

2 - ORDINANCES

July 7, 1982	Ordinance No. 82-23	Ordinance extending the term of the Jo. Co. Zoning Commission and its members to August 1, 1982; and declaring an emergency.
July 14, 1982	Ordinance No. 82-24	Ordinance amending Josephine County Ordinance No. 81-4; establishes standards and provides penalties; and declaring an emergency
July 28, 1982	Ordinance No. 82-25	Ordinance amending Josephine County Ordinance No. 81-4; establishes standards and provides penalties
August 25, 1982	Ordinance No. 82-26	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
September 1, 1982	Ordinance No. 82-29	Ordinance adopting amendments to Urban Area Zoning Ordinance No. 81-25 (City Ordinance No. 4415).
September 22, 1982	Ordinance No. 82-32	Ordinance amending Ordinance No. 80-2. <i>County Lands.</i>
September 15, 1982	Ordinance No. 82-28	Ordinance Amending Ordinance NO. 81-11 to correct <u>Plan/Zone conflicts</u> .
October 20, 1982	Ordinance No. 82-36	Ordinance Amending Ordinance No. 81-13
December 1, 1982	Ordinance No. 82-39	Amending Ordinance 81-8 -- Emergency
December 15, 1982	Ordinance No. 82-38	Amending Ordinance 81-8

OUT OF ORDER AT THIS POINT:

May 26, 1982	Ordinance No. 82-22	Flood Ordinance
June 9, 1982	Ordinance No. 82-31	Amendments to the Ordinance 82-22 - Flood Ordinance
September 15, 1982	Ordinance No. 82-28	Amendments to 81-11 (Comp Plan)
October 13, 1982	Ordinance No. 82-34	Amend Ordinance 81-25 (UA) -- 140.01(f) -- non-illuminated signs
October 13, 1982	Ordinance No. 82-35	Amend Ordinance 81-13 (Co) -- 16.020(1)(c) & (2)(g) and (i); 17,020(2)(h); 17.025(2)
October 13, 1982	Ordinance No. 82-37	Amend Ord. No. 81-11 -- Goal #1, Goal #4 and Goal #8
December 22, 1982	Ordinance No. 82-41	Amend ORD No. 81-25 (UA) -- Sections 114.03(f), 115.02(b), 132.26
January 12, 1983	Ordinance No. 82-45	Amend ORD No. 81-25 (UA) -- Section 127.02 and add Section 129.11
January, 1983	Ordinance No. 82-46	was not adopted.

1982 - ORDINANCES

January 6, 1982	Ordinance No. 82-1	Ordinance amending Ordinance No. 81-25 for property located north of Webster Road near its intersection with Lincoln Road. (PERMANENT)
January 6, 1982	Ordinance No. 82-2	Ordinance amending Ordinance No. 81-25 for properties in the vicinity of Hilltop Drive. (PERMANENT)
January 13, 1982	Ordinance No. 82-3	Ordinance amending Ordinance No. 81-25 for property located on N.E. Sherman Lane near its intersection with Beacon Drive. (PERMANENT)
January 29, 1982	Ordinance No. 82-4	Ordinance amending Ordinance No. 81-11 and Ordinance No. 81-13, providing a method for adopting quasi-judicial amendments and declaring an EMERGENCY
February 12, 1982	Ordinance No. 82-5	Ordinance providing a method for adopting quasi-judicial amendments. Amend Ord. 81-11 & 81-13
February 12, 1982	Ordinance No. 82-6	Ordinance Amending 81-13 for property located on the west side of the powerline near Frankham Road and Brooke Drive
February 10, 1982	Ordinance No. 82-7	Ordinance Amending Ordinance 81-21 and Ordinance 81-25 -- adopting quasi-judicial amendments.
February 10, 1982	Ordinance No. 82-8	Ordinance amending Ordinance 81-25 for property located on N Street near the intersection of M Street.
February 10, 1982	Ordinance No. 82-9	Ordinance amending Ordinance 81-21 and 81-25 for property on 9th Street between Midland Avenue and Hillcrest Drive.
February 24, 1982	Ordinance No. 82-14	Ordinance amending Ordinance No. 81-21 and Ordinance No. 81-25, providing a method for adopting quasi-judicial amendments.
February 24, 1982	Ordinance No. 82-16	Ordinance amending Ordinance No. 81-25 for property located on "N" Street near its intersection with "M" Street.
February 24, 1982	Ordinance No. 82-17	Ordinance amending Ordinance No. 81-21 and Ordinance No. 81-25 for property located on 9th Street, between Midland Avenue and Hillcrest Drive.
March 17, 1982	Ordinance No. 82-18	Ordinance adopting amendments by reference to the Urban Area Zoning Ordinance No. 81-25 and declaring an emergency.
March 17, 1982	Ordinance No. 82-19	Ordinance adopting amendments by reference to the Urban Area Zoning Ordinance No. 81-25.
June 9, 1982	Ordinance No. 82-21	Ordinance amending Ordinance No. 81-11 and Ordinance No. 81-13 to represent on a parcel basis the <u>North Valley Service Containment Boundary Area</u> .
September 29, 1982	Ordinance No. 82-30	LANDFILL SITE USER FEE

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

ORDINANCE NO. 82-1

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

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

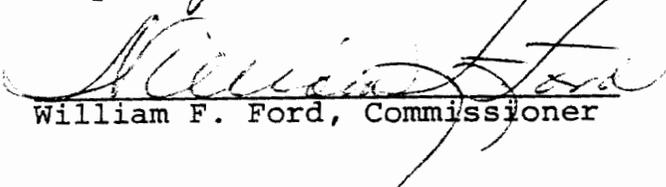
SECTION 2. First reading by the Board of County Commissioners
is this 18th day of December , 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 6th day of January, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

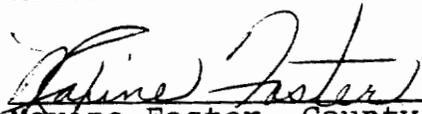
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


Harold L. Haugen, Chairman

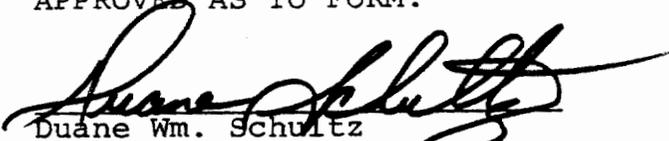

Mary E. Benedetti, Vice Chairman


William F. Ford, 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 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 20th 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 ¼ 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.

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

ORDINANCE NO. 82-2

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

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. First reading by the Board of County Commissioners is this 18th day of December, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 6th day of January, 1982. 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, Chairman

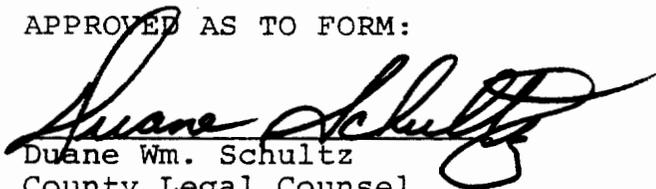

Mary E. Benedetti, Vice Chairman

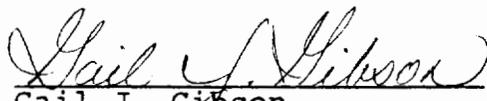

William F. Ford, Commissioner

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 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:

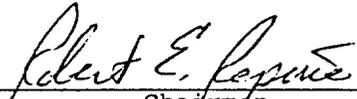
1. All facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. The area in question is in need of City water.
3. Domestic well water in the area suffers from salt intrusion and low water tables.
4. Existing municipal water is supplied by the Fruitdale Water Utility 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. 82-3

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

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 Resi-
dential 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:

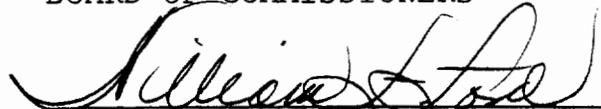
SECTION 1. The zoning of the following property is hereby
changed from R-S to R-1-8, Single Family Resi-
dential:

36-5-16-22, tax lot 1100

SECTION 2. First reading by the Board of County Commissioners
is this 30th day of December, 1981.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 13th day of January, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

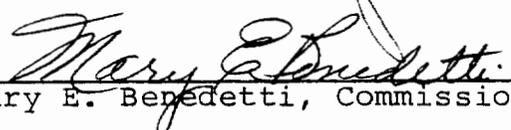
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



William F. Ford, Chairman



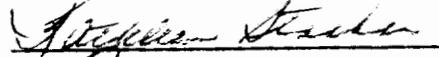
Harold L. Haugen, Vice Chairman



Mary E. Benedetti, Commissioner

ATTEST:

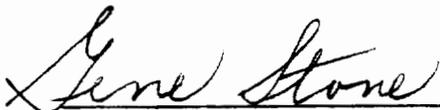
Maxine Foster, County Clerk

By,  Deputy

APPROVED AS TO FORM:



Duane Wm. Schult
County Legal Counsel



Gene Stone
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:

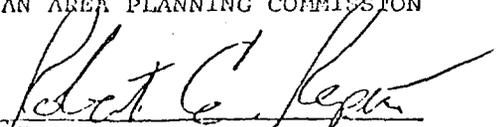
1. All those facts presented by the staff report, attached hereto as Exhibit "1".

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 zone 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.

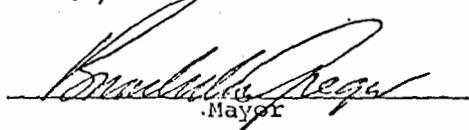
7. Surrounding neighbors support annexation request.

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.

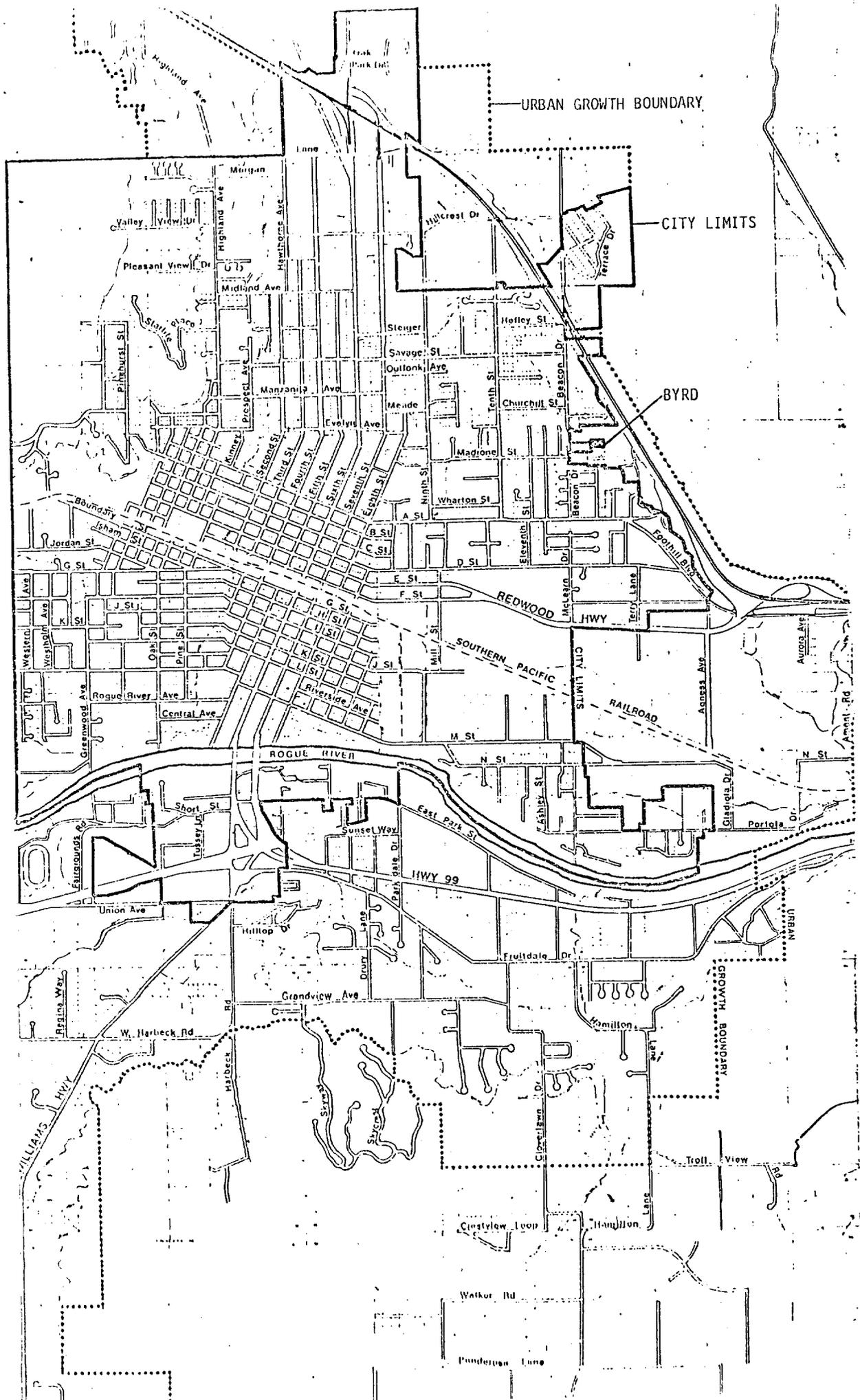
PASSED by the Council of the City of Grants Pass, Oregon, this 16th day of September, 1981.

