Irrigation	Section 85.070	8-32
Light Industrial Zone	Article 63	6-28
Limited Development Zone		6-108
Lodges		9-32
Lot Design, Size and Shape		7-2
Mineral and Aggregate Overlay		6-129
Multiple zoned parcels	50	6-3
Non Conforming		1-54
Overlay Zones		6-112
Parking		7-15
Partition of Land	Article 50	5-16
Party to the Hearing	Section 31.100	3-9
Performance Agreement	Article 14	1-57
Planned Unit Development	Article 55	5-35
Planning Commission Review	Article 24	2-9

Medical Hardship Art 44 Page 7-20 DK

REFERENCE	ARTICLE/ SECTION	PAGE
Planning Director duties	Section 12.090	1-52
Pre-application procedures	Article 21	2-3
Property Line Adjustment	Article 54	5-30
Public Notice Schedule	Section 32.060	3-20
Recreation Resort	Article 97	9-26
Rehearing	Section 33.130	3-28
Remands from LUBA	Section 33.120	3-27
Replatting	Article 53	5-24
Review Type I	Section 22.030	2-4
Review Type II	Section 22.040	2-4
Review Type III	Section 22.050	2-5
Rural Commercial Center Zone	Article 62.2	6-21
Rural/Wildland Fire Standards	Article 76	7-18
Rural Industrial Zone	Article 63.1	6-32
Rural Commercial Zone	Article 62	6-11
Rural Residential Zone	Article 61	6-5
RV Parks	Article 98	9-32
Serpentine	Article 67	6-103
Setback Requirements	Sections 72.020, 72.040	7-4, 7-6
Sewage Requirements	Section 85.050	8-31
Signs	Article 74	7-11
Site Plan Review	Article 42	4-9
Soil Remediation	Article 99	9-34
Solid Waste	Article 86	8-33
Storm Drainage	Article 83	8-15
Street Names	Section 82.020	8-14
Subdivision Names	Section 82.010	8-14
Subdivision Tentative Plan	Section 51.060	5-7
Subdivision	Article 51	5-6
Survey Requirements	Sections 52.090, 53.090, 54.080	5-22, 5-28, 5-32
Temporary Use Permit	Article 44	4-20

REFERENCE	ARTICLE/ SECTION	PAGE
Tentative Plans	Sections 51.060, 52.060, 53.060, 54.060, 55.060	5-7, 5-17, 5-25, 5-31, 5-38
Text Amendment (Legislative)	Article 49	4-42
Time Extension, Land Division	Sections 51.110, 52.110, 53.110, 54.110, 55.130	5-15, 5-22, 5-28, 5-34, 5-48
Tourist Commercial Zone	Article 62.1	6-15
Transmission Facilities	Article 95	9-15
Utilities	Article 85	8-30
Variances	Article 45	4-27
Vehicular Access Requirements	Article 81	8-3
Water Hazard Overlay	Article 69.5	6-128
Water in UGB	Section 85.060	8-31
Water Standards	Article 84	8-18
Wetlands	Sections 41.060(C), 42.060(D), 43.040(D), 44.050(D), 45.040(D), 46.040(D), 47.040(D), 48.040(D), 49.040(B)(4), 51.070(D), 52.070(D), 53.070(D), 55.070(D)	4-7, 4-13, 4-17, 4-24, 4-29, 4-32, 4-37, 4-40, 4-45, 5-11, 5-20, 5-26, 5-39
Wildfire Standards	Article 76	7-18
Withdrawal of Application	Section 10.070	1-2
Woodlot Resource Zone	Article 65.1	6-85
Yard Setbacks	Article 72	7-4
Zone Boundary Adjustment	Section 54.090	5-33
Zone Change (Quasi-Judicial)	Article 47	4-35
Zoning Boundaries	Section 12.040	1-49
Zoning Maps	Section 12.030	1-49
Zoning Overlays	Article 69	6-112

APPENDIX B - USE INDEX

The following index is designed to be a quick reference as to where the uses listed in Chapter 6 can be done. All Conditional Uses, and some Administrative Permits and Permitted Uses in the Aggregate Resource, Serpentine and Limited Development Zones require Site Plan Review. Uses in the commercial and industrial zones which are moving into an existing building will not require Site Plan Review, uses which involve developing the site will require Site Plan Review. The Section numbers for the uses will follow the description in the following order:

ZONE	PERMITTED USE	ADMINISTRATIVE PERMIT	CONDITIONAL USE	TEMP USE	DWELLING
Rural Residential (RR)	61.020	61.030	61.040	61.050	
Rural Commercial (RC)	62.020			62.030	
Tourist Commercial (TC)	62.120		62.130	62.140	
Rural Commercial Center (RCC)	62.220		62.230	62.140	
Light Industrial (LI)	63.020				
Rural Industrial (RI)	63.120		63.130		
Exclusive Farm (EF)	64.020 & 64.030	64.040	64.050	64.055	64.070
Farm Resource (FR)	64.120 & 63.130	64.140	64.150	64.155	64.170
Forest Commercial (FC)	65.020 & 65.030	65.040	65.050	65.055	65.070
Woodlot Resource (WR)	65.120 & 65.130	65.140	65.150	65.155	65.170
Aggregate Resource (AR)	66.020				
Serpentine (S)	67.020	67.030		67.040	
Limited Development (LD)	68.020	68.030		68.040	

P = Permitted Use A = Administrative Permit C = Conditional Use T = Temporary Use
• = additional criteria or conditions may apply

USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Accessory building or structure (61.020(D), 64.030(E), 64.130(E) 65.030, 65.130, 67.020, 68.020)	P						P	P	P	P		P	P
Administrative, educational & related activities & facilities in conjunction with permitted use (63.020(A))					P								
Aggregate exploration (64.030(J), 64.130(J), 65.030(K), 65.130(K))							P	P	P	P			
Aggregate mining & exploration (61.040(O), 64.050(L), 64.150(L), 65.050(K), 65.150(K), 66.020(C), 67.020(J), 67.020(K), 68.030(J), 68.030(K))	C						C	C	C	C	P*	P*	A *
Aggregate processing, crushing, batching, cement & stockpiling (61.040(P), 63.120(E), 64.050(L), 64.150(L), 65.050(K), 65.150(K), 66.020(C), 66.020(D), 67.020(J), 67.020(K), 68.030(J), 68.030(K))	C					P	C	C	C	C	P*	P*	A *
Agriculture, farm use (61.020(A), 64.020(A), 64.120(A), 65.020(B), 65.120(B), 66.020(A), 67.020(B), 68.020(A))	P*						P	P	P	P	P	P	P
Aids to navigation & aviation (65.040(E), 65.140(E))									A	A			
Airports & related uses (63.020(AB), 63.120(A)) *					P	P							
Ambulance & emergency medical facility (62.020(S), 62.220(A)(1), 63.020(B))		P		P	P								
Antique shop (62.120(B)(1))			P										
Appliance, radio, television & electronics sales & repair (62.220(E)(1))				P									
Appliance, small engine, pump & electronics sales & repair (62.020(I))		P											
Archery, rifle & pistol target ranges (67.030(F), 68.020(L)												A*	P *

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Art/craft studio (62.020(J), 62.120(B)(2), 62.220(E)(2))		P	P	P									
Art gallery & artists supply store (62.120(B)(3))			P										
Assembly, manufacture, or preparation of articles & merchandise from (list of) previously prepared merchandise (63.020(N)) *					P								
Assembly, manufacture, or preparation of fireworks - 11.030(129)* (63.130(A))						P							
Athletic club, club house (62.120(C)(16))			P										
Automobile, go-carts or motorcycle race track * (62.120(C)(18), 62.130(A))			P & C										
Automobile repair (62.020(AF), 62.120(B)(4), 62.220(E)(43) 63.020(C))		P	P	P	P								
Automobile sales (62.120(B)(23), 62.220(E)(31))			P	P									
Automobile service station & garage including automobile wash rack (62.120(B)(4))			P										
Automotive, truck & heavy equipment garages & repair including paint & body shops, towing service & impound yard (63.120(C))						P							
Automobile, truck, heavy equipment parts & accessory stores(63.120(B))						P							
Automobile & truck service stations (62.220(E)(43), 63.020(D))				P	P								
Automobile wrecking yard (63.120(AH))						P							
Bakery (62.020(K), 62.120(B)(5))		P	P										
Bank (62.120(B)(20), 62.220(E)(3))			P	P									

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Barber & beauty shop (62.020(L), 62.120(B)(6), 62.220(E)(4))		P	P	P									
Bed & Breakfast Inns (62.120(A)(4))			P										
Bed & Breakfast Inn (as a Home Occupation) - Art. 92 (61.030(A), 64.040(A), 64.140(A), 65.040(A), 65.140(A), 67.030(A), 68.030(A))	A						A	A	A	A		A	A
Bicycle shop (62.220(E)(5))				P									
Bindery (62.220(C)(1))				P									
Boarding house (62.120(A)(6))			P										
Boat landings & docks (61.030(F), 66.020(B))	A										P		
Book or stationery store including newsstand (62.020(M), 62.120(B)(7), 62.220(E)(6))		P	P	P									
Bowling alley (62.220(B)(1))				P									
Building materials store including outdoor storage & sales (62.020(N), 62.220(E)(7))		P		P*									
Building maintenance services 63.120(D))						P							
Bus terminal (62.220(D)(1), 63.120(G))				P		P							
Bus stop (62.020(F))		P											
Business & office machines, supplies, sales & repair (62.220(E)(8))				P									
Cabinet shop (62.220(E)(9))				P									
Camera & photographic store, gallery (62.120(B)(9), 62.220(E)(10))			P	P									
Campgrounds - Art. 98 (61.040(H), 62.120(A)(1), 64.050(G), 64.150(G), 65.050(E), 65.150(E), 67.030(E), 68.020(K))	C		P				C	C	C	C		A*	P*

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Caretaker residence, manufactured dwelling for a caretaker or night watchman* (63.020(Z), 63.120(S), 66.020(E))					P	P					P		
Caretaker residences for public parks & fish hatcheries (65.030(E), 65.130(E))									P	P			
Carnival (transient in nature) (62.120(C)(1))			P										
Cement & asphalt batching, rock processing & crushing - Art. 91 (61.040(P), 63.120(E), 64.050(L), 64.150(L), 65.050(K), 65.150(K), 66.020(D), 67.020(K), 68.030(K))	C					P	C	C	C	C	P*	P*	A*
Cemeteries (61.040(B), 65.040(C), 65.140(C))	C								A	A			
Churches including parsonage & cemetery ((61.040(A), 62.020(T), 62.120(B)(19), 62.220(A)(2), 64.050(E), 64.150(E))	C	P	P	P			C*	C*					
Circus (62.120(C)(2))			P										
Climbing & passing lanes within r-o-w existing as of July 1, 1987 (64.030(F), 64.130(F))							P	P					
Clubs & courts, including tennis & racquetball (62.220(B)(2))				P									
Coin-operated laundry (62.120(B)(9), 62.220(E)(27)		P	P										
Cold storage plants including storage & office (62.020(O), 62.220(E)(16), 63.020(E))		P		P	P								
Commercial activities in conjunction with farm uses 64.050(C), 64.150(C))							C	C					
Commercial parking lots (63.020(X))					P								
Commercial power generating facilities (63.120(AG), 64.050(N), 64.150(N))						P	C*	C*					
Community center (61.040(I), 62.120(C)(3), 64.050(H), 64.150(H))	C*		P				C*	C*					

