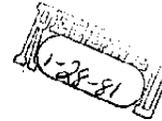


BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 81-1



AN ORDINANCE REQUIRING AQUIFER AND WATER QUALITY TEST FOR CERTAIN LAND DEVELOPMENTS TO BE SERVED BY INDIVIDUAL WATER SYSTEMS FROM A GROUNDWATER SOURCE; ESTABLISHES STANDARDS AND PROVIDES PENALTIES, AND DECLARING AN EMERGENCY.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON ORDAINS AS FOLLOWS:

SECTION 1. AUTHORITY.

This Ordinance is enacted pursuant to ORS 203.035 et seq, and other applicable laws.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to recognize that the groundwater supply in Josephine County is a limited resource, and that certain intensive uses have a higher tendency toward negative impact upon adjoining land uses, thereby requiring prior testing and approval in order to reasonably assure an adequate and safe water supply for all citizens of Josephine County.

SECTION 3. DEFINITIONS.

- A. Aquifer Test: A test to determine the hydrogeological properties of aquifers and aquitards, wherein the effect of pumping a well at a known rate is measured in the pumped well and in observation wells penetrating the aquifer.
- B. Coefficient of transmissibility (T): A measure of permeability used in calculating ground water flow. It is further defined as the rate at which water will flow through a vertical strip of aquifer one foot wide and extending through the full saturated thickness under a hydraulic gradient of 1.00. It is accepted that an aquifer whose transmissibility is less than 1000 can supply only enough water for domestic wells.
- C. Community Water System: Means a domestic water supply source or distribution system which serves more than three (3) single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system.
- D. DOCUMENTED WATER - PROBLEM AREA: A water area which can be shown by public records to have problems which may endanger the quality or quantity of the resource.
- E. Dwelling Unit: One or more rooms designed for occupancy by one family.

Dwelling Unit - Single: A detached building containing one (1) dwelling unit.

Dwelling Unit - Multi: A building or buildings containing two (2) or more dwelling units.
- F. Geologic Unit: A mapping term used to denote a mass of rock or sediment grouped together based on its physical or formational characteristics and/or geologic age.

SECTION 3. DEFINITIONS. (Con't.)

- G. Groundwater: 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.
- H. Individual Water Systems: A source of water and a distribution system which serves less than four (4) single residences or users for the purposes of supplying water for domestic use and which is not a public water supply system.
- I. Land Division: The creation of more than one (1) parcel of land from a single unit.
- J. Water Quality Test: A test to determine that the water intended for use will meet the requirements of the public health drinking water standards, bacteriologically and chemically.
- K. Well: Any artificial opening or artificially altered natural opening, however made, by which groundwater flows under natural pressure or is artificially withdrawn.

SECTION 4. SCOPE.

This Ordinance shall apply to the following land divisions and uses when the owner/developer intends to use a groundwater source to supply water to the property.

- a. Subdivisions for multi and single-family dwellings of four (4) or more units on individual parcels less than one (1) acre in size.
- b. Land partitions in which two (2) or more parcels are less than one (1) acre.
- c. Industrial and Commercial use.
- d. Any new well which may threaten existing, properly constructed wells in known documented water problem areas.

SECTION 5. ADMINISTRATION.

The terms and provisions of this Ordinance shall be administered by the Josephine County Board of County Commissioners through its agent, the Josephine County Watermaster. Upon satisfaction of all terms and provisions herein, the Josephine County Watermaster shall issue to the owner/developer a Certificate of Compliance herewith.

SECTION 6. TEST REQUIRED.

No person shall install a new water system which will use a groundwater source in those land divisions and uses set forth in Section 4 above without administering and passing aquifer and water quality tests on said land as hereinafter set forth prior to final approval of said system and said land use development.

SECTION 7. AQUIFER TEST STANDARDS AND PROCEDURES.

No person shall develop or use land as set forth in Section 4 above without administering and passing on said land the aquifer test required by Section 6 above in compliance with the following objectives, standards, methods and procedures:

SECTION 7. AQUIFER TEST STANDARDS AND PROCEDURES. (Con't.)

- a. Test Objectives. The objectives of an aquifer test shall be one or more of the following:
 1. To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability and specific yield.
 2. Determining the location and character of geologic boundaries.
 3. To ascertain the effects of well interference.
 4. As a guide in the spacing of wells for the development of a well field.
- b. Test Standard. The aquifer test shall establish that the proposed well is capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per dwelling unit at a demand rate of not less than eight (8) gallons per minute for one (1) hour, either with or without the use of a storage system.
- c. Test Supervision and Evaluation. The aquifer test shall be conducted under the supervision of the Josephine County Watermaster and a certified Geologist or Engineer, using testing procedures hereinafter set forth. The Geologist or Engineer shall be responsible for notifying the Watermaster five (5) working days prior to the start of the test. He will also summarize the test and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report of the supervising person shall include a statement as to whether the proposed use of the well will have an adverse impact upon other existing wells in the immediate surrounding area. The supervising person shall provide the Josephine County Watermaster with a copy of all field notes and test results.
- d. Test Method. The method for conducting the aquifer test shall be as follows:

An aquifer test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The pumped well shall be the one proposed for the specific land development for which the test is conducted. Two (2) observation wells which have hydraulic continuity with the pumped well are required. The Watermaster may reduce the requirement of two (2) observation wells to one (1) observation well if the non-equilibrium formula is used in the aquifer analysis and a second observation well is not available. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.
- e. Collection of Data. Data shall be collected in conjunction with the aquifer test as follows:
 1. Prior to the test:
 - a. Collection of geologic data of the area to be tested including well logs, if available.

SECTION 7. AQUIFER TEST STANDARDS AND PROCEDURES. (Con't.)

- b. History of water level fluctuations in the area when available.
- c. The location, relative elevations and static water levels in the pumped well and the observation well or wells.
- d. The expected discharge of the pumped well.

2. During the test:

A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:

- a. the date.
- b. clock time.
- c. elapsed time since pumping started/stopped (in minutes) + seconds.
- d. depth to water below land surface.
- e. drawdown or recovery (in feet) + 10ths.
- f. observed discharge at specified intervals.

3. Following the test:

In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time recovery for the pumped well and the observation well. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data which may be considered necessary to satisfy the test objectives.

SECTION 8. WATER QUALITY TEST.

A water quality test shall be conducted concurrently with any aquifer test required in Section 6 of this Ordinance. Such tests shall be conducted by a certified laboratory. The quality of the water tested shall meet the minimum public health drinking water standards as set forth in OAR 333-42-210 as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality. No person shall divide or use land in a manner within the scope of Section 4 above unless the water to be supplied by the proposed water system meets the minimum standards set forth herein.

SECTION 9. CRITERIA FOR A REQUEST FOR EXEMPTION.

A proposed land division or use which intends to use a ground-water source to supply water to the property may be exempted from the requirements of this Ordinance by the County Planning Commission if the following criteria are satisfied:

- a. The proposed project is located one quarter (1/4) mile or less, in the same geologic unit, from a previous aquifer test, within the past two (2) years, and the previous test showed transmissibility (T) values of greater than 1000 gallons per day per foot.

SECTION 9. CRITERIA FOR A REQUEST FOR EXEMPTION. (Con't.)

- b. The proposed project has had two (2) aquifer tests on different sides of the proposed project within one-half (1/2) mile in the same geologic unit within the past two (2) years, with "T" values greater than 1000.
- c. The proposed land division or use is recommended for exemption by a registered geologist based upon certified hydrogeological information, and said recommendation receives the concurrence of the Josephine County Watermaster and the Josephine County Water Resources Advisory Committee.

SECTION 10. PENALTIES.

- a. Violation of Sections 6, 7 and 8 of this Ordinance shall be punishable upon conviction by a fine of not more than five hundred dollars (\$500.00) for non-continuing offense, and a fine of not more than one thousand dollars (\$1000.00) for a continuing offense.
- b. In addition to the penalties provided by subsection (a) above, any violation of this Ordinance may result in the violator being made the defendant in a civil proceedings by the County seeking redress of the violation.

SECTION 11. SEVERABILITY.

It shall be considered the legislative intent of this Ordinance that if any part of this Ordinance is held void for any reason, or repealed, or impliedly repealed by federal or state law or County Ordinance, it shall remain in full force and effect except:

- a. The remaining provisions which are so essentially and inseparably connected with and dependent upon the void part, that it is apparent that such remaining provisions would not have been enacted without the unconstitutional or otherwise void part; and
- b. The remaining provisions which standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

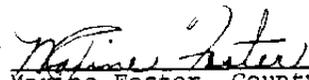
SECTION 12. EFFECTIVE DATE.

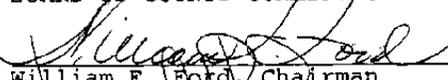
The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 28th DAY OF January, 1981.

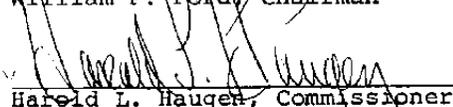
ATTEST:

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

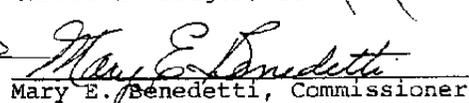

Maxine Foster, County Clerk


William F. Ford, Chairman

APPROVED AS TO FORM:


Harold L. Haugen, Commissioner


Diane Wm. Schultz
County Legal Counsel


Mary E. Benedetti, Commissioner

JOINT URBAN AREA SERVICES MANAGEMENT AGREEMENT

This agreement made and entered into this 28th day of January, 1981 between the City of Grants Pass, Oregon, hereinafter referred to as "City", and the County of Josephine, Oregon, hereinafter referred to as "County"; and

WHEREAS, the City and County have heretofore established an Urban Growth Boundary, designating the geographical limits of the urban growth and development of the Grants Pass area during the projected twenty year planning period; and

WHEREAS, the City and County previously jointly adopted Urban Services Policies for the Grants Pass Urban Growth Boundary on August 1st and 2nd, 1979, and wish to execute and implement this agreement in a manner which is consistent with same; and

WHEREAS, it is in the best interests of all citizens of Grants Pass and Josephine County that the jurisdictions plan mutually for the provision of urban level services and facilities to said Urban Growth Boundary area;

NOW THEREFORE, City and County have agreed on the following:

I. THE OVERALL PREMISES, CONCEPTS AND OBJECTIVES REGARDING THE PROVISION OF URBAN SERVICES AND FACILITIES TO THE GRANTS PASS URBAN GROWTH BOUNDARY AREA ARE AS FOLLOWS:

1. That the evolutionary concept of community planning favors, as an ultimate goal, the eventual annexation of the entire Urban Growth Boundary area when financially and practically feasible, consistent with mutually adopted provisions and procedures, as provided herein.
2. That, in view of the above, the City of Grants Pass should assume an active role as the administrative lead agency in facilitating urban development by policies responsive to growth and that the County should likewise facilitate and encourage such urban development by appropriate service policies.
3. That the realities of economy of scale dictate that the City and County should facilitate extension of urban services and facilities outward from the existing urban core rather than the creation of independent entities to deliver such services in the urbanizing area.
4. That the ultimate decisions relative to urbanization must be made by the residents of the affected area, but that the City and County must develop incentives for accomplishment of these mutually agreed upon premises, concepts, and objectives.
5. That the responsibilities for assuming initial economic impact of providing urban level services and facilities to the urbanizing area shall be borne by the the property owners and residents within the urbanizing area. However, the County shall assume an active role as the financial coordinating lead agency by developing programs which provide for "front end" financing and which also facilitate appropriate sharing of costs by the benefiting property owners and residents.

6. That service or improvement districts should be encouraged to assist affected properties in financing the cost of urban services and facilities, but not to provide such services.
7. That sound planning dictates that the full range of urban services and facilities should, whenever possible, be provided in a coordinated and comprehensive manner.
8. That development to non-urban level densities without urban level services shall be permitted without annexation or agreements to annex to the City only if consistent with development standards mutually adopted.
9. That development to urban level densities shall be permitted North of the Rogue River through annexation or agreement to annex and compliance with mutually adopted development standards and South of the Rogue River only through agreement to annex and compliance with mutually adopted development standards.
10. That the realities of governmental finance require continued on-going financial assistance by the County for those services and programs historically funded by the County as well as those additional services and programs as may be mutually agreed upon by the City and the County.
11. That the City and County's policies for financing on-going urban level services in the unincorporated areas of the Urban Growth Boundary shall operate as positive incentives for annexation to the City and shall be equitable to all affected residents and/or property owners.

II. DEVELOPMENT STANDARDS

The City and County agree to adopt a common set of development standards. Until such time as those permanent development standards have been mutually adopted, the City and County further agree that the interim development standards, attached to this agreement as Exhibit "A", are hereby mutually endorsed and that each party agrees to enact an ordinance adopting same within 60 days from the date of execution of this agreement.

III. URBAN SYSTEMS PLANNING

The City and County agree that urban systems planning for the various urban services shall be accomplished in the following manner:

1. The City and County hereby accept the Water System Planning of CH₂M-Hill dated February, 1979, its companion Water Plant Report of March, 1979, and the Water Facilities Plan of November, 1980, as the Urban Growth Boundary Water Facilities Plan and shall mutually adopt an implementation plan within 24 months from the date of execution of this agreement.
2. The City and County shall utilize the sewage studies of Brown and Caldwell, dated April, 1969 and Stevens-Thompson-Runyon, dated December, 1972, for the Urban Growth Boundary area and shall mutually adopt and implementation plan within 24 months from the date of execution of this agreement.

3. The City and County shall share in providing joint engineering studies for storm drainage and shall concur in a storm drainage plan for the Urban Growth Boundary area and shall mutually adopt an implementation plan within 24 months from the date of execution of this agreement.
4. The City and County acknowledge that urban-level development within the Urban Growth Boundary will have a decided impact upon the canal delivery system of the Grants Pass Irrigation District as well as upon individual water-users and rate-payers. Likewise, accommodation of the existing canal system as development proceeds will substantially increase both initial development costs and on-going maintenance costs. Therefore, an agricultural irrigation water plan shall be mutually developed under County lead agency responsibility within 24 months from the date of execution of this agreement, and shall encompass the concerns of all involved agencies.

Such a plan should consider upgrading the present irrigation water delivery system, phasing out of District water facilities if and when suitable alternative facilities are developed to provide agricultural irrigation water to serve the areas beyond the Urban Growth Boundary, and utilization by the City of a portion of the District's water right to provide potable water for urban uses within the Urban Growth Boundary.

5. The City and County shall be jointly responsible for transportation planning within the Urban Growth Boundary area, and shall mutually adopt a transportation plan and the official map as defined by ORS Chapter 215, for the Urban Growth Boundary area within 24 months from the date of execution of this agreement, and shall further mutually adopt a public transit plan.
6. The City and County shall mutually adopt a park plan for the Urban Growth Boundary area designating local use and regional park facilities. Such plan shall include the number, size, and approximate location of such facilities not yet existing and deemed necessary to serve the expected population within the Urban Growth Boundary. The City and County shall mutually adopt an implementation and financing plan for acquiring, developing, and maintaining needed park and recreation facilities within the Urban Growth Boundary within 24 months from the date of execution of this agreement.
7. The City and County acknowledge the existing solid waste management plan for Josephine County and agree to mutually adopt an implementation program including the financing and joint participation in siting of regional solid waste handling facilities within 24 months from the date of the execution of this agreement.
8. The City and County shall create a single Urban Area Planning Commission within 60 days from the date of the execution of this agreement to perform functions as mutually agreed. Said Commission to be created consistent with the provisions of Exhibit "B", attached hereto.

IV. SERVICE EXPANSIONS AND SYSTEMS DEVELOPMENT CHARGES

Due to the nature of the existing service delivery systems, and the geography and past development patterns of the Grants Pass area, urban service extensions North of the Rogue River within the Urban Growth Boundary area shall be made by annexation or agreement to annex to the City of Grants Pass; service extended South of the Rogue River shall be made only by agreement to annex to the City of Grants Pass, and when consistent with the Development Standards, mutually adopted. Standards for annexation or agreement to annex to the City of Grants Pass shall follow the requirements of Exhibit "C", attached hereto.

As a result of the depletion of the usable remaining capacity of existing urban service facilities, systems development charges shall be required of each applicant as a means to aid in the financing of area-wide urban service facility expansions and extensions. All such charges collected shall be used for no other purpose than to construct expansions and extensions to area-wide systems, beyond present capacities within the Urban Growth Boundary. Administrative implementation procedures and fee schedules shall be jointly adopted by the City and County.

V. GENERAL PROVISIONS

Should any portion of this agreement be held contrary to law, such decision shall initially apply only to the specific portion being declared unlawful. In that event, the parties agree to reconvene and renegotiate this agreement. Should the parties fail to renegotiate this agreement within a period of sixty days, then in that case, the parties agree that this agreement shall become null and void without further action of law.

IN WITNESS WHEREOF, the parties hereto, acting by and through their constituted authorities, have caused this agreement to be executed in duplicate this: 28th day of January, 1981.

JOSEPHINE COUNTY, OREGON
BOARD OF COUNTY COMMISSIONERS

William Ford
Chairman

Harold P. Hagen
Commissioner

Mary E. Benedict
Commissioner

ATTEST:

Kathleen Foster
Josephine County Clerk

21st day of January, 1981.

CITY OF GRANTS PASS, OREGON
CITY COUNCIL

[Signature]
Mayor

ATTEST:

Richard A. Spindelbute
Finance Director

[Signature]
City Manager

EXHIBIT "A"
INTERIM DEVELOPMENT STANDARDS TO THE JOINT URBAN AREA SERVICES
AGREEMENT OF THE CITY OF GRANTS PASS AND JOSEPHINE COUNTY.

1.000 Purpose

- 1.100 The City and County recognize that the provision of the urban-level services to the urbanizing area will require considerable public and private capital investment. Holding all development until the essential services are in place, especially since sanitary sewer services, or the potential for such service is already extended throughout the urbanizing area, would inflict an unnecessary and severe hardship on many property holders within the boundary. However, the well planned and well coordinated provision of services will result in the efficient and economical provision of services. It is, therefore, the intention of these provisions to permit development to take place within the urbanizing area consistent with these provisions and the basic principles established in the Urban Service Policies adopted by the City and County as part of the Grants Pass Urban Growth Boundary.

Interim Development Standards, set forth in this Exhibit "A", will apply for Rural Level Development for the duration of this Agreement. However, these interim Development Standards will apply for Urban Level Development only until such time as the permanent Development Standards have been adopted as set forth in Section II of this Agreement.

- 1.200 The following Interim Development Standards establish techniques for accommodating development in the urbanizing area, concurrent with and coordinated with the economic and efficient provision of services.

2.000 Rural Level Development

- 2.100 Definition. Rural Level Development is defined for purposes of these standards as residential development with net densities equal to or less than one dwelling unit per acre (≤ 1 d.u./Ac.).
- 2.200 Provision of Services. Urban level services as specified in Sections 4.410 (Sanitary Sewer), 4.440 (Transportation), 4.450 (Drainage), and 4.460 (Agricultural Irrigation) shall be required.
- 2.300 Standards. Development standards shall be County standards for each residential development, provided that land divisions, home sites and other permanent structures and wells are located consistent with the official map, as defined by ORS Chapter 215, as mutually adopted by the City and County.

3.000 Urban Level Development

- 3.100 Definition. Urban Level Development is defined for purposes of these standards as residential development, partitioning, subdividing, or construction which creates actual or potential net densities greater than one dwelling unit per acre (> 1 d.u./Ac.), any commercial development, and any industrial development. Urban Level Development is also defined as the alteration, expansion or enlargement of a commercial or industrial development, which exists as of the date of this agreement, except and unless one of the following conditions exists:
1. The alteration, expansion or enlargement will not cause the Fair Market Value of the development being so altered to increase by more than 50% of the Fair Market Value of said structure as determined by the most current records of the Josephine County Assessor; or

2. The alteration is required by law and is the minimum necessary to satisfy that requirement; or
3. The alteration constitutes a structural restoration made necessary by a fire or other catastrophe, limited to the replacement cost of the original building plus 50% of the market value of the original building determined by the most current records of the Josephine County Assessor.

3.200 Development Permitted. Urban level development within the urbanizing area of the Grants Pass Urban Growth Boundary may proceed upon annexation or execution of an annexation agreement with the City of Grants Pass, and upon the issuance of a development permit by Josephine County.

3.210 Land Allocated for Urban Development. All lands located within the Urban Growth Boundary shall be allocated on the Comprehensive Plans of both the City and County for urban development purposes.

3.220 Urban Reserve. Land within the urbanizing area and currently zoned for suburban residential purposes shall be rezoned to an urban reserve classification. An urban reserve classification shall establish a minimum one acre parcel size, provided that land divisions, well placement and home construction are located consistent with the official map, as defined by ORS Chapter 215, as mutually adopted by the City and the County.

4.000 Development Standards

4.100 Interim Regulations. The County shall adopt the City's zoning and development standards no later than sixty (60) days from the execution of this agreement for urban level development within the urban area. Normal processing of development applications shall continue during said 60 day period.

4.200 Interim Development Standards. Until such time as common zoning and development standards are adopted by the City and county, all urban level development within the urbanizing area shall meet the interim development standards of Sections 4.200-5.999 inclusive at a minimum. After acceptance of common development standards, the interim standards may continue as provided in the common standards.

4.300 Land Use Considerations. Until such time as a Comprehensive Plan Land Use Map has been mutually adopted by the City and County, the Urban Area Planning Commission shall be guided by the following criteria to determine the appropriateness of plan amendments and rezone proposals:

- a. The Urban growth Plan adopted August 20, 1980 by the City Council and as amended.
- b. The City's General Plan for the area within the City Limits.
- c. The County's Comprehensive Plan for the area within the Urban Growth Boundary and outside City Limits.
- d. The Statewide Planning Goals.

- 4.400 Services Required. Urban level developments shall require service by public sanitary sewer systems, municipal, community or public water supply systems, urban standard streets, storm drainage facilities consistent with urban street standards and fire protection, all as specified in Sections 4.410-5.999 inclusive.
- 4.410 Sewer Service. All urban level developments shall be provided with public sanitary sewer systems connected to existing area-wide public systems. Specific urban level developments shall only be permitted in accordance with the existing system's ability to accommodate sewage flows produced. The utility administering agency shall take adequate steps to insure that properties potentially served from existing facilities are able to be served when they desire service.
- 4.420 Water Service. All urban level developments shall be provided with a municipal water system, or may be provided with a community or public water supply system as defined by the Oregon State Health Division, if such development is not within 500 feet of an adequate capacity municipal water line.
- 4.421 Exception to Community or Public Water Supply System Requirement. Major and minor partitions created for the purpose of single family residences, with a parent parcel equal to or less than one (1) acre in size as of the date of this agreement, and resulting in a total number of lots of three (3) or less, shall be exempt from the requirements of Section 4.420. Such partitions, however, shall be subject to a fee equal to that established in Section 4.427, and shall also be subject to all other applicable requirements of Sections 4.423 through 4.429, inclusive.
- 4.422 Transfer of Water System. When a new community or public water system is proposed, or when an extension or enlargement of an existing community or public water system is proposed for an urban level development, the annexation agreement required by Section 3.200 of these Development Standards shall contain a condition requiring the owners, including heirs, successors and assigns, to connect to the municipal water system whenever the development becomes contiguous to the municipal water system, and at that time, to turn over the community or public water system without cost and free of all liens and encumbrances to the owners of the municipal water system. The transfer of ownership of the community or public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and rights-of-way and shall exclude water sources, storage tanks, well pumps and their related appurtenances, unless expressly provided for otherwise in the conditions of the annexation agreement.
- 4.423 Future Water Systems. All future water systems, municipal, community, or public, or extensions to existing systems shall be designed to City standards and applicable state regulations regarding materials, workmanship and guarantee provisions of the City and shall be designed to connect to an area-wide municipal water system at such time when it is available. Proposed municipal and community or public water systems shall be approved by the City Engineer and, where required, an authorized state representative, with costs of City review and City inspection to be borne by the developer.

4.424 Water System Design. All municipal water systems shall be designed to carry and produce fire flows required at full site development. All community or public water distribution systems shall be designed to carry fire flows as required by City Ordinance No. 4098; however, actual fire flow capabilities shall conform to City Ordinance No. 4098 except as provided below:

RESIDENTIAL

- | | | |
|----|--|---|
| A. | 3 lots or less divided, single family, detached. | No fire flow required * |
| B. | 4-19 lots subdivided, single family, detached. | 125 gpm/2 hrs. * |
| C. | 20 lots or more subdivided single family, detached. | 1000 gpm/2 hrs.* |
| D. | Single family attached, multi-family, Planned Unit Developments, Dwelling Groups, Mobile Home Parks. | Flows required in City Ordinance No. 4098, or as amended. |

*To mitigate the minimum fire flow standards allowed above, the following special building construction requirements shall apply:

- 1) All dwellings or other buildings shall have fire restrictive roofs as defined in the Oregon State Structural Specialty and Fire Life Safety Code.
- 2) All dwellings or other buildings shall use fire restrictive material as defined in the Oregon State Structural Specialty and Fire and Life Safety Code on walls adjoining property lines where setbacks to said property lines are less than 10 feet.

COMMERCIAL INDUSTRIAL

All Development.**	Flows required in City Ordinance No. 4098, or as amended.
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**For neighborhood commercial development, the requirement will be reduced from 500 GPM to 250 GPM when a one-hour fire restrictive material is used as defined in the Oregon State Structural and Specialty and Fire and Life Safety Code. For additional fire safety considerations (e.g. Sprinklers) the City Fire Marshall may reduce these fire flow requirements still further.

4.425 Temporary Groundwater Source. All water systems that will temporarily use a groundwater source shall comply with the Josephine County Groundwater Acquirer and Water Quality Ordinance. The quantity of water required shall be not less than 400 g.p.d. per dwelling unit at a demand rate of not less than 5 g.p.m. for 4 hours.

4.426 Within an Active Water Service District. If an urban development is proposed within a designated, active water service district as proposed in Section 1.6 of this Urban Area Services Management Agreement, all urban level development shall be served by the municipal system within that district, all applicable sections of this agreement notwithstanding.

4.427 Water Systems Connection Fee. To facilitate the extension of area-wide water system facilities required for full urbanization, applicants for urban level development shall be responsible for payment of the following connection fee:

For Municipal Water Service: Connection fees shall be payable to the City consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended.

For Community or Public Water Service: Connection fees shall be payable to the County, such fees consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended; provided, however, that no additional connection fee shall be required when a community or public water system is transferred to the owner of the municipal water system pursuant to Section 4.422 above.

4.428 Fee Collection. The water system connection fee shall be paid prior to the issuance of a building permit.

4.429 Segregation and Use of Revenues. All funds derived from the Water System connection fee are to be segregated by accounting practices by both the City and the County, and shall be used for no other purpose than installing, constructing, expanding and extending water systems beyond present capacity within the Urban Growth Boundary except that all connection fees received by the City shall be applied to bond redemption as required by City Ordinance No. 4283. If during any fiscal year, the City should fail to receive 150 connection fees, the balance shall be made up by the County, up to the limit of their collection in each fiscal year.

4.440 Transportation. As a minimum, all urban developments shall be provided with urban standard streets connecting directly to an existing publicly maintained street. Such street development shall be consistent with the requirements of the City of Grants Pass. Sections of existing streets not meeting urban standards which directly abut the property upon which the urban development is located shall be constructed half-width to the appropriate urban standard by the developer. Additional off-site improvements may be required as part of the annexation agreement or development permit by the County.

4.441 Security. At County discretion, the developer may be required to post security as provided in City Ordinance No. 4290 or any other security arrangement acceptable to the County, for future construction, if actual construction is not feasible at the time of site development.

4.450 Storm Drainage. As a minimum, all urban developments shall be provided with storm drainage facilities consistent with urban standard streets. Such facilities shall connect directly to existing natural drainways, swales, creeks, irrigation canals or to an existing storm drain system. Owners of such developments shall be responsible for all improvements required to handle the increased storm runoff resultant from their development. Additional off-site improvements may be required as part of the annexation agreement or development permit by the County.

- 4.460 Agricultural Irrigation. Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system. The owner of the urban development shall either buy his development out of the District or provide each lot within the development with irrigation water, all in accordance with District requirements.
- 4.470 Fire Protection. No urban level development shall be approved in any part of the urbanizing area that is not provided with a minimum Class 8 fire protection.

5.000 SERVICE CAPACITY

- 5.100 Service Capacity. When development is contingent upon off-site improvements, full urban level development within a service area or group of service areas of the urbanizing area shall be dependent upon either the capacity of the City and County to provide the urban services needed, or on a plan to provide such services mutually adopted by the City and County.
- 5.200 Designation. For this purpose, service areas for each service in the urbanizing area shall be designated, according to a mutually adopted process.
- 5.300 Basic Services Capacity. The service capacities of each "in-the-ground" type service (water, sewer, storm drainage, and transportation) shall be designated as presently constructed. The overall system design required for full urbanization, together with the construction costs in current dollars, shall be determined for each service.
- 5.310 Basic Service Capacity Reached. At some point, one or more of the major "in-the-ground" type services that may logically be presumed to precede or proceed concurrently with development will reach designated capacity as then currently designed and developed. At that point in time, an area-wide improvement or improvements may be required for further development within that service area or group of service areas.