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

URBAN

GROWTH BOUNDARY

Troll View

Walker Rd

Ponderosa Lane

WILLIAMS HWY

W. Harbeck Rd

Grandview Ave

Fruitdale Dr

Hamilton

Hamilton

Crestview Loop

Union Ave

Short St

Sunset Way

East Park St

M St

N St

J St

I St

H St

G St

F St

E St

D St

C St

B St

A St

Evolve Ave

Mananito Ave

Outlook Ave

Savage St

Stinger

Hillcrest Dr

Morgan

Highland Ave

Valley View Dr

Pleasant View Dr

Midland Ave

Highland Ave

Weston

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

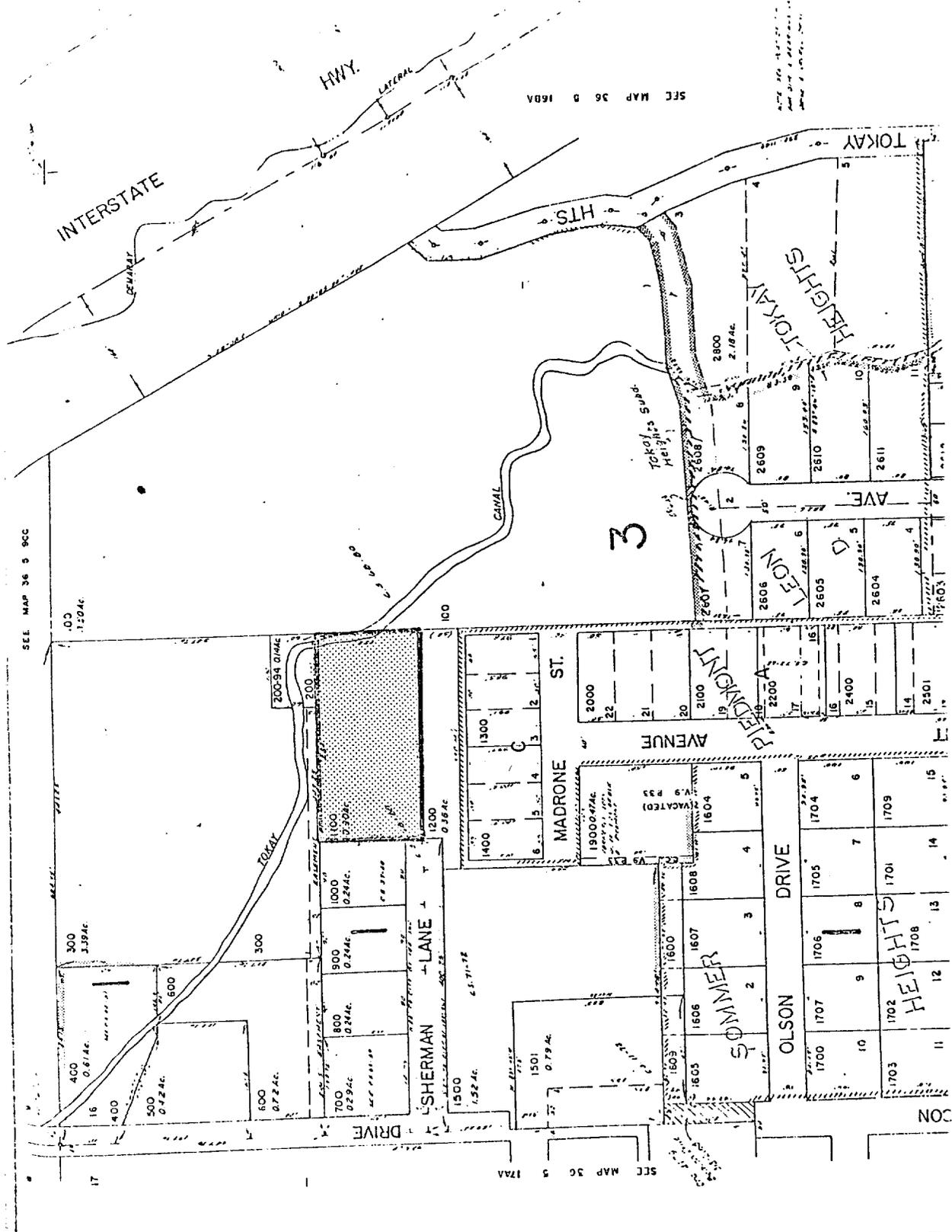
A two (2") inch main exists in Sherman Lane. It is substandard to serve additional new development and should be replaced with an eight (8") inch main.

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.



SEE MAP 36 5 9CC

SFC MAP 36 5 16DA

SFC MAP 36 5 17AA

INTERSTATE

H.W.Y.

LATERAL

HTS.

TOKAY HEIGHTS

TOKAY

3

CANAL

Tokoy's Subd.

AVE.

LEON

BIRMINGHAM AVENUE

MADRONE ST.

OLSON DRIVE

SHERMAN LANE

HEIGHTS

CON

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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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 82-4

2-2-82

AN ORDINANCE AMENDING ORDINANCE NO. 81-11 AND ORDINANCE NO. 81-13, PROVIDING A METHOD FOR ADOPTING QUASI-JUDICIAL AMENDMENTS AND DECLARING AN EMERGENCY.

WHEREAS, on July 1, 1981, the Board of County Commissioners adopted Ordinance No. 81-11, establishing a Comprehensive Plan for Josephine County, and Ordinance No. 81-13, consisting of implementing zoning; and

WHEREAS, the Implementation Chapter of the Comprehensive Plan, page 12, provides that proposals to amend the plan can be submitted by individuals on an ongoing basis; and

WHEREAS, Section 52.054 of the Josephine County Zoning Ordinance provides that amendments to the zoning maps may be initiated by application of a property owner or his authorized agent; and

WHEREAS, the Charter for Josephine County, adopted by the voters of this County, provides procedures for the adoption of ordinances, providing that emergency ordinances expire in one hundred and twenty (120) days and that others do not become effective until after ninety (90) days from the second reading; and

WHEREAS, it is evident to the Board that the procedures specified by the County Charter were intended to apply to legislative enactments, not to quasi-judicial proceedings, supported by findings of fact and conclusions of law, and reviewable by appellate procedures rather than by referendum; and

WHEREAS, it is necessary to amend the Ordinances, adopting the Comprehensive Plan and the zoning, to provide a procedure for culmination of adjudicative decisions.

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

SECTION 1.

Ordinance No. 81-11 is amended to read: Amendments to the Comprehensive Plan Map, Exhibit "D", the Inventory of Committed Lands, Exhibit "E", and the Statement on Exceptions to the Statewide Planning Goals, Exhibit "F", may be ordered from time to time, such order to be contained in the findings of fact and conclusions of law adopted by the Board of

County Commissioners in quasi-judicial proceedings. Amendments to any other component of the Comprehensive Plan or legislative amendments to these components shall be subject to referral to the voters of Josephine County.

SECTION 2.

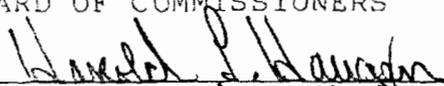
Section 52.056 of Ordinance No. 81-13 is amended with the addition: Amendments to the zoning maps, considered in a quasi-judicial review, may be ordered by the Board of County Commissioners, such order to be contained in the findings of fact and conclusion of law adopted by the Board. Amendment to the text of the Ordinance or a legislative revision of the zoning maps shall be subject to referral to the voters of Josephine County.

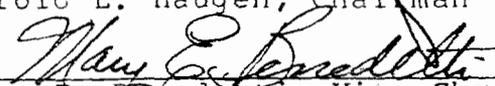
SECTION 3.

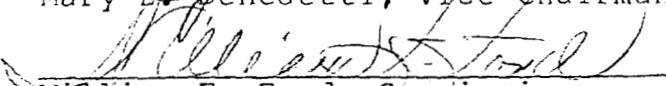
The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 29th DAY OF January, 1982.

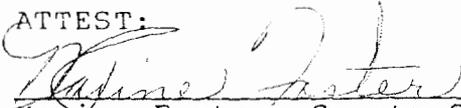
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS


Harold L. Haugen, Chairman

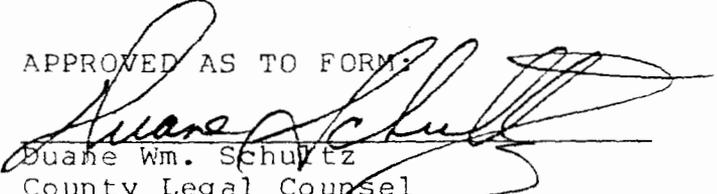

Mary E. Benedetti, Vice Chairman


William F. Ford, Commissioner

ATTEST:


Maxine Foster, County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel


Recording Secretary

Ordinance No. 82-4

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 82-5

AN ORDINANCE AMENDING ORDINANCE NO. 81-11 AND ORDINANCE NO. 81-13, PROVIDING A METHOD FOR ADOPTING QUASI-JUDICIAL AMENDMENTS.

WHEREAS, on July 1, 1981, the Board of County Commissioners adopted Ordinance No. 81-11, establishing a Comprehensive Plan for Josephine County, and Ordinance No. 81-13, consisting of implementing zoning; and

WHEREAS, the Implementation Chapter of the Comprehensive Plan, page 12, provides that proposals to amend the plan can be submitted by individuals on an ongoing basis; and

WHEREAS, Section 52.054 of the Josephine County Zoning Ordinance provides that amendments to the zoning maps may be initiated by application of a property owner or his authorized agent; and

WHEREAS, the Charter for Josephine County, adopted by the voters of this County, provides procedures for the adoption of ordinances, providing that emergency ordinances expire in one hundred and twenty (120) days and that others do not become effective until after ninety (90) days from the second reading; and

WHEREAS, it is evident to the Board that the procedures specified by the County Charter were intended to apply to legislative enactments, not to quasi-judicial proceedings, supported by findings of fact and conclusions of law, and reviewable by appellate procedures rather than by referendum; and

WHEREAS, it is necessary to amend the Ordinances, adopting the Comprehensive Plan and the zoning, to provide a procedure for culmination of adjudicative decisions.

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

SECTION 1.

Ordinance No. 81-11 is amended to read: Amendments to the Comprehensive Plan Map, Exhibit "D", the Inventory of Committed Lands, Exhibit "E", and the Statement on Exceptions to the Statewide Planning Goals, Exhibit "F", may be ordered from time to time, such order to be contained in the findings of fact and conclusions of law adopted by the Board of

County Commissioners in quasi-judicial proceedings. Amendments to any other component of the Comprehensive Plan or legislative amendments to these components shall be subject to referral to the voters of Josephine County.

SECTION 2.