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Compounding, processing, packaging or treatment of products including food, beverages toiletries drugs, cosmetics (63.120(F)) *						P							
Confectionery (62.120(B)(10))			P										
Conference grounds - Art. 98 (62.120(A)(1), 67.030(E), 68.030(D))			P									A*	A *
Conservation & management of fish, wildlife resources (65.020(D), 65.120(D))									P	P			
Contractors' establishments * (62.220(E)(11))				P									
Construction of additional climbing & passing lanes requiring new r-o-w but not creating new parcels (64.040(H), 64.140(H)) *							A	A					
Convenience store & delicatessen including gasoline sales & pumps (62.120(B)(12))			P										
Creation of, restoration of or enhancement of wetlands (64.020(C), 64.120(C))							P	P					
Dance hall (62.220(B)(3))				P									
Day care facility (62.220(A)(8))				P									
Destination Resort - Art. 96 (61.040(J), 62.120(A)(7), 64.050(F), 64.150(F), 65.050(H), 65.150(H), 67.030(H), 68.030(G))	C		P				C	C	C	C		A*	A *
Disposal site for solid waste approved by the BCC & for which DEQ has issued a permit including equipment, facilities & buildings necessary for operation (64.050(O), 64.150(O), 65.050(M), 65.150(M))							C	C	C	C			
Dog kennels (61.040(E), 64.040(C), 64.140(C))	C*						A	A					
Drive-in theater (62.120(C)(4))			P										
Dry goods or notions store (62.220(E)(12))				P									

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Dwelling includes Manufactured Dwelling (approval is not guaranteed in EF, FR, FC, & WR Zones) (61.020(C), 64.070, 64.170, 65.070, 65.170, 67.020(C), 68.020(G))	P						P*	P*	P*	P*		P	P
Emergency protection facilities, fire towers, fire suppression crew quarters for forest fire protection (65.050(D), 65.150(D))									C	C			
Equipment sales, service, rental, repair (63.020(F))					P								
Expansion of existing airports (65.050(I), 65.150(I))									C	C			
Exploration for mineral & aggregate resources* (64.030(J), 64.130(J), 65.030(K), 65.130(K))							P	P	P	P			
Exploration, mining, processing of aggregate & other mineral resources - Art. 91 (61.040(O), 64.050(L), 64.150(L), 65.050(K), 65.150(K), 66.020(C), 67.020(J), 68.030(J))	C						C	C	C	C	P*	P*	A*
Exploration for, production of geothermal, gas, oil, & other associated hydrocarbons including placement & operation of compressors, separators & other customary production equipment for a well adjacent to well head (64.050(K), 64.150(K), 65.050(L), 65.150(L))							C	C	C	C			
Farm implement & equipment store (62.220(E)(13))				P									
Farm use & agriculture (61.020(A), 64.020(B), 64.120(B), 65.020(B), 65.120(B), 66.020(A), 67.020(B), 68.020(A))	P*						P	P	P	P	P	P	P
Farm stands* (61.020(E), 64.050(B), 64.150(B))	P						C	C					
Feed store (62.220(E)(14))				P									
Feed & fuel store (62.020(G))		P											

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Fire attack landing strips for airplanes & helicopter pads (67.030(D), 68.030(I))												A*	A*
Fire stations (61.040(M), 62.020(E), 62.120(E), 62.220(A)(7), 63.020(I), 63.120(R), 64.040(E), 64.140(E), 65.040(B), 65.140(B), 66.020(H), 67.030(D), 68.030(I))	C	P	P	P	P	P	A	A	A	A	P*	A*	A*
Firearms training facility (65.050(G), 65.150(G))									C	C			
Florist & gift store (62.220(E)(15))				P									
Forest operations or forest practices (61.020(B), 64.020(B), 64.120(B), 65.020(A), 65.120(A), 67.020(A), 68.020(B))	P						P	P	P*	P*		P	P
Fraternal lodges (62.220(A)(3))				P									
Freight & train terminals (63.120(G))						P							
Frozen food store & lockers (62.020(O), 62.220(E)(16) 63.020(E))		P		P	P								
Fuel oil distributors (63.020(G))					P								
Fuel distribution facility (63.120(AD)						P							
Fuel depot & sales (62.220(E)(54))				P									
Furniture repair & upholstery shop (62.220(E)(17))				P									
Garden supply sales & service (62.020(P), 62.220(E)(18))		P		P									
General store (62.020(C), 62.220(E)(19))		P		P									
General laboratories & research facilities (63.120(H))						P							
Gift, novelty, curio & souvenir shop (62.120(B)(11))			P										
Golf course (61.040(G), 62.220(B)(4), 64.050(I), 64.150(I), 66.020(I))	C			P			C*	C*			P		

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Greenhouses, including retail sales (62.020(Q), 62.220(E)(20))		P		P									
Grocery & food store (62.020(B), 62.220(E)(21))		P		P									
Guide service (62.120(B)(22))			P	P									
Gun club (68.030(E))													A
Gunsmith (62.220(E)(23))				P									
Gymnasium (62.220(B)(15))				P									
Hardware & paint store (62.020(N), 62.220(O)(23))		P		P									
Health Spa (62.120(B)(21))			P										
Heavy equipment & farm implement sales & repair (53.120(I))						P							
Historical preservation project (62.220(A)(4))				P									
Hobby store (62.220(E)(24))				P									
Home Occupation - Art. 92 (61.030(A), 64.040(A), 64.140(A), 65.040(A), 65.140(A), 67.030(A), 68.030(A))	A						A	A	A	A		A	A
Hotels *62.220(E)(55))				P									
Hunting & fishing preserves (67.030(F), 68.020(L))												A*	P*
Ice skating rink (62.220(B)(6))				P									
Improvement of public road & highway related facilities where additional r-o-w is required but new parcels are not created* (64.040(G), 64.140(G))							A	A					
Indoor sports arena (62.220(B)(7))				P									
Indoor animal husbandry (61.040(F), 64.020(A), 64.120(A))	C*						P	P					
Jewelry store (62.220(E)(25))				P									
Kennels (61.040(E), 64.040(C), 64.140(C))	C*						A	A					