When such a point appears to have been reached, the Urban Area Planning Commission shall find that approval of further development in that service area or group of service areas be restricted or denied, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City and County, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

- 5.320 Appeal of Basic Service Capacity. Appeal of such a decision not to allow further development may be made to either the Council or the Board of County Commissioners, whichever body controls the relevant system, and such body may find, by reason of competent testimony, that such a condition of inadequate system capacity does in fact exist in the service area or group of service areas for which development is proposed, thereby unholding the decision of the Urban Area Planning Commission and preventing further development from proceeding.

5.400 Secondary Services Capacity. The service capacities of each "above-the-ground" type service (such as fire, police, park acquisition and development, recreation programs, school expansion, etc.) shall be approximately designated as presently provided. The overall plan for servicing each service area at full urbanization, together with the service costs in current dollars, shall be determined for each service. Designated capacity for some services, such as schools, may have to be made on a project-by-project basis by the affected agency.

5.410 Secondary Service Capacity Reached. At some point, one or more "above-ground" service improvements that may logically be presumed to follow development may be required for a service area, or for a group of service areas, in order to maintain urban levels of service.

When such a point appears to have been reached, the Urban Area Planning Commission may find that approval of further development in that service area or group of service areas be denied or modified, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City and County, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

5.420 Appeal of Secondary Service Capacity. Appeal of such a decision not to allow interim development shall be made as provided in Section 5.320.

EXHIBIT "B"
URBAN AREA PLANNING COMMISSION

1.000 Urban Area Planning Commission. The Urban Area Planning Commission shall consist of eight members, four members appointed by the Board of County Commissioners, and four members appointed by the City Council. The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck and Redwood.

2.000 Appointments. In the initial appointments to the Urban Area Planning Commission, City appointments should be made from the City Planning Commission and County appointments should be made from the County Planning and Zoning Commissions.

Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners. The members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.

Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chairman or Vice Chairman to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of County Commissioners and the City Council.

3.000 Purposes, Final Actions, Recommendations. The purposes of the Urban Area Planning Commission are to assume the functions determined by Statutory law and City ordinance and policy for the City Planning Commission for the area within the City Limits of Grants Pass and to assume the functions determined by Statutory law and County ordinance and policy for the County Planning and Zoning Commissions for the area within the Urban Growth Boundary but outside the City Limits.

The Urban Area Planning Commission shall have final jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, and shall have final jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits.

The Urban Area Planning Commission shall have advisory jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, making recommendations in those matters to the City Council; and shall have advisory jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits, making recommendations in these matters to the Board of County Commissioners.

4.000 Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding zone changes in the urbanizing area to the Board of County Commissioners, make recommendations regarding site specific concerns and conditions with annexation proposals to the City Council, and make recommendations regarding Urban Growth Boundary amendments, Urban Service Policy amendments and Comprehensive Plan Map amendments, if within the Urban Growth Boundary area, to both the Board of County Commissioners and the City Council.

5.000 Governing Body Jurisdiction and Joint Review. Zone changes in the urbanizing area shall be at the discretion of the Board of County Commissioners upon recommendation by the Urban Area Planning Commission. Annexation agreements shall be at the discretion of the City Council, with site specific recommendations by the Urban Area Planning Commission.

Changes in the Comprehensive Plan, Comprehensive Plan Map, the Subdivision Ordinance and the Zoning Ordinance for the urbanizing area shall be at the discretion of the Board of County Commissioners, unless a joint hearing is requested by the City; then, in which event such changes shall be heard jointly by the Board of County Commissioners and the City Council.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint hearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint hearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Changes in the Urban Growth Boundary and the Urban Service Policies shall be heard jointly by the Board of County Commissioners and the City Council. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Other land use actions in the urbanizing area requiring joint review pursuant to the Urban Services Policies shall require a joint hearing only at the request of a governing body. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

6.000 Rehearing of Governing Body Action. In land use actions by governing bodies where a joint hearing is optional pursuant to Section 5.000 herein, and where a joint hearing was not requested, either the City Council or the Board of County Commissioners may petition for a Rehearing of the matter jointly, provided that the Rehearing is petitioned for within ten working days of the decision. A petition for a Rehearing may not be denied by either party.

The Petition for Rehearing shall comply with the administrative procedures and Land Use Hearing Rules adopted pursuant to Sections 8.500 and 8.200 herein. The decision of the governing body shall not become final until a decision is rendered pursuant to such Rehearing. The Petition for Rehearing shall be heard within twenty (20) working days of the decision, and shall be heard as a new review except that all evidence theretofore received shall be included in the record.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint Rehearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint Rehearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

No application shall be reheard more than once, regardless of whether or not requested by the same or different parties. The Petition for Rehearing as provided herein shall be a jurisdictional condition precedent for judicial review.

7.000 Call up Review of Commission Action. Final actions of the Urban Area Planning Commission shall be reported to their governing bodies. The governing bodies may, at their discretion, call up for review any final action of the Urban Area Planning Commission, whether or not such final action is appealed by any party to the action. In order to call up such an action for review, the governing body requesting review shall file notice within ten (10) working days of the action by the Urban Area Planning Commission, and the review shall occur within twenty (20) working days of the action by the Urban Area Planning Commission.

If an action is called up for review, the action shall be heard by the governing body having jurisdiction over the area in which the action is located. A joint review hearing may be held at the request of either governing body.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the Urban Growth Boundary Area, final disposition of the action at such a joint review hearing shall be at the discretion of the governing body having jurisdiction. Prior to rendering a decision at such a joint review hearing, the governing body having jurisdiction shall receive and consider the recommendation of the other governing body. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and County for the Urban Growth Boundary Area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

- 8.000 Authority. The Urban Area Planning Commission shall be duly constituted no later than 60 days from the execution of this agreement by the City Council and Board of County Commissioners to pursue the purposes of Sections 3.000 through 5.000, inclusive.
- 8.100 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.
- The Board of County Commissioners and the City Council shall jointly adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible. All fees collected by the City shall be retained by the City. The City of Grants Pass shall be reimbursed by the County for staff time devoted to processing applications within the urbanizing area in which the City has a lead responsibility either through an hourly billing to the County or through the provision of a budgeted line item of a mutually agreeable amount in the County's annual budget.
- 8.200 Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the City Director of Community Development and the County Planning Director, and shall be designed to carry out the provisions of the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.
- 8.300 Recording and Findings. The actions of the Urban Area Planning Commission shall be duly recorded and all actions shall be documented by appropriate Findings. The Board of County Commissioners and the City Council shall provide for the preparation of the Findings of the Urban Area Commission, and shall agree to a common format and method of preparation. Decisions of the Urban Area Planning Commission shall not be final until the Findings have been adopted by a majority of the quorum of the Commission meeting in public session.
- 8.400 Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for Proposals located within the urbanizing area outside of the City Limits.
- 8.500 Land Use Hearing Rules/Citizen Participation. The Board of County Commissioners and the City Council shall adopt within 60 days mutual land use hearing rules governing the procedures and the conduct of the Urban Area Planning Commission. The Board of County Commissioners and the City Council shall also make allowance for the participation of citizens in the planning process and shall accommodate the different citizen involvement programs of the City and the County.

EXHIBIT "C"
ANNEXATION AGREEMENTS AND ANNEXATION

1.000 Annexation Agreements

- 1.100 Requirements. A property owner shall be entitled to enter into an annexation agreement with the City on compliance with the following requirements:
1. The proposed property to be annexed is located within the Grants Pass Urban Growth Boundary Area.
 2. The proposed property is already developed or proposed to be developed consistent with mutually adopted Development Standards.
 3. The proposal is consistent with LCDC Goals and Guidelines or the City's Comprehensive Plan at such time as the state has acknowledged that Plan.
 4. The existing or proposed land uses are consistent with the City Zoning Ordinance.
 5. The development or proposal has minimized any detrimental environmental or neighborhood impacts.
 6. The proposal is consistent with the provisions of the Oregon Revised Statutes.
 7. The proposal is consistent with the general welfare of the City and its residents, as specified in the City Zoning Ordinance standards.
 8. The City does or reasonably expects to have sufficient capacity to provide the property with urban services as defined in the urban service policies.
 9. The property owner agrees to pay out-of-city surcharges for services received.
 10. The property owner acknowledges that entering into the annexation agreement is not a final commitment on annexation and that the proposal must meet the then current annexation requirements at the time annexation is consummated.
 11. The annexation, if eventually approved, would not constitute an illogical extension of City boundaries and would not jeopardize the adequate quality and quantity of public services nor undermine the financial integrity of the City.
- 1.200 Procedures. The procedures for processing an annexation agreement request shall be substantially as follows:
1. Property owner request for an annexation agreement is made to the City.
 2. Property owner pays fee required for annexation feasibility report.
 3. City staff prepares feasibility report and reviews with property owner in conference.
 4. Public Hearing held before the Urban Area Planning Commission to determine the site specific conditions recommended, if any.

5. Public Hearing held before the Council to determine whether to enter into an annexation agreement.
6. If approved by Council, execution of the annexation agreement.
7. Property owner enters into separate agreement addendums for City services.

2.000 Annexation

2.100 Requirements. A property owner shall be entitled to annexation into the City upon compliance with the following requirements:

1. The proposed property is located within the Grants Pass Urban Growth Boundary area and the area is contiguous with the existing City boundary.
2. If an annexation agreement does not exist, the proposed property is developed consistent with City standards.
3. If an annexation agreement exists, that development is in accordance with that agreement and all conditions of said agreement have been met.
4. The proposal is consistent with LCDC Goals and Guidelines or the City's Comprehensive Plan at such time as the state has acknowledged that Plan.
5. The proposal is consistent with the City Zoning Ordinance.
6. The proposal has minimized any detrimental environmental or neighborhood impacts.
7. The proposal is consistent with the provisions of the Oregon Revised Statutes.
8. The proposal is consistent with the general welfare of the City and its residents, as specified in the City Zoning Ordinance standards.
9. The City has sufficient capacity to provide the property with urban services as defined in the Urban Services Policies.
10. The annexation proposal is economically sound in that the revenues produced by the annexation will offset the cost of services.
11. The annexation serves to further a proper purpose of the City of Grants Pass.
12. The annexation would not constitute an illogical extension of City boundaries and would not jeopardize the adequate quality and quantity of public services nor undermine the financial integrity of the City.

2.200 Procedures. The procedures for processing a request for full and complete annexation shall be substantially as follows:

1. Request for annexation is made by property owner, City, or County.
2. City staff prepares report indicating degree of compliance with City standards and annexation agreement conditions, if any, and reviews with property owner in conference.

3. Public Hearing held before the Urban Area Planning Commission to determine the site specific conditions required, if any (for direct annexations only).
4. Public Hearing held before the City Council to determine whether annexation standards have been met or call for an annexation election.
5. Annexation, when approved by Council or election.



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

ORDINANCE 81-4

AN ORDINANCE REQUIRING AQUIFER AND WATER QUALITY TEST FOR CERTAIN LAND DEVELOPMENTS TO BE SERVED BY INDIVIDUAL WATER SYSTEMS FROM A GROUNDWATER SOURCE; ESTABLISHES STANDARDS AND PROVIDES PENALTIES.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON ORDAINS AS FOLLOWS:

SECTION 1. AUTHORITY.

This ordinance is enacted pursuant to ORS 203.035 et seq, and other applicable laws.

SECTION 2. PURPOSE.

The purpose of this ordinance is to recognize that the groundwater supply in Josephine County is a limited resource, and that certain intensive uses have a higher tendency toward negative impact upon adjoining land uses, thereby requiring prior testing and approval in order to reasonably assure an adequate and safe water supply for all citizens of Josephine County.

SECTION 3. DEFINITIONS.

- A. Aquifer Test: A test to determine the hydrogeological properties of aquifers and aquitards, wherein the effect of pumping a well at a known rate is measured in the pumped well and in observation wells penetrating the aquifer.
- B. Coefficient of Transmissibility (T): A measure of permeability used in calculating ground water flow. It is further defined as the rate at which water will flow through a vertical strip of aquifer one foot wide and extending through the full saturated thickness under a hydraulic gradient of 1.00. It is accepted that an aquifer whose transmissibility is less than 1,000 can supply only enough water for domestic wells.
- C. Community Water System: Means a domestic water supply source or distribution system which serves more than three (3) single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system.
- D. Documented Water Problem Area: A water area which can be shown by public records to have problems which may endanger the quality or quantity of the resource; "water quality" defined by OAR 333-42-210 and the National Interim Public Drinking Water Regulations.
- E. Dwelling Unit: One or more rooms designed for occupancy by one family.

Dwelling Unit - Single: A detached building containing one (1) dwelling unit.

Dwelling Unit - Multi: A building or buildings containing two (2) or more dwelling units.

SECTION 3. DEFINITIONS. (Cont'd)

- F. Geologic Unit: A mapping term used to denote a mass of rock or sediment grouped together based on its physical or formational characteristics and/or geologic age.
- G. Groundwater: 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.
- H. Individual Water Systems: A source of water and a distribution system which serves less than four (4) single residences or users for the purposes of supplying water for domestic use and which is not a public water supply system.
- I. Land Division: The creation of more than one (1) parcel of land from a single unit.
- J. Water Quality Test: A test to determine that the water intended for use will meet the requirements of the public health drinking water standards, bacteriologically and chemically.
- K. Well: Any artificial opening or artificially altered natural opening, however made, by which groundwater flows under natural pressure or is artificially withdrawn.
- L. New Well: Any well drilled or altered after January 28, 1981.

SECTION 4. SCOPE.

This ordinance shall apply to the following land divisions and uses when the owner/developer intends to use a groundwater source to supply water to the property.

- A. Land divisions or Residential zone changes which create a density of greater than one dwelling unit per acre.
- B. New construction of multi-family dwellings including duplexes and triplexes which create a density of greater than one dwelling unit per acre.
- C. Any zoning change or change in use of commercial or industrial property which will require more than four hundred (400) gallons per day.
- D. Any new well or any land divisions in which a new well may threaten existing, properly constructed wells in known documented water problem areas as shown on the official map.

SECTION 5. ADMINISTRATION.

The terms and provisions of this ordinance shall be administered by the Josephine County Board of Commissioners through its agent, the Josephine County Watermaster. Upon satisfaction of all terms and provisions herein, the Josephine County Watermaster shall issue to the owner/developer a Certificate of Compliance herewith.

SECTION 6. TEST REQUIRED.

No person shall install a new water system which will use a groundwater source in those land divisions and uses set forth in Section 4 above without administering aquifer and water quality tests on said land as hereinafter set forth prior to final approval of said system and said land use development, except for where an exemption has been allowed as in Section 9.

SECTION 7. AQUIFER TEST STANDARDS AND PROCEDURES.

No person shall develop or use land as set forth in Section 4 above without administering and passing on said land the aquifer test required by Section 6 above in compliance with the following objectives, standards, methods and procedures:

- A. Test Objectives. The objectives of an aquifer test shall be one or more of the following:
1. To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, and specific yield.
 2. Determining the location and character of geologic boundaries.
 3. To ascertain the effects of well interference.
 4. As a guide in the spacing of wells for the development of a well field.
- B. Test Standard.
1. Outside the Urban Growth Boundary. The aquifer test shall establish that the proposed well is capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per dwelling unit at a demand rate of not less than eight (8) gallons per minute for one (1) hour, either with or without the use of a storage system.
 2. Within the Urban Growth Boundary. The aquifer test shall establish that the proposed well is capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per dwelling unit at a demand rate of not less than five (5) gallons per minute for four hours.
- C. Test Supervision and Evaluation. The aquifer test shall be conducted under the supervision of the Josephine County Watermaster and a registered geologist or engineer, using testing procedures hereinafter set forth. The geologist or engineer shall be responsible for notifying the Watermaster five (5) working days prior to the start of the test. He will also summarize the test and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report of the supervising person shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area. The supervising person shall provide the Josephine County Watermaster with a copy of all field notes and test results.

SECTION 7. AQUIFER TEST STANDARDS AND PROCEDURES. (Cont'd)

- D. Test Method. The method for conducting the aquifer test shall be as follows:

An aquifer test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The pumped well shall be the one proposed for the specific land development for which the test is conducted. Two (2) observation wells which have hydraulic continuity with the pumped well are required. The Watermaster may reduce the requirement of the two (2) observation wells to one (1) observation well if the non-equilibrium formula is used in the aquifer analysis and a second observation well is not available. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.

- E. Collection of Data. Data shall be collected in conjunction with the aquifer test as follows:

1. Prior to the test:

- a. Collection of geologic data of the area to be tested including well logs, if available.
- b. History of water level fluctuations in the area when available.
- c. The location, relative elevations and static water levels in the pumped well and the observation well or wells.
- d. The expected discharge of the pumped well.

2. During the test:

A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:

- a. the date.
- b. clock time.
- c. elapsed time since pumping started/stopped (in minutes) + seconds.
- d. depth to water below land surface.
- e. drawdown or recovery (in feet) + 10ths.
- f. observed discharge at specified intervals

3. Following the test:

In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time recovery for the pumped well and the observation well. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data which may be considered necessary to satisfy the test objectives.

SECTION 8. WATER QUALITY TEST.

A water quality test shall be conducted concurrently with any aquifer test required in Section 6 of this Ordinance. Such tests shall be conducted by a certified laboratory. The quality of the water tested shall meet the minimum public health drinking water standards as set forth in OAR 333-42-210 and the National Interim Public Drinking Water Regulations as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality. No person shall divide or use land in a manner within the scope of Section 4 above unless the water to be supplied by the proposed water system meets the minimum standards set forth herein.

SECTION 9. CRITERIA FOR A REQUEST FOR EXEMPTION.

A proposed land division or use which intends to use a groundwater source to supply water to the property may be exempted from the requirements of this Ordinance by the County Planning Commission if one or more of the following criteria are satisfied:

- A. The proposed project is located one quarter ($\frac{1}{4}$) mile or less, in the same geologic unit, from a previous aquifer test, within the past two (2) years, and the previous test showed transmissibility (T) values greater than 1,000.
- B. The proposed project has had two (2) aquifer tests on different sides of the proposed project within one-half ($\frac{1}{2}$) mile in the same geologic unit within the past two (2) years, with "T" values greater than 1,000.
- C. The proposed land division or use is recommended for exemption by a registered geologist based upon certified hydrogeological information, and said recommendation receives the concurrence of the Josephine County Water Resources Advisory Committee.
- D. If Section 4-D applies to the proposed project and the documented water problem relates to quality and not quantity, then the aquifer test may be exempted. However, a water quality test must be conducted. If the water quality is not passed, then the well must be properly constructed in accordance with OAR 61-056 or abandoned in accordance with OAR 63-005 through OAR 63-045.

SECTION 10. PENALTIES.

- A. Violation of Sections 6, 7 and 8 of this Ordinance shall be punishable upon conviction by a fine of not more than five hundred dollars (\$500) for non-continuing offense, and a fine of not more than one thousand dollars (\$1,000) for a continuing offense.
- B. In addition to the penalties provided by subsection (A) above, any violation of this Ordinance may result in the violator being made the defendant in a civil proceedings by the County seeking redress of the violation.

SECTION 11. SEVERABILITY.

It shall be considered the legislative intent of this Ordinance that if any part of this Ordinance is held void for any reason, or repealed, or impliedly repealed by federal or state law or County Ordinance, it shall remain in full force and effect except:

- A. The remaining provisions which are so essentially and inseparably connected with and dependent upon the void part, that it is apparent that such remaining provisions would not have been enacted without the unconstitutional or otherwise void part; and

SECTION 11. SEVERABILITY. (Cont'd)

- B. The remaining provisions which standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 12. STATE LAW.

Nothing in this Ordinance is intended to conflict with ORS 537.505, et seq., and said provisions of State law shall apply and prevail as applicable to any actual or intended groundwater use.

SECTION 13. EFFECTIVE DATE.

First reading by the Board of County Commissioners is this 11th day of March, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading, this 25th day of March, 1981.

JOSEPHINE COUNTY BOARD OF
COUNTY COMMISSIONERS

William F. Ford, Absent

William F. Ford, Chairman

Harold L. Haugen, Vice Chairman

Mary E. Benedetti, Commissioner

ATTEST:

Maxine Foster, County Clerk

4-28-81

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

ORDINANCE NO. 81-6

AN ORDINANCE ADOPTING INTERIM DEVELOPMENT STANDARDS FOR THAT PORTION OF JOSEPHINE COUNTY OUTSIDE THE CITY OF GRANTS PASS, BUT WITHIN THE URBAN GROWTH BOUNDARY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Grants Pass and Josephine County desire to adopt permanent development standards for that portion of Josephine County outside the City of Grants Pass but inside the Grants Pass Urban Growth Boundary; and

WHEREAS, the parties are not yet able to agree upon and mutually adopt such permanent development standards; and

WHEREAS, there is considerable development that needs to proceed and the parties are able to agree on interim development standards, now, therefore,

The Board of County Commissioners of Josephine County, Oregon ordains as follows:

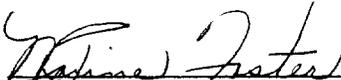
- SECTION 1. That the interim development standards for that portion of Josephine County outside the city limits of the City of Grants Pass but within the Grants Pass Urban Growth Boundary, are hereby established to be those interim development standards adopted by the Joint Urban Area Services Management Agreement, executed by and between the City of Grants Pass and Josephine County, said interim development standards are attached hereto, marked Exhibit "A", and by this reference are incorporated herein.
- SECTION 2. There are now no provisions for development within that portion of Josephine County outside the Grants Pass city limits but inside the Grants Pass Urban Growth Boundary, and there are many applications for such development pending. Many of the developments are necessary and desirable so as to provide decent housing and public services to the citizens of the City of Grants Pass and Josephine County. In light of these factors, an emergency is hereby declared to exist, and in the interest of public peace, health and safety this Ordinance may be placed for its reading and final passage in any one meeting of the Board of County Commissioners.

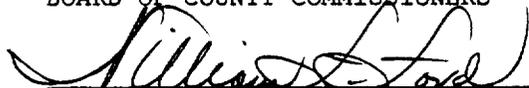
SECTION 3. The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 22nd day of April, 1981.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST:

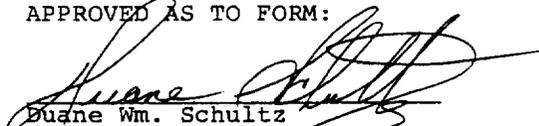

Maxine Foster
County Clerk


William F. Ford, Chairman


Harold L. Haugen, Vice Chairman


Mary E. Benedetti, Commissioner

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel


Gene Stone
Recording Secretary

EXHIBIT "A"
INTERIM DEVELOPMENT STANDARDS TO THE JOINT URBAN AREA SERVICES
AGREEMENT OF THE CITY OF GRANTS PASS AND JOSEPHINE COUNTY.

1.000 Purpose

- 1.100 The City and County recognize that the provision of the urban-level services to the urbanizing area will require considerable public and private capital investment. Holding all development until the essential services are in place, especially since sanitary sewer services, or the potential for such service is already extended throughout the urbanizing area, would inflict an unnecessary and severe hardship on many property holders within the boundary. However, the well planned and well coordinated provision of services will result in the efficient and economical provision of services. It is, therefore, the intention of these provisions to permit development to take place within the urbanizing area consistent with these provisions and the basic principles established in the Urban Service Policies adopted by the City and County as part of the Grants Pass Urban Growth Boundary.

Interim Development Standards, set forth in this Exhibit "A", will apply for Rural Level Development for the duration of this Agreement. However, these interim Development Standards will apply for Urban Level Development only until such time as the permanent Development Standards have been adopted as set forth in Section II of this Agreement.

- 1.200 The following Interim Development Standards establish techniques for accommodating development in the urbanizing area, concurrent with and coordinated with the economic and efficient provision of services.

2.000 Rural Level Development

- 2.100 Definition. Rural Level Development is defined for purposes of these standards as residential development with net densities equal to or less than one dwelling unit per acre (\leq 1 d.u./Ac.).
- 2.200 Provision of Services. Urban level services as specified in Sections 4.410 (Sanitary Sewer), 4.440 (Transportation) , 4.450 (Drainage), and 4.460 (Agricultural Irrigation) shall be required.
- 2.300 Standards. Development standards shall be County standards for each residential development, provided that land divisions, home sites and other permanent structures and wells are located consistent with the official map, as defined by ORS Chapter 215, as mutually adopted by the City and County.

3.000 Urban Level Development

- 3.100 Definition. Urban Level Development is defined for purposes of these standards as residential development, partitioning, subdividing, or construction which creates actual or potential net densities greater than one dwelling unit per acre ($>$ 1 d.u./Ac.), any commercial development, and any industrial development. Urban Level Development is also defined as the alteration, expansion or enlargement of a commercial or industrial development, which exists as of the date of this agreement, except and unless one of the following conditions exists:
1. The alteration, expansion or enlargement will not cause the Fair Market Value of the development being so altered to increase by more than 50% of the Fair Market Value of said structure as determined by the most current records of the Josephine County Assessor; or

2. The alteration is required by law and is the minimum necessary to satisfy that requirement; or
 3. The alteration constitutes a structural restoration made necessary by a fire or other catastrophe, limited to the replacement cost of the original building plus 50% of the market value of the original building determined by the most current records of the Josephine County Assessor.
- 3.200 Development Permitted. Urban level development within the urbanizing area of the Grants Pass Urban Growth Boundary may proceed upon annexation or execution of an annexation agreement with the City of Grants Pass, and upon the issuance of a development permit by Josephine County.
- 3.210 Land Allocated for Urban Development. All lands located within the Urban Growth Boundary shall be allocated on the Comprehensive Plans of both the City and County for urban development purposes.
- 3.220 Urban Reserve. Land within the urbanizing area and currently zoned for suburban residential purposes shall be rezoned to an urban reserve classification. An urban reserve classification shall establish a minimum one acre parcel size, provided that land divisions, well placement and home construction are located consistent with the official map, as defined by ORS Chapter 215, as mutually adopted by the City and the County.

4.000 Development Standards

- 4.100 Interim Regulations. The County shall adopt the City's zoning and development standards no later than sixty (60) days from the execution of this agreement for urban level development within the urban area. Normal processing of development applications shall continue during said 60 day period.
- 4.200 Interim Development Standards. Until such time as common zoning and development standards are adopted by the City and county, all urban level development within the urbanizing area shall meet the interim development standards of Sections 4.200-5.999 inclusive at a minimum. After acceptance of common development standards, the interim standards may continue as provided in the common standards.
- 4.300 Land Use Considerations. Until such time as a Comprehensive Plan Land Use Map has been mutually adopted by the City and County, the Urban Area Planning Commission shall be guided by the following criteria to determine the appropriateness of plan amendments and rezone proposals:
- a. The Urban growth Plan adopted August 20, 1980 by the City Council and as amended.
 - b. The City's General Plan for the area within the City Limits.
 - c. The County's Comprehensive Plan for the area within the Urban Growth Boundary and outside City Limits.
 - d. The Statewide Planning Goals.

- 4.400 Services Required. Urban level developments shall require service by public sanitary sewer systems, municipal, community or public water supply systems, urban standard streets, storm drainage facilities consistent with urban street standards and fire protection, all as specified in Sections 4.410-5.999 inclusive.
- 4.410 Sewer Service. All urban level developments shall be provided with public sanitary sewer systems connected to existing area-wide public systems. Specific urban level developments shall only be permitted in accordance with the existing system's ability to accommodate sewage flows produced. The utility administering agency shall take adequate steps to insure that properties potentially served from existing facilities are able to be served when they desire service.
- 4.420 Water Service. All urban level developments shall be provided with a municipal water system, or may be provided with a community or public water supply system as defined by the Oregon State Health Division, if such development is not within 500 feet of an adequate capacity municipal water line.
- 4.421 Exception to Community or Public Water Supply System Requirement. Major and minor partitions created for the purpose of single family residences, with a parent parcel equal to or less than one (1) acre in size as of the date of this agreement, and resulting in a total number of lots of three (3) or less, shall be exempt from the requirements of Section 4.420. Such partitions, however, shall be subject to a fee equal to that established in Section 4.427, and shall also be subject to all other applicable requirements of Sections 4.423 through 4.429, inclusive.
- 4.422 Transfer of Water System. When a new community or public water system is proposed, or when an extension or enlargement of an existing community or public water system is proposed for an urban level development, the annexation agreement required by Section 3.200 of these Development Standards shall contain a condition requiring the owners, including heirs, successors and assigns, to connect to the municipal water system whenever the development becomes contiguous to the municipal water system, and at that time, to turn over the community or public water system without cost and free of all liens and encumbrances to the owners of the municipal water system. The transfer of ownership of the community or public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and rights-of-way and shall exclude water sources, storage tanks, well pumps and their related appurtenances, unless expressly provided for otherwise in the conditions of the annexation agreement.
- 4.423 Future Water Systems. All future water systems, municipal, community, or public, or extensions to existing systems shall be designed to City standards and applicable state regulations regarding materials, workmanship and guarantee provisions of the City and shall be designed to connect to an area-wide municipal water system at such time when it is available. Proposed municipal and community or public water systems shall be approved by the City Engineer and, where required, an authorized state representative, with costs of City review and City inspection to be borne by the developer.