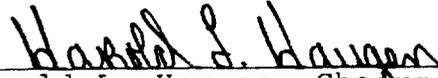
Section 52.056 of Ordinance No. 81-13 is amended with the addition: Amendments to the zoning maps, considered in a quasi-judicial review, may be ordered by the Board of County Commissioners, such order to be contained in the findings of fact and conclusion of law adopted by the Board. Amendment to the text of the Ordinance or a legislative revision of the zoning maps shall be subject to referral to the voters of Josephine County.

SECTION 3.

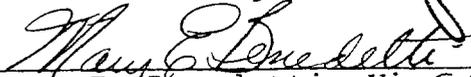
First reading by the Board of County Commissioners is this 29th day of January, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 12th day of February, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

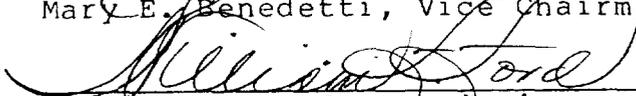
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



Harold L. Haugen, Chairman

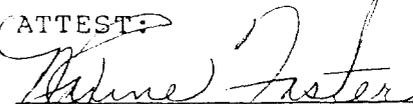


Mary E. Benedetti, Vice Chairman



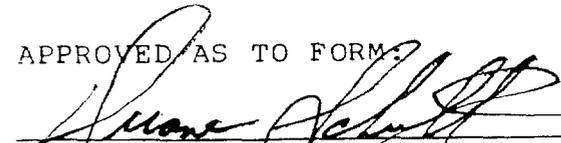
William F. Ford, Commissioner

ATTEST:

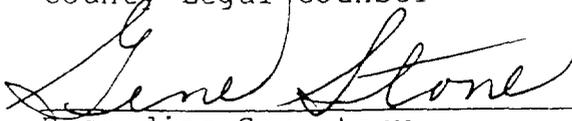


Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

2-10-1982

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

ORDINANCE NO. 82-6

AN ORDINANCE AMENDING ORDINANCE NO. 81-13 FOR PROPERTY LOCATED ON THE WEST SIDE OF THE POWERLINE NEAR FRANKHAM ROAD AND BROOKE DRIVE.

WHEREAS, on July 1, 1981, the Board of County Commissioners adopted Ordinance No. 81-13, establishing RR-5, Rural Residential (five acre minimum lot size) zoning for property consisting of tax lot 100, Township 36, Range 5 West, Section 33-13, and tax lot 103 and that portion of tax lot 101 lying west of the powerline in Township 36, Range 5 West, Section 33; and

WHEREAS, on September 16, 1981, the Board of County Commissioners adopted Ordinance No. 81-24, providing standards for the rezoning of land south of the Grants Pass Urban Growth Boundary, including the above mentioned property; and

WHEREAS, on January 22, 1982, the Board of County Commissioners conducted a public hearing on a request of Faszler Brothers & Sons to rezone the property; and

WHEREAS, the Board of County Commissioners, based on the evidence in the record, voted unanimously to grant the request.

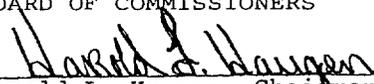
NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. That Ordinance No. 81-13 is hereby amended, rezoning the above mentioned property RR-1, Rural Residential (one acre minimum lot size).

SECTION 2. First reading by the Board of County Commissioners is this 29th day of January, 1982.

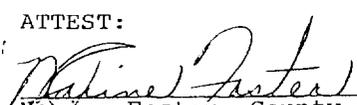
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 12th day of February, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

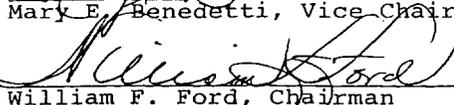
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS


Harold L. Haugen, Chairman

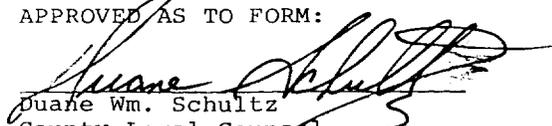

Mary E. Benedetti, Vice Chairman

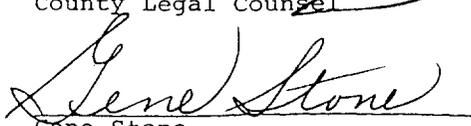
ATTEST:


Maxine Foster, County Clerk


William F. Ford, Chairman

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. 82-7

2-12-82

AN ORDINANCE AMENDING ORDINANCE NO. 81-21 AND ORDINANCE NO. 81-25, PROVIDING A METHOD FOR ADOPTING QUASI-JUDICIAL AMENDMENTS AND DECLARING AN EMERGENCY.

WHEREAS, on September, 9, 1981, the Board of County Commissioners adopted Ordinance No. 81-21, establishing an Urbanizing Area Comprehensive Plan for Josephine County, and Ordinance No. 81-25, consisting of implementing zoning; and

WHEREAS, the Comprehensive Plan, provides that proposals to amend the plan can be submitted by individuals on an ongoing basis; and

WHEREAS, Section 139.01 of the Josephine County Urban Growth Area Zoning Ordinance provides that amendments to the zoning maps may be initiated by application of a property owner or his authorized agent; and

WHEREAS, the Charter for Josephine County, adopted by the voters of this County, provides procedures for the adoption of ordinances, providing that emergency ordinances expire in one hundred and twenty (120) days and that others do not become effective until after ninety (90) days from the second reading; and

WHEREAS, it is evident to the Board that the procedures specified by the County Charter were intended to apply to legislative enactments, not to quasi-judicial proceedings, supported by findings of fact and conclusions of law, and reviewable by appellate procedures rather than by referendum; and

WHEREAS, it is necessary to amend the Ordinances, adopting the Urban Growth Area Comprehensive Plan and the zoning, to provide a procedure for culmination of adjudicative decisions.

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

SECTION 1.

Ordinance No. 81-21 is amended to read: Amendments to the Comprehensive Plan Map, Exhibit "D", may be ordered from time to time, such order to be contained in the findings of fact and conclusions of law adopted by the Board of County Commissioners in quasi-judicial proceedings. Amendments to any other component of the Comprehensive Plan or legislative

amendments to these components shall be subject to referral to the voters of Josephine County.

SECTION 2.

Section 139.01 of Ordinance No. 81-25 is amended with the addition: Amendments to the zoning maps, considered in a quasi-judicial review, may be ordered by the Board of County Commissioners, such order to be contained in the findings of fact and conclusion of law adopted by the Board. Amendment to the text of the Ordinance or a legislative revision of the zoning maps shall be subject to referral to the voters of Josephine County.

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 COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 10TH DAY OF FEBRUARY, 1982.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS

Harold L. Haugen Harold L.
Haugen, Chairman

Mary E. Benedetti Mary E.
Benedetti, Vice Chairman

William F. Ford William
F. Ford, Commissioner

ATTEST:
Maxine Foster
Maxine Foster, County Clerk

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

Gene Stone
Recording Secretary

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

ORDINANCE NO. 82-8

2-12-82

AN ORDINANCE AMENDING ORDINANCE NO. 81-25 FOR PROPERTY LOCATED ON "N" STREET NEAR ITS INTERSECTION WITH "M" STREET 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" Street near its intersection with "M" Street, described as Township 36 South, Range 5 West, Section 21-23, tax lots 600 and 900, was rezoned from a County SR-1 Suburban Residential zone to an Urban Growth Area R-S Suburban Residential District; and

WHEREAS, the Comprehensive Plan designates the property for urban medium density residential use; 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 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 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 30, 1981.

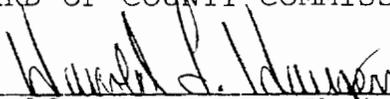
NOW, THEREFORE, the Board of County Commissioners of Josephine County, Oregon, ordains as follows:

SECTION 1. The Comprehensive Plan Map is amended to designate the above referenced property "urban high density residential", and the zoning of the property is hereby changed from R-S to R-3 "urban multi-family residential".

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 10TH DAY OF FEBRUARY, 1982.

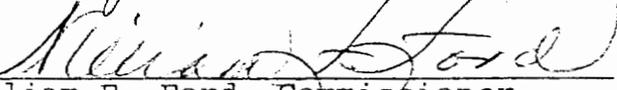
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



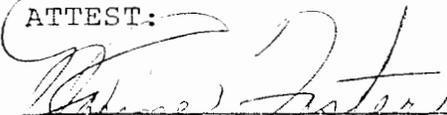
Harold L. Haugen, Chairman



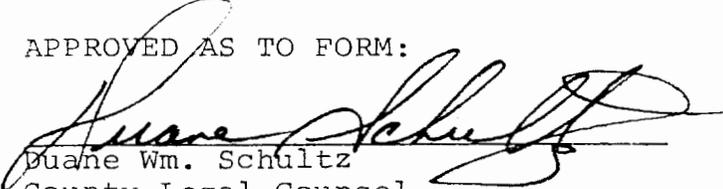
Mary E. Benedetti, Vice Chairman



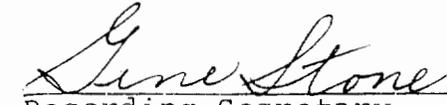
William F. Ford, Commissioner

ATTEST:


Maxine Foster, County Clerk

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

DINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO GENERAL PLAN AMENDMENT REQUEST NO. 9-80
AND SUPPLEMENTARY ZONING MAP REQUEST NO. 8-80
AND ANNEXATION AGREEMENT REQUEST NO. 12-80

THIS MATTER came before the Commission on August 26, 1981, for a public hearing upon the application of Donald Lonas and Duane Swenston with regard to property owned by the applicants shown as Tax Lots 600 and 900 on Josephine County Tax Assessor No. 36-5-21-23. The property presently carries a general plan designation of "urban medium density residential", and the applicants wish to change such designation to "urban high density residential." The property presently carries a zone designation of R-S, "suburban residential", and the parties wish to change such zoning designation to R-3, "low density multiple family residential." In addition, the applicants request the City of Grants Pass enter into an annexation agreement pertaining to such property. A quorum being present, there being no challenges to the jurisdiction of the Commission to hear the matters, 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 August 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, who commented on each of the requirements of the requirements of the City/County Land Use Hearing Rules, Exhibits "G", "H", and "J".

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

Duane Swenston, 1460 Meier Drive, Grants Pass, Oregon
Donald Lonas, 4080 Foothill Boulevard, Grants Pass, Oregon

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

Harold Baker, 1137 S.E. Rogue Drive, Grants Pass, Oregon
Delford Dean, 1029 S.E. Rogue Drive, Grants Pass, Oregon

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

II. FINDINGS:

Commissioner DeVogele moved and Commissioner McMahon seconded that the Lonas/Swenston request for General Plan Amendment No. 9-80 and Supplementary Zone Map Request No. 8-80 were consistent with City/County Land Use Hearing Rules, Exhibit "G" and "H", and further that the Lonas/Swenston request for Annexation Agreement No. 12-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to those conditions and requirements specified in paragraph VII of the Annexation Feasibility Study, which is part of the staff report attached hereto as Exhibit "1". Said motion was carried five votes in favor and two votes contrary with Commissioners Brown and Repine casting the negative votes. The majority 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. Riverside Elementary School is neraby.
3. Riverside Elementary School enrollment is dropping.
4. Grants Pass School District No. 7 was notified of the proposal and did not file objection.

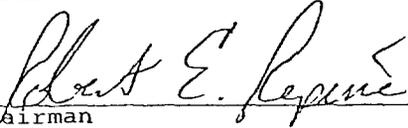
5. R-3 zoning is adjacent to the north.
6. Industrial areas are located nereby to the north.
7. The proposed development will act as a buffer between adjacent residential areas and industrial areas to the north.
8. R-3 zoning designations are in short supply in the City of Grants Pass.
9. Multiple family dwelling units are needed within the City of Grants Pass.
10. Applicant agrees to pay out-of-city utility rates.
11. The applicant understands that the annexation agreement is not a final commitment for annexation.
12. There is a city park nearby.
13. By controlling the traffic circulation, residential development to the south, east, and west can be protected from inappropriate levels of motor vehicle traffic.