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Lapidary shop (62.120(B)(13), 62.220(E)(26))			P	P									
Laundry (62.220(E)(27))				P									
Library (62.120(C)(6), 62.220(A)(5))			P	P									
Light fabrication & repair shops* (63.020(M))					P								
Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials* (63.020(S))					P								
Local distribution lines (e.g., electric, telephone, natural gas)* (65.030(H), 65.130(H))									P	P			
Lockers, ice houses & cold storage facilities (63.120(J))						P							
Lodges - Art. 98 (62.120(A)(2)), 68.030(D))			P										A*
Log scaling & log storage (67.,020(H), 68.020(C))												P	P
Log scaling & weight stations (65.050(C), 65.150(C))									C	C			
Manufacture, compounding, processing, packaging of products (list)* (63.020(O))					P								
Manufacturing of artificial limbs, dentures, hearing aids, & other medical & dental implements* (63.020(V))					P								
Manufacturing of electric, electronic or optical goods or devices (63.020(T))					P								
Manufacture of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment* (63.020(U))					P								

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Manufacture, repair or storage of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment* (63.120(L))						P							
Manufacture of textiles, cloth or fiber products (63.120(K))						P							
Manufactured dwelling for a caretaker or night watchman* (63.020(Z), 63.120(S), 66.020(E))					P	P					P		
Manufactured dwelling, recreational vehicle, automobile retail sales & repair (62.120(B)(23), 62.220(E)(31))			P	P									
Manufactured dwelling (approval is not guaranteed in EF, FR, FC, & WR Zones) (61.020(C), 64.070, 64.170, 65.070, 65.170, 67.020(C), 68.020(G))	P						P*	P*	P*	P*		P	P
Manufactured dwelling in conjunction with a business for owner* (62.020(AH), 62.120(F), 62.220(G))		P	P	P									
Marina (62.220(B)(8))				P									
Mass gathering - Art. 43 (61.050(B), 62.140(B), 67.040(B), 68.040(B))	T		T									T	T
Meat processing & packing, excluding slaughter house (62.020(A), 62.220(E)(28))		P		P									
Medical & dental offices or clinic (62.020(AD), 62.220(E)(28))		P		P									
Medical hardship dwelling - Art 43 (61.050(A), 64.055(A), 64.155(A), 65.055(A), 65.155(A), 67.040(A), 68.040(A))	T						T	T	T	T		T	T
Metal fabrication & repair (63.120(M))						P							
Metal reduction, milling, & refining, except for smelting (63.120(N))						P							

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Mining, aggregate exploration (64.030(J), 64.130(J), 65.030(K), 65.130(K))							P	P	P	P			
Mining & exploration for aggregate (61.040(O), 64.050(L), 64.150(L), 65.050(K), 65.150(K), 66.020(C), 67.020(J), 67.020(K), 68.030(J), 68.030(K))	C						C	C	C	C	P*	P*	A*
Mini-warehouse may include quarters (62.220(AC), 62.220(E)(30), 63.020(W))		P		P	P								
Miniature golf course (62.120(C)(5), 62.220(B)(9))			P	P									
Minor betterment of existing public road & highway facilities within r-o-w existing as of July 1, 1987* (64.030(I), 64.130(I))							P	P					
Monument or tombstone store (62.220(E)(32))				P									
Motels (62.120(A)(3), 62.220(E)(55))			P	P									
Motion picture theater (62.220(B)(10))				P									
Museum (62.120(C)(6), 62.220(A)(6))			P	P									
Music store (62.220(E)(33))				P									
Music studio (62.120(C)(7))			P										
New electric transmission lines & distribution lines (e.g., oil, gas, geothermal) with r-o-w 50 ft. or less (65.040(G), 65.140(G))									A	A			
Newspaper publishing plant (62.220(C)(2))				P									
Off-street parking facility operated in conjunction with permitted use (62.020(U))		P											
One temporary sign for a subdivision (32 ft. max) - Art. 74 (61.030(C), 67.030(B), 68.030(B))	A											A	A

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
One additional dwelling for medical hardship - Art. 43 61.050(A), 64.055(A), 64.155(A), 65.055(A), 65.155(A), 67.040(A), 68.040(A))	T						T	T	T	T		T	T
Open, non-commercial storage of up to 4 motor vehicles* (61.030(E), 67.030(C), 68.030(C))	A											A	A
Operations for exploration of minerals - Art.91* (64.030(J), 64.130(J))							P	P					
Operations for exploration & production of geothermal, oil & gas including production equipment for the well head* (64.050(K), 64.150(K))							C	C					
Operations for mining crushing, stockpiling & processing of aggregate & other mineral resources & other subsurface resources* (64.050(L), 64.150(L))							C	C					
Paint & body shop for automobile, truck & heavy equipment (63.120(C))					P								
Parks & playgrounds - Art. 98 (61.040(I), 65.050(E), 65.150(E), 66.020(I))	C								C	C	P*		
Penny arcade (62.120(C)(8))			P										
Performance facility (62.130(B))			C										
Permanent logging equipment repair & storage (65.050(B), 65.150(B))									C	C			
Permanent facility for primary processing of forest products ((65.050(A), 65.150(A))									C	C			
Permanent placement of cement & asphalt batching, rock processing & crushing - Art. 91 (63.120(E), 66.020(D))						P					P		
Personal use landing strips - 11.030(23)* (64.050(J), 64.150(J), 666.020(F))							C	C			P		