4.424 Water System Design. All municipal water systems shall be designed to carry and produce fire flows required at full site development. All community or public water distribution systems shall be designed to carry fire flows as required by City Ordinance No. 4098; however, actual fire flow capabilities shall conform to City Ordinance No. 4098 except as provided below:

RESIDENTIAL

- | | | |
|----|--|--|
| A. | 3 lots or less divided,
single family, detached. | No fire flow required * |
| B. | 4-19 lots subdivided,
single family, detached. | 125 gpm/2 hrs. * |
| C. | 20 lots or more subdivided
single family, detached. | 1000 gpm/2 hrs.* |
| D. | Single family attached,
multi-family,
Planned Unit Developments,
Dwelling Groups, Mobile
Home Parks. | Flows required in
City Ordinance No.
4098, or as
amended. |

*To mitigate the minimum fire flow standards allowed above, the following special building construction requirements shall apply:

- 1) All dwellings or other buildings shall have fire restrictive roofs as defined in the Oregon State Structural Specialty and Fire Life Safety Code.
- 2) All dwellings or other buildings shall use fire restrictive material as defined in the Oregon State Structural Specialty and Fire and Life Safety Code on walls adjoining property lines where setbacks to said property lines are less than 10 feet.

COMMERCIAL INDUSTRIAL

All Development.**	Flows required in City Ordinance No. 4098, or as amended.
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**For neighborhood commercial development, the requirement will be reduced from 500 GPM to 250 GPM when a one-hour fire restrictive material is used as defined in the Oregon State Structural and Specialty and Fire and Life Safety Code. For additional fire safety considerations (e.g. Sprinklers) the City Fire Marshall may reduce these fire flow requirements still further.

4.425 Temporary Groundwater Source. All water systems that will temporarily use a groundwater source shall comply with the Josephine County Groundwater Acquirer and Water Quality Ordinance. The quantity of water required shall be not less than 400 g.p.d. per dwelling unit at a demand rate of not less than 5 g.p.m. for 4 hours.

4.426 Within an Active Water Service District. If an urban development is proposed within a designated, active water service district as proposed in Section I.6 of this Urban Area Services Management Agreement, all urban level development shall be served by the municipal system within that district, all applicable sections of this agreement notwithstanding.

- 4.427 Water Systems Connection Fee. To facilitate the extension of area-wide water system facilities required for full urbanization, applicants for urban level development shall be responsible for payment of the following connection fee:

For Municipal Water Service: Connection fees shall be payable to the City consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended.

For Community or Public Water Service: Connection fees shall be payable to the County, such fees consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended; provided, however, that no additional connection fee shall be required when a community or public water system is transferred to the owner of the municipal water system pursuant to Section 4.422 above.

- 4.428 Fee Collection. The water system connection fee shall be paid prior to the issuance of a building permit.
- 4.429 Segregation and Use of Revenues. All funds derived from the Water System connection fee are to be segregated by accounting practices by both the City and the County, and shall be used for no other purpose than installing, constructing, expanding and extending water systems beyond present capacity within the Urban Growth Boundary except that all connection fees received by the City shall be applied to bond redemption as required by City Ordinance No. 4283. If during any fiscal year, the City should fail to receive 150 connection fees, the balance shall be made up by the County, up to the limit of their collection in each fiscal year.
- 4.440 Transportation. As a minimum, all urban developments shall be provided with urban standard streets connecting directly to an existing publicly maintained street. Such street development shall be consistent with the requirements of the City of Grants Pass. Sections of existing streets not meeting urban standards which directly abut the property upon which the urban development is located shall be constructed half-width to the appropriate urban standard by the developer. Additional off-site improvements may be required as part of the annexation agreement or development permit by the County.
- 4.441 Security. At County discretion, the developer may be required to post security as provided in City Ordinance No. 4290 or any other security arrangement acceptable to the County, for future construction, if actual construction is not feasible at the time of site development.
- 4.450 Storm Drainage. As a minimum, all urban developments shall be provided with storm drainage facilities consistent with urban standard streets. Such facilities shall connect directly to existing natural drainways, swales, creeks, irrigation canals or to an existing storm drain system. Owners of such developments shall be responsible for all improvements required to handle the increased storm runoff resultant from their development. Additional off-site improvements may be required as part of the annexation agreement or development permit by the County.

- 4.460 Agricultural Irrigation. Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system. The owner of the urban development shall either buy his development out of the District or provide each lot within the development with irrigation water, all in accordance with District requirements.
- 4.470 Fire Protection. No urban level development shall be approved in any part of the urbanizing area that is not provided with a minimum Class 8 fire protection.

5.000 SERVICE CAPACITY

- 5.100 Service Capacity. When development is contingent upon off-site improvements, full urban level development within a service area or group of service areas of the urbanizing area shall be dependent upon either the capacity of the City and County to provide the urban services needed, or on a plan to provide such services mutually adopted by the City and County.
- 5.200 Designation. For this purpose, service areas for each service in the urbanizing area shall be designated, according to a mutually adopted process.
- 5.300 Basic Services Capacity. The service capacities of each "in-the-ground" type service (water, sewer, storm drainage, and transportation) shall be designated as presently constructed. The overall system design required for full urbanization, together with the construction costs in current dollars, shall be determined for each service.
- 5.310 Basic Service Capacity Reached. At some point, one or more of the major "in-the-ground" type services that may logically be presumed to precede or proceed concurrently with development will reach designated capacity as then currently designed and developed. At that point in time, an area-wide improvement or improvements may be required for further development within that service area or group of service areas.

When such a point appears to have been reached, the Urban Area Planning Commission shall find that approval of further development in that service area or group of service areas be restricted or denied, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City and County, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

- 5.320 Appeal of Basic Service Capacity. Appeal of such a decision not to allow further development may be made to either the Council or the Board of County Commissioners, whichever body controls the relevant system, and such body may find, by reason of competent testimony, that such a condition of inadequate system capacity does in fact exist in the service area or group of service areas for which development is proposed, thereby unholding the decision of the Urban Area Planning Commission and preventing further development from proceeding.

5.400 Secondary Services Capacity. The service capacities of each "above-the-ground" type service (such as fire, police, park acquisition and development, recreation programs, school expansion, etc.) shall be approximately designated as presently provided. The overall plan for servicing each service area at full urbanization, together with the service costs in current dollars, shall be determined for each service. Designated capacity for some services, such as schools, may have to be made on a project-by-project basis by the affected agency.

5.410 Secondary Service Capacity Reached. At some point, one or more "above-ground" service improvements that may logically be presumed to follow development may be required for a service area, or for a group of service areas, in order to maintain urban levels of service.

When such a point appears to have been reached, the Urban Area Planning Commission may find that approval of further development in that service area or group of service areas be denied or modified, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City and County, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

5.420 Appeal of Secondary Service Capacity. Appeal of such a decision not to allow interim development shall be made as provided in Section 5.320.

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

ORDINANCE NO. 81-7

AN ORDINANCE ESTABLISHING AN URBAN AREA PLANNING COMMISSION,
PROVIDING FOR RULES AND REGULATIONS FOR THE GOVERNMENT AND
MAINTENANCE OF SAID PLANNING COMMISSION, PRESCRIBING THE POWERS
AND DUTIES OF SAID COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Grants Pass and Josephine County
did execute a Joint Urban Area Services Management Agreement
by which the parties thereto agreed to establish an Urban Area
Planning Commission to deal with land use activities and planning
within the Grants Pass Urban Growth Boundary Area; and

WHEREAS, Exhibit "B" of said Joint Urban Area Service
Management Agreement specify the function and authority of such
Urban Area Planning Commission, now, therefore,

The Board of County Commissioners of Josephine County,
Oregon, ordain as follows:

- SECTION 1. There is hereby created an Urban Area Planning
Commission for that portion of Josephine County
located within the Grants Pass Urban Growth
Boundary Area, including the City of Grants Pass.
- SECTION 2. That said Urban Area Planning Commission shall
operate under the terms and conditions specified
in the provisions attached hereto, marked Exhibit
"A", and by this reference incorporated herein.
- SECTION 3. Urban Area Planning Commission members shall receive
no compensation, but shall be reimbursed for duly
authorized expenses actually incurred.
- SECTION 4. Unless a member's term of office is otherwise
terminated pursuant to this Ordinance, a member of
the Commission shall hold office for four years
after appointment. A member may be removed by the
Board of County Commissioners for misconduct, in the
Board's sole judgement and discretion, for non-
performance of duty. Non-performance of duty includes
but is not limited to, the failure of a commission
member to attend any three consecutive regular meetings
of the Commission unless such absence has been upon
leave by the Commission. Removal of the commission
member from office shall be by resolution of the Board
of County Commissioners. Any vacancy of County appointees
to the Commission occurring other than at the completion
of a term of office shall be filled by the Board of
County Commissioners for the unexpired term of the
predecessor in office.

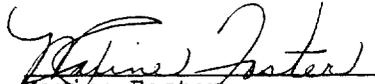
SECTION 5. Five members of the Urban Area Planning Commission shall constitute a quorum, however, a simple majority of the Commission, voting on any issue, shall be sufficient to resolve such issue. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chairman or any three members delivering a written demand for a special meeting upon the Chairman. In either case, the Chairman shall proceed to call a special meeting by giving each Planning Commission member and local media at least twenty-four hour written notice of such special meeting.

SECTION 6. Urban Area Planning Commission shall have no authority to make any expenditures on behalf of Josephine County or to obligate the County for the payment of any sums of money, except such same as said County shall have first authorized.

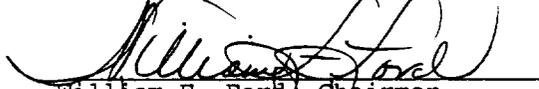
SECTION 7. The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

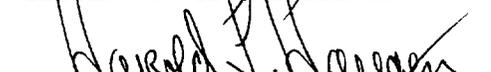
PASSED BY THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS
AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE
THIS 22nd DAY OF APRIL, 1981.

ATTEST:

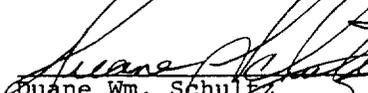

Maxine Foster
County Clerk

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


William F. Ford, Chairman


Harold L. Haugen, Vice Chairman

APPROVED AS TO FORM


Duane Wm. Schuler
County Legal Counsel


Mary E. Benedetti, Commissioner


Gene Stone
Recording Secretary

EXHIBIT "B"
URBAN AREA PLANNING COMMISSION

1.000 Urban Area Planning Commission. The Urban Area Planning Commission shall consist of eight members, four members appointed by the Board of County Commissioners, and four members appointed by the City Council. The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck and Redwood.

2.000 Appointments. In the initial appointments to the Urban Area Planning Commission, City appointments should be made from the City Planning Commission and County appointments should be made from the County Planning and Zoning Commissions.

Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners. The members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.

Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chairman or Vice Chairman to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of County Commissioners and the City Council.

3.000 Purposes, Final Actions, Recommendations. The purposes of the Urban Area Planning Commission are to assume the functions determined by Statutory law and City ordinance and policy for the City Planning Commission for the area within the City Limits of Grants Pass and to assume the functions determined by Statutory law and County ordinance and policy for the County Planning and Zoning Commissions for the area within the Urban Growth Boundary but outside the City Limits.

The Urban Area Planning Commission shall have final jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, and shall have final jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits.

The Urban Area Planning Commission shall have advisory jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, making recommendations in those matters to the City Council; and shall have advisory jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits, making recommendations in these matters to the Board of County Commissioners.

4.000 Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding zone changes in the urbanizing area to the Board of County Commissioners, make recommendations regarding site specific concerns and conditions with annexation proposals to the City Council, and make recommendations regarding Urban Growth Boundary amendments, Urban Service Policy amendments and Comprehensive Plan Map amendments, if within the Urban Growth Boundary area, to both the Board of County Commissioners and the City Council.

5.000 Governing Body Jurisdiction and Joint Review. Zone changes in the urbanizing area shall be at the discretion of the Board of County Commissioners upon recommendation by the Urban Area Planning Commission. Annexation agreements shall be at the discretion of the City Council, with site specific recommendations by the Urban Area Planning Commission.

Changes in the Comprehensive Plan, Comprehensive Plan Map, the Subdivision Ordinance and the Zoning Ordinance for the urbanizing area shall be at the discretion of the Board of County Commissioners, unless a joint hearing is requested by the City; then, in which event such changes shall be heard jointly by the Board of County Commissioners and the City Council.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint hearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint hearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Changes in the Urban Growth Boundary and the Urban Service Policies shall be heard jointly by the Board of County Commissioners and the City Council. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Other land use actions in the urbanizing area requiring joint review pursuant to the Urban Services Policies shall require a joint hearing only at the request of a governing body. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

6.000 Rehearing of Governing Body Action. In land use actions by governing bodies where a joint hearing is optional pursuant to Section 5.000 herein, and where a joint hearing was not requested, either the City Council or the Board of County Commissioners may petition for a Rehearing of the matter jointly, provided that the Rehearing is petitioned for within ten working days of the decision. A petition for a Rehearing may not be denied by either party.

The Petition for Rehearing shall comply with the administrative procedures and Land Use Hearing Rules adopted pursuant to Sections 8.500 and 8.200 herein. The decision of the governing body shall not become final until a decision is rendered pursuant to such Rehearing. The Petition for Rehearing shall be heard within twenty (20) working days of the decision, and shall be heard as a new review except that all evidence theretofore received shall be included in the record.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint Rehearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint Rehearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

No application shall be reheard more than once, regardless of whether or not requested by the same or different parties. The Petition for Rehearing as provided herein shall be a jurisdictional condition precedent for judicial review.

7.000 Call up Review of Commission Action. Final actions of the Urban Area Planning Commission shall be reported to their governing bodies. The governing bodies may, at their discretion, call up for review any final action of the Urban Area Planning Commission, whether or not such final action is appealed by any party to the action. In order to call up such an action for review, the governing body requesting review shall file notice within ten (10) working days of the action by the Urban Area Planning Commission, and the review shall occur within twenty (20) working days of the action by the Urban Area Planning Commission.

If an action is called up for review, the action shall be heard by the governing body having jurisdiction over the area in which the action is located. A joint review hearing may be held at the request of either governing body.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the Urban Growth Boundary Area, final disposition of the action at such a joint review hearing shall be at the discretion of the governing body having jurisdiction. Prior to rendering a decision at such a joint review hearing, the governing body having jurisdiction shall receive and consider the recommendation of the other governing body. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and County for the Urban Growth Boundary Area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

- 8.000 Authority. The Urban Area Planning Commission shall be duly constituted no later than 60 days from the execution of this agreement by the City Council and Board of County Commissioners to pursue the purposes of Sections 3.000 through 5.000, inclusive.
- 8.100 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

The Board of County Commissioners and the City Council shall jointly adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible. All fees collected by the City shall be retained by the City. The City of Grants Pass shall be reimbursed by the County for staff time devoted to processing applications within the urbanizing area in which the City has a lead responsibility either through an hourly billing to the County or through the provision of a budgeted line item of a mutually agreeable amount in the County's annual budget.

- 8.200 Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the City Director of Community Development and the County Planning Director, and shall be designed to carry out the provisions of the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.
- 8.300 Recording and Findings. The actions of the Urban Area Planning Commission shall be duly recorded and all actions shall be documented by appropriate Findings. The Board of County Commissioners and the City Council shall provide for the preparation of the Findings of the Urban Area Commission, and shall agree to a common format and method of preparation. Decisions of the Urban Area Planning Commission shall not be final until the Findings have been adopted by a majority of the quorum of the Commission meeting in public session.
- 8.400 Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for Proposals located within the urbanizing area outside of the City Limits.
- 8.500 Land Use Hearing Rules/Citizen Participation. The Board of County Commissioners and the City Council shall adopt within 60 days mutual land use hearing rules governing the procedures and the conduct of the Urban Area Planning Commission. The Board of County Commissioners and the City Council shall also make allowance for the participation of citizens in the planning process and shall accommodate the different citizen involvement programs of the City and the County.

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

ORDINANCE NO. 81-8

AN ORDINANCE ADOPTING INTERIM DEVELOPMENT STANDARDS
FOR THAT PORTION OF JOSEPHINE COUNTY OUTSIDE THE CITY OF
GRANTS PASS, BUT WITHIN THE URBAN GROWTH BOUNDARY.

WHEREAS, the City of Grants Pass and Josephine County
desire to adopt permanent development standards for that portion
of Josephine County outside the City of Grants Pass but inside
the Grants Pass Urban Growth Boundary; and

WHEREAS, the parties are not yet able to agree upon and
mutually adopt such permanent development standards; and

WHEREAS, there is considerable development that needs to
proceed and the parties are able to agree on interim development
standards, now, therefore,

The Board of County Commissioners of Josephine County,
Oregon, ordains as follows:

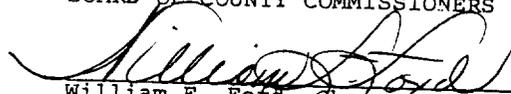
SECTION 1. That the interim development standards for that
portion of Josephine County outside the city limits
of the City of Grants Pass but within the Grants Pass
Urban Growth Boundary, are hereby established to
be those interim development standards adopted by
the Joint Urban Area Services Management Agreement,
executed by and between the City of Grants Pass and
Josephine County, said interim development standards
are attached hereto, marked Exhibit "A", and by
this reference are incorporated herein.

SECTION 2. There are now no provisions for development within
that portion of Josephine County outside the Grants
Pass city limits but inside the Grants Pass Urban
Growth Boundary, and there are many applications
for such development pending. Many of the developments
are necessary and desirable so as to provide decent
housing and public services to the citizens of the City
of Grants Pass and Josephine County.

SECTION 3. First reading by the Board of County Commissioners
is this 22nd day of April, 1981.

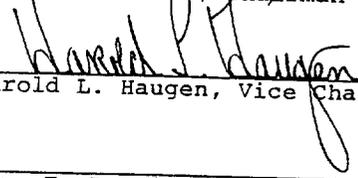
Second reading and adoption by the Board of County
Commissioners at least thirteen (13) days from the
first reading this 6th day of May, 1981. This
Ordinance shall take effect ninety (90) days after
its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman

ATTEST:

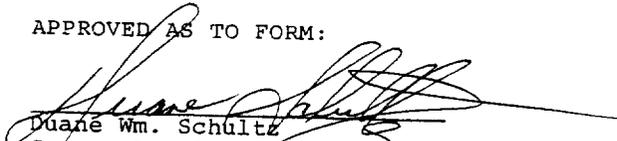


Harold L. Haugen, Vice Chairman

Maxine Foster
County Clerk
By: Kathleen Steinhilber, Deputy

Mary E. Benedetti, Commissioner

APPROVED AS TO FORM:



Duane Wm. Schulte
County Legal Counsel



Recording Secretary

EXHIBIT "A"
INTERIM DEVELOPMENT STANDARDS TO THE JOINT URBAN AREA SERVICES
AGREEMENT OF THE CITY OF GRANTS PASS AND JOSEPHINE COUNTY.

1.000 Purpose

- 1.100 The City and County recognize that the provision of the urban-level services to the urbanizing area will require considerable public and private capital investment. Holding all development until the essential services are in place, especially since sanitary sewer services, or the potential for such service is already extended throughout the urbanizing area, would inflict an unnecessary and severe hardship on many property holders within the boundary. However, the well planned and well coordinated provision of services will result in the efficient and economical provision of services. It is, therefore, the intention of these provisions to permit development to take place within the urbanizing area consistent with these provisions and the basic principles established in the Urban Service Policies adopted by the City and County as part of the Grants Pass Urban Growth Boundary.

Interim Development Standards, set forth in this Exhibit "A", will apply for Rural Level Development for the duration of this Agreement. However, these interim Development Standards will apply for Urban Level Development only until such time as the permanent Development Standards have been adopted as set forth in Section II of this Agreement.

- 1.200 The following Interim Development Standards establish techniques for accommodating development in the urbanizing area, concurrent with and coordinated with the economic and efficient provision of services.

2.000 Rural Level Development

- 2.100 Definition. Rural Level Development is defined for purposes of these standards as residential development with net densities equal to or less than one dwelling unit per acre (\leq 1 d.u./Ac.).
- 2.200 Provision of Services. Urban level services as specified in Sections 4.410 (Sanitary Sewer), 4.440 (Transportation) , 4.450 (Drainage), and 4.460 (Agricultural Irrigation) shall be required.
- 2.300 Standards. Development standards shall be County standards for each residential development, provided that land divisions, home sites and other permanent structures and wells are located consistent with the official map, as defined by ORS Chapter 215, as mutually adopted by the City and County.

3.000 Urban Level Development

- 3.100 Definition. Urban Level Development is defined for purposes of these standards as residential development, partitioning, subdividing, or construction which creates actual or potential net densities greater than one dwelling unit per acre ($>$ 1 d.u./Ac.), any commercial development, and any industrial development. Urban Level Development is also defined as the alteration, expansion or enlargement of a commercial or industrial development, which exists as of the date of this agreement, except and unless one of the following conditions exists:

1. The alteration, expansion or enlargement will not cause the Fair Market Value of the development being so altered to increase by more than 50% of the Fair Market Value of said structure as determined by the most current records of the Josephine County Assessor; or

2. The alteration is required by law and is the minimum necessary to satisfy that requirement; or
 3. The alteration constitutes a structural restoration made necessary by a fire or other catastrophe, limited to the replacement cost of the original building plus 50% of the market value of the original building determined by the most current records of the Josephine County Assessor.
- 3.200 Development Permitted. Urban level development within the urbanizing area of the Grants Pass Urban Growth Boundary may proceed upon annexation or execution of an annexation agreement with the City of Grants Pass, and upon the issuance of a development permit by Josephine County.
- 3.210 Land Allocated for Urban Development. All lands located within the Urban Growth Boundary shall be allocated on the Comprehensive Plans of both the City and County for urban development purposes.
- 3.220 Urban Reserve. Land within the urbanizing area and currently zoned for suburban residential purposes shall be rezoned to an urban reserve classification. An urban reserve classification shall establish a minimum one acre parcel size, provided that land divisions, well placement and home construction are located consistent with the official map, as defined by ORS Chapter 215, as mutually adopted by the City and the County.

4.000 Development Standards

- 4.100 Interim Regulations. The County shall adopt the City's zoning and development standards no later than sixty (60) days from the execution of this agreement for urban level development within the urban area. Normal processing of development applications shall continue during said 60 day period.
- 4.200 Interim Development Standards. Until such time as common zoning and development standards are adopted by the City and county, all urban level development within the urbanizing area shall meet the interim development standards of Sections 4.200-5.999 inclusive at a minimum. After acceptance of common development standards, the interim standards may continue as provided in the common standards.
- 4.300 Land Use Considerations. Until such time as a Comprehensive Plan Land Use Map has been mutually adopted by the City and County, the Urban Area Planning Commission shall be guided by the following criteria to determine the appropriateness of plan amendments and rezone proposals:
- a. The Urban growth Plan adopted August 20, 1980 by the City Council and as amended.
 - b. The City's General Plan for the area within the City Limits.
 - c. The County's Comprehensive Plan for the area within the Urban Growth Boundary and outside City Limits.
 - d. The Statewide Planning Goals.

- 4.400 Services Required. Urban level developments shall require service by public sanitary sewer systems, municipal, community or public water supply systems, urban standard streets, storm drainage facilities consistent with urban street standards and fire protection, all as specified in Sections 4.410-5.999 inclusive.
- 4.410 Sewer Service. All urban level developments shall be provided with public sanitary sewer systems connected to existing area-wide public systems. Specific urban level developments shall only be permitted in accordance with the existing system's ability to accommodate sewage flows produced. The utility administering agency shall take adequate steps to insure that properties potentially served from existing facilities are able to be served when they desire service.
- 4.420 Water Service. All urban level developments shall be provided with a municipal water system, or may be provided with a community or public water supply system as defined by the Oregon State Health Division, if such development is not within 500 feet of an adequate capacity municipal water line.
- 4.421 Exception to Community or Public Water Supply System Requirement. Major and minor partitions created for the purpose of single family residences, with a parent parcel equal to or less than one (1) acre in size as of the date of this agreement, and resulting in a total number of lots of three (3) or less, shall be exempt from the requirements of Section 4.420. Such partitions, however, shall be subject to a fee equal to that established in Section 4.427, and shall also be subject to all other applicable requirements of Sections 4.423 through 4.429, inclusive.
- 4.422 Transfer of Water System. When a new community or public water system is proposed, or when an extension or enlargement of an existing community or public water system is proposed for an urban level development, the annexation agreement required by Section 3.200 of these Development Standards shall contain a condition requiring the owners, including heirs, successors and assigns, to connect to the municipal water system whenever the development becomes contiguous to the municipal water system, and at that time, to turn over the community or public water system without cost and free of all liens and encumbrances to the owners of the municipal water system. The transfer of ownership of the community or public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and rights-of-way and shall exclude water sources, storage tanks, well pumps and their related appurtenances, unless expressly provided for otherwise in the conditions of the annexation agreement.
- 4.423 Future Water Systems. All future water systems, municipal, community, or public, or extensions to existing systems shall be designed to City standards and applicable state regulations regarding materials, workmanship and guarantee provisions of the City and shall be designed to connect to an area-wide municipal water system at such time when it is available. Proposed municipal and community or public water systems shall be approved by the City Engineer and, where required, an authorized state representative, with costs of City review and City inspection to be borne by the developer.

4.424 Water System Design. All municipal water systems shall be designed to carry and produce fire flows required at full site development. All community or public water distribution systems shall be designed to carry fire flows as required by City Ordinance No. 4098; however, actual fire flow capabilities shall conform to City Ordinance No. 4098 except as provided below:

RESIDENTIAL

- | | | |
|----|--|---|
| A. | 3 lots or less divided, single family, detached. | No fire flow required * |
| B. | 4-19 lots subdivided, single family, detached. | 125 gpm/2 hrs. * |
| C. | 20 lots or more subdivided single family, detached. | 1000 gpm/2 hrs.* |
| D. | Single family attached, multi-family, Planned Unit Developments, Dwelling Groups, Mobile Home Parks. | Flows required in City Ordinance No. 4098, or as amended. |

*To mitigate the minimum fire flow standards allowed above, the following special building construction requirements shall apply:

- 1) All dwellings or other buildings shall have fire restrictive roofs as defined in the Oregon State Structural Specialty and Fire Life Safety Code.
- 2) All dwellings or other buildings shall use fire restrictive material as defined in the Oregon State Structural Specialty and Fire and Life Safety Code on walls adjoining property lines where setbacks to said property lines are less than 10 feet.

COMMERCIAL INDUSTRIAL

All Development.**

Flows required in City Ordinance No. 4098, or as amended.

**For neighborhood commercial development, the requirement will be reduced from 500 GPM to 250 GPM when a one-hour fire restrictive material is used as defined in the Oregon State Structural and Specialty and Fire and Life Safety Code. For additional fire safety considerations (e.g. Sprinklers) the City Fire Marshall may reduce these fire flow requirements still further.

4.425 Temporary Groundwater Source. All water systems that will temporarily use a groundwater source shall comply with the Josephine County Groundwater Acquirer and Water Quality Ordinance. The quantity of water required shall be not less than 400 g.p.d. per dwelling unit at a demand rate of not less than 5 g.p.m. for 4 hours.

4.426 Within an Active Water Service District. If an urban development is proposed within a designated, active water service district as proposed in Section I.6 of this Urban Area Services Management Agreement, all urban level development shall be served by the municipal system within that district, all applicable sections of this agreement notwithstanding.

- 4.427 Water Systems Connection Fee. To facilitate the extension of area-wide water system facilities required for full urbanization, applicants for urban level development shall be responsible for payment of the following connection fee:

For Municipal Water Service: Connection fees shall be payable to the City consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended.

For Community or Public Water Service: Connection fees shall be payable to the County, such fees consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended; provided, however, that no additional connection fee shall be required when a community or public water system is transferred to the owner of the municipal water system pursuant to Section 4.422 above.