III. CONCLUSION:

Based on the foregoing findings, the Planning Commission finds the Lonas/Swenston request for General Plan Amendment No. 9-80 and Supplementary Zoning Map Request No. 8-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G" and "H", and recommends to the Josephine County Board of Commissioners the approval of such requests. In addition, based upon the foregoing findings, the Planning Commission finds the Lonas/Swenston request for Annexation Agreement No. 12-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" and recommends to the Grants Pass City Council the approval of such request with the conditions specified in paragraph VII of the Annexation Feasibility Study which is included as part of the staff report attached hereto as Exhibit "1".

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

URBAN AREA PLANNING COMMISSION


Chairman

FINDINGS OF CONSISTENCY
GRANTS PASS CITY COUNCIL
REGARDING REQUEST FOR ANNEXATION AGREEMENT NO. 12-80

THIS MATTER came before the Council on October 21, 1981, for a public hearing upon the application of Donald Lonas and Duane Swenston with regard to property owned by the Applicants, shown as Tax Lots 600 and 900 on Josephine County Tax Assessor Map No. 36-5-21-23. The property is presently being considered for general plan amendment and zone designation amendment by the Josephine County Board of County Commissioners. 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 August 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 commented on the requirements of the City/County Land Use Hearing Rules, Exhibit "J".

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

Duane Swenston, 1460 Meier Drive, Grants Pass, Oregon.

C. Opponent's Case: There was no opposition to the request.

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

II. FINDINGS:

Councilman Marchant moved and Councilman Ayers seconded and it was unanimously carried that the Lonas/Swenston Request for Annexation Agreement No. 12-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions specified on Exhibit "B" of the proposed Annexation Agreement which is attached to and part of the staff report which is attached hereto as Exhibit "1", with the additional condition that the Josephine County Board of County Commissioners must amend the General Plan to designate the subject property Urban High Density Residential and must change the zoning designation of the subject property to R-3, Low Density Multiple Family Residential.

Said motion was carried unanimously and such unanimous vote was based upon the following evidence which the Council determines to be fact:

1. All facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. There is a need for middle and lower income housing in the City of Grants Pass.
3. The applicant intends to construct a series of townhouses which will sell for about \$40,000 each.
4. Traffic patterns have been adequately provided for.
5. Applicant will provide complete perimeter fencing and landscaping.

6. The applicant will provide on-site recreational facilities.

III. CONCLUSION:

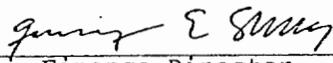
Based on the foregoing findings, the City Council finds the Lonas/Swenston Request for Annexation Agreement No. 12-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions specified above.

PASSED by the Council of the City of Grants Pass, Oregon this 18th day of November, 1981.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 19 day of November, 1981.


Mayor

ATTEST:



Finance Director

2012-82

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

ORDINANCE NO. 82-9

AN ORDINANCE AMENDING ORDINANCE NO. 81-21 and ORDINANCE NO. 81-25 FOR PROPERTY LOCATED ON 9TH STREET, BETWEEN MIDLAND AVENUE AND HILLCREST 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 north of the City Limits was rezoned from a County SR-2.5 Suburban Residential zone to an Urban Growth Area R-S Suburban Residential 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 25, 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 30, 1981.

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

SECTION 1. The Comprehensive Plan Map and the zoning of property described as Township 36 South, Range 5 West, Section 24, Tax lots 600 and 602 are hereby changed as follows:

Comprehensive Plan

From: Urban Medium Density Residential
To: Limited Commercial

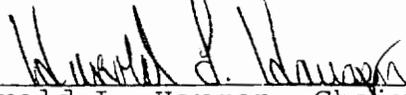
Zoning

From: RS-Suburban Residential
To: C-3 Limited Commercial

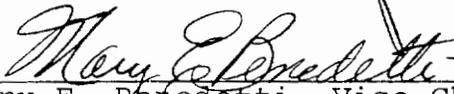
SECTION 2. The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final enactment and adoption by the Board of County Commissioners.

PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE THIS 10TH DAY OF FEBRUARY, 1982.

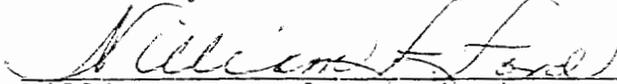
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



Harold L. Haugen, Chairman

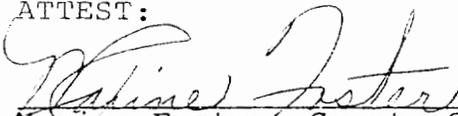


Mary E. Benedetti, Vice Chairman



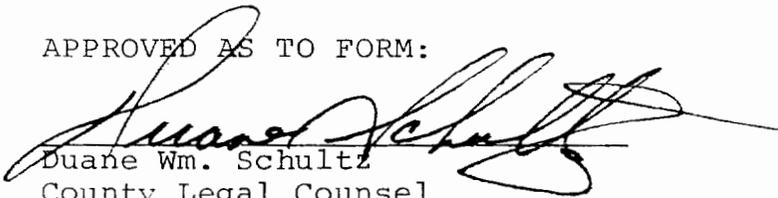
William F. Ford, Commissioner

ATTEST:



Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

FINDINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO GENERAL PLAN AMENDMENT REQUEST NO. 5-80
AND SUPPLEMENTARY ZONING MAP REQUEST NO. 4-80
AND ANNEXATION AGREEMENT NO. 6-80

THIS MATTER came before the Commission on August 26, 1981, for a public hearing upon the application of St. Luke's Episcopal Church and Robert J. Trott concerning property owned by the applicants and shown as Tax Lots 600 and 602 on Josephine County Tax Assessor Map No. 36-5-8-24. The property is in an area that is presently zoned SR-2.5, suburban residential, and the applicants have requested the zone designation be changed to C-3, limited commercial. The property is located in an area that presently carries the general plan designation of "urban medium density residential", and the applicants would like to change this designation to "limited commercial". In addition, the applicants request the City of Grants Pass to enter into an annexation agreement with the applicants concerning the subject property. 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 July 22, 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, who amended the staff report by offering two amended pages, said amended pages are attached hereto, marked Exhibits "2" and "3" and incorporated herein by this reference. Staff recommended that each of the three requests satisfies the respective Land Use Hearing Rule Exhibit and that the Commission should approve such requests.

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

Richard Templin, 1004 N.W. Hawthorne, Grants Pass, Oregon
Eddy Arnold, 1305 Roseanna Drive, Grants Pass, Oregon

C. Opponent's Case: There was no testimony in opposition to the application; however, a letter in opposition was received from Lumir and Margie Makousky, such letter being marked Exhibit "4", attached hereto, and 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 that the St. Luke's Episcopal Church and Robert J. Trott request for General Plan Amendment No. 5-80 and Supplementary Zoning Map No. 4-80 were consistent with the City/County Land Use Hearing Rules, Exhibit "G" and "H". Further, Commissioner Atkins moved and Commissioner Brown seconded that the St. Luke's Episcopal Church and Robert J. Trott request for Annexation Agreement No. 6-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the specific condition shown in paragraph VII of the Annexation Feasibility Study, which is part of the staff report attached hereto as Exhibit "1" with the additional following conditions:

"N. Prior to any development of either Tax Lot 600 or 602, Tax Lot 600 shall be required to dedicate the southerly 50 feet of said tax lot to the City of Grants Pass for the purpose of

public right-of-way; it being understood that said dedication is limited to 24 feet of even width at that portion of Tax Lot 600 which is only 24 feet wide."

Said motions were unanimously carried. The unanimous vote of consistency was based upon the following findings which the Commission determined to be fact:

1. All those facts presented by the staff report, as amended, copies of which are attached hereto as Exhibits "1", "2" and "3".
2. The surrounding area has evolved from residential to commercial uses.
3. Two independent appraisals conclude that the highest and best use of said property is commercial.
4. The property has commercial development and commercial zoning on the north, west and south sides.
5. The property has a cemetery on the east side.
6. Property owner agrees with all facts presented by the staff report, attached hereto as Exhibits "1" through "3".
7. Additional commercial property is needed in the northern part of Grants Pass.
8. Tax Lot 600 is basically flat.
9. Tax Lot 602 is slightly sloping.
10. Flat or mildly sloping properties are ideal for commercial development.
11. There is no significant opposition to the proposal.

III. CONCLUSION:

Based on the foregoing findings, the Planning Commission finds the St. Luke's Episcopal Church, Robert J. Trott request for General Plan Amendment No. 5-80 and Supplementary Zoning Map No. 4-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G" and "H". Based upon the foregoing findings and conclusions, the Planning Commission recommends to the Josephine County Board of Commissioners the approval of General Plan Amendment Request No. 5-80 and Supplementary Zoning Map Request No. 4-80. In addition, based upon the foregoing findings, the Planning Commission finds the St. Luke's Episcopal Church and Robert J. Trott request for Annexation Agreement No. 6-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J". Based upon the foregoing findings and conclusions, the Planning Commission recommends to the Grants Pass City Council the approval of Annexation Agreement Request No. 6-80 with those conditions shown in paragraph VII of the Annexation Feasibility Study, a copy of which appears as part of the staff report, attached hereto as Exhibit "1" with an added condition as follows:

- "N. Prior to any development of either Tax Lot 600 or 602, Tax Lot 600 shall be required to dedicate the southerly 50 feet of said tax lot to the City of Grants Pass for the purpose of public right-of-way; it being understood that said dedication is limited to 24 feet of even width at that portion of Tax Lot 600 which is only 24 feet wide."

ADOPTED by the Urban Area Planning Commission by this 3rd
day of September, 1981.

URBAN AREA PLANNING COMMISSION

Robert E. Repine
Chairman

FINDINGS OF CONSISTENCY
GRANTS PASS CITY COUNCIL
IN REGARD TO ANNEXATION AGREEMENT REQUEST NO. 6-80

THIS MATTER came before the Council on October 21, 1981, for a public hearing upon the application of St. Luke's Episcopal Church and Robert J. Trott concerning property owned by the Applicants and shown as Tax Lots 600 and 602 on Josephine County Tax Assessor Map No. 36-5-8-24. The property is presently being considered for a general plan and zone designation change by the Josephine County Board of County Commissioners. A quorum being present, and 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 22, 1981, and 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 the criteria as shown in Exhibit "J" to the City/County Land Use Hearing Rules. Staff recommended that the application met the requirement of said Exhibit "J" and further recommended that the Council authorize and approve the request.

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

Eddie Arnold, 1305 Roseanna Drive, Grants Pass, Oregon.
Richard Templin, 1004 N.W. Hawthorne, Grants Pass, Or.

C. Opponent's Case: There was no opposition to the application.

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

II. FINDINGS:

Councilman Colson moved and Councilman Marchant seconded and it was unanimously carried that the St. Luke's Episcopal Church and Robert J. Trott Request for Annexation Agreement No. 6-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J", subject to the specific conditions specified in Exhibit "B" to the proposed Annexation Agreement which is part of the staff report attached hereto as Exhibit "1", and also conditioned upon the Josephine County Board of County Commissioners changing the general plan designation from Urban Medium Density Residential to Limited Commercial, and also changing the zone designation from SR-2.5, Suburban Residential to C-3, Limited Commercial.

Said motion was unanimously carried based upon the following evidence which the Council determines to be fact:

1. All those facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. The surrounding areas has evolved from residential to commercial uses.
3. Two independent appraisals include that the highest and best use of said property is commercial.
4. The property has commercial development and commercial zoning on the north, west and south sides.

5. The property has a cemetery on the east side.
6. The property owners agree with all the facts presented by the staff report, which is attached hereto as Exhibit "1".
7. Additional commercial property is needed in the northern part of Grants Pass.
8. Tax Lot 600 is basically flat.
9. Tax Lot 602 is slightly sloping.
10. Flat or mildly sloping properties are ideal for commercial development.
11. There was no opposition to the proposal.

III. CONCLUSION:

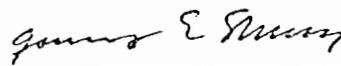
Based on the foregoing findings, the City Council finds the St. Luke's Episcopal Church, Robert J. Trott Request for Annexation Agreement No. 6-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions specified above.

PASSED by the Council of the City of Grants Pass, Oregon, this 18th day of November, 1981.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 19 day of November, 1981.