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Pharmacy (62.020(U), 62.120(B)(14), 62.220(E)(34))		P	P	P									
Photo copying (62.020(H), 62.220(C)(3))		P		P									
Photographic film processing, photo engraving (63.120(O))						P							
Plumbing & sheet metal shops (63.120(P))						P							
Police stations or substation (62.220(A)(7))				P									
Post offices (62.220(A)(7))				P									
Printing, lithographing, blueprinting or publishing & distribution facilities (63.120(Q))						P							
Print shop, including off-set, blueprinting & bindery (62.020(Y), 62.220(C)(4), 63.020(H))		P		P	P								
Private parks, playgrounds, hunting & fishing preserves, & campgrounds - Art. 98 (64.050(G), 64.150(G))							C	C					
Private seasonal accommodations for fee hunting or fishing* (65.050(F), 65.150(F))									C	C			
Private hunting & fishing operations without lodging accommodations (65.030(C), 65.130(C))									P	P			
Processing, crushing, batching, cement & stockpiling of aggregate (61.040(P), 63.120(E), 64.050(L), 64.150(L), 65.050(K), 65.150(K), 66.020(C), 66.020(D), 67.020(J), 67.020(K), 68.030(J), 68.030(K))	C					P	C	C	C	C	P*	P*	A*
Processing or packaging of products including breweries, distilleries, slaughter houses & cannery (63.120(AE))						P							
Processing uses for food, beverages & other processes* (63.020(Q))													

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Professional offices* (62.020(AE), 62.220(E)(35))		P		P									
Propagation or harvesting of a forest product (64.020(B), 64.120(B), 65.020(A), 65.120(A))							P	P	P*	P*			
Propagation, cultivation, maintenance & harvesting of aquatic species (64.040(B), 64.140(B))							A	A					
Public and/or private schools (61.040(C), 62.220(A)(8), 64.050(D), 64.150(D))	C			P*			C*	C*					
Public facilities including post office, fire & police substation & library (62.020(E))		P											
Public facilities including water storage reservoirs, pumping or treatment facilities, sewage disposal plant (61.040(M))	C												
Public road & highway projects as described in ORS 215.283(2)(p) - (r) (65.040(K), 65.140(K))									A	A			
Public parks & recreation sites - Art. 98 (62.220(A)(9), 64.050(H), 64.150(H), 66.020(I))				P			C*	C*			P*		
Public & semi-public buildings including fire stations (63.120(R))						P							
Public uses & buildings (63.020(I))					P								
Public utility structures & yards (63.020(I))					P								
Public utilities such as pipelines, transmission (lines) facilities* (66.020(G))											P*		
Quarters or a manufactured dwelling for a caretaker or night watchman* (63.020(Z), 63.120(S))					P	P							
Racetrack (68.030(F))													A
Railroad depot (62.220(D)(1))				P									

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Real estate tract sales office* (61.030(D))	A												
Real estate office (62.120(B)(15))			P										
Reconstruction or modification of public roads & highways, not adding lanes, removing or displacing buildings or creating new parcels (64.030(G), 64.130(G))							P	P					
Reconstruction or modification of public roads & highways, involving the removing or displacing buildings, not creating new parcels(64.040(F), 64.140(F))							A	A					
Recreation sites, including parks, campgrounds, & conference grounds - Art. 98 (67.030(E), 68.020(K))												A*	P*
Recreational Resort - Art. 97 (61.040(K), 62.120(A)(8), 68.030(H))	C		P										A*
Recreational vehicle park - Art 98 (62.120(A)(5), 62.220(E)(56))			P	P									
Religious goods store (62.220(E)(36))				P									
Rental service stores & yards (62.020(AG), 62.220(E)(37))		P		P									
Replacement dwelling in conjunction with farm use (must be on County historic inventory) (64.030(A), 64.130(A))							P	P					
Replacement, repair & maintenance of existing single-family and/or manufactured dwellings (61.020(C), 62.020(AI), 62.120(G), 62.220(H), 64.030(B), 64.130(B), 65.030(F), 65.130(F))	P	P*	P*	P*			P*	P*	P*	P*			
Research & interpretive facilities related to the preservation of unique natural conditions & conservation & management of wildlife resources (67.030(G), 68.020(J))												A*	A*

P = Permitted Use A = Administrative Permit C = Conditional Use T = Temporary Use
* = additional criteria or conditions may apply

USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Research natural areas, experimental forests & facilities for experimental & research activities associated with forest management or utilization* (65.040(D), 65.140(D))									A	A			
Reservoirs & water impoundments (65.040(I), 65.140(I))									A	A			
Residential Care Facility - 11.030(280) (61.020(G), 62.220(AJ), 62.120(H), 62.220(I), 64.030(C), 64.070, 64.130(C), 64.170, 65.030(G), 65.070, 65.130(G), 65.170, 67.020(E), 68.020(I))	P	P	P	P			P*	P*	P*	P*		P	P
Residential Care Home - 11.030(281) (61.020(F), 62.220(AJ), 62.120(H), 62.220(I), 64.030(C), 64.070, 64.130(C), 64.170, 65.030(G), 65.070, 65.130(G), 65.170, 67.020(D), 68.020(H))	P	P	P	P			P*	P*	P*	P*		P	P
Residential dormitories or housing in conjunction with public or private schools (61.040(D))	C*												
Restaurant (62.020(R), 62.120(B)(16), 62.220(E)(38))		P	P	P									
Restaurant & lounges (62.120(B)(16), 63.120(T))			P			P							
Retail sale of food products, including groceries & bakeries (62.220(E)(39))				P									
Road maintenance shops (62.220(A)(10)				P									
Roads, highways & other transportation facilities & improvements may be established subject to criteria* (64.040(I), 64.140(I))							A	A					
Rodeo grounds (61.040(G), 62.120(C)(9), 62.220(B)(11))	C		P	P									
Roller skating rink (62.220(B)(12))				P									