- 4.428 Fee Collection. The water system connection fee shall be paid prior to the issuance of a building permit.
- 4.429 Segregation and Use of Revenues. All funds derived from the Water System connection fee are to be segregated by accounting practices by both the City and the County, and shall be used for no other purpose than installing, constructing, expanding and extending water systems beyond present capacity within the Urban Growth Boundary except that all connection fees received by the City shall be applied to bond redemption as required by City Ordinance No. 4283. If during any fiscal year, the City should fail to receive 150 connection fees, the balance shall be made up by the County, up to the limit of their collection in each fiscal year.
- 4.440 Transportation. As a minimum, all urban developments shall be provided with urban standard streets connecting directly to an existing publicly maintained street. Such street development shall be consistent with the requirements of the City of Grants Pass. Sections of existing streets not meeting urban standards which directly abut the property upon which the urban development is located shall be constructed half-width to the appropriate urban standard by the developer. Additional off-site improvements may be required as part of the annexation agreement or development permit by the County.
- 4.441 Security. At County discretion, the developer may be required to post security as provided in City Ordinance No. 4290 or any other security arrangement acceptable to the County, for future construction, if actual construction is not feasible at the time of site development.
- 4.450 Storm Drainage. As a minimum, all urban developments shall be provided with storm drainage facilities consistent with urban standard streets. Such facilities shall connect directly to existing natural drainways, swales, creeks, irrigation canals or to an existing storm drain system. Owners of such developments shall be responsible for all improvements required to handle the increased storm runoff resultant from their development. Additional off-site improvements may be required as part of the annexation agreement or development permit by the County.

- 4.460 Agricultural Irrigation. Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system. The owner of the urban development shall either buy his development out of the District or provide each lot within the development with irrigation water, all in accordance with District requirements.
- 4.470 Fire Protection. No urban level development shall be approved in any part of the urbanizing area that is not provided with a minimum Class 8 fire protection.

5.000 SERVICE CAPACITY

- 5.100 Service Capacity. When development is contingent upon off-site improvements, full urban level development within a service area or group of service areas of the urbanizing area shall be dependent upon either the capacity of the City and County to provide the urban services needed, or on a plan to provide such services mutually adopted by the City and County.
- 5.200 Designation. For this purpose, service areas for each service in the urbanizing area shall be designated, according to a mutually adopted process.
- 5.300 Basic Services Capacity. The service capacities of each "in-the-ground" type service (water, sewer, storm drainage, and transportation) shall be designated as presently constructed. The overall system design required for full urbanization, together with the construction costs in current dollars, shall be determined for each service.
- 5.310 Basic Service Capacity Reached. At some point, one or more of the major "in-the-ground" type services that may logically be presumed to precede or proceed concurrently with development will reach designated capacity as then currently designed and developed. At that point in time, an area-wide improvement or improvements may be required for further development within that service area or group of service areas.

When such a point appears to have been reached, the Urban Area Planning Commission shall find that approval of further development in that service area or group of service areas be restricted or denied, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City and County, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

- 5.320 Appeal of Basic Service Capacity. Appeal of such a decision not to allow further development may be made to either the Council or the Board of County Commissioners, whichever body controls the relevant system, and such body may find, by reason of competent testimony, that such a condition of inadequate system capacity does in fact exist in the service area or group of service areas for which development is proposed, thereby unholding the decision of the Urban Area Planning Commission and preventing further development from proceeding.

5.400 Secondary Services Capacity. The service capacities of each "above-the-ground" type service (such as fire, police, park acquisition and development, recreation programs, school expansion, etc.) shall be approximately designated as presently provided. The overall plan for servicing each service area at full urbanization, together with the service costs in current dollars, shall be determined for each service. Designated capacity for some services, such as schools, may have to be made on a project-by-project basis by the affected agency.

5.410 Secondary Service Capacity Reached. At some point, one or more "above-ground" service improvements that may logically be presumed to follow development may be required for a service area, or for a group of service areas, in order to maintain urban levels of service.

When such a point appears to have been reached, the Urban Area Planning Commission may find that approval of further development in that service area or group of service areas be denied or modified, until such time as the required area-wide system improvements have been made, or have been planned and agreed to by the City and County, and adequate financing commitments have been made by the requisite agencies and/or benefited property owners.

5.420 Appeal of Secondary Service Capacity. Appeal of such a decision not to allow interim development shall be made as provided in Section 5.320.

AMENDMENT TO ORDINANCE NO. 81-9
SECTION 4

Section 4 of the above Ordinance is hereby amended as follows:

At the Public Board Session today, May 8, 1981, by a unanimous 3-0 vote of the Board, Commissioner Haugen moved that Ordinance No. 81-9 be amended to reflect staggered terms for the Urban Area Planning Commission members as far as the County appointments were concerned; namely, two (2) members to serve a four (4)-year term and two (2) members to serve a two (2)-year term; seconded by Commissioner Benedetti. Motion carried by a 3-0 vote of the Board.

Four (4)-Year Term

H. L. "Jack" Rollins
Val M. DeVoegle, Jr.

Two (2)-Year Term

Martha Anthony
John McMahon

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS THIS 8TH
DAY OF MAY, 1981.

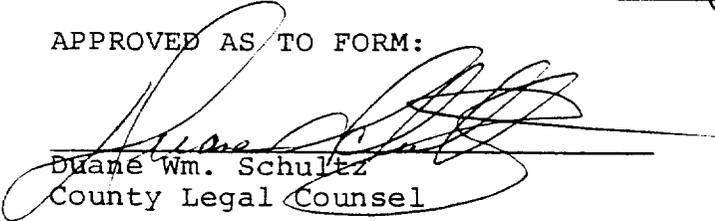
BOARD OF COUNTY COMMISSIONERS







APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel

Buc

6-2581

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

ORDINANCE NO. 81-9

AN ORDINANCE ESTABLISHING AN URBAN AREA PLANNING COMMISSION, PROVIDING FOR RULES AND REGULATIONS FOR THE GOVERNMENT AND MAINTENANCE OF SAID PLANNING COMMISSION, PRESCRIBING THE POWERS AND DUTIES OF SAID COMMISSION.

WHEREAS, the City of Grants Pass and Josephine County did execute a Joint Urban Area Services Management Agreement by which the parties thereto agreed to establish an Urban Area Planning Commission to deal with land use activities and planning within the Grants Pass Urban Growth Boundary Area; and

WHEREAS, Exhibit "B" of said Joint Urban Area Services Management Agreement specify the function and authority of such Urban Area Planning Commission, now, therefore,

The Board of County Commissioners of Josephine County, Oregon, ordain as follows:

- SECTION 1. There is hereby created an Urban Area Planning Commission for that portion of Josephine County located within the Grants Pass Urban Growth Boundary Area, including the City of Grants Pass.
- SECTION 2. That said Urban Area Planning Commission shall operate under the terms and conditions specified in the provisions attached hereto, marked Exhibit "A", and by this reference incorporated herein.
- SECTION 3. Urban Area Planning Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses actually incurred.
- SECTION 4. Unless a member's term of office is otherwise terminated pursuant to this Ordinance, a member of the Commission shall hold office for four years after appointment. A member may be removed by the Board of County Commissioners for misconduct, in the Board's sole judgement and discretion, or for non-performance of duty. Non-performance of duty includes but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave by the Commission. Removal of the commission member from office shall be by resolution of the Board of County Commissioners. Any vacancy of County appointees to the Commission occurring other than at the completion of a term of office shall be filled by the Board of County Commissioners for the unexpired term of the predecessor in office.

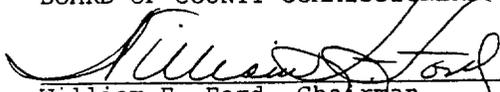
SECTION 5. Five members of the Urban Area Planning Commission shall constitute a quorum, however, a simple majority of the Commission, voting on any issue, shall be sufficient to resolve such issue. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chairman or any three members delivering a written demand for a special meeting upon the Chairman. In either case, the Chairman shall proceed to call a special meeting by giving each Planning Commission member and local media at least twenty-four hour written notice of such special meeting.

SECTION 6. Urban Area Planning Commission shall have no authority to make any expenditures on behalf of Josephine County or to obligate the County for the payment of any sums of money, except such sums as said County shall have first authorized.

SECTION 7. First reading by the Board of County Commissioners is this 22nd day of April, 1981.

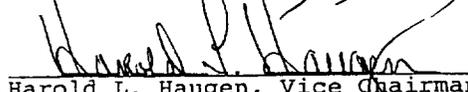
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 6th day of May, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman

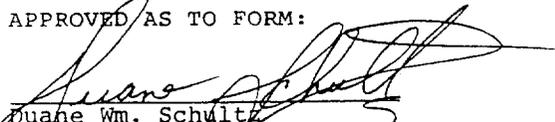
ATTEST:



Harold L. Haugen, Vice Chairman

Maxine Foster
County Clerk
By: Kathleen Stradon, Deputy

Mary E. Benedetti, Commissioner

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel



Recording Secretary

EXHIBIT "B"
URBAN AREA PLANNING COMMISSION

1.000 Urban Area Planning Commission. The Urban Area Planning Commission shall consist of eight members, four members appointed by the Board of County Commissioners, and four members appointed by the City Council. The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck and Redwood.

2.000 Appointments. In the initial appointments to the Urban Area Planning Commission, City appointments should be made from the City Planning Commission and County appointments should be made from the County Planning and Zoning Commissions.

Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners. The members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.

Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chairman or Vice Chairman to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of County Commissioners and the City Council.

3.000 Purposes, Final Actions, Recommendations. The purposes of the Urban Area Planning Commission are to assume the functions determined by Statutory law and City ordinance and policy for the City Planning Commission for the area within the City Limits of Grants Pass and to assume the functions determined by Statutory law and County ordinance and policy for the County Planning and Zoning Commissions for the area within the Urban Growth Boundary but outside the City Limits.

The Urban Area Planning Commission shall have final jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, and shall have final jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits.

The Urban Area Planning Commission shall have advisory jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, making recommendations in those matters to the City Council; and shall have advisory jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits, making recommendations in these matters to the Board of County Commissioners.

4.000 Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding zone changes in the urbanizing area to the Board of County Commissioners, make recommendations regarding site specific concerns and conditions with annexation proposals to the City Council, and make recommendations regarding Urban Growth Boundary amendments, Urban Service Policy amendments and Comprehensive Plan Map amendments, if within the Urban Growth Boundary area, to both the Board of County Commissioners and the City Council.

5.000 Governing Body Jurisdiction and Joint Review. Zone changes in the urbanizing area shall be at the discretion of the Board of County Commissioners upon recommendation by the Urban Area Planning Commission. Annexation agreements shall be at the discretion of the City Council, with site specific recommendations by the Urban Area Planning Commission.

Changes in the Comprehensive Plan, Comprehensive Plan Map, the Subdivision Ordinance and the Zoning Ordinance for the urbanizing area shall be at the discretion of the Board of County Commissioners, unless a joint hearing is requested by the City; then, in which event such changes shall be heard jointly by the Board of County Commissioners and the City Council.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint hearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint hearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Changes in the Urban Growth Boundary and the Urban Service Policies shall be heard jointly by the Board of County Commissioners and the City Council. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Other land use actions in the urbanizing area requiring joint review pursuant to the Urban Services Policies shall require a joint hearing only at the request of a governing body. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

6.000 Rehearing of Governing Body Action. In land use actions by governing bodies where a joint hearing is optional pursuant to Section 5.000 herein, and where a joint hearing was not requested, either the City Council or the Board of County Commissioners may petition for a Rehearing of the matter jointly, provided that the Rehearing is petitioned for within ten working days of the decision. A petition for a Rehearing may not be denied by either party.

The Petition for Rehearing shall comply with the administrative procedures and Land Use Hearing Rules adopted pursuant to Sections 8.500 and 8.200 herein. The decision of the governing body shall not become final until a decision is rendered pursuant to such Rehearing. The Petition for Rehearing shall be heard within twenty (20) working days of the decision, and shall be heard as a new review except that all evidence theretofore received shall be included in the record.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint Rehearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint Rehearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

No application shall be reheard more than once, regardless of whether or not requested by the same or different parties. The Petition for Rehearing as provided herein shall be a jurisdictional condition precedent for judicial review.

7.000 Call up Review of Commission Action. Final actions of the Urban Area Planning Commission shall be reported to their governing bodies. The governing bodies may, at their discretion, call up for review any final action of the Urban Area Planning Commission, whether or not such final action is appealed by any party to the action. In order to call up such an action for review, the governing body requesting review shall file notice within ten (10) working days of the action by the Urban Area Planning Commission, and the review shall occur within twenty (20) working days of the action by the Urban Area Planning Commission.

If an action is called up for review, the action shall be heard by the governing body having jurisdiction over the area in which the action is located. A joint review hearing may be held at the request of either governing body.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the Urban Growth Boundary Area, final disposition of the action at such a joint review hearing shall be at the discretion of the governing body having jurisdiction. Prior to rendering a decision at such a joint review hearing, the governing body having jurisdiction shall receive and consider the recommendation of the other governing body. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and County for the Urban Growth Boundary Area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

- 8.000 Authority. The Urban Area Planning Commission shall be duly constituted no later than 60 days from the execution of this agreement by the City Council and Board of County Commissioners to pursue the purposes of Sections 3.000 through 5.000, inclusive.
- 8.100 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.
- The Board of County Commissioners and the City Council shall jointly adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible. All fees collected by the City shall be retained by the City. The City of Grants Pass shall be reimbursed by the County for staff time devoted to processing applications within the urbanizing area in which the City has a lead responsibility either through an hourly billing to the County or through the provision of a budgeted line item of a mutually agreeable amount in the County's annual budget.
- 8.200 Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the City Director of Community Development and the County Planning Director, and shall be designed to carry out the provisions of the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.
- 8.300 Recording and Findings. The actions of the Urban Area Planning Commission shall be duly recorded and all actions shall be documented by appropriate Findings. The Board of County Commissioners and the City Council shall provide for the preparation of the Findings of the Urban Area Commission, and shall agree to a common format and method of preparation. Decisions of the Urban Area Planning Commission shall not be final until the Findings have been adopted by a majority of the quorum of the Commission meeting in public session.
- 8.400 Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for Proposals located within the urbanizing area outside of the City Limits.
- 8.500 Land Use Hearing Rules/Citizen Participation. The Board of County Commissioners and the City Council shall adopt within 60 days mutual land use hearing rules governing the procedures and the conduct of the Urban Area Planning Commission. The Board of County Commissioners and the City Council shall also make allowance for the participation of citizens in the planning process and shall accommodate the different citizen involvement programs of the City and the County.

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

ORDINANCE NO. 81-10

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN FOR JOSEPHINE COUNTY INCORPORATING CERTAIN COMPONENTS BY REFERENCE, AND DECLARING AN EMERGENCY.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. PREAMBLE.

The Oregon Revised Statutes 197.250 and 215.050 require the adoption of a Comprehensive Plan for Josephine County, Oregon, complying with the Statewide Planning Goals. The citizens and agencies of Josephine County have developed a comprehensive plan after years of study and work. The Josephine County Planning Commission conducted public hearings on a draft plan and made recommendations to the Board of County Commissioners. The Board of Commissioners authorized public hearings on the recommendations of the Planning Commission on September 4 and 5, 1980. The Board of Commissioners reviewed the testimony of the citizens and governmental agencies, directing changes be made to reflect public policy. The Board conducted public hearings on the Comprehensive Plan for Josephine County, Oregon, on May 20, 21 and 22, 1981.

SECTION 2. PLAN ADOPTION.

The Comprehensive Plan for Josephine County, Oregon, consisting of those components hereinafter set forth, is hereby adopted for Josephine County, Oregon.

SECTION 3. COMPONENTS.

The Comprehensive Plan for Josephine County, Oregon, shall consist of the following components, all of which are attached hereto, marked consecutively as exhibits, and expressly made a part hereof:

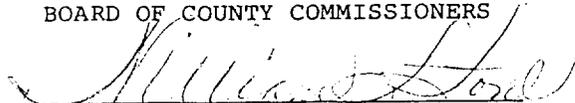
1. Comprehensive Plan Data Base, Exhibit "A".
2. Comprehensive Goals and Policies, Exhibit "B".
3. Implementation Statement, Exhibit "C".
4. Comprehensive Plan Map, Exhibit "D".
5. Inventory of Committed Lands, Exhibit "E".
6. Statement on Exceptions to the Statewide Planning Goals, Exhibit "F".

SECTION 4. EMERGENCY.

The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 17th day of June, 1981.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


William F. Ford, Chairman

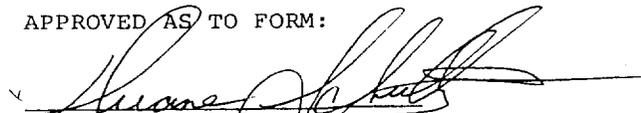

Harold L. Haugen, Vice Chairman


Mary E. Benedetti, Commissioner

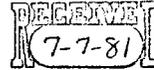
ATTEST:


Maxine Foster
County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel


Gene Stone
Recording Secretary



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

ORDINANCE NO. 81-11

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN FOR JOSEPHINE
COUNTY INCORPORATING CERTAIN COMPONENTS BY REFERENCE.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY,
OREGON, ORDAINS AS FOLLOWS:

SECTION 1. PREAMBLE.

The Oregon Revised Statutes 197.250 and 215.050 require the adoption of a Comprehensive Plan for Josephine County, Oregon, complying with the Statewide Planning Goals. The citizens and agencies of Josephine County have developed a comprehensive plan after years of study and work. The Josephine County Planning Commission conducted public hearings on a draft plan and made recommendations to the Board of County Commissioners. The Board of Commissioners authorized public hearings on the recommendations of the Planning Commission on September 4 and 5, 1980. The Board of County Commissioners reviewed the testimony of the citizens and governmental agencies, directing changes be made to reflect public policy. The Board conducted public hearings on the Comprehensive Plan for Josephine County, Oregon, on May 20, 21 and 22, 1981.

SECTION 2. PLAN ADOPTION.

The Comprehensive Plan for Josephine County, Oregon, consisting of those components hereinafter set forth, is hereby adopted for Josephine County, Oregon.

SECTION 3. COMPONENTS.

The Comprehensive Plan for Josephine County, Oregon, shall consist of the following components, all of which are attached hereto, marked consecutively as exhibits, and expressly made a part hereof:

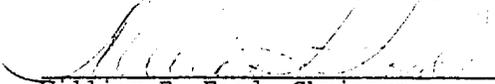
1. Comprehensive Plan Data Base, Exhibit "A".
2. Comprehensive Goals and Policies, Exhibit "B".
3. Implementation Statement, Exhibit "C".
4. Comprehensive Plan Map, Exhibit "D".
5. Inventory of Committed Lands, Exhibit "E".
6. Statement on Exceptions to the Statewide Planning Goals, Exhibit "F".

SECTION 4. EFFECTIVE DATE.

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

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

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman

Harold L. Haugen, Opposed

Harold L. Haugen, Vice Chairman



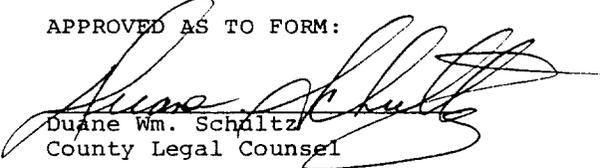
Mary E. Benedetti, Commissioner

ATTEST:



Maxine Foster
County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

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

ORDINANCE NO. 81-13

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

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY,
OREGON, ORDAINS AS FOLLOWS:

CHAPTER 14

GENERAL PROVISIONS

Section 14.010 Title.

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

Section 14.020 Purpose.

The purpose of these regulations is to protect the public
health, safety, welfare and convenience and to provide for
the orderly implementation of the Comprehensive Plan for
Josephine County, as authorized by ORS 197, 203 and 215.

Section 14.030 Interpretation.

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

Section 14.035 Severability.

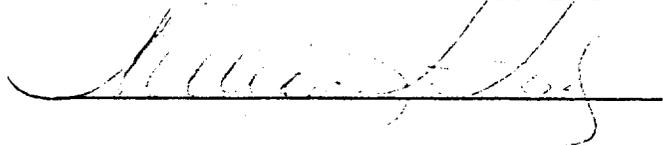
The provisions of this Ordinance are severable. If any section,
sentence, clause or phrase of this Ordinance is adjudged to be
invalid by a Court of competent jurisdiction, that decision shall
not affect the validity of the remaining portions of this
Ordinance.

Section 52.095 EFFECTIVE DATE.

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

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

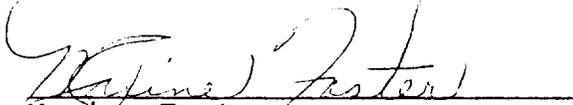
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



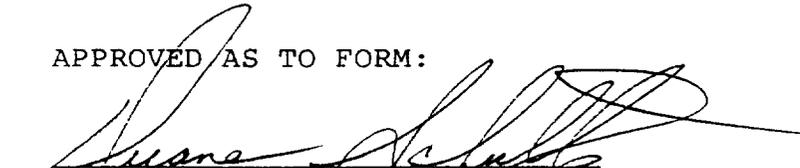
Harold L. Haugen, Opposed



ATTEST:


Maxine Foster
County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel
Gene Stone
Recording Secretary

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

ORDINANCE NO. 81-18

AN ORDINANCE EXTENDING THE TERM OF THE JOSEPHINE COUNTY
ZONING COMMISSION AND ITS MEMBERS UNTIL JULY 1, 1982, AND
DECLARING AN EMERGENCY.

The Board of County Commissioners for Josephine County,
Oregon, ordains as follows:

SECTION 1. Previous Ordinances Reaffirmed.

Previous Ordinance No. 78-3 of Josephine County created the Zoning Commission, established its membership, jurisdiction and operating rules. Ordinance No. 79-1 extended the terms of its members to July 1, 1981. Said Ordinances are hereby re-enacted, ratified and reaffirmed in every respect except as same may be inconsistent herewith.

SECTION 2. Extension of Commission and Its Members.

The term of the Josephine County Zoning Commission and its members shall be extended and continued until July 1, 1982, at which time the Commission and the terms of its members shall terminate and expire automatically unless the Board of County Commissioners shall thereafter continue the Commission by Ordinance.

SECTION 3. Effective Date.

The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS
AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE
THIS 8th day of JULY, 1981.

ATTEST:

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Maxine Foster
County Clerk

William F. Ford, Chairman

APPROVED AS TO FORM:

Harold L. Haugen, Vice Chairman

Duane Wm. Schultz
County Legal Counsel

Mary E. Benedetti, Commissioner

Gene Stone
Recording Secretary

7-24-81

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

ORDINANCE NO. 81-19

AN ORDINANCE EXTENDING THE TERM OF THE JOSEPHINE COUNTY
ZONING COMMISSION AND ITS MEMBERS UNTIL JULY 1, 1982.

The Board of County Commissioners for Josephine County,
Oregon, ordains as follows:

SECTION 1. Previous Ordinances Reaffirmed.

Previous Ordinance No. 78-3 of Josephine County created the Zoning Commission, established its membership, jurisdiction and operating rules. Ordinance No. 79-1 extended the terms of its members to July 1, 1981. Said Ordinances are hereby re-enacted, ratified and reaffirmed in every respect except as may be inconsistent herewith.

SECTION 2. Extension of Commission and Its Members.

The term of the Josephine County Zoning Commission and its members shall be extended and continued until July 1, 1982, at which time the Commission and the term of its members shall terminate and expire automatically unless the Board of County Commissioners shall thereafter continue the Commission by Ordinance.

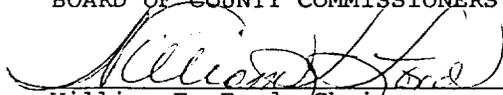
SECTION 3. First reading by the Board of County Commissioners is this 8th day of July, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 22nd day of July, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

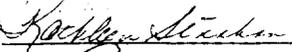
ATTEST:

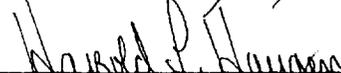
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Maxine Foster
County Clerk

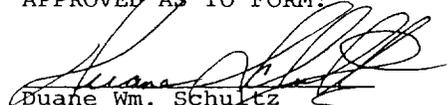


William F. Ford, Chairman

By,  Deputy
APPROVED AS TO FORM:



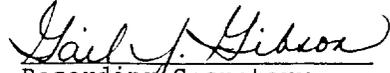
Harold L. Haugen, Vice Chairman



Duane Wm. Schultz
County Legal Counsel

Mary E. Benedetti, Absent

Mary E. Benedetti, Commissioner



Recording Secretary

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

ORDINANCE NO. 81-20

AN ORDINANCE ADOPTING AN URBANIZING AREA COMPREHENSIVE PLAN FOR JOSEPHINE COUNTY INCORPORATING CERTAIN COMPONENTS BY REFERENCE, AND DECLARING AN EMERGENCY.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. PREAMBLE.

The Oregon Revised Statutes 197.250 and 215.050 require the adoption of a Comprehensive Plan for Josephine County, Oregon, complying with the Statewide Planning Goals. The Board of County Commissioners has further agreed with the Council of the City of Grants Pass to adopt the City Zoning Standards to facilitate urbanization of the area, consistent with Statewide Planning Goal #14. The Board finds that it is necessary to enact revisions to the Comprehensive Plan within the Grants Pass Urban Growth Boundary to provide for zoning changes.

SECTION 2. PLAN ADOPTION.

The Urbanizing Area Comprehensive Plan for Josephine County, Oregon, consisting of those components hereinafter set forth, is hereby adopted for Josephine County, Oregon.

SECTION 3. COMPONENTS.

The Urbanizing Area Comprehensive Plan for Josephine County, Oregon, shall consist of the following components, all of which are attached hereto, marked consecutively as exhibits, and expressly made a part hereof:

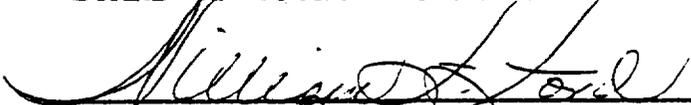
1. Comprehensive Plan Data Base, Exhibit "A".
2. The Urban Growth Plan adopted August 20, 1980, by the City Council, as amended, Exhibit "B".
3. The Goals and Objectives, and General Principles and Recommendations of the City's General Plan, Exhibit "C".
4. Comprehensive Plan Map for lands inside the Grants Pass Urban Growth Boundary, Exhibit "D".

SECTION 4. EMERGENCY.

There are now no provisions for development within that portion of Josephine County outside the Grants Pass city limits but inside the Grants Pass Urban Growth Boundary, and there are many applications for such development pending. Many of the developments are necessary and desirable so as to provide decent housing and public services to the citizens of the City of Grants Pass and Josephine County. In light of these factors, an emergency is hereby declared to exist, and in the interest of public peace, health and safety this Ordinance may be placed for its reading and final passage in any one meeting of the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 5th day of August, 1981.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman



Harold L. Haugen, Vice Chairman



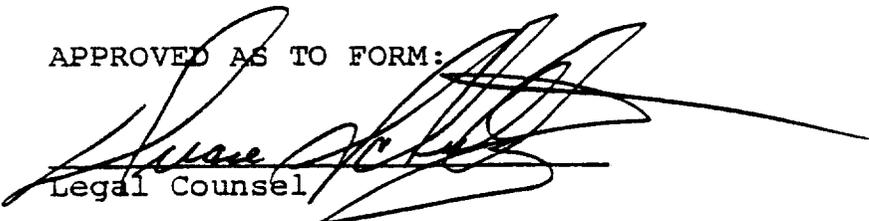
Mary E. Benedetti, Commissioner

ATTEST:



Maxine Foster
County Clerk

APPROVED AS TO FORM:



Legal Counsel



Gene Stone
Recording Secretary

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

ORDINANCE NO. 81-21

AN ORDINANCE ADOPTING AN URBANIZING AREA COMPREHENSIVE PLAN FOR JOSEPHINE COUNTY INCORPORATING CERTAIN COMPONENTS BY REFERENCE.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. PREAMBLE.

The Oregon Revised Statutes 197.250 and 215.050 require the adoption of a Comprehensive Plan for Josephine County, Oregon, complying with the Statewide Planning Goals. The Board of County Commissioners has further agreed with the Council of the City of Grants Pass to adopt the City Zoning Standards to facilitate urbanization of the area, consistent with Statewide Planning Goal #14. The Board finds that it is necessary to enact revisions to the Comprehensive Plan within the Grants Pass Urban Growth Boundary to provide for zoning changes.

SECTION 2. PLAN ADOPTION.

The Urbanizing Area Comprehensive Plan for Josephine County, Oregon, consisting of those components hereinafter set forth, is hereby adopted for Josephine County, Oregon.

SECTION 3. COMPONENTS.

The Urbanizing Area Comprehensive Plan for Josephine County, Oregon, shall consist of the following components, all of which were attached as part of Ordinance No. 81-20, marked consecutively as exhibits, and expressly made a part hereof:

1. Comprehensive Plan Data Base, Exhibit "A".
2. The Urban Growth Plan adopted August 20, 1980, by the City Council, as amended, Exhibit "B".
3. The Goals and Objectives, and General Principles and Recommendations of the City's General Plan, Exhibit "C".
4. Comprehensive Plan Map for lands inside the Grants Pass Urban Growth Boundary, Exhibit "D".

SECTION 4. EFFECTIVE DATE.