Mayor

ATTEST:



Finance Director

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

2-25-92

ORDINANCE NO. 82-14

AN ORDINANCE AMENDING ORDINANCE NO. 81-21 AND ORDINANCE NO. 81-25, PROVIDING A METHOD FOR ADOPTING QUASI-JUDICIAL AMENDMENTS.

WHEREAS, on September 9, 1981, the Board of County Commissioners adopted Ordinance No. 81-21, establishing an Urbanizing Area Comprehensive Plan for Josephine County, and Ordinance No. 81-25, consisting of implementing zoning; and

WHEREAS, the Comprehensive Plan, provides that proposals to amend the plan can be submitted by individuals on an ongoing basis; and

WHEREAS, Section 139.01 of the Josephine County Urban Growth Area Zoning Ordinance provides that amendments to the zoning maps may be initiated by application of a property owner or his authorized agent; and

WHEREAS, the Charter for Josephine County, adopted by the voters of this County, provides procedures for the adoption of ordinances, providing that emergency ordinances expire in one hundred and twenty (120) days and that others do not become effective until after ninety (90) days from the second reading; and

WHEREAS, it is evident to the Board that the procedures specified by the County Charter were intended to apply to legislative enactments, not to quasi-judicial proceedings, supported by findings of fact and conclusions of law, and reviewable by appellate procedures rather than by referendum; and

WHEREAS, it is necessary to amend the Ordinances, adopting the Urban Growth Area Comprehensive Plan and the zoning, to provide a procedure for culmination of adjudicative decisions.

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

SECTION 1.

Ordinance No. 81-21 is amended to read: Amendments to the Comprehensive Plan Map, Exhibit "D", may be ordered from time to time, such order to be contained in the findings of fact and conclusions of law adopted by the Board of County Commissioners in quasi-judicial proceedings. Amendments to any other component of the Comprehensive Plan or legislative

amendments to these components shall be subject to referral to the voters of Josephine County.

SECTION 2.

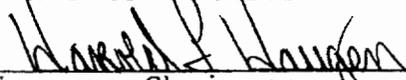
Section 139.01 of Ordinance No. 81-25 is amended with the addition: Amendments to the zoning maps, considered in a quasi-judicial review, may be ordered by the Board of County Commissioners, such order to be contained in the findings of fact and conclusion of law adopted by the Board. Amendment to the text of the Ordinance or a legislative revision of the zoning maps shall be subject to referral to the voters of Josephine County.

SECTION 3.

First reading by the Board of County Commissioners is this 10th day of February, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 24th day of February, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



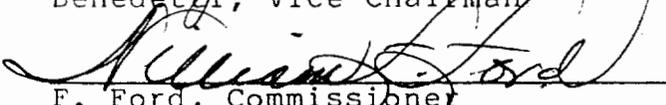
Haugen, Chairman

Harold L.



Benedetti, Vice Chairman

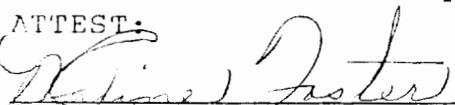
Mary E.



F. Ford, Commissioner

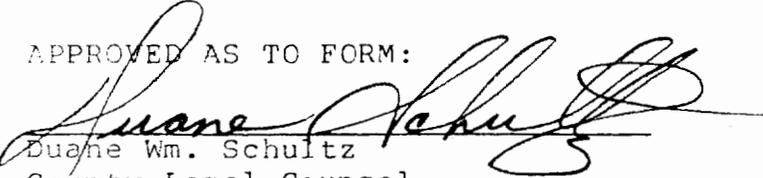
William

ATTEST:



Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

2-25-82

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

ORDINANCE NO. 82-16

AN ORDINANCE AMENDING ORDINANCE NO. 81-25 FOR PROPERTY LOCATED ON "N" STREET NEAR ITS INTERSECTION WITH "M" STREET.

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" Street near its intersection with "M" Street, described as Township 36 South, Range 5 West, Section 21-23, tax lots 600 and 900, was rezoned from a County SR-1 Suburban Residential zone to an Urban Growth Area R-S Suburban Residential District; and

WHEREAS, the Comprehensive Plan designates the property for urban medium density residential use; 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 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 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 30, 1981.

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

SECTION 1. The Comprehensive Plan Map is amended to designate the above referenced property "urban high density residential", and the zoning of the property is hereby changed from R-S to R-3 "urban multi-family residential".

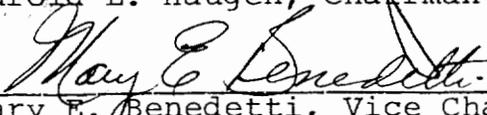
SECTION 2. First reading by the Board of County Commissioners is this 10th day of February, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 24th day of February, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

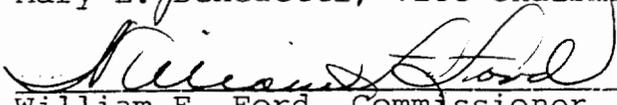
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



Harold L. Haugen, Chairman

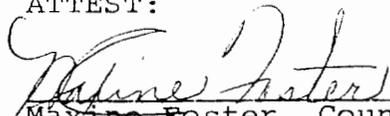


Mary E. Benedetti, Vice Chairman



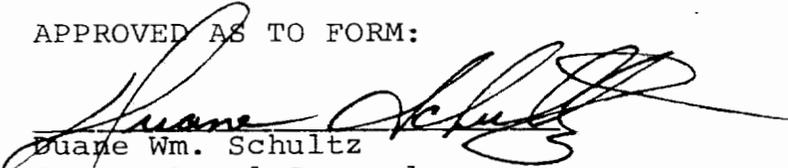
William F. Ford, Commissioner

ATTEST:

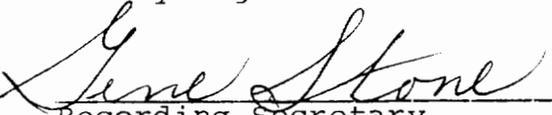


Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

FINDINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO GENERAL PLAN AMENDMENT REQUEST NO. 9-80
AND SUPPLEMENTARY ZONING MAP REQUEST NO. 8-80
AND ANNEXATION AGREEMENT REQUEST NO. 12-80

THIS MATTER came before the Commission on August 26, 1981, for a public hearing upon the application of Donald Lonas and Duane Swenston with regard to property owned by the applicants shown as Tax Lots 600 and 900 on Josephine County Tax Assessor No. 36-5-21-23. The property presently carries a general plan designation of "urban medium density residential", and the applicants wish to change such designation to "urban high density residential." The property presently carries a zone designation of R-S, "suburban residential", and the parties wish to change such zoning designation to R-3, "low density multiple family residential." In addition, the applicants request the City of Grants Pass enter into an annexation agreement pertaining to such property. A quorum being present, there being no challenges to the jurisdiction of the Commission to hear the matters, 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 August 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, who commented on each of the requirements of the requirements of the City/County Land Use Hearing Rules, Exhibits "G", "H", and "J".

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

Duane Swenston, 1460 Meier Drive, Grants Pass, Oregon
Donald Lonas, 4080 Foothill Boulevard, Grants Pass, Oregon

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

Harold Baker, 1137 S.E. Rogue Drive, Grants Pass, Oregon
Delford Dean, 1029 S.E. Rogue Drive, Grants Pass, Oregon

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

II. FINDINGS:

Commissioner DeVogele moved and Commissioner McMahon seconded that the Lonas/Swenston request for General Plan Amendment No. 9-80 and Supplementary Zone Map Request No. 8-80 were consistent with City/County Land Use Hearing Rules, Exhibit "G" and "H", and further that the Lonas/Swenston request for Annexation Agreement No. 12-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to those conditions and requirements specified in paragraph VII of the Annexation Feasibility Study, which is part of the staff report attached hereto as Exhibit "1". Said motion was carried five votes in favor and two votes contrary with Commissioners Brown and Repine casting the negative votes. The majority 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. Riverside Elementary School is hereby.
3. Riverside Elementary School enrollment is dropping.
4. Grants Pass School District No. 7 was notified of the proposal and did not file objection.

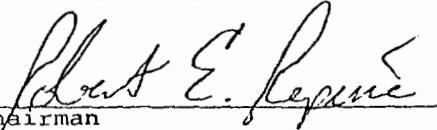
5. R-3 zoning is adjacent to the north.
6. Industrial areas are located hereby to the north.
7. The proposed development will act as a buffer between adjacent residential areas and industrial areas to the north.
8. R-3 zoning designations are in short supply in the City of Grants Pass.
9. Multiple family dwelling units are needed within the City of Grants Pass.
10. Applicant agrees to pay out-of-city utility rates.
11. The applicant understands that the annexation agreement is not a final commitment for annexation.
12. There is a city park nearby.
13. By controlling the traffic circulation, residential development to the south, east, and west can be protected from inappropriate levels of motor vehicle traffic.

III. CONCLUSION:

Based on the foregoing findings, the Planning Commission finds the Lonas/Swenston request for General Plan Amendment No. 9-80 and Supplementary Zoning Map Request No. 8-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G" and "H", and recommends to the Josephine County Board of Commissioners the approval of such requests. In addition, based upon the foregoing findings, the Planning Commission finds the Lonas/Swenston request for Annexation Agreement No. 12-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" and recommends to the Grants Pass City Council the approval of such request with the conditions specified in paragraph VII of the Annexation Feasibility Study which is included as part of the staff report attached hereto as Exhibit "1".

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

URBAN AREA PLANNING COMMISSION


 Chairman

FINDINGS OF CONSISTENCY
GRANTS PASS CITY COUNCIL
REGARDING REQUEST FOR ANNEXATION AGREEMENT NO. 12-80

THIS MATTER came before the Council on October 21, 1981, for a public hearing upon the application of Donald Lonas and Duane Swenston with regard to property owned by the Applicants, shown as Tax Lots 600 and 900 on Josephine County Tax Assessor Map No. 36-5-21-23. The property is presently being considered for general plan amendment and zone designation amendment by the Josephine County Board of County Commissioners. 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 August 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 commented on the requirements of the City/County Land Use Hearing Rules, Exhibit "J".

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

Duane Swenston, 1460 Meier Drive, Grants Pass, Oregon.

C. Opponent's Case: There was no opposition to the request.

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

II. FINDINGS:

Councilman Marchant moved and Councilman Ayers seconded and it was unanimously carried that the Lonas/Swenston Request for Annexation Agreement No. 12-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions specified on Exhibit "B" of the proposed Annexation Agreement which is attached to and part of the staff report which is attached hereto as Exhibit "1", with the additional condition that the Josephine County Board of County Commissioners must amend the General Plan to designate the subject property Urban High Density Residential and must change the zoning designation of the subject property to R-3, Low Density Multiple Family Residential.

Said motion was carried unanimously and such unanimous vote was based upon the following evidence which the Council determines to be fact:

1. All facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. There is a need for middle and lower income housing in the City of Grants Pass.
3. The applicant intends to construct a series of townhouses which will sell for about \$40,000 each.
4. Traffic patterns have been adequately provided for.
5. Applicant will provide complete perimeter fencing and landscaping.

6. The applicant will provide on-site recreational facilities.

III. CONCLUSION:

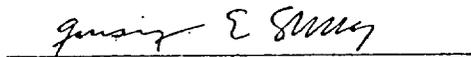
Based on the foregoing findings, the City Council finds the Lonas/Swenston Request for Annexation Agreement No. 12-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions specified above.

PASSED by the Council of the City of Grants Pass, Oregon this 18th day of November, 1981.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 19 day of November, 1981.


Mayor

ATTEST:


Finance Director

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

ORDINANCE NO. 82-17

AN ORDINANCE AMENDING ORDINANCE NO. 81-21 and ORDINANCE NO. 81-25 FOR PROPERTY LOCATED ON 9TH STREET, BETWEEN MIDLAND AVENUE AND HILLCREST DRIVE.

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 the City Limits was rezoned from a County SR-2.5 Suburban Residential zone to an Urban Growth Area R-S Suburban Residential 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 25, 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 30, 1981.