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Roofing establishment (62.220(E)(40))				P									
Sanitary landfill & non-hazardous waste disposal site - Art. 85 (61.040(N))	C												
Saw shops, including sales & service (62.220(E)(14), 63.120(U))				P		P							
Scientific research or experimental development of materials, methods or products including engineering & laboratory research (63.020(J))					P								
Septic tank installers (62.220(E)(42))				P									
Service station including a minor repair garage, towing service & impound yard (20 vehicles max., screened) (62.020(D))		P											
Service station & automobile or truck repair garage (62.220(E)(43))				P									
Service commercial uses including restaurants, cafes, lounges & refreshment stands (63.020(K))					P								
Sewage treatment plants (62.230(A))				C									
Shooting Range or Gun Club (68.030(C))													A*
Shooting gallery (62.120(C)(10))			P										
Sign painting shop (62.220(E)(44))				P									
Signs - Art. 74 (61.030(B), 62.020(W), 62.120(D), 62.220(F), 63.020(AA), 63.120(V), 64.030(D), 64.130(D), 67.020(F), 68.020(F))	A	P	P	P	P	P	P	P				P	P
Single-family dwelling (approval is not guaranteed in EF, FR, FC, & WR Zones) (61.020(C), 64.070, 64.170, 65.070, 65.170, 67.020(C), 68.020(G))	P						P*	P*	P*	P*		P	P
Smelting (63.120(AF))						P							
Special trade contractor establishment* (62.220(E)(45))				P									

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Sporting goods store including rental of recreational equipment (62.120(B)(17))			P										
Sporting goods store (62.220(E)(46))				P									
Stands for the display & sale of farm & forest products produced on the land (61.020(E))	P												
Stands for the sale of farm & forest products (62.120(C)(11))			P										
Storage or sale yard for building materials, contractors equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition (63.020(R))					P								
Swimming pool (62.120(C)(12))			P										
Tack & saddlery shop (62.220(E)(47))				P									
Tailor & dressmaker (62.220(E)(48))				P									
Tavern (62.020(AB), 62.120(B)(18), 62.220(E)(49), 63.120(W))		P	P	P		P							
Taxicab dispatch office (63.020(Y))					P								
Taxidermy (62.120(C)(13), 63.120(X))			P			P							
Television, microwave & radio communication facilities & transmission towers (65.040(F), 65.140(F))									A	A			
Temporary asphalt & concrete batch plants as accessory uses to specific highway project (65.040(J), 65.140(J))									A	A			
Temporary logging labor camps, or forest labor camps (65.030(B), 65.130(B))									P	P			

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Temporary on-site structures & physical alterations which are auxiliary to & used during the term of a particular forest operation* (65.020(E), 65.120(E))									P	P			
Temporary, portable facilities for primary processing of forest products (64.040(D), 64.140(D), 65.030(A), 65.130(A), 68.020(D))							A	A	P	P		P*	P*
Temporary public road & highway detours that will be abandoned and restored when not needed* (64.030(H), 64.130(H))							P	P					
Temporary roadside stand - Art. 43 (62.030(A), 62.140(B), 62.240(A))		T	T	T									
Temporary storage of unoccupied manufactured dwelling - Art. 43 (61.050(C), 67.040(C), 68.040(C))	T											T	T
Theater (62.120(C)(14))			P										
Tire store, repair & recapping (63.120(Y))						P							
Towing service & impound yard (20 vehicle limit, screened) (62.020(D), 62.220(D)(2), 63.120(C))		P		P		P							
Tractor dealers, repairing & service (62.220(E)(50))				P									
Transmission towers over 200 feet in height (64.050(N), 64.150(N))							C	C					
Truck sales, service, repair & rental (63.020(C))					P								
Uninhabitable structures accessory to fish & wildlife enhancement (65.030(D), 65.130(D))									P	P			
Upholstery shop, automobile & furniture (63.120(Z))						P							
Uses to conserve soil, air & water quality & watershed management (65.020(C), 65.120(C))									P	P			

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Utility & communication facilities including commercial power generation facilities (61.040(L))	C*												
Utility & communication facilities necessary for public services including transmission & receiving towers (62.120(C)(15), 67.020(G), 68.020(E))			P									P	P
Utility facilities for the purpose of generating power. Cannot preclude more than 10 acres from commercial forest use without an exception (65.040(H), 65.140(H))									A	A			
Utility facilities necessary for public service, except commercial facilities & towers over 200 ft. high (64.040(E), 64.140(E))							A	A					
Utility facilities, including hydroelectric & transmission facilities (62.220(A)(11))				P									
Variety store (62.220(E)(51))				P									
Veterinary clinic & hospitals operated entirely within enclosed building (63.020(L))					P								
Veterinary hospital or clinic (62.020(AA), 62.220(E)(52))		P		P									
Warehousing (63.020(W), 63.120(AA))					P	P							
Water intake facilities, canals & distribution lines for farm irrigation & ponds (65.030(J), 65.130(J))									P	P			
Water treatment plants, water reservoirs (62.230(B))				C									
Water intake facilities, related treatment facilities, pumping stations & distribution lines (65.050(J), 65.150(J))									C	C			
Welding & blacksmith shop (62.220(E)(53))				P									

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USE	RR	RC	TC	RCC	LI	RI	EF	FR	FC	WR	AR	S	LD
Wholesale sales within a totally enclosed building (10,000 square foot max) (62.020(X))		P											
Wholesale distribution of all standard types of prepared or packaged merchandise* (63.020(P))					P								
Wholesale distribution & retail sales facility or agricultural cooperative (63.120(AB))						P							
Widening of roads within existing rights-of-way consistent with transportation plan (65.030(I), 65.130(I))									P	P			
Wildlife park (62.120(C)(17))			P										
Winery* (64.050(A), 64.150(A))							C	C					
Wood products manufacturing, including secondary & tertiary processing (63.020(AC))						P							
Wrecking yard, automobiles (63.120(AH))						P							

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APPENDIX C - PROCESSING INDEX

This index is designed to identify how each type of and use and land division application will be processed including the notice requirements, site plan review requirements, appeal times and other relevant information. Some of the applications types identified are not an actual application identified in Chapter 4 & 5, but rather common land uses. The actual applications will be identified by an (*). This index is meant to serve as a quick guide.