First reading by the Board of County Commissioners is this 5th day of August, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 26th day of August, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman



Harold L. Haugen, Vice Chairman



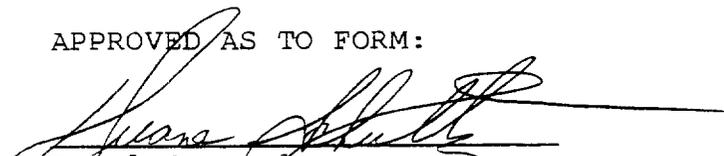
Mary E. Benedetti, Commissioner

ATTEST:



Maxine Foster
County Clerk

APPROVED AS TO FORM:



Legal Counsel



Gene Stone
Recording Secretary

CITY ORDINANCE NO. 4415

COUNTY ORDINANCE NO. 81-22

AN ORDINANCE ESTABLISHING ZONING REGULATIONS; PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCES 3810 AND 3075 OF THE CITY OF GRANTS PASS, AMENDING SECTION 4 OF THE ZONING REGULATIONS OF JOSEPHINE COUNTY TO EXCLUDE PROPERTY WITHIN THE GRANTS PASS URBAN GROWTH BOUNDARY AREA; AND DECLARING AN EMERGENCY.

THE CITY OF GRANTS PASS HEREBY ORDAINS:

AND

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY
ORDAINS AS FOLLOWS:

TITLE, PURPOSE, COMPLIANCE AND DEFINITIONS

SECTION 100.01 Title

This Ordinance shall be known as the Urban Growth Area Zoning Ordinance of 1981.

SECTION 100.02 Purpose

The purpose of these regulations is to protect the public health, safety, welfare and convenience and to provide for the orderly implementation of the Comprehensive Plan for Josephine County, and General Plan for the City of Grants Pass, as authorized by Oregon Revised Statutes, Chapters 197, 203, 215 and 221; and to encourage the most appropriate use of land; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; and to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks and other public requirements.

SECTION 100.03 Compliance with Ordinance Provisions

- a. Compliance. Except as provided in Section 135, no building, or other structures shall be erected, constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the Urban Growth Area be commenced or changed, nor shall any condition of or upon real property be caused or maintained, after the effective date of this Ordinance, except in conformity with conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, or use, or cause to be used, any buildings, structure, improvement or use of premises located in any zone described in this Ordinance contrary to the provisions of this Ordinance. Where this Ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

- b. Development Permits. Within the urbanizing area, development permits are issued to assure the property owner the proposed use of the land will be consistent with the standards of this Ordinance. No building, or other structures, shall be constructed, erected, improved, altered, enlarged or moved, nor shall any use or occupancy of premises be changed, without first obtaining a development permit from the County Planning Director or his assistants. In addition, no use of the land which under the requirements of this Ordinance necessitates a plan review shall be commenced without first acquiring a development permit.

HEARINGS OFFICER

SECTION 144.01 Hearings Officer Appointment

The governing bodies by resolution may authorize the appointment of one or more Hearings Officers to hear and decide matters pertaining to any one or more of the following as determined by resolution of the governing bodies: (a) Conditional use permits; (b) Planned unit developments; (c) Dwelling group permits; (d) Home occupation permits; (e) Variances; (f) The revocation of any planned unit development permit, conditional use permit, or variance; (g) To make reports and recommendations to the governing bodies concerning any rezone or resolution of intent to rezone; and regarding amendments to the General Plan of the City adopted November 5, 1969, or Comprehensive Plan of the County for the urbanizing area, as now written or hereafter amended or replaced by any other general or comprehensive plan of the City or County.

SECTION 144.02 Revocation of Permits

Any revocation of conditional use permit, planned unit development permit or variance shall be heard by the Urban Area Planning Commission if such permit has been issued by the Planning Commission, or shall be heard by any Hearings Officer if such permit has been initially issued by a Hearings Officer; provided that should no Hearings Officer be appointed to office pursuant to this ordinance at the time of hearing concerning said revocation, then the revocation hearing shall be heard by the Planning Commission.

SECTION 144.03 Amendment of Zoning Regulations

Section 4 of the Josephine County Zoning Regulations of February 1, 1979, as amended, is hereby amended to exclude from its application those lands within the mutually adopted Urban Growth Boundary Area of Grants Pass. Said regulations shall continue in full force and effect and remain applicable to all lands within Josephine County outside of said Urban Growth Boundary Area.

SECTION 144.04 Emergency Clause

This Ordinance being necessary for the immediate passage of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance shall take effect immediately upon its passage by the Board of County Commissioners.

This Ordinance signed in open session as authentication of its passage this 5th day of August, 1981.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


William F. Ford, Chairman


Harold L. Haugen, Vice Chairman


Mary E. Benedetti, Commissioner

ATTEST:


Maxine Foster, County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel


Gene Stone
Recording Secretary

8-21-81

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

ORDINANCE NO. 81-23

AN ORDINANCE ADOPTING STANDARDS FOR THE REZONING OF LAND SOUTH OF THE GRANTS PASS URBAN GROWTH BOUNDARY; AND DECLARING AN EMERGENCY.

WHEREAS, during the review of the Comprehensive Plan for Josephine County, it came to the attention of the Board of County Commissioners that properties located south of the Grants Pass Urban Growth Boundary along the contact of the Applegate Formation and the granodiorites of the Grants Pass pluton in the vicinity of Summit Loop, Hamilton Lane and Cloverlawn Drive are subject to groundwater intrusion by highly mineralized fluids; and

WHEREAS, the health, safety and welfare of property owners and residents of this area are threatened by continued groundwater contamination; and

WHEREAS, this area was originally zoned for one-acre densities without consideration of the groundwater problems; and

WHEREAS, continued investments have been made in this area in reliance of the zoning, and the area is not presently served by a water system; and

WHEREAS, the Board of County Commissioners in revising the Comprehensive Plan and Zoning for Josephine County as required by the Oregon Revised Statutes, Chapters 197 and 215, found it prudent to zone properties in this area for five-acre densities to prevent continued overdevelopment; and

WHEREAS, the Board of County Commissioners finds that ultimately this area should be developed to one-acre densities due to the proximity to the urban area and historic development patterns, but that such ultimate development must be supported by water systems;

NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. That the area described above or portions of the area shall be designated Rural Residential - 5 acres (RR-5) until such time as a solution to the groundwater contamination can be secured. At such time as a water system is provided that will supply a potable domestic source of water that will remain free of contamination and that will not aggravate mineralized intrusion of the aquifer, this area or portions of the area shall be zoned Rural Residential - 1 acre (RR-1).

SECTION 2. Consideration shall be given to individual development proposals under the standards of the RR-1 district when such proposals satisfy the standards of this Ordinance. To qualify under this section, a development must be provided with a safe domestic water supply such as the extension of a municipal system or extension or construction of a public or community water system using a surface water source. A development may also qualify under this section if it is provided with a safe water supply through a community water system using a groundwater source that will not be subject to contamination. If a groundwater source is proposed, it must be demonstrated that the source will not be subject to contamination and that withdrawal from the aquifer will not increase contamination of other wells. Any water system proposed to satisfy this section must meet the applicable standards of the Oregon Administrative Rules promulgated by the Oregon State Health Division.

SECTION 3. In granting approval for development of lands under the RR-1 zoning district within this area, the Board of County Commissioners may require the extension of proposed water systems to serve adjoining properties already damaged by contaminated wells.

SECTION 4. The intrusion of mineralized contamination in the groundwater in this area is a continuing problem jeopardizing the health, safety and welfare of property owners and residents of Josephine County. There are applications for development of lands in this area pending and many of these developments would otherwise be desirable to provide decent housing to the citizens of Josephine County. In light of these factors, an emergency is hereby declared to exist, and in the interest of public peace, health and safety this Ordinance may be placed for its reading and final passage in any one meeting of the Board of County Commissioners.

SECTION 5. The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND
SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE
THIS 19th DAY OF AUGUST, 1981.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS

William F. Ford, Absent

William F. Ford, Chairman

Harold L. Haugen
Harold L. Haugen, Vice Chairman

Mary E. Benedetti
Mary E. Benedetti, Commissioner

ATTEST:

Maxine Foster
Maxine Foster
County Clerk

APPROVED AS TO FORM:

Duane Wm. Schultz
Duane Wm. Schultz
County Legal Counsel

Gene Stone
Gene Stone
Recording Secretary

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

ORDINANCE NO. 81-24

AN ORDINANCE ADOPTING STANDARDS FOR THE REZONING OF LAND SOUTH
OF THE GRANTS PASS URBAN GROWTH BOUNDARY.

WHEREAS, during the review of the Comprehensive Plan for Josephine County, it came to the attention of the Board of County Commissioners that properties located south of the Grants Pass Urban Growth Boundary along the contact of the Applegate Formation and the granodiorites of the Grants Pass pluton in the vicinity of Summit Loop, Hamilton Lane and Cloverlawn Drive are subject to groundwater intrusion by highly mineralized fluids; and

WHEREAS, the health, safety and welfare of property owners and residents of this area are threatened by continued groundwater contamination; and

WHEREAS, this area was originally zoned for one-acre densities without consideration of the groundwater problems; and

WHEREAS, continued investments have been made in this area in reliance of the zoning, and the area is not presently served by a water system; and

WHEREAS, the Board of County Commissioners in revising the Comprehensive Plan and Zoning for Josephine County as required by the Oregon Revised Statutes, Chapters 197 and 215, found it prudent to zone properties in this area for five-acre densities to prevent continued overdevelopment; and

WHEREAS, the Board of County Commissioners finds that ultimately this area should be developed to one-acre densities due to the proximity to the urban area and historic development patterns, but that such ultimate development must be supported by water systems;

NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. That the area described above or portions of the area shall be designated Rural Residential - 5 acres (RR-5) until such time as a solution to the groundwater contamination can be secured. At such time as a water system is provided that will supply a potable domestic source of water that will remain free of contamination and that will not aggravate mineralized intrusion of the aquifer, this area or portions of the area shall be zoned Rural Residential - 1 acre (RR-1).

SECTION 2. Consideration shall be given to individual development proposals under the standards of the RR-1 District when such proposals satisfy the standards of this Ordinance. To qualify under this section, a development must be provided with a safe domestic water supply such as the extension of a municipal system or extension or construction of a public or community water system using a surface water source. A development may also qualify under this section if it is provided with a safe water supply through a community water system using a groundwater source that will not be subject to contamination. If a groundwater source is proposed, it must be demonstrated that the source will not be subject to contamination and that withdrawal from the aquifer will not increase contamination of other wells. Any water system proposed to satisfy this section must meet the applicable standards of the Oregon Administration Rules promulgated by the Oregon State Health Division.

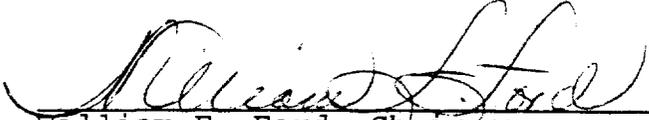
SECTION 3. Because properties in this area may already exhibit damage due to mineral intrusion, consideration should be given to solutions that would eliminate contamination. In granting approval for development of lands in the RR-1 zoning district, the Board of County Commissioners may require that subdivision approval be conditioned on the extension of proposed water systems to neighboring properties. The Board may also require that tentative plan approval be conditioned so as to include design of the system to accommodate the extension of lines and the addition of storage capacity. The Board may further require that the organization of any community water system be established so as to permit property owners in the immediate vicinity to join the system and to participate in the financing and maintenance of the system as the Board deems appropriate and prudent.

SECTION 4. The intrusion of mineralized contamination in the groundwater in this area is a continuing problem jeopardizing the health, safety and welfare of property owners and residents of Josephine County. There are applications for development of lands in this area pending and many of these developments would otherwise be desirable to provide decent housing to the citizens of Josephine County. In light of these factors, an emergency is hereby declared to exist, and in the interest of public peace, health and safety this Ordinance may be placed for its reading and final passage in any one meeting of the Board of County Commissioners.

SECTION 5. First reading by the Board of County Commissioners is this 26th day of August, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 16th day of September, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman



Harold L. Haugen, Vice Chairman



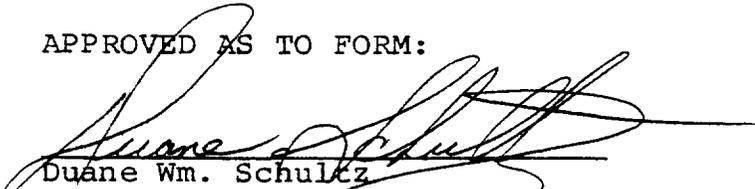
Mary E. Benedetti, Commissioner

ATTEST:



Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

CITY ORDINANCE NO. 4415

COUNTY ORDINANCE NO. 81-25

AN ORDINANCE ESTABLISHING ZONING REGULATIONS; PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCES 3810 AND 3075 OF THE CITY OF GRANTS PASS, AMENDING SECTION 4 OF THE ZONING REGULATIONS OF JOSEPHINE COUNTY TO EXCLUDE PROPERTY WITHIN THE GRANTS PASS URBAN GROWTH BOUNDARY AREA.

THE CITY OF GRANTS PASS HEREBY ORDAINS:

AND

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY
ORDAINS AS FOLLOWS:

TITLE, PURPOSE, COMPLIANCE AND DEFINITIONS

SECTION 100.01 Title

This Ordinance shall be known as the Urban Growth Area Zoning Ordinance of 1981.

SECTION 100.02 Purpose

The purpose of these regulations is to protect the public health, safety, welfare and convenience, and to provide for the orderly implementation of the Comprehensive Plan for Josephine County and General Plan for the City of Grants Pass, as authorized by Oregon Revised Statutes, Chapters 197, 203, 215 and 221; and to encourage the most appropriate use of land; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; and to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks and other public requirements.

SECTION 100.03 Compliance with Ordinance Provisions

- a. Compliance. Except as provided in Section 135, no building, or other structures shall be erected, constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the Urban Growth Area be commenced or changed, nor shall any condition of or upon real property be caused or maintained after the effective date of this Ordinance, except in conformity with conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, or use, or cause to be used, any buildings, structure, improvement or use of premises located in any zone described in this Ordinance contrary to the provisions of this Ordinance. Where this Ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

SECTION 144.03 Amendment of Zoning Regulations

Section 4 of the Josephine County Zoning Regulations of February 1, 1979, as amended, is hereby amended to exclude from its application those lands within the mutually adopted Urban Growth Boundary Area of Grants Pass. Said regulations shall continue in full force and effect and remain applicable to all lands within Josephine County outside of said Urban Growth Boundary Area.

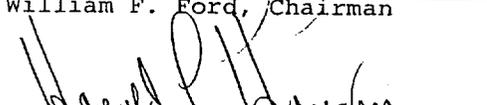
SECTION 144.04 First reading by the Board of County Commissioners is this 26th day of August, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 9th day of September, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman



Harold L. Haugen, Vice-Chairman



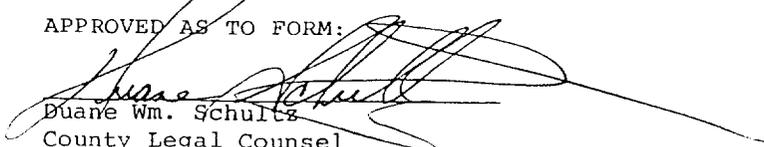
Mary E. Benedetti, Commissioner

ATTEST:



Maxine Foster
County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gail J. Gibson
Recording Secretary

File

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

ORDINANCE NO. 81-27

AN ORDINANCE IN THE MATTER OF THE VACATION OF TWO ALLEYWAYS AND PORTIONS
OF TWO STREETS IN THE THREE PINES TOWNSITE, AND DECLARING AN EMERGENCY.

WHEREAS, ORS 271.010 through 271.030 outline procedures for filing of petition, fee and notice of hearing for vacation of streets and alleys in any town which is unincorporated, or which is not exercising its corporate function, or interested in any platted and subdivided tract of acreage outside the limits of any incorporated city or town, and

WHEREAS, the Board of County Commissioners received a petition with the required filing fee for vacation of two alleyways and portions of 2 streets in the Three Pines Townsite, an unincorporated and undeveloped townsite in the Southwest Quarter of Section 34, Township 34 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, to wit:

20 foot wide alleyways in Block 4 and 9
also, Oak Street from Second Street to Fourth Street
also, Third Avenue, between Block 4 and 9 and Block 5 and 8, and

WHEREAS, notices of pendency of the petition was given for the same space of time, by written notice, containing a description of the alleys and roads to be vacated, in the manner required by law, as evidenced by the affidavit of the County Roadmaster, and

WHEREAS, no person appeared at the public hearing held 14 October 1981, to object to the vacation, and no written objections were made to the vacation of said alleyways and roads, and

WHEREAS, the said petition for vacation of said alleyways and roads do deny access for owner of Lot 24, Block 8 in said townsite, to a public road, so now therefore,

The Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. That vacation of the portion of 3rd Avenue between Block 5 and 8 in said townsite is denied. Said portion of 3rd Avenue provides access from a public road to Lot 24, Block 8 of said townsite.

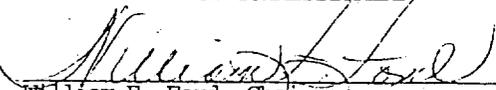
SECTION 2. That the petition, as amended, be granted, and the alleyways and roads as herein described are vacated, to wit:

20 foot wide alleyways in Blocks 4 and 9
also, Oak Street from Second to Fourth Streets
also, Third Avenue, between Block 4 and 9

SECTION 3. There now is the need for utilization of the area vacated for home-site development. The development permits required are contingent on combining several lots to create a larger parcel for the approval of a subsurface sewer disposal system.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS, JOSEPHINE COUNTY, OREGON, AND SIGNED IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 28th DAY OF OCTOBER, 1981.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

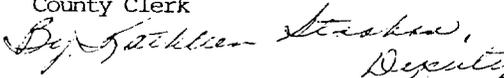

William F. Ford, Chairman


Harold L. Haugen, Vice Chairman

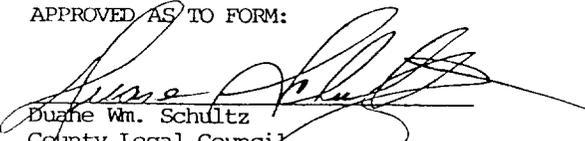

Mary E. Benedetti, Commissioner

ATTEST:

Maxine Foster
County Clerk


Debra Kathleen Strahan,
Deputy

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Council


Gene Stone
Recording Secretary

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

ORDINANCE NO. 81-28

AN ORDINANCE IN THE MATTER OF THE VACATION OF TWO ALLEYWAYS AND PORTIONS
OF TWO STREETS IN THE THREE PINES TOWNSITE.

WHEREAS, ORS 271.010 through 271.030 outline procedures for filing of petition, fee and notice of hearing for vacation of streets and alleys in any town which is unincorporated, or which is not exercising its corporate function, or interested in any platted and subdivided tract of acreage outside the limits of any incorporated city or town, and

WHEREAS, the Board of County Commissioners received a petition with the required filing fee for vacation of two alleyways and portions of 2 streets in the Three Pines Townsite, an unincorporated and undeveloped townsite in the Southwest Quarter of Section 34, Township 34 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, to wit:

20 foot wide alleyways in Block 4 and 9
also, Oak Street from Second Street to Fourth Street
also, Third Avenue, between Block 4 and 9 and Block 5 and 8, and

WHEREAS, notices of pendency of the petition was given for the same space of time, by written notice, containing a description of the alleys and roads to be vacated, in the manner required by law, as evidenced by the affidavit of the County Roadmaster, and

WHEREAS, no person appeared at the public hearing held 14 October 1981, to object to the vacation, and no written objections were made to the vacation of said alleyways and roads, and

WHEREAS, the said petition for vacation of said alleyways and roads do deny access for owner of Lot 24, Block 8 in said townsite, to a public road, so now therefore,

The Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. That vacation of the portion of 3rd Avenue between Block 5 and 8 in said townsite is denied. Said portion of 3rd Avenue provides access from a public road to Lot 24, Block 8 of said townsite.

SECTION 2. That the petition, as amended, be granted, and the alleyways and roads as herein described are vacated, to wit:

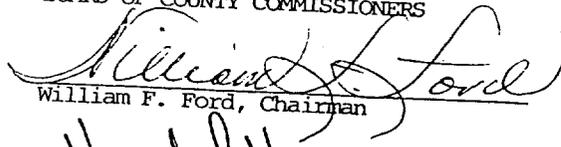
20 foot wide alleyways in Blocks 4 and 9
also, Oak Street from Second to Fourth Streets
also, Third Avenue, between Block 4 and 9

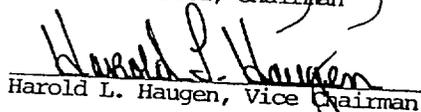
SECTION 3. Effective date

First reading by the Board of County Commissioners
is this 28th day of October 1981.

Second reading and adoption by the Board of County
Commissioners at least 14 days from the first read-
ing this 13th day of November 1981. This ordinance
shall take affect ninety (90) days after its adop-
tion by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


William F. Ford, Chairman

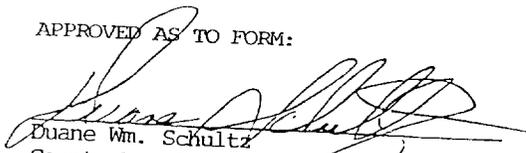

Harold L. Haugen, Vice Chairman

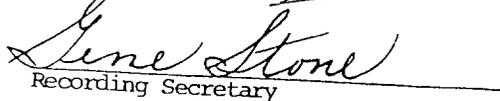

Mary E. Benedetti, Commissioner

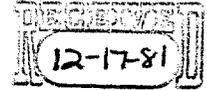
ATTEST:


Maxine Foster
County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Council


Gene Stone
Recording Secretary



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

ORDINANCE NO. 81-31

AN ORDINANCE AMENDING ORDINANCE NO. 81-11 and ORDINANCE NO. 81-13
FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF SUMMIT LOOP ROAD.

WHEREAS, on July 1, 1981, the Board of County Commissioners adopted Ordinance No. 81-11 incorporating certain components by reference; and

WHEREAS, it has been discovered that there exists a minor difference between plan allocation boundaries made by the Board of County Commissioners and the boundaries of areas excepted from the Statewide Planning Goals on Agriculture and Forest lands as recommended by the Planning Commission, both boundaries being described in separate components adopted by reference; and

WHEREAS, implementing Ordinance No. 81-13, adopted by the Board of County Commissioners on July 1, 1981, establishes zoning boundaries on the south side of Summit Loop Road consistent with the plan allocations, but inconsistent with the exception areas; and

WHEREAS, it is necessary for these boundaries to be consistent;

NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordain as follows:

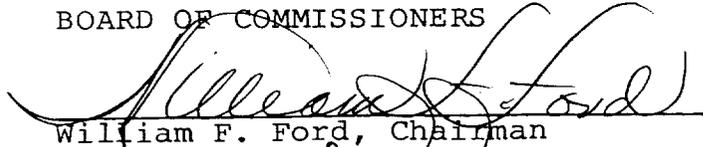
SECTION 1. The plan allocation of Ordinance No. 81-11 is amended to conform to the exception boundary line on the south side of Summit Loop Road, with excepted lands designated as rural residential.

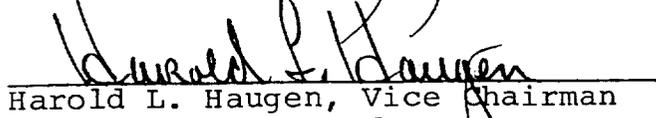
SECTION 2. The zoning districts established by Ordinance No. 81-13 are amended on map 37-5-4 of Book 14 and map 37-5-4-21 of Book 14 to conform to the amended Comprehensive Plan. Those tax lots changed from Woodlot Residential to Rural Residential - 5 (five acre minimum lot size) are the portions of tax lots 1000, 1001, 1005 and 1006 located within the northwestern quarter of the northwestern quarter of Township 37 South, Range 5 West, W.M., Section 4; and all of tax lots 100, 200, 300, 800, 900, 1000, 1100, 1200, 1201, 1300 and 1301 of Township 37 South, Range 5 West, W.M., Section 4-21.

SECTION 3. First reading by the Board of County Commissioners is this 2nd day of December, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 16th day of December, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS

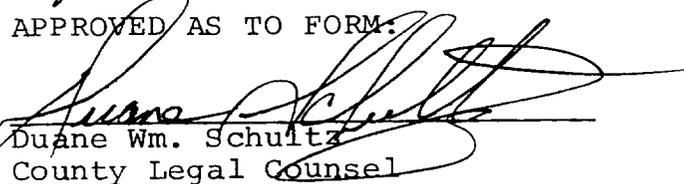

William F. Ford, Chairman


Harold L. Haugen, Vice Chairman


Mary E. Benedetti, Commissioner

ATTEST:

Maxine Foster
County Clerk
By Kathleen Stecher, Deputy

APPROVED AS TO FORM:

Duane Wm. Schuitz
County Legal Counsel


Gene Stone
Recording Secretary

12-17-81

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

ORDINANCE NO. 81-32

AN ORDINANCE ADOPTING AN AMENDMENT TO THE JOSEPHINE COUNTY
COMPREHENSIVE PLAN ORDINANCE NO. 81-11 AND AN AMENDMENT TO THE
JOSEPHINE COUNTY ZONING ORDINANCE NO. 81-13.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY,
OREGON, ORDAINS AS FOLLOWS:

Section 1. PREAMBLE.

WHEREAS, in public work sessions the Board of County Com-
missioners intended to designate Township 39, Range 5W, Section
22, Tax Lots 1500 and 1501 as Woodlot on the Comprehensive Plan
and zone such properties as Woodlot Residential; and

WHEREAS, it has come to the attention of the Board of
County Commissioners that the final maps filed with the County
Clerk do not reflect this action.

Section 2. PLAN AMENDMENT.

NOW, THEREFORE, Ordinance No. 81-11 adopting the Comprehen-
sive Plan is amended to designate these parcels Woodlot and
Ordinance No. 81-13 adopting the Josephine County Zoning Ordinance
is amended to zone such properties as Woodlot Residential.

Section 3. EFFECTIVE DATE

First reading by the Board of County Commissioners is this
2nd day of December, 1981.

Second reading and adoption by the Board of County Com-
missioners at least thirteen (13) days from the first reading
this 16th day of December, 1981. This Ordinance shall become
effective ninety (90) days after its adoption by the Board of
County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

William F. Foss
William F. Foss, Chairman
Harold L. Haugen
Harold L. Haugen, Vice Chairman
Mary E. Benedetti
Mary E. Benedetti, Commissioner

ATTEST:

Maxine Foster
County Clerk
Dj. Jackson Strahan, Deputy

APPROVED AS TO FORM:
Duane Wm. Schultz
Duane Wm. Schultz
County Legal Counsel

Gene Stone
Gene Stone
Recording Secretary

12-17-81

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

ORDINANCE NO. 81-33

AN ORDINANCE ADOPTING AMENDMENTS BY REFERENCE TO THE JOSEPHINE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE NO. 78-4 AND DECLARING AN EMERGENCY.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. PREAMBLE.

The Oregon Revised Statutes, Chapter 92 requires the adoption of a subdivision ordinance for Josephine County, Oregon. Ordinance No. 81-6, adopted by the Board of County Commissioners for Josephine County, State of Oregon on April 22, 1981, provides that the County shall adopt the development standards of the City of Grants Pass for application within the Grants Pass Urban Growth Boundary. Ordinance No. 81-13, adopted by the Board of County Commissioners on July 1, 1981, establishes new zoning regulations for Josephine County in compliance with a Comprehensive Plan adopted pursuant to the Oregon Revised Statutes 197.250 and 215.050 and the Statewide Planning Goals. Amendments to the Subdivision and Land Development Ordinance are necessary to provide consistency with new zoning standards contained in Ordinance No. 81-13. Recognizing these requirements, the Josephine County Planning Commission conducted a public hearing on the proposed amendments to the Subdivision and Land Development Ordinance on September 21, 1981. The Planning Commission also conducted public workshops to revise and render a recommendation to the Board of County Commissioners on this matter on September 28, and October 12, 1981.

SECTION 2. AMENDMENTS.

The Josephine County Subdivision and Land Development Ordinance No. 78-4 is hereby amended as provided in Exhibit "A" consisting of the recommendations of the Josephine County Planning Commission and Exhibit "B" which contains additional amendments ordered by the Board of County Commissioners.

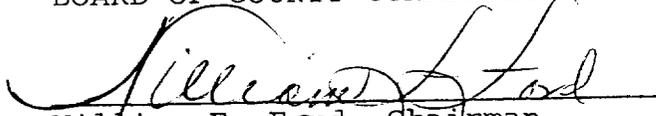
SECTION 3. EMERGENCY.