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

SECTION 1. The Comprehensive Plan Map and the zoning of property described as Township 36 South, Range 5 West, Section 24, Tax lots 600 and 602 are hereby changed as follows:

Comprehensive Plan

From: Urban Medium Density Residential
To: Limited Commercial

Zoning

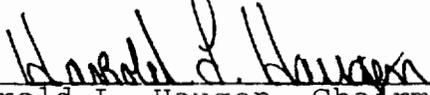
From: RS-Suburban Residential
To: C-3 Limited Commercial

2-25-82

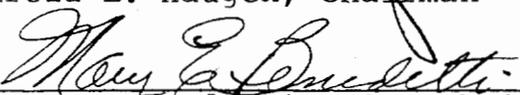
SECTION 2. First reading by the Board of County Commissioners is this 10th day of February, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 24th day of February, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

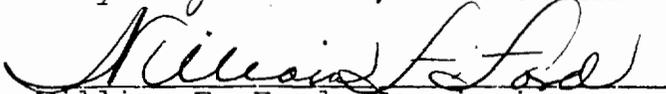
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



Harold L. Haugen, Chairman

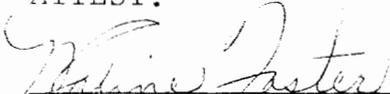


Mary E. Benedetti, Vice Chairman



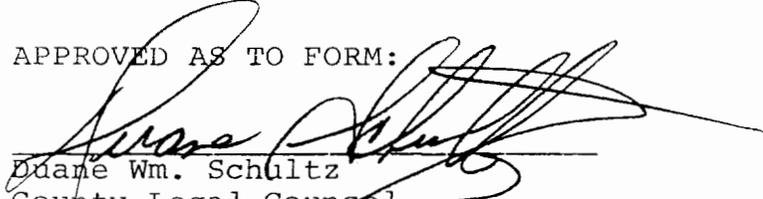
William F. Ford, Commissioner

ATTEST:

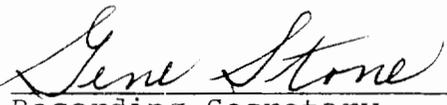


Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz
County Legal Counsel



Gene Stone
Recording Secretary

FINDINGS OF CONSISTENCY
URBAN AREA PLANNING COMMISSION
IN REGARD TO GENERAL PLAN AMENDMENT REQUEST NO. 5-80
AND SUPPLEMENTARY ZONING MAP REQUEST NO. 4-80
AND ANNEXATION AGREEMENT NO. 6-80

THIS MATTER came before the Commission on August 26, 1981, for a public hearing upon the application of St. Luke's Episcopal Church and Robert J. Trott concerning property owned by the applicants and shown as Tax Lots 600 and 602 on Josephine County Tax Assessor Map No. 36-5-8-24. The property is in an area that is presently zoned SR-2.5, suburban residential, and the applicants have requested the zone designation be changed to C-3, limited commercial. The property is located in an area that presently carries the general plan designation of "urban medium density residential", and the applicants would like to change this designation to "limited commercial". In addition, the applicants request the City of Grants Pass to enter into an annexation agreement with the applicants concerning the subject property. 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 July 22, 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, who amended the staff report by offering two amended pages, said amended pages are attached hereto, marked Exhibits "2" and "3" and incorporated herein by this reference. Staff recommended that each of the three requests satisfies the respective Land Use Hearing Rule Exhibit and that the Commission should approve such requests.

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

Richard Templin, 1004 N.W. Hawthorne, Grants Pass, Oregon
Eddy Arnold, 1305 Roseanna Drive, Grants Pass, Oregon

C. Opponent's Case: There was no testimony in opposition to the application; however, a letter in opposition was received from Lumir and Margie Makousky, such letter being marked Exhibit "4", attached hereto, and 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 that the St. Luke's Episcopal Church and Robert J. Trott request for General Plan Amendment No. 5-80 and Supplementary Zoning Map No. 4-80 were consistent with the City/County Land Use Hearing Rules, Exhibit "G" and "H". Further, Commissioner Atkins moved and Commissioner Brown seconded that the St. Luke's Episcopal Church and Robert J. Trott request for Annexation Agreement No. 6-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the specific condition shown in paragraph VII of the Annexation Feasibility Study, which is part of the staff report attached hereto as Exhibit "1" with the additional following conditions:

"N. Prior to any development of either Tax Lot 600 or 602, Tax Lot 600 shall be required to dedicate the southerly 50 feet of said tax lot to the City of Grants Pass for the purpose of

public right-of-way; it being understood that said dedication is limited to 24 feet of even width at that portion of Tax Lot 600 which is only 24 feet wide."

Said motions were unanimously carried. The unanimous vote of consistency was based upon the following findings which the Commission determined to be fact:

1. All those facts presented by the staff report, as amended, copies of which are attached hereto as Exhibits "1", "2" and "3".
2. The surrounding area has evolved from residential to commercial uses.
3. Two independent appraisals conclude that the highest and best use of said property is commercial.
4. The property has commercial development and commercial zoning on the north, west and south sides.
5. The property has a cemetery on the east side.
6. Property owner agrees with all facts presented by the staff report, attached hereto as Exhibits "1" through "3".
7. Additional commercial property is needed in the northern part of Grants Pass.
8. Tax Lot 600 is basically flat.
9. Tax Lot 602 is slightly sloping.
10. Flat or mildly sloping properties are ideal for commercial development.
11. There is no significant opposition to the proposal.

III. CONCLUSION:

Based on the foregoing findings, the Planning Commission finds the St. Luke's Episcopal Church, Robert J. Trott request for General Plan Amendment No. 5-80 and Supplementary Zoning Map No. 4-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "G" and "H". Based upon the foregoing findings and conclusions, the Planning Commission recommends to the Josephine County Board of Commissioners the approval of General Plan Amendment Request No. 5-80 and Supplementary Zoning Map Request No. 4-80. In addition, based upon the foregoing findings, the Planning Commission finds the St. Luke's Episcopal Church and Robert J. Trott request for Annexation Agreement No. 6-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J". Based upon the foregoing findings and conclusions, the Planning Commission recommends to the Grants Pass City Council the approval of Annexation Agreement Request No. 6-80 with those conditions shown in paragraph VII of the Annexation Feasibility Study, a copy of which appears as part of the staff report, attached hereto as Exhibit "1" with an added condition as follows:

- "N. Prior to any development of either Tax Lot 600 or 602, Tax Lot 600 shall be required to dedicate the southerly 50 feet of said tax lot to the City of Grants Pass for the purpose of public right-of-way; it being understood that said dedication is limited to 24 feet of even width at that portion of Tax Lot 600 which is only 24 feet wide."

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

URBAN AREA PLANNING COMMISSION

Robert E. Repina
Chairman

FINDINGS OF CONSISTENCY
GRANTS PASS CITY COUNCIL
IN REGARD TO ANNEXATION AGREEMENT REQUEST NO. 6-80

THIS MATTER came before the Council on October 21, 1981, for a public hearing upon the application of St. Luke's Episcopal Church and Robert J. Trott concerning property owned by the Applicants and shown as Tax Lots 600 and 602 on Josephine County Tax Assessor Map No. 36-5-8-24. The property is presently being considered for a general plan and zone designation change by the Josephine County Board of County Commissioners. A quorum being present, and 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 22, 1981, and 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 the criteria as shown in Exhibit "J" to the City/County Land Use Hearing Rules. Staff recommended that the application met the requirement of said Exhibit "J" and further recommended that the Council authorize and approve the request.

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

Eddie Arnold, 1305 Roseanna Drive, Grants Pass, Oregon.
Richard Templin, 1004 N.W. Hawthorne, Grants Pass, Or.

C. Opponent's Case: There was no opposition to the application.

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

II. FINDINGS:

Councilman Colson moved and Councilman Marchant seconded and it was unanimously carried that the St. Luke's Episcopal Church and Robert J. Trott Request for Annexation Agreement No. 6-80 was consistent with the City/County Land Use Hearing Rules, Exhibit "J", subject to the specific conditions specified in Exhibit "B" to the proposed Annexation Agreement which is part of the staff report attached hereto as Exhibit "1", and also conditioned upon the Josephine County Board of County Commissioners changing the general plan designation from Urban Medium Density Residential to Limited Commercial, and also changing the zone designation from SR-2.5, Suburban Residential to C-3, Limited Commercial.

Said motion was unanimously carried based upon the following evidence which the Council determines to be fact:

1. All those facts presented by the staff report, a copy of which is attached hereto as Exhibit "1".
2. The surrounding areas has evolved from residential to commercial uses.
3. Two independent appraisals include that the highest and best use of said property is commercial.
4. The property has commercial development and commercial zoning on the north, west and south sides.

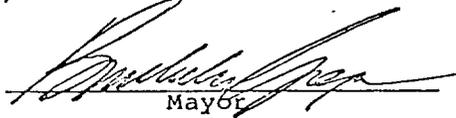
5. The property has a cemetery on the east side.
6. The property owners agree with all the facts presented by the staff report, which is attached hereto as Exhibit "1".
7. Additional commercial property is needed in the northern part of Grants Pass.
8. Tax Lot 600 is basically flat.
9. Tax Lot 602 is slightly sloping.
10. Flat or mildly sloping properties are ideal for commercial development.
11. There was no opposition to the proposal.

III. CONCLUSION:

Based on the foregoing findings, the City Council finds the St. Luke's Episcopal Church, Robert J. Trott Request for Annexation Agreement No. 6-80 to be consistent with the City/County Land Use Hearing Rules, Exhibit "J" subject to the conditions specified above.

PASSED by the Council of the City of Grants Pass, Oregon, this 18th day of November, 1981.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 19 day of November, 1981.


Mayor

ATTEST:



Finance Director

Planning

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

RECEIVED
3-19-82

ORDINANCE NO. 82-18

AN ORDINANCE ADOPTING AMENDMENTS BY REFERENCE TO THE URBAN AREA ZONING ORDINANCE NO. 81-25 (CITY ORDINANCE NO. 4415) AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted an Urban Area Zoning Ordinance to provide for consistent zoning regulations, and providing procedures for enforcement and penalties for the violation thereof, with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, the Urban Area Planning Commission conducted a public hearing on January 27, 1982, and recommended amendments to the Urban Area Zoning Ordinance as set forth in Exhibit "A", attached hereto; and

WHEREAS, on March 3, 1982, the Council of the City of Grants Pass adopted City Ordinance No. 4438 amending their Urban Area Zoning Ordinance No. 4415 as recommended by the Urban Area Planning Commission; and

WHEREAS, the Board of County Commissioners for Josephine County conducted a public hearing on March 5, 1982, to consider the amendments recommended by the Urban Area Planning Commission.

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

SECTION 1. The Urban Area Zoning Ordinance No. 81-25 (City Ordinance No. 4415) is hereby amended as provided in Exhibit "A" attached hereto.

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 17TH DAY OF MARCH, 1982.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS
Harold L. Haugen
Harold L. Haugen, Chairman
Mary E. Benedetti
Mary E. Benedetti, Vice Chairman
William F. Ford
William F. Ford, Commissioner

ATTEST:

Maxine Foster
County Clerk
By, *William Speden* Deputy
Gene Stone
Recording Secretary

APPROVED AS TO FORM:
Duane Schultz
Duane Schultz
Legal Counsel

EXHIBIT "A"

SECTION 100.04 - Definitions

- 26.1 Building Line shall mean the building setback lines as defined by the required front, side and rear yards; or a line on a plat or map indicating the limit behind which buildings or structures may be erected.
- 26.2 Buildable Area shall mean the area contained within the building lines upon which it is permissible for buildings or structures to be erected.
- 45. Dwelling Group shall mean a group of three (3) or more dwellings attached or detached located on a parcel of land in one (1) ownership and having any yard or court in common, provided that the dwelling and the ground immediately beneath the dwelling may be in separate ownerships.
- 67. Lot Depth shall mean the perpendicular distance between the front and the rear lot lines.
- 69. Lot Line shall mean any property line bounding a lot.
- 75. Lot Width shall mean the perpendicular distance measured between the midpoints of the side lot lines for an interior lot of rectangular or nearly rectangular shape. For odd shaped lots, lot width shall mean the perpendicular distance measured between the midpoints of the two principal opposite side lot lines. For corner lots, lot width shall mean the perpendicular distance measured between the longest front lot line and the opposite side lot line.
- 78. Manufactured Home shall mean a detached single family dwelling constructed in accordance with the "National Manufactured Housing Construction and Safety Standards Act of 1974", or constructed prior to the Standards Act of 1974; designed for long term occupancy rather than for recreational purposes; and designed to be transported after fabrication to its location of use on its own chassis and wheels.