APPLICATION TYPE	REVIEW TYPE	NOTICE	REVIEW TIME	REVIEW BODY	APPEAL	APPEAL BODY	VALID	EXTENSION
Administrative Permit*	TII, TIII	mail	15 days	PD	10 days	BCC	2yrs	yes
Conditional Use Permit*	T III	mail	15 days	PD	10 days	BCC	2 yrs	yes
Development Permit*	T I	no	NA	PD	no	NA	1yr	no
Final Plat*	T I	no	NA	PD	no	NA	NA	NA
Home occupation	TII, TIII	mail	15 days	PD	10 days	BCC	2 yrs	yes
Land Partition*	T III	mail	15 days	PD	10 days	BCC	2 yrs	yes
Legislative Comprehensive Plan Amendment*	PC	mail & publish	hearing	PC & BCC	21 days	LUBA	NA	NA
Medical hardship dwelling	T II	mail	15 days	PD	10 days	BCC	1 yr	yes
Planned Unit Development*	PC	mail	hearing	PC & BCC	10 days	LUBA	2 yrs	yes
Property Line Adjustment*	T I	no	NA	PD	no	NA	2 yrs	yes
Quasi-Judicial Comprehensive Plan Map Amendment*	PC	mail & publish	hearing	PC & BCC	21 days	LUBA	NA	NA
Quasi-Judicial Zone Change*	PC	mail & publish	hearing	PC & BCC	21 days	LUBA	NA	NA
Replat*	TIII	mail	15 days	PD	10 days	BCC	2 yrs	yes
Resource dwelling	T II	mail	15 days	PD	10 days	BCC	2 yrs	yes
Site Plan Review*	T III	mail	15 days	PD	10 days	BCC	2yrs	yes
Subdivision*	T III	mail	15 days	PD	10 days	BCC	2 yrs	yes
Subdivision*	PC	mail	hearing	PC	10 days	BCC	2 yrs	yes
Temporary Use Permit*	T I	no	NA	PD	no	NA	varies	no
Temporary Use Permit*	T II	mail	15 days	PD	10 days	BCC	varies	varies
Variance*	T II	mail	15 days	PD	10 days	BCC	NA	NA

PD = PLANNING DIRECTOR
BCC = BOARD OF COUNTY COMMISSIONERS
PC = PLANNING COMMISSION

APPENDIX D - NOTICE TABLE

This index is designed to identify the notice requirements for each application for a land use and/or division. The CAC notice refers to certified Citizen Advisory Committees with party status. The NA notice is a courtesy notice to Neighborhood Associations which do not have party status. Some of the applications types identified are not an actual application identified in Chapter 4 & 5, but rather common land uses. The actual applications will be identified by an (*). This index is meant to serve as a quick guide.

APPLICATION TYPE	NOTICE	PROPERTY OWNERS, APPLICANT	CAC NOTICE	NA NOTICE	STATE AGENCY NOTICE	DECISION NOTICE	APPEAL NOTICE
Administrative Permit*	mail	yes	yes	yes	affected	parties	parties
Conditional Use Permit*	mail	yes	yes	yes	affected	parties	parties
Development Permit*	no	no	no	no	no	no	no
Final Plat*	no	no	no	no	affected	no	no
Home occupation	mail	yes	yes	yes	affected	parties	parties
Land Partition*	mail	yes	yes	yes	affected	parties	parties
Legislative Comprehensive Plan Amendment*	mail & publish	yes	yes	yes	affected	parties	parties
Planned Unit Development*	mail	yes	yes	yes	affected	parties	parties
Property Line Adjustment*	no	no	no	no	no	no	no
Quasi-Judicial Comprehensive Plan Map Amendment*	mail & publish	yes	yes	yes	affected	parties	parties
Quasi-Judicial Zone Change*	mail & publish	yes	yes	yes	affected	parties	parties
Replat*	mail	yes	yes	yes	affected	parties	parties
Resource dwelling	mail	yes	yes	yes	affected	parties	parties
Site Plan Review*	mail	yes	yes	yes	affected	parties	parties
Subdivision*	mail	yes	yes	yes	affected	parties	parties
Temporary Use Permit*	no	no	no	no	no	no	no
Temporary Use Permit*	mail	yes	yes	yes	affected	parties	parties
Variance*	mail	yes	yes	yes	affected	parties	parties

APPENDIX E - LOT REQUIREMENT & SETBACK TABLE

The following table lists the minimum lot sizes, minimum lot widths and the setbacks for each zone. Additional setbacks or exceptions to the setbacks may apply (see Article 72). This is meant to be a quick reference.