Because the Board of County Commissioners specified in Ordinance No. 81-6 that adoption of the development standards of

the City of Grants Pass would occur within a definite period of time, which has elapsed; and, because the zoning standards in Ordinance No. 81-13 include changes in law that are administratively inconsistent with former standards still contained in Ordinance No. 78-4, it is desirable to immediately remedy these circumstances to avoid inconvenience to the residents of this County. The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety, and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS
AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE
THIS 16TH DAY OF DECEMBER, 1981.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman



Harold L. Haugen, Vice Chairman



Mary E. Benedetti, Commissioner

ATTEST:

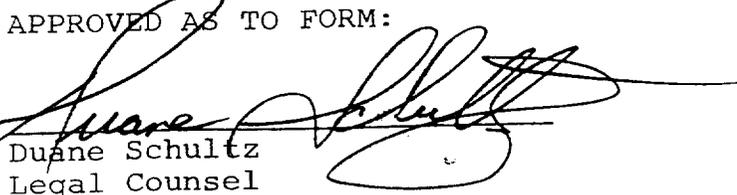
Maxine Foster
County Clerk



Gene Stone

Gene Stone
Recording Secretary

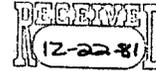
APPROVED AS TO FORM:



Duane Schultz
Legal Counsel

Or...

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



ORDINANCE NO. 81-34

AN ORDINANCE AMENDING ORDINANCE NO. 81-25 FOR PROPERTY LOCATED NORTH OF WEBSTER ROAD NEAR ITS INTERSECTION WITH LINCOLN ROAD AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted an Urban Growth Area Zoning Ordinance to provide for consistent zoning classifications with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, the property located north of Webster Road near its intersection with Lincoln Road was rezoned from a County SR-5 Suburban Residential zone to an Urban Growth Area R-S Residential Suburban District; and

WHEREAS, the property owners of this property have expressed an interest to annex their property to the City of Grants Pass; and

WHEREAS, the zoning potential affects the pending annexation of this property; and

WHEREAS, the Urban Area Planning Commission conducted a public hearing on August 26, 1981, and recommended a change in zone for this property (copy of Findings of Consistency attached); and

WHEREAS, the Board of County Commissioners for Josephine County conducted a public hearing on the recommendation of the Urban Area Planning Commission on December 9, 1981.

NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

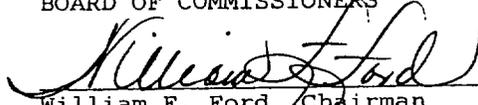
SECTION 1. The zoning of the following property is hereby changed from R-5 to R-2 Residential -- 2-Family:
36-6-24-1, tax lot 700.

SECTION 2. The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance

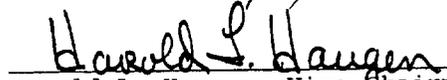
shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 18TH DAY OF DECEMBER, 1981.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



William F. Ford, Chairman

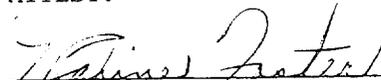


Harold L. Haugen, Vice Chairman



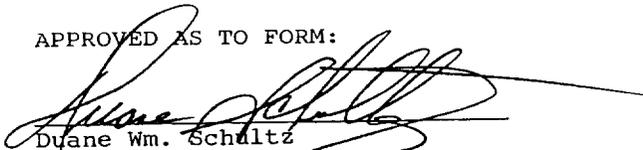
Mary E. Benedetti, Commissioner

ATTEST:

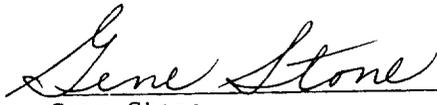


Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

Ordinance No. 81-34

Page 2

FINDINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO SUPPLEMENTARY ZONING MAP REQUEST NO. 7-79

THIS MATTER came before the Commission on August 26, 1981, for a public hearing upon the application of Patino, Church and Werschky with regard to property owned by the applicants located north of Webster Road, approximately 120 feet west of its intersection with Lincoln Road. Such lot consists of 6.65 acres and is shown as Tax Lot 700 on Josephine County Tax Assessor Map No. 36-6-24-1. The property presently carries an RS, "residential-suburban" zoning designation and the applicants request a zone designation change to R-3, "low density multiple family." A quorum being present, there being no challenges to the jurisdiction of the Commission to hear this matter, and there being no abstentions, the Commission proceeded to hear testimony, review and adopt the staff report.

I. FACTS:

A. The basic facts were set forth in the staff report, a copy of which is attached hereto, marked Exhibit "1" and incorporated herein by this reference. The staff report was reviewed by Bruce Bartow, County Planner, who commented on each of the requirements of City/County Land Use Hearing Rules, Exhibit "G".

B. Applicant's Case: Testifying on behalf of the application were:

Edward F. Gallagher, 1141 S.W. Erica Drive, Grants Pass, Oregon
Mrs. Hite, 315 West Evans Creek Road, Rogue River, Oregon
Ray Murphy, 151 Humberd Lane, Grants Pass, Oregon

In addition, the applicants presented their testimony in written form, a copy of which is marked Exhibit "2" attached hereto, and by this reference incorporated herein; a letter, dated August 21, 1981 from Jeld Wen Homes Group supporting the zone change request, a copy of such letter is attached hereto, marked Exhibit "3", and by this reference incorporated herein; and a map showing the relative support of the surrounding community, a copy of such map is attached hereto, marked Exhibit "4", and by this reference incorporated herein.

C. Opponent's Case: Testifying in opposition to the application were:

Phil Jackson, 2181 Lower River Road, Grants Pass, Oregon
C. B. Walters, 1114 Lincoln Road, Grants Pass, Oregon

In addition, the opponents submitted petitions in opposition to the application, such petitions are marked Exhibit "5" and Exhibit "6" and copies thereof are attached hereto and incorporated herein by this reference.

D. Discussion by Commission: There being no further testimony, the Commission began deliberations.

II. FINDINGS:

Commissioner Atkins moved and Commissioner DeVogele seconded that the Patino, Church and Werschky request for Supplementary Zoning Map No. 7-79 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G". Said motion was approved unanimously, and the unanimous vote was based upon the following findings which the Commission determined to be fact:

1. All facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. All facts presented by applicants' written testimony, a copy of which is attached hereto as Exhibit "2".

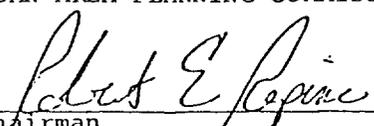
3. The neighborhood is irreversibly committed to urban development.
4. The surrounding neighborhood generally supports the application.
5. Mobile home housing sites are a scarce commodity this close to the Grants Pass City Limits.
6. The proposed mobile home park is surrounded by intense urban uses and proposed intense urban uses.
7. The proposed site is level and large enough to facilitate a mobile home park.
8. The proposed development is in that portion of the flood plain which permits develop with safeguards.
9. The development will include safeguards against flooding.
10. The proposed mobile home park includes on-site recreation facilities.
11. New city parks are planned for development in this general vicinity.
12. The proposed development does not displace existing or potential commercial or industrial development.
13. The developer proposes 54 mobile home units which can be facilitated in an R-2 zone.
14. As conditioned by the preexisting annexation agreement, existing residential units will be safeguarded and their irrigation rights will be safeguarded.
15. The proposed development site is adjacent to the northern terminus of the proposed fourth bridge.

III. CONCLUSION:

Based on the foregoing findings, the Planning Commission finds that the Patino, Church and Werschky Supplementary Zoning Map Request No. 7-79 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G" with the provision that the zone be changed to R-2 rather than the requested R-3. Based upon the foregoing findings and conclusions, and with the aforementioned condition, the Planning Commission recommends to the Josephine County Board of Commissioners the approval of the Supplementary Zoning Map Request No. 7-79.

ADOPTED by the Urban Area Planning Commission this 30th September, 1981.

URBAN AREA PLANNING COMMISSION


Chairman

SUPPLEMENTARY ZONING MAP #779

APPLICANT: Patino, Church and Werschky
LOCATION: North of Webster Road, approximately 120 feet west of
its intersection with Lincoln Road
LOT SIZE: 6.65 acres
LEGAL DESCRIPTION: Assessor's Map No. 36-6-24-1, tax lot 700
CURRENT LAND USE
ZONE: RS, Residential-Suburban
PROPOSED LAND USE
ZONE: R-3, Low Density Multiple Family

I BACKGROUND

The request was originally heard by the County Planning Commission July 14, 1980 and was recommended for disapproval. The Board of County Commissioners acted on November 3, 1980 to deny the request without prejudice so that it might be heard by the Urban Area Planning Commission.

On August 20, 1980, the applicant entered into an annexation agreement with the City of Grants Pass, agreeing to construction of improvements to an R-3 zoning standard. The City agreed to provide water, sewer and fire protection services. A condition of the agreement is that the property will be developed as a mobile home park.

II COMPREHENSIVE PLAN

The property is designated as Urban High Density Residential on the Urban Growth Boundary Comprehensive Plan map, adopted by the Board of County Commissioners. Urban High Density residential areas (6 to 30 units per acre) are described by the Comprehensive Plan as "recommended in and near the central part of Grants Pass where the need for community services, public open space, commercial conveniences and ease of access are met".

The City's General Plan designates the area as Farm Residential (5 to 10 acres per dwelling unit). The Urban Growth Plan designates this area as Urban Medium Density Residential.

The requested zoning is consistent with the County's Comprehensive Plan for the Urban Growth Boundary.

III ZONING REGULATIONS

The R-3 district is intended to provide for the development of low density multiple-family residential structures where such buildings are reasonably spaced on the lot to provide for light, air, privacy, safety and insulation against transmission of sound in areas with community services.

Permitted uses include single-family dwellings, multiple family dwellings, apartment houses and daycare facilities.

Mobile home parks are a conditional use.

IV EXISTING DEVELOPMENT

The property is vacant, used primarily as a hay field.

V SURROUNDING USES

Uses surrounding the property include mixed residential and farm uses. Rogue Lea Estates Mobile Home Park is approximately 700 feet to the West. The Grants Pass City Limits are approximately 1/4 mile to the east.

VI TRAFFIC PLAN

Webster Road is designated as local collector street in the Traffic Management Plan. Lincoln Road is shown as an arterial street since it is designated as the northern approach to the fourth bridge.

VII PUBLIC FACILITIES

An eight inch sanitary sewer main exists in Webster Road, fronting the property. The City annexation study indicates that another eight inch line will be installed "at a later date".

A six inch water main was installed along Webster Road in 1968 to serve Roguelea Estates. The CH2M Hill Study indicates that a 12 inch line will be necessary to meet expanded needs.

VIII COMPLIANCE WITH LAND USE HEARING RULES

Exhibit "G" of the Land Use Hearing Rules requires evidence and proof of the following for an amendment to the Zoning Map.

- A. Proof that the proposal is in conformance with the General or Comprehensive Plan. (The Comprehensive Plan for the Urban Growth Boundary designates the property as Urban High Density Residential. The request complies.)
- B. Proof that the proposed change is consistent with the purposes of the Zoning Ordinance as set forth in Section 2 thereof, which general purposes are as follows: To encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.
- C. Proof that the proposed change is in keeping with the character of the area or neighborhood involved.
- D. Proof that the proposed use and proposed rezone are compatible. (Yes, mobile home parks are a conditional use within the R-3 zone.)
- E. Proof that the proposal meets the requirements of the LCDC Goals.
 1. Goals #1 and #2 are procedural in nature and have been met.
 2. Goal #3 Agricultural Lands
(The property is under an annexation agreement with the City of Grants Pass and is, therefore, committed to non-agricultural uses.)
 3. Goal #4 Forest Lands
(Not applicable for reason listed in "2" above.)
 4. Goal #5 Open Spaces, Scenic and Historic Areas and Natural Resources
(The site is not identified as a natural resource area, and does not contain any structures or features worthy of historic preservation.)
 5. Goal #6 Air, Water, and Land Resources Quality:
 - a. A City sewer line is located along Webster Road and was designed to serve Rogue Lea Estates. The annexation agreement between the applicant and the City of Grants Pass states that sewer services will be supplied by the City.

- b. Water supply is not guaranteed by the City. A 12 inch water line is to be installed as per the agreement but, in case of a water shortage, preference will be given to uses already supplied with City water.
 - c. The quality of the Grants Pass Airshed is currently being monitored. Information from this study will be used to determine the necessity of establishing an "air quality maintenance area".
6. Goal #7 Areas Subject to Natural Disasters and Hazards
- The property is within the flood hazard boundary zone of the Rogue River, as identified by the Water Resources Division of USGS. Construction on the property would be required to comply with standards developed to mitigate flood damage potential.
7. Goal #8 Recreational Needs
- The proposed use will have a minimal impact on existing recreational areas. City standards for mobile home parks include the provision of recreational or open space in proportion to the size of the development.
8. Goal #9 Economy of the State
(Not applicable)
9. Goal #10 Housing
- The Goal encourages "the availability of adequate numbers of housing units at price ranges and rent levels which ... allow for flexibility of housing location, type, and density".
- Current estimates are that approximately 3700 dwelling units will be required by 1985. These units include single family units and multiple housing units. Current trends indicate that there could be an oversupply of single family residences compared to multi-family units.
- The requested designation would allow between 6 and 30 units per acre. The proposed mobile home park would not exceed 7.7 units per acre.
10. Goal #11 Public Facilities and Services
- a. Sewer and water lines front the property at this time but neither is considered adequate to meet the future requirements of the area. The annexation agreement states that sewer service will be provided, but that it is not capable of guaranteeing city water. It is expected, however, that city water will be available.
 - b. Fire protection and police protection are currently at a rural level including private fire suppression firms and County Sheriff protection. Included in the annexation agreement as Exhibit "C" is an agreement to provide municipal fire protection.
11. Goal #12 Transportation
- The property has primary frontage on Webster Road. A condition of the annexation agreement is that the applicant will dedicate a 15 foot strip fronting Webster Road bringing it up to a 45 foot width. Lincoln Road also has substandard width but the developer of property to the east has stated a willingness to dedicate the necessary strip to widen the street to the proper width.

12. Goal #13 Energy Conservation

The property, being within the Urban Growth Boundary, is near the bulk of employment opportunities and support services in the County.

13. Goal #14 Urbanization

The property is within the Grants Pass Urban Growth Boundary and under annexation agreement for eventual inclusion within the city limits.

F. Proof that the proposed use conforms to applicable ordinances and policies of the City and County for the Urban Growth Boundary Area, as such may apply.

IX CAC RECOMMENDATION

When the request was heard by the County Planning Commission, the North Valley CAC voted 5 to 0 to recommend disapproval of the request. Area residents agreed by a vote of 18 to 0. It was felt that the development would destroy privacy of surrounding homes, increase traffic and require widening of Lincoln and Webster Roads. Concern was also expressed regarding floodplain and drainage problems.

X STAFF RECOMMENDATION

The requested R-3 zoning is consistent with the recently adopted Comprehensive Plan designation of Urban High Density Residential. The applicant has expressed an intent to develop a mobile home park on the site. This use could also be accommodated in the R-2 zone as a conditional use, subject to compliance with the Mobile Home Park Development Guidelines.

Various concerns relating to flood hazard mitigation, water supply and street improvements would be considered during a conditional use request for a mobile home park. At this time, however, the zone change to a higher density residential designation appears to be an appropriate way to provide for the housing needs of residents of the urbanizing area. Staff recommends an R-2 designation since this district would accommodate the applicants' proposal while ensuring that the more intensive uses of the R-3 district could not be developed.

XI URBAN AREA PLANNING COMMISSION ACTIONS

Positive Motion: The proposal meets the requirement of the Land Use Hearing Rules as set forth in Exhibit "G", and recommend that the Board of County Commissioners grant the request.

Negative Motion: The proposal does not meet the requirements of the Land Use Hearing Rules as set forth in Exhibit "G", and recommend that the Board of County Commissioners deny the request.

Urnamy

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



ORDINANCE NO. 81-35

AN ORDINANCE AMENDING ORDINANCE NO. 81-25 FOR PROPERTIES IN THE VICINITY OF HILLTOP DRIVE AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted an Urban Growth Area Zoning Ordinance to provide for consistent zoning classifications with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, properties in the vicinity of Hilltop Drive and Harbeck Road were rezoned from a County R-1 Urban Residential zone to an Urban Growth Area R-1-8 Residential District; and

WHEREAS, property owners in this vicinity have expressed an interest to annex their properties to the City of Grants Pass; and

WHEREAS, the zoning potential affects the pending annexation of these properties; and

WHEREAS, the Urban Area Planning Commission conducted a public hearing on October 14, 1981, and recommended a change in zone for these properties (copy of Findings of Consistency attached); and

WHEREAS, the Board of County Commissioners for Josephine County conducted a public hearing on the recommendation of the Urban Area Planning Commission on December 2, 1981.

NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

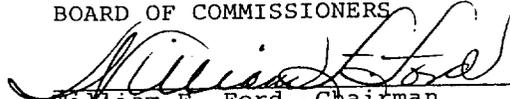
SECTION 1. The Zoning of the following properties is hereby changed from R-1-8 to R-1-12 Urban Residential:
36-5-19-44, tax lots 100, 200, 300, 400, 500, 501, 700, 800, 900, 1000, 1102, 1200; 36-5-20-32, tax lots 9100, 9101, 9200, 9300; 36-5-20-33, tax lots 300, 500, 600, 700, 800 and 900.

SECTION 2. The immediate passage of this Ordinance being necessary in the public interest to protect the

public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 18TH DAY OF DECEMBER , 1981.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



William F. Ford, Chairman

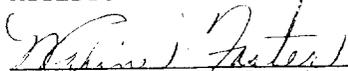


Harold L. Haugen, Vice Chairman



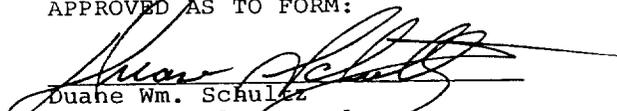
Mary E. Benedetti, Commissioner

ATTEST:



Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

Ordinance No. 81-35

Page 2

FINDINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO ANNEXATION AGREEMENT REQUEST
AND SUPPLEMENTARY ZONING MAP REQUEST NO. 16-81

THIS MATTER came before the Commission on October 14, 1981, for a public hearing upon the application of property owners in the affected area concerning property located at and east of the Hilltop Drive -- Harbeck Road Intersection, and more specifically shown by Josephine County Tax Assessor Map and Tax Lot Numbers on Exhibit "1" of the staff report, a copy of which is attached hereto, marked Exhibit "1", and by this reference is incorporated herein. The property is presently zoned R-1-8 and the applicant's request amending that designation to R-1-12. A quorum being present, and there being no challenges to the jurisdiction of the Commission to hear the matter, and there being no abstentions, the Commission proceeded to hear testimony, review and adopt the staff report.

I. FACTS:

A. The basic facts were set forth in the staff report, dated October 6, 1981, a copy of which is attached hereto as Exhibit "1". The staff report was reviewed by Tim Bingham, City Planner, who commented on each of the requirements of City/County Land Use Hearing Rules, Exhibit "G" and Exhibit "J".

B. Applicant's Case: Testifying on behalf of the application was:

Milton Gordon, 330 Hilltop Drive, Grants Pass, Oregon.
Larry Brown, 420 Hilltop Drive, Grants Pass, Oregon.

In addition, a letter in support of the application was received from Naoma Rutherford, Post Office Box 304, Anza, California 92306, a copy of such letter is attached hereto, marked Exhibit "2" and is by this reference incorporated herein.

C. Opponent's Case: There was no testimony against the application; however, a letter of opposition was received from Carmen Lemmon, a copy of such letter is attached hereto, marked Exhibit "3" and is by this reference incorporated herein.

D. Discussion by Commission: There being no further testimony, the Commission began deliberations.

II. FINDINGS:

Commissioner Atkins moved, and Commissioner Brown seconded, and it was unanimously carried that Supplementary Zoning Map Request No. 16-81 and Annexation Agreement request (Hilltop) were consistent with the City/County Land Use Hearing Rules, Exhibits "G" and "J" respectively contingent upon the conditions "A" through "J" of Section 7 of the Annexation Feasibility Study dated April 28, 1981, which is attached to and part of the staff report which is attached hereto as Exhibit "1". The unanimous vote of consistency was based upon the following findings which the Commission determined to be fact:

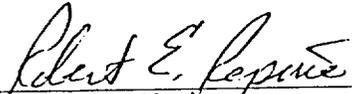
1. All facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. The area in question is in need of City water.
3. Domestic well water in the area suffers from salt intrusion and low water tables.
4. Existing municipal water is supplied by the Fruitdale Water Utility System.
5. The Fruitdale Water Utility System does not have adequate pressure in the area in question.

III. CONCLUSION:

Based on the foregoing findings, the Planning Commission finds Supplementary Zoning Map Request No. 16-81 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G" and recommends such zone change to the Josephine County Board of County Commissioners. Based on the foregoing findings, the Planning Commission finds the Annexation Agreement request (Hilltop) to be consistent with the City/County Land Use Hearing Rules, Exhibit "J", contingent on conditions "A" through "J" of Section 7 of the Annexation Feasibility Study which is part of that staff report attached hereto as Exhibit "1". The Planning Commission recommends to the City Council that the Annexation Agreement Request be granted.

ADOPTED by the Urban Area Planning Commission this 28th
day of OCTOBER, 1981.

URBAN AREA PLANNING COMMISSION


Chairman

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

ORDINANCE NO. 81-36

AN ORDINANCE ADOPTING AMENDMENTS BY REFERENCE TO THE JOSEPHINE COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE NO. 78-4.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY,
OREGON, ORDAINS AS FOLLOWS:

SECTION 1. PREAMBLE.

The Oregon Revised Statutes, Chapter 92 requires the adoption of a subdivision ordinance for Josephine County, Oregon. Ordinance No. 81-6, adopted by the Board of County Commissioners for Josephine County, State of Oregon on April 22, 1981, provides that the County shall adopt the development standards of the City of Grants Pass for application within the Grants Pass Urban Growth Boundary. Ordinance No. 81-13, adopted by the Board of County Commissioners on July 1, 1981, establishes new zoning regulations for Josephine County in compliance with a Comprehensive Plan adopted pursuant to the Oregon Revised Statutes 197.250 and 215.050 and the Statewide Planning Goals. Amendments to the Subdivision and Land Development Ordinance are necessary to provide consistency with new zoning standards contained in Ordinance No. 81-13. Recognizing these requirements, the Josephine County Planning Commission conducted a public hearing on the proposed amendments to the Subdivision and Land Development Ordinance on September 21, 1981. The Planning Commission also conducted public workshops to revise and render a recommendation to the Board of County Commissioners on this matter on September 28, and October 12, 1981.

SECTION 2. AMENDMENTS.

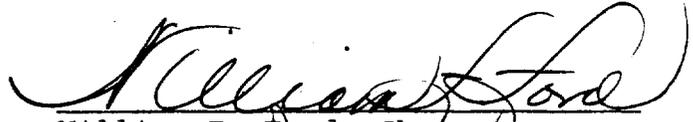
The Josephine County Subdivision and Land Development Ordinance No. 78-4 is hereby amended as provided in Exhibit "A" consisting of the recommendations of the Josephine County Planning Commission and Exhibit "B" which contains additional amendments ordered by the Board of County Commissioners.

SECTION 3. EFFECTIVE DATE.

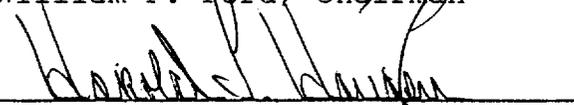
First reading by the Board of County Commissioners is this 16th day of December , 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 30th day of December, 1981. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

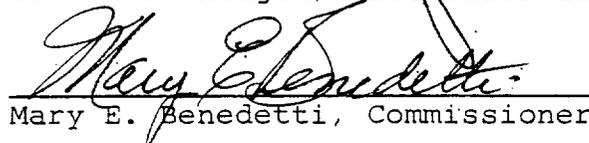
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



William F. Ford, Chairman

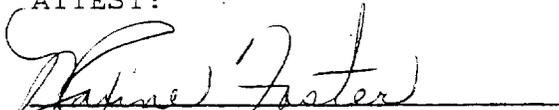


Harold L. Haugen, Vice Chairman



Mary E. Benedetti, Commissioner

ATTEST:

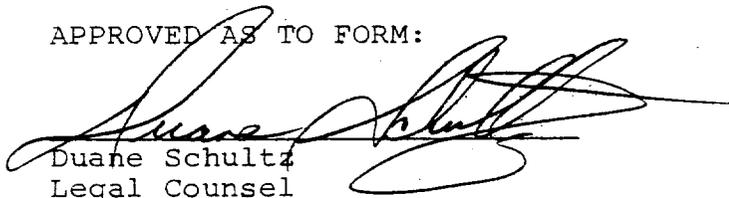


Maxine Foster
County Clerk



Gail J. Gibson
Recording Secretary

APPROVED AS TO FORM:



Duane Schultz
Legal Counsel

Section 1.06 (15)

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.

Section 1.06 (33)

Planning Commission: The Planning Commission for Josephine County, appointed by the Board of County Commissioners, or the Urban Area Planning Commission, appointed jointly by the Board of County Commissioners and the Council of the City of Grants Pass or a Hearings Officer.

Section 1.06 (43)

Site Plan Committee: A technical review committee established pursuant to the authority delegated by the Board of County Commissioners in the Zoning Ordinances, normally consisting of the Planning Director or his assistants, the Director of Public Works or his assistants, the Building Safety Director or his assistants, the Director of the Health Department or his assistants, and the Fire Marshall. Representatives of other agencies and the City of Grants Pass may be invited to participate as appropriate.

Section 1.06 (49)(c)

Minor: A dead-end cul-de-sac street without a possibility of extension, not longer than 500 feet from the intersection with a local or collector street, and serving no more than 15 lots or parcels.

Section 2.03

A subdivision or major partition 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, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the Commission adopts a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan. Where the plat submitted covers only a part of the developer's tract, a drawing of the prospective future street system of the part submitted shall be considered in light of its conformity to the street system of the entire tract. Subdivisions or major partitions shall be created with streets that connect to an existing publicly maintained street, unless otherwise approved by the Planning Commission.

URBAN STREET STANDARDS

Page 1

Design Features	Major Arterial	Minor Arterial	Collector	Local Collector
Right of way width	80 ft.-100 ft.	80 ft.	60 ft.	50 ft.
Number of Travel Lanes	2-4	2	2	2
Travel Lane Width	12 ft.	12 ft.	12 ft.	12 ft.
Minimum Curb to Curb Width	48 ft.	44 ft.	40 ft.	36 ft.
Median Left Turn Lane Width	14 ft.	14 ft.	12 ft.	N/A
Cul-de-sacs R/W Radius. Curb Radius	N/A	N/A	N/A	N/A
Surface Type	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.
Design Speed				
Minimum	45 mph	45 mph	40 mph	30 mph
Recommended	50 mph	50 mph	45 mph	40 mph
Horizontal Curves				
Maximum	8°	10°	12°	22°
Recommended	6°	8°	10°	14°
Stopping Sight Distance (Wet, level pavement)	350 ft.	350 ft.	315 ft.	275 ft.
Grade-Maximum	8%	10%	10%	15%
Intersection Gradients (Within 100 ft. of intersection)	2%	2%	2%	4%
Vertical Clearance-Minimum	16 1/2 ft.	16 1/2 ft.	16 1/2 ft.	16 1/2 ft.
Load Design	HS 20-44	HS 20-44	HS 20-44	HS 20-44
On-Street Parking	Restricted/Limited	Restricted/Limited	Restricted/Limited	Limited
Sidewalk-Width	5 ft.	5 ft.	5 ft.	5 ft.
Bikeway ¹ -Width	5 ft.-8 ft.	5 ft.-8 ft.	5 ft.-8 ft.	5 ft.-8 ft.
Applicable Specifications	APWA	APWA	APWA	APWA

1. If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.

URBAN STREET STANDARDS

Page 2

Design Features	Residential	Minor Residential	Hillside ²
Right of Way width	50 ft.	50 ft.	40 ft. ⁵
Number of Travel Lanes	2	2	2
Travel Lane Width	12 ft.	12 ft.	12 ft.-14 ft.
Minimum Curb to Curb Width	36 ft.	30 ft.	24 ft.-28 ft.
Median Left Turn Lane Width	N/A	N/A	N/A
Cul-de-sacs			
R/W Radius	45 ft.	45 ft.	45 ft. ⁵
Curb Radius	38 ft.	38 ft.	38 ft.
Surface Type	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.
Design Speed			
Minimum	30 mph	25 mph	15 mph
Recommended	N/A	N/A	N/A
Horizontal Curves			
Maximum	57°	57°	57°
Recommended	40°	N/A	N/A
Stopping Sight Distance (Wet, level pavement)	200 ft.	150 ft.	75 ft.
Grade-Maximum	15%	15%	15%
Intersection Gradients (Within 100 ft. of intersection)	10%	10%	10%
Vertical Clearance-Minimum	16 1/2 ft.	16 1/2 ft.	16 1/2 ft.
Load Design	HS 20-44	HS 20-44	HS 20-44
On-Street Parking	Allow	Allow	Restricted
Sidewalk-Width	5 ft.	5 ft.-One Side	5 ft.-One Side
Bikeway ¹ -Width	N/A	N/A	N/A
Applicable Specifications	APWA	APWA	APWA

1. If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.
2. Hillside street standards shall apply only to non-collector residential streets serving a limited residential area where potential development would not necessitate upgrading or widening the paved surface.