SECTION 122.03 Conditional Uses

- i. Automobile service stations and carwash facilities.

SECTION 126.02 Permitted Uses

- m. Retail or combination retail/wholesale lumber and building materials yard.
- x. Manufacturing of precast concrete products and ceramics products using only previously pulverized materials.

SECTION 128.02 Site Plan Committee

There is hereby created a City Site Plan Committee consisting of the City Community Development Director, the City Building Official, the City Engineer, the City Fire Chief and the City Police Chief, or their authorized deputies; and a County Site Plan Committee consisting of the County Planning Director, the Director of Public Works, the Director of Building Safety, the Director of the Health Department, and the County Fire Marshal or their authorized deputies. The City and County Site Plan Committees shall carry out the duties for site plan review as set forth in this section. These committees shall have the authority to approve, disapprove, or to approve with conditions, the site plans for all proposed new buildings or structures, expansion or alteration of use in those zoning districts where Site Plan approval is required. In the review of plans, the Site Plan Committee shall be governed by the purposes and objectives of this section as set forth in Sections 128.01 and 128.03(b).

SECTION 129.04 Number of Spaces Required

a. Residential

- | | |
|---|--|
| (2) Multi-family dwelling containing four or more dwelling units: | One and one-half spaces per dwelling unit. |
|---|--|

b. Commercial Residential

- | | |
|------------|--|
| (2) Motel: | One for each room; where fractioned, next highest full unit. |
|------------|--|

c. Institutions

- | | |
|----------------|-------------------------|
| (3) Hospitals: | Two (2) spaces per bed. |
|----------------|-------------------------|

f. Commercial

- | | |
|--------------------------------|--|
| (4) Medical or dental offices: | One space per 250 sq. ft. of gross floor area. |
|--------------------------------|--|

SECTION 129.10 Development and Maintenance Standards for Off-Street Parking Areas

- j. Up to 20% of the required parking spaces may be allocated parking stalls of 8½' in width and 16' in length, provided such spaces are marked as compact spaces on the pavement and adequately signed elsewhere.

SECTION 131.04 Minimum Size for Planned Unit Developments

No application shall be made for an area of less than seven (7) acres in any "M" District, or for an area of less than three (3) acres in any other zoning district.

SECTION 131.06 Plan Required

All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses (if any), landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance and the Subdivision Ordinance. The Planning Commission may request recommendations from the Site Review Committee pertaining to any particular application, provided, however, the Planning Commission shall not be bound by these recommendations.

SECTION 132.09 Dwelling Groups

- a. Purpose. This section is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of this Ordinance and the Subdivision Ordinance. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic, and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the Urban Growth Area. A permit may not be issued for the erection of a Dwelling Group unless such Dwelling Group conforms to all of the following conditions and requirements:

- (5) Except as modified in this section, such Dwelling Group shall conform to all of the requirements of this Ordinance for the district in which it is to be located, and the Subdivision Ordinance, but only to the extent specified by Planning Commission approval, and meeting the criteria of Planned Unit Development approval specified in Section 31.

42-82

Amendment
6

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

ORDINANCE NO. 82-19

AN ORDINANCE ADOPTING AMENDMENTS BY REFERENCE TO THE URBAN AREA ZONING ORDINANCE NO. 81-25 (CITY ORDINANCE NO. 4415).

WHEREAS, the Board of County Commissioners adopted an Urban Area Zoning Ordinance to provide for consistent zoning regulations, and providing procedures for enforcement and penalties for the violation thereof, with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, the Urban Area Planning Commission conducted a public hearing on January 27, 1982, and recommended amendments to the Urban Area Zoning Ordinance as set forth in Exhibit "A", attached hereto; and

WHEREAS, on March 3, 1982, the Council of the City of Grants Pass adopted City Ordinance No. 4438 amending their Urban Area Zoning Ordinance No. 4415 as recommended by the Urban Area Planning Commission; and

WHEREAS, the Board of County Commissioners for Josephine County conducted a public hearing on March 5, 1982, to consider the amendments recommended by the Urban Area Planning Commission.

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

SECTION 1. The Urban Area Zoning Ordinance No. 81-25 (City Ordinance No. 4415) is hereby amended as provided in Exhibit "A" attached hereto.

SECTION 2. First reading by the Board of County Commissioners is this 17th day of March, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 31st day of March, 1982. 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
Harold L. Haugen, Chairman
Mary E. Benedetti
Mary E. Benedetti, Vice Chairman
William F. Ford
William F. Ford, Commissioner

ATTEST:
Maxine Foster
Maxine Foster
County Clerk

Gene Stone
Recording Secretary

APPROVED AS TO FORM:
Dwane Schultz
Dwane Schultz
Legal Counsel

EXHIBIT "A"

SECTION 100.04 - Definitions

- 26.1 Building Line shall mean the building setback lines as defined by the required front, side and rear yards; or a line on a plat or map indicating the limit behind which buildings or structures may be erected.
- 26.2 Buildable Area shall mean the area contained within the building lines upon which it is permissible for buildings or structures to be erected.
45. Dwelling Group shall mean a group of three (3) or more dwellings attached or detached located on a parcel of land in one (1) ownership and having any yard or court in common, provided that the dwelling and the ground immediately beneath the dwelling may be in separate ownerships.
67. Lot Depth shall mean the perpendicular distance between the front and the rear lot lines.
69. Lot Line shall mean any property line bounding a lot.
75. Lot Width shall mean the perpendicular distance measured between the midpoints of the side lot lines for an interior lot of rectangular or nearly rectangular shape. For odd shaped lots, lot width shall mean the perpendicular distance measured between the midpoints of the two principal opposite side lot lines. For corner lots, lot width shall mean the perpendicular distance measured between the longest front lot line and the opposite side lot line.
78. Manufactured Home shall mean a detached single family dwelling constructed in accordance with the "National Manufactured Housing Construction and Safety Standards Act of 1974", or constructed prior to the Standards Act of 1974; designed for long term occupancy rather than for recreational purposes; and designed to be transported after fabrication to its location of use on its own chassis and wheels.

SECTION 122.03 Conditional Uses

- i. Automobile service stations and carwash facilities.

SECTION 126.02 Permitted Uses

- m. Retail or combination retail/wholesale lumber and building materials yard.
- x. Manufacturing of precast concrete products and ceramics products using only previously pulverized materials.

SECTION 128.02 Site Plan Committee

There is hereby created a City Site Plan Committee consisting of the City Community Development Director, the City Building Official, the City Engineer, the City Fire Chief and the City Police Chief, or their authorized deputies; and a County Site Plan Committee consisting of the County Planning Director, the Director of Public Works, the Director of Building Safety, the Director of the Health Department, and the County Fire Marshal or their authorized deputies. The City and County Site Plan Committees shall carry out the duties for site plan review as set forth in this section. These committees shall have the authority to approve, disapprove, or to approve with conditions, the site plans for all proposed new buildings or structures, expansion or alteration of use in those zoning districts where Site Plan approval is required. In the review of plans, the Site Plan Committee shall be governed by the purposes and objectives of this section as set forth in Sections 128.01 and 128.03(b).

SECTION 129.04 Number of Spaces Required

a. Residential

- | | |
|---|--|
| (2) Multi-family dwelling containing four or more dwelling units: | One and one-half spaces per dwelling unit. |
|---|--|

b. Commercial Residential

- | | |
|------------|--|
| (2) Motel: | One for each room; where fractioned, next highest full unit. |
|------------|--|

c. Institutions

- | | |
|----------------|-------------------------|
| (3) Hospitals: | Two (2) spaces per bed. |
|----------------|-------------------------|

f. Commercial

- | | |
|--------------------------------|--|
| (4) Medical or dental offices: | One space per 250 sq. ft. of gross floor area. |
|--------------------------------|--|

SECTION 129.10 Development and Maintenance Standards for Off-Street Parking Areas

- j. Up to 20% of the required parking spaces may be allocated parking stalls of 8½' in width and 16' in length, provided such spaces are marked as compact spaces on the pavement and adequately signed elsewhere.

SECTION 131.04 Minimum Size for Planned Unit Developments

No application shall be made for an area of less than seven (7) acres in any "M" District, or for an area of less than three (3) acres in any other zoning district.

SECTION 131.06 Plan Required

All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses (if any), landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance and the Subdivision Ordinance. The Planning Commission may request recommendations from the Site Review Committee pertaining to any particular application, provided, however, the Planning Commission shall not be bound by these recommendations.

SECTION 132.09 Dwelling Groups

- a. Purpose. This section is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of this Ordinance and the Subdivision Ordinance. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic, and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the Urban Growth Area. A permit may not be issued for the erection of a Dwelling Group unless such Dwelling Group conforms to all of the following conditions and requirements:

- (5) Except as modified in this section, such Dwelling Group shall conform to all of the requirements of this Ordinance for the district in which it is to be located, and the Subdivision Ordinance, but only to the extent specified by Planning Commission approval, and meeting the criteria of Planned Unit Development approval specified in Section 31.

...the use as a part of the Planned Unit Development process as provided in this section, no building or other permit shall be issued or such development or part thereof until the Planning Commission has approved said development, or upon appeal, approval has been granted by the governing body.

SECTION 131.03 Application

The owner, or any interested person, may file an application for Planned Unit Development Approval with the appropriate Planning Office. The application shall be accompanied by a fee in an amount to be established by resolution of the governing bodies. No part of the fee shall be refundable. In the event that a granting of the proposed Planned Unit Development necessarily involves the granting of a conditional use, the amount of the filing fee prescribed in the aforesaid resolution shall be deemed to include the fee for such conditional use proceedings.

SECTION 131.04 Minimum Size for Planned Unit Developments

No application shall be made for an area of less than ten (10) acres in any "M" District, or for an area of less than four (4) acres in any other zoning district.

SECTION 131.05 Limitation on Application

No application shall be accepted for use which will require a change in zoning district, unless accompanied by an application for a zoning amendment as set forth in Section 139.

SECTION 131.06 Plan Required

on current zoning ordinance
All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses (if any), landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance. The Planning Commission should consider recommendations from the Site Plan Review Committee pertaining to any particular application.

SECTION 131.07 Public Hearing Optional with Governing Body

No public hearing in addition to the hearing conducted by the Urban Area Planning Commission need be held by the appropriate governing body on a Planned Unit Development if no zoning amendment is required; provided, however, that a hearing may be held by the appropriate governing body when it deems such hearing to be necessary in the public interest. Such hearing, if required, shall be held as set

RECOMMENDED AMENDMENTS TO CITY COUNTY ZONING ORDINANCE

ITEM A: DWELLING GROUPS

Allows individual ownership of ground directly beneath units in a "Dwelling Group" (a mini-PUD), and ties Dwelling Groups to Subdivision Ordinance. The following language was recommended by the UAPC on July 29, 1981, and adopted by the City Council on August 5, 1981.

Only the underlined portions have been added. No language has been removed.

Section 131.06 Plan Required (PUD)

Plan Required. All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses (if any), landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance and the Subdivision Ordinance. The Planning Commission may request recommendations from the Site Approval Committee pertaining to any particular application, provided, however, the Planning Commission shall not be bound by these recommendations.

Section 132.09 Dwelling Groups

a. Purpose. This section is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of this Ordinance and the Subdivision Ordinance. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic, and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the Urban Growth Area. A permit may not be issued for the erection of a Dwelling Group unless such Dwelling Group conforms to all of the following conditions and requirements:

- (5) Except as modified in this section, such Dwelling Group shall conform to all of the requirements of this Ordinance for the district in which it is to be located, and the Subdivision Ordinance, but only to the extent specified by Planning Commission approval, and meeting the criteria of Planned Unit Development approval specified in Section 31.