DESIGNATION		LOT REQUIREMENTS		SETBACK FROM PROPERTY LINE			
PLAN	ZONE	ACRES	WIDTH	HEIGHT	FRONT	SIDE	REAR
Aggregate	AG**	none	none	none	30	30	30
Commercial	RC*	1/2 ac, 1 ac for dwelling	none	35	10	10	10
	TC*	1/2 ac, 1 ac for dwelling	none	35	10	10	10
	RCC*	1/2 ac, 1 ac for dwelling	none	35	10	10	10
Farm	EF**	80 ac	300 ft, 200 ft for non-farm dwelling	35	30	30	30
	FR**	80 ac	300 ft 200 ft for non-farm dwelling	35	30	30	30
Forest	FC**	80 ac	300 ft	none	30	30	30
	WR**	80 ac	300 ft	35	30	30	30
Industrial	LI*	1/2 ac, 1 ac for dwelling	none	35	10	20	20
	RI*	1/2 ac, 1 ac for dwelling	none	35	10	10	10
No plan designation	LD**	20 ac	500 ft	35	30	30	30
Rural Residential	RR-5**	5 ac	300 ft	35	30	10	25
	RR-2.5**	2.5 ac	250 ft	35	30	10	25
	RR-1**	1 ac	150 ft	35	30	10	25
Serpentine	S**	20 ac, 5 ac with septic & water developed	500 ft, 300 ft if in 5 acre parcels	35	30	30	30

* Commercial & industrial setbacks may vary. See Section 72.020(C).

** A setback of 60 feet from the centerline of any public street, road or right-of-way may apply. See Section 72.020(E).

APPENDIX F - AMENDMENT INDEX

This table is a running index of all text and map amendments for the Rural Land Development Code. It will be updated when the Rural Land Development Code or a Plan and/or Zone designation is amended. When adding a text amendment, write the section(s) updated in that column. When adding a comp. plan and/or zone change write the full map number in the appropriate column.

ORDINANCE NUMBER	DESCRIPTION	TEXT AMENDMENT	COMP. PLAN ZONE MAP AMENDMENT	ZONE MAP AMENDMENT
94-4	Adopt the Rural Land Development Code	Repeal Ords 85-1 except for Sections 14.100(C), 15.237 - 15.241 & 90-4, modifies Ords 90-1, 90-8 & 90-22		

APPENDIX G - PARKING GUIDELINES

The following standards are guidelines which may be utilized by the Developer when calculating parking for a proposed development.

TYPE OF USE	PARKING SPACES REQUIRED
RESIDENTIAL TYPES	
Dwelling, Single - family	2 for each dwelling unit on a single lot
Dwellings, two or multiple unit	2 for each dwelling
Hotels, motels, motor hotels, etc.	1 & 1/2 for each room; where fractioned, next highest full unit
Mobile Home Parks	2 & 1/2 for each manufactured dwelling stand
Rooming or Boarding Houses	1 for each guest room
Sororities, fraternities, cooperatives and dormitories	1 for each 3 occupants for which sleeping facilities are provided
INSTITUTIONAL TYPES	
Churches	1 for every 3 fixed seats or every 7 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
Hospital - 0 to 3,000 square feet	5 spaces for every 1000 square feet of gross floor area
Hospital - 3,001 or more square feet	15 spaces plus 4 spaces for every additional 1,000 square feet of gross floor area
Libraries, museums, art galleries	1 for each 500 square feet of gross floor area
Nursing homes, homes for the aged, group care homes, asylums, etc.	1 for every 2 beds
Primary or middle school	2 for each teaching station plus 1 for every 8 fixed seats or 1 for every 100 square feet of seating area where there are no fixed seats in auditorium or assembly area
High School	2 for each teaching station plus 1 for every 4 fixed seats or 1 for every 50 square feet of seating area where there are no fixed seats in auditorium
College	2 for each teaching station plus 1 space for every 2 students of design capacity
Welfare or correctional institution	1 for each 5 beds

TYPE OF USE	PARKING SPACES REQUIRED
COMMERCIAL TYPES	
Auto repair, automobile service stations & garages	3 for each service area
Service Stations: Full Service Gas only	3 for each service area and 1 for every 2 pumps
Barber and beauty shops	3 spaces for each chair
Bowling alleys	6 for each bowling lane
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 1000 square feet of gross floor area
Spectator type; e.g. auditorium, assembly halls, theaters, places of public assembly	1 space for each 3 seats or 7 feet of bench length
Participating type; e.g. skating rinks, dance halls	1 for each 100 square feet of gross floor area
Stadiums, sports arenas	1 for each 5 seats or 10 feet of bench length
Food stores - 1 to 4,000 square feet	7 spaces per 1000 square feet of gross floor area
Food stores - 4,001 to 10,000 square feet	28 spaces plus 6 spaces for each additional 1,000 square feet of gross floor area in excess of 4,000 square feet
Food stores - 10,001 or more square feet	64 spaces plus 5 spaces for each additional 1000 square feet of gross floor area in excess of 10,000 square feet
Funeral parlors	25 spaces per 1000 square feet of gross floor area
Home occupation	2 spaces, plus 1 additional space for each employee not a resident of the property
Office buildings, businesses, and professional offices	3 for every 1,000 square feet of gross floor area
Pharmacies	1 for each 150 square feet of gross floor area
Retail establishment not otherwise specified in this table	1 for each 200 square gross floor area
Retail stores handling bulky merchandise, house-hold furniture or appliance repair shops	1 for each 600 square feet of gross floor area
Shopping Centers or retail stores with more than 4001 square feet of floor area	No less than 4.5 spaces per 1000 square feet of gross floor area

TYPE OF USE	PARKING SPACES REQUIRED
Transportation terminals	1 for each 5 seats capacity of carriers, loading or unloading within any half hour period
Wholesale Sales	2 for each 1000 square feet of gross floor area
INDUSTRIAL USES	
Industrial uses not specified in this table	2 for each 1000 square feet of gross floor area
Laboratories and research facility	1 for each 1,000 square feet of gross floor area
Machinery or equipment sales	2 for each 1,000 square feet of gross floor area
Wholesale and storage operations	1 for each 1000 square feet of gross floor area