Hillside development is defined as development in areas where the slope of the terrain makes standard street installation infeasible due to engineering, financial or aesthetic considerations. Aesthetic considerations relate to excessive cuts and fills on slopes.

Section 2.12

- (1) All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at 90 degrees cannot be secured by reasons of physical conditions of the site an angular intersection of not less than 60 degrees may be permitted.
- (2) Right-of-way lines at street intersections shall be rounded with an arc parallel to the curb or shoulder arc.
- (3) 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.

Section 2.18

NOTE: Section 2.18 is repealed.

Section 2.19

- (1) All proposed lots or parcels in a subdivision or partition shall not be divided in size less than the minimum requirements of the Zoning Ordinance, except that lots or parcels containing less than the minimum requirements may be approved provided that (a) not more than five (5) such deficient lots or parcels are created from an original tract; and (b) the area deficiency is contained within the access to the lot or parcel such as a flagpole or public road right-of-way. The County Health Department shall recommend lots in excess of zoning regulations when deemed necessary to protect health and safety.
- (2) Each lot shall not be greater than four times deeper than it is wide, exclusive of the "pole" of a flaglot.
- (3) (a) It shall be the policy of the County to encourage the construction of public roads to provide safe and identifiable access to properties. Where the extension of a public road is not identified on an official map or where the creation of a public road is not practical due to the relative isolation of a few parcels "flaglotting" may be permitted subject to the following standards:
 - (1) The "flagpole" shall not exceed in length twice the width of the lot at the building line or twice the length of the lot, whichever dimension is the lesser.
 - (2) The "flagpole" shall maintain a width of at least twenty-five (25) feet or twenty (20) feet as required by any applicable zoning ordinance as minimum access at the point of abutment to a public road and throughout its length.

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- (3) The natural grade of the "flagpole" shall not be so steep as to prevent the construction of a driveway with a grade not exceeding 18%.
 - (4) Not more than two adjacent flaglots shall be created.
 - (5) The "flagpole" may alter course or direction provided that the change in direction will not result in confusing the address on the public road with the location of the building site for mail delivery or access by emergency vehicles; and provided that a driveway can be constructed wholly within the "flagpole" with a turn that does not exceed a 50 foot radius.
 - (6) The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure or fill and culvert, according to standards established by the Commission.
- (b) The Planning Commission may permit flaglotting contrary to the subsections (1) and (4) above where in the opinion of the Commission, subject to public hearing, the proposed development will represent an efficient use of land and will not endanger the public health, safety and welfare. In addition the Planning Director may refer to the Planning Commission at a public hearing any proposed partition that in his opinion would endanger the public safety or welfare or would create future development problems.

Section 2.20

The name of any subdivision or major partition shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the county, unless the subdivision is contiguous to a subdivision of similar name which was platted by the same developer. Adjacent plats shall be consecutively designated as additions.

Section 2.24

Street illuminating lights shall be installed within urbanizing areas where appropriate and shall be served from an underground source of supply. The placement and design thereof shall be subject to the approval of the County Engineer.

Section 2.25

Standard drive approaches shall be installed pursuant to County design standards.

Section 2.26

Sidewalks shall be installed on both sides of public streets within urbanizing areas in accordance with urban street standards. Exceptions to this standard where the Commission may delete required sidewalks are as follows:

- (a) Where special pedestrian ways are constructed within the subdivision that provide suitable alternative pedestrian routes.
- (b) Where hillside design variance is allowed as part of tentative plan approval.

Section 2.27

If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.

Section 2.28

Drainage facilities shall be provided within a subdivision, major partition, and within urbanizing areas, minor partition, and shall be connected to drainage ways or storm sewers outside the subdivision or partition that have an adequate capacity to accept drainage water from the subdivision or partition as provided below:

- (1) Design of drainage within the subdivision or partition, as approved by the County Engineer, consistent with the County's drainage plan, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow extension of the system outside the subdivision or partition.

- (2) Drainage for the individual lots of the proposed subdivision or partition and the proposed subdivision 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 rights-of-way.
- (3) Where land in a subdivision or partition, in the opinion of the County Engineer, is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Commission shall require the developer to provide for adequate unrestricted drainage.
- (4) Provision for drainage shall be shown on a drainage plan for both within and adjacent to the subdivision or partition. The plan shall show easements and any improvements to be constructed.
- (5) Public improvements shall be approved by the Commission as adequate for the drainage needs of the area. Where necessary in the judgment of the Commission for protection of such needs, the Commission may condition the tentative plan approval on the conveying of ownership of such drainage land for drainage purposes to the County.

Section 4.01

All applications to the Planning Commission for tentative approval of the proposed subdivision or major partition of land shall be accompanied by at least fifteen (15) prints of a tentative plan furnished by the subdivider, and shall be accompanied by a non-refundable fee in an amount to be established by resolution of the Board of County Commissioners.

Section 4.02

A vicinity sketch shall accompany or be drawn upon each print of the tentative plan at a scale such as 400 feet equals an inch, suitable for reproduction by xerography showing all existing and adjacent subdivisions, streets, tract lines of acreage parcels, together with the names of the recorded owners of parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing or proposed public road. It shall 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.

Section 4.04

The tentative plan of a subdivision or a major partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. The tentative plan shall show all of the following information:

- (1) The proposed name of the subdivision.
- (2) North point, scale, date of application, and bases of bearing.
- (3) Names and addresses of the owner or owners, and any participating engineer, surveyor, land planner or landscape architect.
- (4) The tract designation or other description according to the real estate records of the Josephine County Assessor.
- (5) The boundary lines (accurate in scale) of the tract to be subdivided.
- (6) A topographic map with contour intervals, based on the overall difference in elevation in the proposed subdivision as listed in the following chart:

<u>DIFFERENCE IN ELEVATION</u>	<u>CONTOUR INTERVAL</u>
0' - 25'	2'
26' - 50'	5'
51' - 100'	10'
101' - 200'+	10' Open, 20' Timber

- (7) The location, width and names of streets or public ways within the tentative plan along with existing buildings, railroad right-of-ways and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.
- (8) Approximate location of existing sewers, water mains, drainage structures, fire hydrants, culverts or underground utilities and improvements within the tract or immediately adjacent thereto, including existing structures.
- (9) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
- (10) The name of new streets, and approximate grades of all streets proposed or existing in the subdivision or major partition, and the approximate widths and locations of any proposed easements for drainage, sewerage, and public utilities.
- (11) Typical cross-sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.
- (12) Approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses.
- (13) Proposed lots or parcels, approximate dimensions and square footage or acreage designation, and lot numbers.
- (14) Appropriate information clearly stating the map is a tentative plan.
- (15) Proposed source of water supply, if any; and, if not a municipal source, estimated volume to be available, together with data regarding the proposed location and type of all storage facilities.
- (16) If a domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.
- (17) The proposed method of sewage disposal.
 - (a) If to be served by a community sewer system, information regarding the location of lines and the feasibility of collection. If treatment is to be

accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. 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 State Department of Environmental Quality.

- (b) If to be served by a community collection and storage system, data regarding the location of all proposed lines, holding tanks, storage facilities, and pumping facilities. Information will also be provided regarding the proposed removal and disposal of the sewage, the location of the dumping facility, eventual treatment, and the method of transport.
 - (c) If to be served by subsurface sewage disposal, a suitability statement from a soil scientist regarding the suitability of the soils for subsurface disposal.
- (18) Information on the source of other public utilities.
 - (19) Proposed deed restrictions, if any.
 - (20) If located within the boundaries of an irrigation district, the irrigation district involved.
 - (21) The location of any environmental hazard, such as areas unsuitable for building purposes, or land subject to mass movement, erosion, or similar natural phenomena; and, if the subdivision or major partition is located within a flood prone area, base flood elevation data and the location of the flood prone area, including the regulatory floodway, if any.

Section 4.06

Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. Tentative approval shall expire and become null and void eighteen months after the date of an approval letter unless the final plat or map is submitted within that period of time in accordance with this ordinance and Planning Commission regulations. Tentative approval shall be given only by signed order and not by notation upon the tentative plan. Findings of fact and the final order shall be signed by the Commission or their delegate. Approval of the tentative plan shall be binding upon the developer and the Planning Commission for the purpose of the preparation of the final plat or final map. The Planning Commission may require only such changes in the plat or map as are necessary for compliance with the approved tentative plan (except minor conditions imposed 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 adopted by the Board of County Commissioners). Approval is subject to appeal, and until the appeal period expires, improvements to the property are at the developer's risk.

Section 4.08

After approval of the tentative plan by the Planning Commission, but prior to construction of any road within a subdivision, or major partition the developer shall submit to the Engineering Supervisor of the Public Works Department the following information:

- (1) A plan and profile on Federal Aid sheets showing the following:
 - (a) Widths 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 ten (10) on standard cross-section paper.
 Computed 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 subdivision or major partitions 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 subdivisions, street corners, and state highway stationing.

Section 5.02

Any final plat for a subdivision or final map for major partition submitted to the Planning Commission shall be an accurate plat for official record prepared by registered engineer or licensed land surveyor and shall conform to: the provision of this ordinance, the applicable laws of the State of Oregon, and any other requirements that the Planning Commission has made. The final plat or final map shall have attached thereon an affidavit from the surveyor that he has correctly marked with proper monuments the land as represented in the plat and the survey was carried out in accordance with the standards of Chapter 3 of this ordinance. All outstanding assessments shall be paid prior to accepting the final plat or final map, or proof shall be submitted that the assessments have been segregated.

Section 5.03

The final plat for a subdivision or final map for a major partition submitted to the Planning Commission shall be in black India ink, on good quality material as specified by the County Surveyor, suitable for binding and copying 18" x 24" in size. No part of the drawing shall be nearer to the edge of the sheet than one inch. The drawing shall be made in conformity to ORS 92.080. The final plat or final map shall also be accompanied by an exact duplicate of the final plat, suitable for making prints, and fourteen prints.

Section 5.04

The final plat for the subdivision or the final map for a major partition shall show, in addition to that otherwise required by law, the following information which shall be shown on the plat or map or shall accompany the plat or map:

- (1) The date, northpoint, and scale.
- (2) Legal description of the tract boundaries.
- (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 subdivision.
 - (b) Adjoining corners of adjoining subdivisions.
 - (c) City boundary lines when crossing or adjacent to the subdivision.
 - (d) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- (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 and street right-of-way and center lines, 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. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis 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 rights-of-way. 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.
 - (9) Lot or parcel numbers beginning with the number "1" and numbered consecutively in each block.
 - (10) The area of each lot or parcel which is one acre or larger to the nearest hundredth of an acre. If less than one acre, the area to the nearest square foot.
 - (11) Block numbers beginning with the number "1" or the letter "A" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in any addition to the subdivision of the same name shall be a continuation of the numbering in the original subdivision.
 - (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 for land shown on the final map or final plat intended for the exclusive use of the owners in the subdivision or partition, their licenses, visitors, tenants, and servants.
 - (c) A certificate conforming to ORS 92.060 and 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 such street or road and easement for public utilities.
 - (e) Other certifications now or hereafter required by law.

Section 5.05

In addition to the requirements of Section 5.04 the following data shall accompany the final plat or final map:

- (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 Section 2.08, 2.09, 2.16, 2.21, 2.24, 2.25, 2.26, 2.27, 2.28 or 2.29 or a bond or a certified check has been provided which is available to the County in sufficient amount to assure completion of all required improvements within 2 years of approval.
- (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 municipally-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 any such 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;
 - (c) A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist.
- (8) One of the following provisions regarding sewage disposal shall be received and accepted by the County prior to the approval of the plat:
- (a) A certification by a municipally-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system 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 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 plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any reasonable change in such amount as the county considers necessary;

- (c) A statement that no sewage disposal 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.

Section 5.07

The Planning Commission, after proper review and consideration, may approve the final plat or final map by indicating its approval thereon the original. The final plat or final map will then be circulated by the developer to other agencies for their review and approval. Signatures of the Planning Commission Chairman, the County Surveyor, the Assessor, an agent of the Department of Environmental Quality, State of Oregon, the Board of Commissioners and other officials as required by law shall be placed on the final plat of record as proof of final approval. Upon securing all other necessary signatures and payment of all fees, ad valorem taxes, special assessments or other charges required by law, the final plat or map shall be submitted to the Board of County Commissioners for approval and signing within ninety (90) days of the Planning Commission's approval. The final plat or map shall not be approved by the Board of Commissioners until the Board is satisfied that all applicable state and local regulations and conditions have been satisfied. If the plat or map is not submitted to the Board within ninety (90) days of the Planning Commission's approval, the approval of the Planning Commission shall be null and void. The Planning Commission may grant an extension of time for good cause.

Section 6.01

Whenever tracts are to be minor partitioned for building development, now or in the future, a plan map for the proposed partition and two copies shall be submitted to the County Planning Director, who shall act as an agent of the Planning Commission. The application shall be accompanied by a non-refundable fee in an amount to be established by resolution of the Board of County Commissioners. The Planning Director or his assistants shall determine that the partition is a minor partition, that the map contains all required information, and that the proposed partition conforms to the Josephine County Zoning Ordinance. Upon such determination, the Planning Director shall accept the map for a minor partition by signing a statement of acceptance on the maps. One copy shall be transferred to the Assessor for tax lot mapping, and the original shall be filed with the County Clerk by the partitioner. The original plan map shall be drawn in black ink on good quality material, suitable for reproduction, 8½" x 14" in size, and shall be of such scale that all survey or dimensional information and all other details may be clearly and legibly shown thereon. Maps shall be drawn using engineers scales.

Section 6.04

No person, agent, or corporation shall divide or sell any parcel located in any minor partition, except according to the provisions of an accepted minor partition plan map. If any change is made to the partition, inconsistent with the accepted partition map, or if any improvements required by this ordinance are not complete, the Director may rescind acceptance of the partition.

Section 6.05

In addition to the requirements of Section 6.02 the following information will be reviewed in order to determine if the minor partition complies with County standards:

- (a) Compliance with the County Zoning Ordinance.
- (b) Compliance with the Comprehensive Plan for Josephine County.
- (c) Conformance with the Official Street Map or other potential street extensions.
- (d) Compliance with all applicable rules, regulations, ordinances and policies of the County.
- (e) All lots created shall conform to the lot standards for subdivisions and major partitions in Section 2.07, 2.19 and 2.23 of this Ordinance.

Section 6.06

The minor partition plan map shall become null and void if not filed pursuant to Section 6.01 within thirty (30) days of approval.

Section 6.07

The developer shall pay fees at the time of application pursuant to the County's resolution on subdivision fees.

Section 7.03

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

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

Section 7.04

- (1) An applicant shall submit fifteen (15) copies of a tentative plan to the Planning Director. The tentative plan shall include the following information:
 - (a) Proposed land uses, approximate building locations, type of construction, if known, and housing unit densities.
 - (b) Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc.
 - (c) Proposed open space uses, showing proposed landscaped areas.
 - (d) Proposed grading and drainage pattern.
 - (e) Proposed method of water supply, sewage disposal, and electrical facilities.
 - (f) Relation of the proposed development to the surrounding area and the Comprehensive Plan.
- (2) Prior to discussion of the plan at the Planning Commission meeting copies shall be submitted by the Planning Director to the County Health Department and the County Public Works Department, Site Plan Committee and any other agency that would have a direct interest in the development for study and comment.
- (3) The Planning Commission shall consider the tentative development plan at a meeting at which time the findings and recommendations of the Health Department, Public Works Department, Site Plan Committee and other agencies shall also be considered. In considering the plan, the Commission shall seek to determine that:
 - (a) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.
 - (b) Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, and the area around the development can be planned to be in substantial harmony with the proposed plan.
 - (c) The plan can be completed within a reasonable period of time.
 - (d) The streets are adequate to support the anticipated traffic and the development will not overload streets outside the planned area.

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

Section 7.09

The following information shall be shown on the final plat when appropriate to the proposed development:

- (1) The date, scale, northpoint, legend, controlling topography such as bluffs, creeks, and other bodies of water and existing cultural features such as highways and railroads.

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- (2) Legal description of the tract boundaries.
- (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 subdivision.
 - (b) Adjoining corners of adjoining subdivisions.
 - (c) City boundary lines when crossing or adjacent to the subdivision.
 - (d) Other monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this ordinance.
- (5) The exact location, width, and name of streets and easements intercepting the boundary of the tract.
- (6) Tract, block, and lot or parcel boundary lines and street right-of-way and center lines, 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. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis 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 to the public or to the use of property owners and the width of existing right-of-way. For streets on curvature, 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.
- (9) Lot numbers beginning with the number "1" and numbered consecutively in each block.
- (10) Land Use:
 - (a) 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.

- (b) Open space that is to be maintained and controlled by the owners of the property and their successors in interest available for the recreational and leisure use of the occupants and uses of the planned unit development.
- (11) Circulation:
- (a) Location of any special engineering features needed to facilitate or ensure the safety or circulation pattern.
 - (b) Location and dimensions of pedestrian walkways, malls, and foot and horse trails that will be dedicated as part of the development.
- (12) Parking and Loading:
- (a) Location, arrangement, number and dimension of automobile garages, parking spaces and the widths of aisles, bays, and angle of parking when interest in spaces are transferred with units of the development.
 - (b) Location, arrangement, and dimensions of truckloading spaces and docks for commercial or industrial development.
- (13) The following certificates which may be combined where appropriate:
- (a) A certificate signed and acknowledged by all parties having any recorded title interest or vested interest in the land, consenting to the preparation and recording of the plat.
 - (b) A certificate signed and acknowledged as above, dedicating all lots for land shown on the final plat intended for the exclusive use of the owners in subdivision, their licenses, visitors, tenants, and servants.
 - (c) A certificate conforming to ORS 92.060 and 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 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.

Section 9.14

- (1) Appeal may be made to the Board of County Commissioners from any final decision determination or requirement of the Planning Commission by filing notice thereof in writing with the Planning Director within 15 calendar days of the signing of the Findings of Fact and Final Order by the Planning Commission or their delegate.

Such petition shall set forth in detail the action and the grounds upon which the appellant deems himself aggrieved as well as the date the decision of the Planning Commission became final, and otherwise comply with Section 16 of the Land Use Hearing Rules.

- (2) The Board of County Commissioners following the filing of said appeal shall schedule a review as provided in the Land Use Hearing Rules for Josephine County.
- (3) Standing for appeal shall be determined by applicable law and policy of the Board of County Commissioners.
- (4) The appellants shall pay fees for appeal upon submission of any petition for appeal.

Section 2.09 Major Partition Roads

When five (5) or less rural lots or parcels are to be served by a public road, the developer may elect to construct to a lesser standard as provided in this section. Such roads will not be accepted for maintenance by the County Board of Commissioners, unless improved to maintenance standards and specifications for Rural Roads.

If the road cannot be extended to serve ultimately more than five (5) lots or parcels, the sub-grade may be constructed to only a single lane width. If the road potentially could be extended to serve more than five (5) lots or parcels the sub-grade shall be constructed to a double lane width to allow future improvement to a Rural Road standard. Design standards for major partition roads are provided in Table III with partitions over 5 lots or parcels requiring rural residential design standards, ; however, gravel surfacing may be limited to one lane only with gravel surface turnouts intervisible or 800 feet maximum, 50 feet in length plus 25 foot tapers.

If a road is to be improved to the minimum standards herein set forth, rather than the normal standards for Rural Roads, there shall be submitted to the Planning Commission, prior to approval, a provision which shall include the following terms:

- (1) That the agreements for maintenance and improvement shall be enforceable by any abutter or the County on its own motion.
- (2) That the property owners abutting the road, their successors or assigns, shall maintain the road, either equally or in accordance with a special formula, such as (but not limited to) in proportion to frontage or acreage.

The agreement required by this section shall be recorded in the public records of Josephine County prior to the transfer of lots or parcels served by a road created in compliance with this section. Preventative maintenance shall be desirable by grading and selective application of rock whenever surface deterioration is evidenced by limited gravel segregation, development of checking or cup size pockets, or washboarding. Crushed rock shall be applied and the road shall be graded when surface deterioration causes inconvenience and discomfort to users because of rutting, washboard gravel segregation, and chuck holes. Restoration of the road shall be accomplished whenever deterioration results in exposure of the subgrade, failure of the foundation, erosion of ditches or road shoulders, or blockage of culverts. 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. 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.

Section 2.21 Water Systems

1. Grants Pass Urban Growth Area

All subdivisions and partitions within the Grants Pass Urban Growth Boundary area shall be provided with a water system to the lot line of each lot within the subdivision or partition in accordance with the City of Grants Pass standards and applicable requirements of the Oregon State Health Division. Such water systems shall be installed prior to approval of the final plat or the developer shall complete an assurance agreement as provided in Section 5.06 of this Ordinance.

Pipe sizes shall be in accordance with the water facilities plans adopted by the City of Grants Pass and Josephine County for said Urban Growth Boundary Area.

At County discretion, the developer may be permitted to post security for partitions. Said security to guarantee future construction of water facilities if actual construction is not feasible at the time of site development.

2. Other Urbanizing Areas

Except for the Grants Pass Urban Growth Area, all subdivisions and partitions 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. Such system shall be designed for meeting domestic needs and may be required to be designed for meeting fire fighting capacity. Such systems shall be installed prior to approval of the final plat or the developer shall complete an assurance agreement as provided in Section 5.06 of this ordinance. Such assurance may include agreements to annex; incorporation of a water district, private water cooperative, or development of a service utility; posting of a bond or contributions of funds in sufficient amount to mitigate the burden created by the subdivision on public water supplies, which bond shall be held or which funds shall be placed in trust for the benefit of the subdivision; or any other assurance which in the opinion of the Planning Commission satisfies the intent of this section. Pipe sizes and design standards for any system shall be specified by the city, special district, or cooperative that will eventually serve the proposed subdivision or partition. 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 or partition. Design approval shall take into account provision for extension beyond the subdivision to adequately grid the appropriate water system plan.

Section 2.29 Utility Placement

All utilities shall be placed underground within urbanizing areas. In addition utilities shall be placed underground to the lot line of each lot during the construction of any new street or road that will be maintained by the County or has the potential to be maintained by the County. The developer shall make necessary arrangements with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television shall be placed underground. Variances may be granted to this section when in the opinion of the Commission the provisions of Section 9.08 of this Ordinance are found to be applicable.

Section 4.03 Plan Review

The tentative plan and vicinity sketch shall be reviewed by the Planning Director or his assistants and the Site Plan Committee. The Planning Director or his assistants shall submit a copy of the tentative plan for the review of any affected irrigation district or water improvement company and any other agency or legal entity as required by law. In addition, the Planning Director or his assistants may submit a copy of the tentative plan to any other agency or person that in the opinion of the Director would have an interest in reviewing the tentative plan. Such agencies or persons might include the County Health Department, County Public Works Department, the Oregon State Highway Division, the Oregon Department of Fish and Wildlife, the Oregon State Department of Forestry, the Bureau of Land Management, the Soil Conservation Service, the local school district, the local fire protection district, an adjacent city or an adjacent county. The Planning Director will include the comments and alternatives of all reviewing parties in the staff report/presentation to the Planning Commission. The Planning Commission will then review the proposed tentative plan at a public hearing in accordance with the Land Use Hearing Rules and other applicable law.

Section 6.02 Information Required on Plan Map

The plan map for minor partitions shall include the following information on the map or attached to the map on supplemental

EXHIBIT "B"

sheets:

- (1) Northpoint, scale, and date.
- (2) Name of the owner and/or partitioner.
- (3) Legal description of the tract boundaries.
- (4) The location and names of existing public streets, abutting the tract.
- (5) Parcel boundary lines and dimensions (accurate in scale).
- (6) The approximate area of each parcel.
- (7) Identification that the map is a minor partition.
- (8) If surveyed, the seal of a registered surveyor.
- (9) The location and size of drainage lines, sewer lines, water lines, and utility easements; and the approximate location of utility poles and existing structures, together with approximate distances in feet from existing structures to new parcel lines created by the proposed partition. This information shall be provided within any urbanizing area, rural convenience center, or rural residential area. In addition, the Director may require such information whenever such information is necessary to determine compliance with County Ordinances.
- (10) If the partition is located within a flood hazard area, base flood elevation data and the location of the flood hazard area, including the regulatory floodway, if any.
- (11) A certificate signed by the property owner and/or partitioner warranting that to the best of the owner's and/or partitioner's knowledge all information shown on the plan map is accurate and correct and the applicant accepts responsibility for such representation.
- (12) A statement signed by the City Finance Director that all municipal liens and a statement signed by the owner and/or partitioner that all other public liens on the property have been paid or that the assessments have been segregated.

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

ORDINANCE NO. 81-37

AN ORDINANCE AMENDING ORDINANCE NO. 81-25 FOR PROPERTY LOCATED ON N.E. SHERMAN LANE NEAR ITS INTERSECTION WITH BEACON DRIVE AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted an Urban Growth Area Zoning Ordinance to provide for consistent zoning classifications with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, the property located on N.E. Sherman Lane near its intersection with Beacon Drive was rezoned from a County SR-1 Suburban Residential District to an Urban Growth Area R-S Residential Suburban District; and

WHEREAS, the property owner of this property has expressed an interest to annex his property to the City of Grants Pass; and

WHEREAS, the application for zoning is consistent with the Urban Services Policy adopted by the Board of County Commissioners and the Grants Pass City Council; and

WHEREAS, the Urban Area Planning Commission conducted a public hearing on July 29, 1981, and recommended a change in zone for this property (copy of Findings of Consistency attached); and

WHEREAS, the Board of County Commissioners for Josephine County conducted a public hearing on the recommendation of the Urban Area Planning Commission on December 23, 1981.

NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. The zoning of the following property is hereby changed from R-S to R-1-8, Single Family Residential:

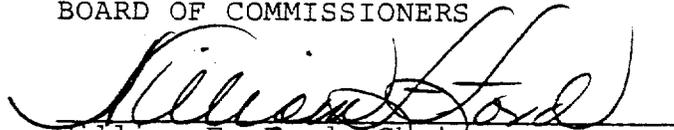
36-5-16-22, tax lot 1100

SECTION 2. The immediate passage of this Ordinance being necessary in the public interest to protect the

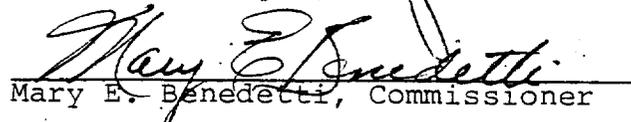
public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 30TH DAY OF DECEMBER, 1981.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS


William F. Ford, Chairman

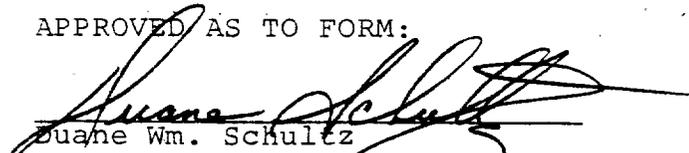

Harold L. Haugen, Vice Chairman


Mary E. Benedetti, Commissioner

ATTEST:


Maxine Foster, County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel


Gail J. Gibson
Recording Secretary

FINDINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO SZM NO. 13-81

THIS MATTER came before the Commission on July 29, 1981, for a public hearing upon the application of R. Dean Byrd with regard to property located at 1438 N.E. Sherman Lane, such property being shown on Josephine County Assessor Map No. 36-5-16-22 as Tax Lot 1100. The application site is located in the unincorporated portion of Josephine County; however, is presently being processed for annexation agreements with the City of Grants Pass. The applicant is requesting the zone change from the SR-1, Suburban Residential, to R-1-8, Single Family Residential. A quorum being present, there being no objections to the jurisdiction of the Commission to hear the matter in question, and there being no abstentions, the Commission proceeded to hear testimony, review and adopt the staff report.

I. FACTS:

A. The basic facts were set forth in the staff report dated July 20, 1981, a copy of which is attached hereto, marked Exhibit "1" and incorporated herein by this reference. The staff report was reviewed by Tim Bingham, City Planner.

B. Applicant's Case: Testifying on behalf of the application was:

R. Dean Byrd, 1438 N.E. Sherman Lane, Grants Pass, Oregon.

C. Opponent's Case: There was no opposition to the proposal; however, a Mr. Gene Wholig, of 1410 N.E. Sherman Lane did appear to ask a question concerning the cost of the necessary improvements. Mr. Wholig stated that he did not oppose the applicant's request.

D. Discussion by Commission: There being no further testimony, the Commission began deliberations.

II. FINDINGS:

Commissioner Clark moved and Commissioner Rollins seconded that Supplementary Zoning Map Request No. 13-81 was consistent with the requirements of the City-County Land Use Hearing Rules, Exhibit "G" and recommends such zone change to the City and County subject to the conditions of annexation as shown in the staff report, attached hereto as Exhibit "1". Said motion was passed unanimously and the vote of consistency was based upon the following findings which the Commission determines to be fact:

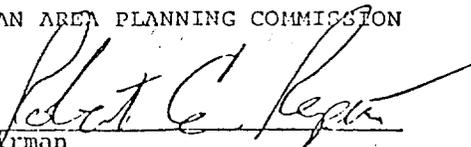
1. All those facts presented by the staff report, attached hereto as Exhibit "1".

III. CONCLUSION:

Based upon the foregoing findings, the Planning Commission finds the Byrd Request for SZM No. 13-81 to be consistent with the Land Use Hearing Rules, Exhibit "G" subject to the conditions of annexation as shown in the staff report, a copy of which is attached hereto as Exhibit "1". In addition, the Commission recommends that the City/County approve the application accordingly.

ADOPTED by the Urban Area Planning Commission this 12th day of August, 1981.

URBAN AREA PLANNING COMMISSION


Chairman

FINDINGS OF CONSISTENCY
GRANTS PASS CITY COUNCIL
IN REGARD TO ANNEXATION AGREEMENT REQUEST NO. 1-80

THIS MATTER came before the Council on August 19, 1981 for a public hearing upon the application of R. Dean Byrd with regard to property located at 1438 N.E. Sherman Lane and shown on Josephine County Tax Assessor Map No. 36-5-16-22 as Tax Lot 1100. The applicant requests an Annexation Agreement with the City of Grants Pass. The applicant also requests a rezoning of the property from SR-1, Suburban Residential to R-1-8, Single-Family Residential; however, since the property is located outside the city limits such zone change shall be considered and acted upon by the Josephine County Board of Commissioners. The Urban Area Planning Commission has recommended such zone change. A quorum being present, there being no challenges to the jurisdiction of the Council to hear the matter, and there being no abstentions, the Council proceeded to hear testimony, review and adopt the staff report.

I. FACTS:

A. The basic facts were set forth in the staff report dated July 20, 1981, a copy of which is attached hereto, marked Exhibit "1" and incorporated herein by this reference. The staff report was reviewed by Alex Forrester, Senior Planner, who discussed both the relevant criteria for annexation agreement as well as the zoning change criteria to be addressed by the Board of County Commissioners. The Council was asked to make recommendation to the Board of County Commissioners concerning such proposed zone change.

B. Applicant's Case: Testifying on behalf of the application was:

R. Dean Byrd, 1438 N.E. Sherman Lane, Grants Pass, Oregon.
Jack Woodhead, 1430 N.E. Sherman Lane, Grants Pass, Oregon.
Gene Bogan, 1410 N.E. Sherman Lane, Grants Pass, Oregon.

C. Opponent's Case: There was no opposition.

D. Discussion by Council: There being no further testimony, the Council began deliberations.

II. FINDINGS:

Councilman Kellenbeck moved and Councilman Colson seconded that the applicant was consistent with the City/County Land Use Hearing Rules, Exhibit "J" conditioned upon those conditions shown in the annexation agreement, Exhibit "B" thereto, a copy of which is part of the staff report attached hereto as Exhibit "1". Said motion was passed five votes yes, one vote no, with Councilman Cromwell casting the negative vote. Said favorable majority vote of consistency was based upon the following findings which the Council determines to be fact:

1. All those facts presented by the staff report, attached hereto as Exhibit "1".
2. The land in question is a poor well-water area.
3. The land in question is not suitable for septic tank sewage systems.
4. New City Water Reservoir Number 5 will be constructed adjacent to the development.
5. Necessary street improvements are required as a condition of annexation.
6. Eight inch sewer main is in place.

7. Surrounding neighbors support annexation request.

III. CONCLUSION:

Based upon the foregoing findings, the Council finds the Byrd request for Annexation Agreement No. 1-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions found in the proposed Annexation Agreement, Exhibit "B" which is attached hereto as part of the staff report which is marked as Exhibit "1". In addition, staff is instructed to notify the Josephine County Board of Commissioners that the City of Grants Pass recommends applicant's request for zone change from SR-1 to R-1-8.

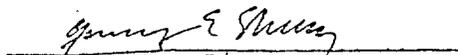
PASSED by the Council of the City of Grants Pass, Oregon, this 16th day of September, 1981.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 17 day of September, 1981.

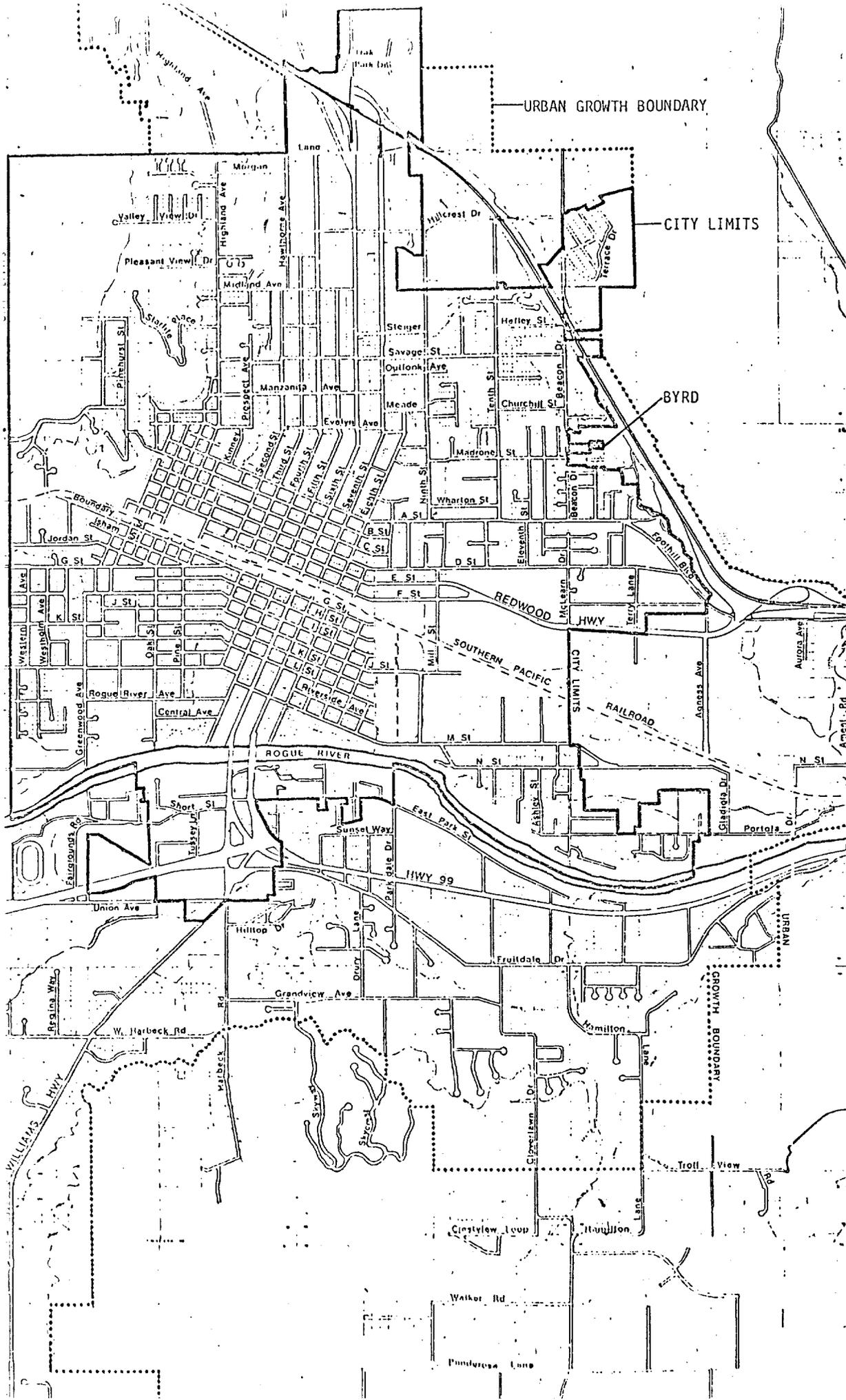


Mayor

ATTEST:



Finance Director



URBAN GROWTH BOUNDARY

CITY LIMITS

BYRD

REDWOOD

SOUTHERN PACIFIC RAILROAD

ROGUE RIVER

HWY 99

GROWTH BOUNDARY

URBAN

WILLIAMS HWY

W. Harbeck Rd

Walker Rd

Pondosa Lane

Valley View Dr

Pleasant View Dr

Boundary St

Westfield Ave

Westburn Ave

Greenwood Ave

Rogue River Ave

Central Ave

Union Ave

Argonia Way

Elmwood Rd

Short St

Hilltop Dr

Grandview Ave

W. Harbeck Rd

Mirgin

Highland Ave

Lano

Trak Park Dist

Hillcrest Dr

Stenger

Savage St

Oyfonk Ave

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Evlyn Ave

Madrone St

Wharton St

A St

B St

C St

D St

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Churchill St

McLearn Dr

Agness Ave

ANNEXATION AGREEMENT #1-80
AND
SUPPLEMENTARY ZONING MAP #13-81

APPLICANT: R. Dean Byrd
LOCATION: 1438 N.E. Sherman Lane
DESCRIPTION: Assessor's Map No. 36-5-16-22, Tax Lot 1100
REQUEST: Zone Change (Annexation Agreement) from SR-1, Suburban Residential to R-1-8, Single Family Residential

I. BACKGROUND

On December 13, 1979, applicant applied for annexation to the City of Grants Pass. On March 27, 1981, the City completed the Annexation Feasibility Study No. 1-80 (attached). On May 19, 1981, applicant requested the annexation process to continue. As part of the annexation process, appropriate City General Plan and zoning commitments must be secured prior to receiving commitments for annexation (City Policy Statement \$19-77). Thus, applicant is requesting R-1-8, Single Family Residential zoning, and annexation agreement with the City of Grants Pass.

II. PARCEL DESCRIPTION

Size - .90 acres; existing use - one single family residence; maximum potential use at R-1-8 zoning is four (4) dwelling units.

III. SUMMARY OF ANNEXATION STUDY

- A. Existing General Plan designation, Urban Medium Density Residential is appropriate and consistent with R-1-8 zoning.
- B. Proposed R-1-8 zoning is compatible and consistent with existing surrounding land use.
- C. Proposed R-1-8 zoning is consistent with Urban Growth Plan.
- D. Most required public facilities are either substandard or non-existent and will require substantial capital expenditure to install new and/or upgrade existing facilities.
- E. Applicant to bear heavy financial burden to upgrade required public facilities.

IV. CITY SERVICES

(Refer to annexation study for detailed description.)

A. Water

A two (2") inch main exists in Sherman Lane. It is substandard to serve additional new development and should be replaced with an eight (8") inch main.

B. Sewer

An eight (8") inch main is available and adequate to service subject property.

C. Streets

Sherman Lane is an unimproved substandard dirt road. Complete upgrade to current City standards is required for its entire length.

INTERSTATE

HWY.

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HTS.

TOKAY HEIGHTS

CANAL

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AVE.

LEON

SEE MAP 36 5 9CC

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1204C.

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Existing Sherman Lane is approximately 480.75 feet in length and serves four single family residences which are within the City Limits. The City annexed these properties many years ago without requiring street improvements.

D. Storm Drain

A 12" storm drain is to be installed from subject property to Beacon Drive.

V. URBAN GROWTH BOUNDARY

The property is within the adopted UGB for Grants Pass

VI. COMPLIANCE WITH LAND USE HEARINGS RULES

Exhibit "G" of the LUHR requires evidence and proof of the following:

A. The proposal is in conformance with the General or Comprehensive Plan.

(Yes, existing General Plan designation is Urban Medium Density Residential, with a density range from 3 to 6 d.u./acre. Requested are R-1-8 zoning will provide single family residential housing at a gross density of 5.5 d.u./acre).

B. Prove the proposed change is consistent with the purposes of the Zoning Ordinance as set forth in Section 2 thereof, which general purposes are as follows: To encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.

(Yes, proposed use will develop at densities consistent with existing surrounding residential use; will not deplete any known natural resource; will develop within the UGB, develop according to the standard and requirements of the Zoning Ordinance and Uniform Building Code; provide for the required extension of public facilities; develop and connect to sanitary water and sewer service).

C. The proposed change is in keeping with the character of the area or neighborhood involved.

(Yes, proposed change will extend existing adjacent zoning which is consistent with the Urban Growth Plan, and will not introduce a new use type or density into the area).

D. The proposed use and the proposed rezone are compatible.

(Yes, proposed use is single family residential on lots having a minimum lot size of 8,000 square feet. The requirements of the zoning ordinance and proposed use, therefore, are consistent).

E. The proposal does meet the requirements of the LCDC Goals.

1. Goal 1 - Citizen Involvement - In accordance with City Policy Statement #10-80, property owners within 300 feet of subject parcel have been notified of the request and were invited to the public meeting to be heard.

2. Goal 2 - Land Use Planning - The City has an official planning process which includes a General Plan (being revised in accordance with State law), Zoning Ordinance, Subdivision Ordinance, Policies and Land Use Hearing Rules, which constitute the framework for reviewing and processing land use applications.

3. Goal 3 - Agricultural Lands - Site is not considered suitable and applicable to this goal. Parcel size is only .90 acres with one existing dwelling unit. Site is within the "Urban Growth Boundary and is within an area of existing urban residential development.
4. Goal 4 - Forrest Lands - Not applicable for same reasons listed in paragraph "3".
5. Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources - The existing General Plan and the proposed Comprehensive Plan do not identify this site to be a resource area applicable to Goal 5.
6. Goal 6 - Air, Water and Land Resources Quality - Development of the site will occur only with municipal sanitary sewer and storm drain facilities. This provision will minimize potential impact to water and land resource quality. Site has the potential of four dwelling units, each contributing to the further deterioration of the air quality. These units will not individually create severe impact, however, the cumulative effect of all single family dwellings, existing and future, within the UGB have a direct and indirect effect on the air quality.
7. Goal 7 - Areas Subject to Natural Disasters and Hazards - There are no known seismic hazards within the area. Site is not within a flood hazard area.
8. Goal 8 - Recreation Needs - Site will generate additional demand on existing recreation facilities; but will not contribute to the provision of these facilities.
9. Goal 9 - Economy - The proposed use will serve to benefit existing service oriented employers, both in the short term and long term period.
10. Goal 10 - Housing - Site has the potential of generating three additional single family units. The type and density of the proposal is consistent with the City's proposed Comprehensive Plan.
11. Goal 11 - Public Facilities and Services - Further development of this site requires the extension and provision of basic urban services (i.e., water, sewer, roads, storm drain). Adequate public facility capacities are available to service the site.
12. Goal 12 - Transportation - The City has approved a "Roadway Traffic Safety and Management Plan, and a subdivision ordinance which contains systems planning and minimum standards for highway development. These standards will assist in assuring safe noncongested, efficient movement of people, goods and services. The applicant must meet these minimum standards at the time of site development
13. Goal 13 - Energy Conservation - Location of request is near existing employment centers and urban development and, therefore, will minimize travel distances to jobs and services, thereby conserving transportation related fuels. The orientation of the street providing access (Sherman Lane) to the site and the general southerly facing direction of the parcel lends itself to some use of solar energy.
14. Goal 14 - Urbanization - The City and County have jointly approved a Management Agreement which provides for the orderly transition of the UGB from rural to urban use. The salient feature of that agreement requires urban level of development to be provided with urban level of services. The applicant, therefore, is required to install urban level services relative to the urban level of development.

- F. The proposed use conforms to applicable ordinances and policies of the City and County for the Urban Growth Boundary Area, as such may apply.

(As of this date, the Urban Services Policy, and the Joint Urban Area Services Management Agreement apply. In accordance with these policies, the proposed use must be provided with acceptable urban level services. The applicant is being required to conform with these policies via the requested annexation agreement.)

Exhibit "J" of the Land Use Hearing Rules and Exhibit "C" of the Joint Urban Area Services Management Agreement requires evidence and proof of the following regarding Annexation Agreements:

1. The proposed property to be annexed is located within the Grants Pass Urban Growth Boundary area.

(Yes, refer to Exhibit 1.)
2. The proposed property is already developed as proposed to be developed consistent with mutually adopted Development Standards.

(Yes. Further development of the property must conform with the interim development standards contained in the Management Agreement and applicable City standards and policies.)
3. The proposal is consistent with LCDC Goals and Guidelines or the City's Comprehensive Plan at such time as the state has acknowledged that plan.

(Yes. Refer to Section VI, paragraph E of this staff report.)
4. The existing or proposed land uses are consistent with the City Zoning Ordinance.

(Yes.)
5. The development or proposal has minimized any detrimental environmental or neighborhood impacts.

(Yes. Development will require upgrading of existing dirt road to City standards, improving access to the general neighborhood.)
6. The proposal is consistent with the provisions of the Oregon Revised Statutes.

(Yes.)
7. The proposal is consistent with the general welfare of the City and its residents, as specified in the City Zoning Ordinance standards.

(Yes. Refer to Section VI, paragraph B of this staff report.)
8. The City does or reasonably expects to have sufficient capacity to provide the property with urban services as defined in the urban service policies.

(Yes.)
9. The property owner agrees to pay out-of-city surcharges for services received.

(Yes.)

10. The property owner acknowledges that entering into the annexation agreement is not a final commitment on annexation and that the proposal must meet the then current annexation requirements at the time annexation is consummated.

(Yes.)

11. The annexation, if eventually approved, would not constitute an illogical extension of City boundaries and would not jeopardize the adequate quality and quantity of public services nor undermine the financial integrity of the City.

(Yes.)

VII. STAFF ANALYSIS

The annexation study prepared for this request raised certain issues which the Council should consider and perhaps provide some direction in order to process this and similar future requests.

CONDITION: Subject property is located just east of the end of Sherman Lane. Sherman Lane is within the City Limits and currently serves four single family residences, also within the City Limits. On April 3, 1957, the City Council approved the annexation of the Sherman Lane area. Improvements to the street and other public facilities were not required. Subsequently, one additional dwelling was constructed at the end of Sherman Lane, but outside City Limits (subject property).

The only public facility of adequate capacity installed in Sherman Lane is an eight (8") inch sewer main. All other public facilities are substandard and need to be improved to current standards if additional development of this area is to proceed.

There are approximately 10 acres east of Sherman Lane that are within the Urban Growth Boundary and are expected to develop to urban densities. The development of those acres will probably need Sherman Lane extended to obtain necessary access. Cost to upgrade these facilities is not economically feasible for Mr. Byrd, and may not be for other property owners in the area. The annexation study estimates the cost to upgrade existing facilities to current standards (from Beacon Drive to applicant's easterly property line) to be \$102,000.

Therefore, it is clear that improvements to existing facilities need to occur if the area is to further develop. To require the applicant to bear the cost for improvements not associated with his frontage seems unreasonable and not feasible. Possible solutions to the situation are:

- A. Formation of a Local Improvement District (LID). This method would provide for complete upgrading of all facilities with benefiting properties assessed over a 10 year period, to repay these costs. Either the City or the applicant would be responsible for its formation. Existing residents will benefit from water main improvements (i.e. insuring adequate fire flow capacity) and road improvements (paved surface, drainage, etcetera); however, there may be a reluctance on some of the property owners part to participate as benefits may not be as obvious. Note: HUD money is available to qualified property owners to assist in funding of these improvements.
- B. Advance Financing. This method provides for the installation and payment of facilities by either a private or public source. Benefits to existing residents are considerable and it allows intervening property to develop on a "payback" basis. Disadvantage is that the applicant (Mr. Byrd) would pay for all costs with little potential to recoup expenses from intervening property owners (most are either developed or do not necessarily need Sherman Lane for access). The City, like Mr. Byrd, simply doesn't have the funds available to expend without guarantee of payback.

- C. Other Considerations. Costs associated with water improvements may be paid by water bond money if water Reservoir #5 is located in the area east of Sherman Lane. Negotiations for the site are pending. If the reservoir is located there, the 20 inch water main connecting to the reservoir would be placed in Sherman Lane by the City, obviating the need for participation of Mr. Byrd and other Sherman Lane residents.

VIII. STAFF RECOMMENDATION

- A. Annexation Agreement. Staff recommends to proceed with the agreement on condition that applicant or City initiate the formation of a Local Improvement District and that no additional development is to occur without the provision of full public improvements, as outlined in the annexation study.
- B. Zone Change. Recommend to County Board of Commissioners approval of zone change from SR 2.5 to R-1-8.

IX. PLANNING COMMISSION ACTION

On July 29, 1981, the Urban Area Planning Commission took the following action:

- A. Criteria of Exhibit "G" of the Land Use Hearing Rules are satisfied as stated in the staff report and proponent testimony.
- B. Recommend approval of the zone change from SR 2.5 to R-1-8, to the County Board of Commissioners subject to the conditions of annexation as stated in the Annexation Study.

X. CITY COUNCIL ACTION - ANNEXATION AGREEMENT

Positive Motion

- A. The request meets the requirements of Exhibit "J" of the Land Use Hearing Rules and Exhibit "C" of the Joint Urban Area Services Management Agreement, with the conditions recommended by Annexation Study.
- B. Adopt resolution authorizing the execution of a contract for an Annexation Agreement subject to the conditions of the Annexation Study with R. Dean Byrd and authorize the City Manager to execute a contract for same.
- C. Recommend to the County Board of Commissioners approval of the zone change request from SR 2.5 to R-1-8.

Negative Motion

The request does not meet the requirements of Exhibit "J" of the Land Use Hearing Rules and Exhibit "C" of the Joint Urban Area Services Management Agreement. Request for an Annexation Agreement is denied.

1981 ORDINANCES

- January 28, 1981 Ordinance No. 81-1 An Ordinance requiring Aquifer and Water Quality test for certain land developments to be served by individual water systems from a groundwater source; establishes standards and provides penalties, and declaring an emergency.
- January 28, 1981 Ordinance No. 81-2 An Ordinance establishing a County Department of Budget and Finance and setting forth the powers and duties of the Department Director and the function of the department; declaring an emergency.
- #2 same as #3*
- February 11, 1981 Ordinance No. 81-3 Ordinance establishing a County Department of Budget and Finance and setting forth the powers and duties of the Department Director and the function of the Department.
- March 25, 1981 Ordinance No. 81-4 Ordinance requiring aquifer and water quality test for certain land developments to be served by individual water systems from a groundwater source; establishing standards and provides penalties.
- April 17, 1981 Ordinance No. 81-5 Ordinance in the matter of Designating Road Name as Ichabod Lane.
- April 22, 1981 Ordinance No. 81-6 Ordinance adopting interim development standards for that portion of Josephine County outside the City of Grants Pass, but within the Urban Growth Boundary, and declaring an EMERGENCY.
- April 22, 1981 Ordinance No. 81-7 Ordinance establishing an Urban Area Planning Commission, providing for rules and regulations for the government and maintenance of said Planning Commission, prescribing the powers and duties of said Commission, and declaring an EMERGENCY.
- May 6, 1981 Ordinance No. 81-8 Ordinance adopting Interim Development Standards for that portion of Josephine County outside the City of Grants Pass, but within the Urban Growth Boundary.
- May 6, 1981 Ordinance No. 81-9 Ordinance establishing an Urban Area Planning Commission, providing for Rules and Regulations for the government and maintenance of said Planning Commission, prescribing the powers and duties of said commission.
- June 17, 1981 Ordinance No. 81-10 Ordinance adopting a Comprehensive Plan for Josephine County incorporating certain components by reference, and declaring an emergency.
- July 1, 1981* Ordinance No. 81-11 Ordinance adopting a Comprehensive Plan for Josephine County incorporating certain components by reference.

1981 - ORDINANCES

June 17, 1981	Ordinance No. 81-12	Ordinance providing for the Zoning and Classification of land in Josephine County; providing procedures for enforcement and penalty thereof; and declaring an <u>EMERGENCY</u> .
<i>not effective</i> <i>is same as 81-13</i>		
July 1, 1981	Ordinance No. 81-13	Ordinance providing for the Zoning and Classification of land in Josephine County; providing procedures for enforcement and penalty thereof.
June 19, 1981	Ordinance No. 81-14	Ordinance establishing a Public Works Revolving Fund ^{redefining the} for construction of Improvements in unincorporated areas of Josephine County, Oregon; and declaring an EMERGENCY.
July 8, 1981	Ordinance No. 81-15	Ordinance establishing a Public Works Revolving Fund ^{redefining the} for construction of improvements in unincorporated areas of Josephine County, Oregon.
July 8, 1981	Ordinance No. 81-16	Ordinance relating to the disposition of unclaimed property in the possession of the Sheriff, and DECLARING AN EMERGENCY.
July 22, 1981	Ordinance No. 81-17	Ordinance relating to the disposition of unclaimed property in the possession of the Sheriff. (Permanent Ordinance)
July 8, 1981	Ordinance No. 81-18	Ordinance extending the term of the Josephine County Zoning Commission and its members until July 1, 1982, AND DECLARING AN EMERGENCY.
July 22, 1981	Ordinance No. 81-19	Ordinance extending the term of the Josephine County Zoning Commission and its members until July 1, 1982. (PERMANENT ORDINANCE)
August 5, 1981	Ordinance No. 81-20	Ordinance adopting an Urbanizing Area Comprehensive Plan for Josephine County incorporating certain components by reference; and declaring an emergency.
August 19, 1981	Ordinance No. 81-21	Ordinance adopting an urbanizing area Comprehensive Plan for Josephine County incorporating certain components by reference. (Permanent Ordinance)
August 5, 1981	Ordinance No. 81-22	Ordinance establishing Zoning Regulations; providing procedures for enforcement and penalties for the violation thereof; repealing Ordinances 3810 and 3075 of the City of Grants Pass, amending Section 4 of the Zoning Regulations of Josephine County to exclude property within the Grants Pass Urban Growth Boundary Area; and declaring an EMERGENCY

same as #25

1981 - ORDINANCES

✓ August 19, 1981	Ordinance No. 81-23	Ordinance adopting standards for the rezoning of land south of the Grants Pass Urban Growth Boundary; and declaring an emergency. (EMERGENCY)
✓ September 16, 1981	Ordinance No. 81-24	Ordinance adopting standards for the rezoning of land south of the Grants Pass Urban Growth Boundary. (PERMANENT)
✓ September 9, 1981	Ordinance No. 81-25	Ordinance establishing Zoning Regulations; providing procedures for enforcement and penalties for the violation thereof; repealing Ordinance 3810 and 3075 of the City of Grants Pass, amending Section 4 of the Zoning Regulations of Josephine County to exclude property within the Grants Pass Urban Growth Boundary Area. PERMANENT
September 23, 1981	Ordinance No. 81-26	Ordinance authorizing a special election on the question of authorizing General Obligation Bonds to construct a Juvenile Detention Facility; and declaring an EMERGENCY.
October 28, 1981	Ordinance No. 81-27	Ordinance in the matter of the vacation of two alleyways and portions of two alleyways and portions of two streets in the Three Pines Townsite, and declaring an EMERGENCY.
November 13, 1981	Ordinance No. 81-28	Ordinance in the matter of the vacation of two alleyways and portions of two streets in the Three Pines Townsite.
November 24, 1981	Ordinance No. 81-29	Ordinance repealing Josephine County Ordinance No. 78-5 and enacting a new ordinance regulating: the use of public sewers; private subsurface sewage disposal; service connections; connections charges; building sewers and private sewers; unauthorized discharges and pretreatment of wastes entering public sewers; providing penalties for violations thereof; and declaring an EMERGENCY. (Redwood Sewer District)
	81-29 81-30 MISSING!	
November 24, 1981	Ordinance No. 81-30	Ordinance repealing Josephine County Ordinance No. 78-14 and enacting a new ordinance regulating: The use of public sewers; private subsurface sewage disposal; service connections; connection charges; building sewers and private sewers; unauthorized discharges and pretreatment of wastes entering public sewers; providing penalties for violations thereof; and declaring an EMERGENCY.

1981 - ORDINANCES

December 16, 1981	Ordinance No. 81-31	Ordinance amending Ordinance No. 81-11 and Ordinance No. 81-13 for properties located on the south side of Summit Loop Road. (PERMANENT)
December 16, 1981	Ordinance No. 81-32	Ordinance adopting an amendment to the Josephine County Comprehensive Plan Ordinance No. 81-11 and an amendment to the Josephine County Zoning Ordinance No. 81-13. (PERMANENT)
December 16, 1981	Ordinance No. 81-33	Ordinance adopting amendments by reference to the Josephine County Subdivision and Land Development Ordinance No. 78-4 and declaring an EMERGENCY.
December 18, 1981	Ordinance No. 81-34	Ordinance amending Ordinance No. 81-25 for property located north of Webster Road near its intersection with Lincoln Road and declaring an EMERGENCY.
December 18, 1981	Ordinance No. 81-35	Ordinance amending Ordinance No. 81-25 for properties in the vicinity of Hilltop Drive and declaring an EMERGENCY.
December 30, 1981	Ordinance No. 81-36	Ordinance adopting amendments by reference to the Josephine County Subdivision and Land Development Ordinance No. 78-4. (PERMANENT)
December 30, 1981	Ordinance No. 81-37	Ordinance amending Ordinance No. 81-25 for property located on N.E. Sherman Lane near its intersection with Beacon Drive and declaring an EMERGENCY.