Section 100.04 Definitions

Dwelling Group shall mean a group of three (3) or more dwellings attached or detached located on a parcel of land in one ownership and having any yard or court in common, provided that the dwelling and the ground immediately beneath the dwelling may be in separate ownerships.

ITEM B: CARWASH IN C-4 ZONE

Allows carwash facilities in C-4 zone, subject to a Conditional Use Permit. The following language was recommended by the UAPC on July 29, 1981, and adopted by Council on September 16, 1981.

Section 122.03 Tourist Commercial, C-4, Conditional Uses

m. Carwash facilities.

From staff
report presented
to BCC

AN ORDINANCE AMENDING ORDINANCE NO. 4415 (THE ZONING ORDINANCE).

THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: Section 131.06 Plan Required (PUD) is hereby amended to add "...and the Subdivision Ordinance.", to the second sentence and such amendment to read as follows:

Section 131.06 Plan Required (PUD)

City Ordinance

Plan Required. All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses (if any), landscaping and other open spaces, and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance and the Subdivision Ordinance. The Planning Commission may request recommendations from the Site Review Committee pertaining to any particular application, provided, however, the Planning Commission shall not be bound by these recommendations.

Section 2: Section 132.09 (a) Dwelling Groups is hereby amended to add "...and the Subdivision Ordinance.", to the first sentence, and Section 132.09 (a) is to read as follows:

Section 132.09 Dwelling Groups

a. Purpose. This section is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of this Ordinance and the Subdivision Ordinance. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic, and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the Urban Growth Area. A permit may not be issued for the erection of a Dwelling Group unless such Dwelling Group conforms to all of the following conditions and requirements:

Section 3: Section 132.09 (5) is hereby amended to add "...., and the Subdivision Ordinance, but only to the extent specified by Planning Commission approval, and meeting the criteria of Planned Unit Development approval specified in Section 31.", to the first sentence and such amendment to read as follows:

(5) Except as modified in this section, such Dwelling Group shall conform to all of the requirements of this Ordinance for the district in which it is to be located, and the Subdivision Ordinance, but only to the extent specified by Planning Commission approval, and meeting the criteria of

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

ORDINANCE NO. 82-21

AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-11, AND JOSEPHINE COUNTY ORDINANCE NO. 81-13 AND INCORPORATING CERTAIN COMPONENTS BY REFERENCE.

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

SECTION 1. PREAMBLE

The Legislative Assembly of the State of Oregon has declared that in order to assure the highest possible level of livability in Oregon it is necessary to provide for properly prepared and coordinated comprehensive plans for cities, counties, regional areas and the State as a whole; and

WHEREAS, the Statewide Planning Goals and Guidelines adopted by the Oregon Land Conservation and Development Commission on December 27, 1974 include goals pertaining to the identification of public services and the identification of urbanizable and rural lands; and

WHEREAS, the Statewide Planning Goals set forth criteria for the establishment of urbanizable lands and for the identification and coordination of public facilities, the Board finds that it is necessary to enact revisions to the Comprehensive Plan and the Zoning Ordinance to provide for extension of public services in the North Valley Industrial and Commercial Area.

SECTION 2. AMENDMENT OF THE COMPREHENSIVE PLAN

The Comprehensive Plan for Josephine County shall be amended to include public service policies for the North Valley Area and service policies for the rural lands for Josephine County located outside of designated urban growth or service containment boundaries.

SECTION 3. COMPONENTS

The Comprehensive Plan for Josephine County shall be amended to include the following components:

1. Urban Service Policies for the North Valley Industrial and Commercial Area. (Exhibit "A")
2. An Urban Services Containment Boundary, including lands in the vicinity of the Josephine County

Airport, the North Valley Industrial Park
and the North Valley Rural Convenience Center.
(Exhibit "B")

3. Public Service Policies for the rural lands
of Josephine County located outside of urban
growth boundaries or urban containment boundaries.

SECTION 4. AMENDMENT OF THE ZONING ORDINANCE

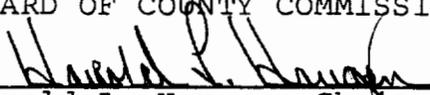
The Josephine County Zoning Ordinance shall be amended
to represent on a specific parcel basis the North
Valley Service Containment Boundary Area. The
Boundary shall be consistent with the zoning of the
area and shall reflect property ownerships.

SECTION 5. EFFECTIVE DATE

First reading by the Board of County Commissioners is
this 19th day of May, 1982.

Second reading and adoption by the Board of County
Commissioners at least thirteen (13) days from the
first reading this 9th day of June, 1982.
This Ordinance shall take effect ninety (90) days
after its adoption by the Board of County Commissioners.

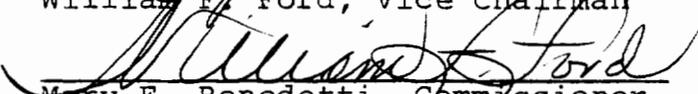
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



Harold L. Haugen, Chairman

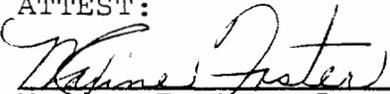


William F. Ford, Vice Chairman



Mary E. Benedetti, Commissioner

ATTEST:

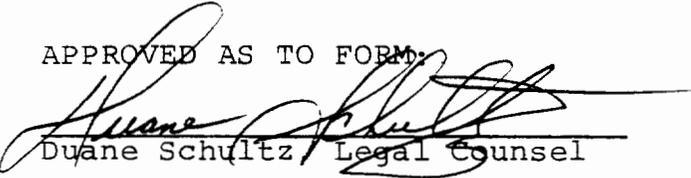


Maxine Foster, County Clerk



Gene Stone
Recording Secretary

APPROVED AS TO FORM:



Duane Schultz, Legal Counsel

EXHIBIT "A"

URBAN SERVICE POLICIES FOR LANDS WITHIN THE NORTH VALLEY SERVICE CONTAINMENT BOUNDARY

I. CRITERIA

The Statewide Planning Goals provide that:

- A. An urban growth boundary shall be established to identify and separate urbanizable land from rural land. The Statewide Planning Goals provide that establishment of an urban growth boundary shall be based upon consideration of the following factors:
 1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.
 2. Need for housing, employment opportunities, and livability.
 3. Orderly and economic provision of public facilities and services.
 4. Maximum efficiency of land uses within and on the fringe of the existing urban area.
 5. Environmental, energy, economic and social consequences.
 6. Retention of agricultural land as defined with Class I being the highest priority for retention and Class VI having lowest priority.
 7. Compatibility of the proposed urban uses with nearby agricultural activities.
- B. Urban and rural development shall be guided and supported by levels of service deemed appropriate for the type of land use. The Statewide Planning Goals require that comprehensive plans shall identify key public facilities and shall contain provisions which guide the development and extension of such facilities.

II. PURPOSES

The North Valley Service Containment Boundary and Urban Service Policies shall serve the following purposes:

- A. To contain the extension of urban level facilities within the geographical limits of the boundary. Lands outside of the Service Containment Boundary shall be maintained for

rural uses, agriculture and forest uses, open spaces and other uses compatible with the Josephine County Comprehensive Plan and the Statewide Planning Goals.

- B. To guide and direct the County and such special districts that may be formed in the area to provide services and facilities that are needed to permit the industrial and commercial development required by the Josephine County Comprehensive Plan.

III. DEFINITIONS

- A. Rural Level Development is defined for purposes of these standards as residential development on lots equal to or greater than one acre (\geq 1 acre), and commercial uses in a Rural Commercial Zoning District that do not require public services. Rural Level Development shall be supported by individual wells and subsurface sewage disposal systems.
- B. Urban Level Development is defined for purposes of these standards as residential development, partitioning, subdividing, or construction which creates parcels or lots less than one acre ($<$ 1 acre), 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 Ordinance.
- C. Rural Level Services are defined as County roads and streets, constructed to rural standards as defined in Section 2.07 of the Josephine County Subdivision Ordinance, minimum structural fire protection of Class 8, and minimum police protection of one officer per a population equivalent of 1,000 persons.
- D. Urban Level Services are defined as County roads and streets, constructed to urban standards as defined in Section 2.07 of the Josephine County Subdivision Ordinance, sanitary sewer, storm sewer, public water systems with fire flow capacity, minimum structural fire protection with a water system of Class 7, and minimum police protection of one officer per a population equivalent of 800 persons.

IV. NORTH VALLEY SERVICE POLICIES

A. Sanitary Sewer

Sanitary sewer shall be provided to lands in the North Valley Service Containment Boundary of sufficient design capacity to handle waste discharge from residential, commercial and industrial uses located within the area. Urban levels of development may develop on interim subsurface or on-site sewage disposal systems until such time as sanitary sewer systems are constructed and available in the area. At such time as sanitary sewer

systems are available, the Governing Body of the District may require that all urban level development shall connect to a sanitary sewer system. Sewer service shall not be extended outside of the North Valley Service Containment Boundary except for one of the following purposes:

1. To alleviate a health hazard created by failure of on-site sewage disposal systems. Extensions for this purpose shall be solely for the purpose of eliminating the health problem and lines shall be designed to limited capacity. Such extensions shall serve only existing rural uses and such additional rural uses as defined in Section III(A).
2. To provide additional hydraulic capacity or more efficient treatment to the existing sewage treatment facility at the North Valley High School, Fleming Middle School, and Manzanita Elementary School.
3. To provide an alternative for treatment of sewage wastes generated by the Merlin Rest Area on Interstate Highway 5.

B. Water Service

As required in Section 2.21 of the Josephine County Sub-division Ordinance, a public water system shall be provided to lands within the North Valley Service Containment Boundary. The public water system shall provide water at fire flow capacities determined to be necessary to provide protection to uses within the area. Urban level development may develop using an interim groundwater source until such time as a public water system is available. At such time as a public water system is available, the Governing Body of the District may require that all urban level uses shall connect to the water system. Water shall not be extended outside of the North Valley Service Containment Boundary except to provide for relief of an emergency situation. Such extensions shall serve only existing uses or rural level development as defined in Section III(A).

C. Storm Drainage

Storm drainage systems shall be developed in the North Valley Industrial Area and the North Valley Rural Convenience Center either on-site or on an area basis to control drainage resulting from impervious surfaces and construction. Storm drainage systems shall be installed as part of planned road improvements of the area, when appropriate.

D. Transportation

Transportation services within the North Valley Service Containment Boundary include both air and motor vehicle.

Clear zones shall be maintained in the vicinity of the Josephine County Airport consistent with standards established by the Federal Aviation Administration to ensure protection of airport operations.

Existing roads, when appropriate, within the Service Containment Boundary shall be reconstructed, when increased traffic volumes warrant, to urban street standards. Urban level development may utilize existing roads for access prior to reconstruction and improvement. Reconstruction of existing roads shall be based on a schedule and financing plan agreed to mutually by the Governing Body of the North Valley Service District and the Board of County Commissioners. New roads and streets within the North Valley Service Containment Boundary shall be constructed to urban standards appropriate for heavy commercial and industrial uses. Additional off-site improvements may be required as part of the development permit issued by the County. Modification of urban street standards may be permitted as authorized by Section 9.06 of the Josephine County Subdivision Ordinance.

E. Police Protection

Urban level development shall require urban levels of police protection. As the North Valley urbanizable area approaches full urban development, the level of police protection shall be equivalent to the level of one officer per a population equivalent of 800 persons with the necessary facilities, equipment and supplies required for efficient and effective operation. This level of protection can be achieved through services of public police agencies such as the Josephine County Sheriff's Department or the Oregon State Police or can be obtained through the provision of private security forces.

F. Fire Protection

Fire protection shall be available within the North Valley Service Containment Boundary on a subscription basis with private fire companies. The minimum service level that must be maintained in the urbanizable area shall be a protection Class 8 as determined by the Insurance Services Office of Oregon. At the time of extension or development of a public water system with fire flow capacity the minimum protection level shall be a Class 7.

G. Solid Waste

Solid waste disposal shall be accomplished consistent with the Solid Waste Management Plan for Josephine County.

V. AREAS OF MUTUAL CONCERN

Because of the proximity of the lands located within the North Valley Service Containment Boundary to the Grants Pass Urban Area, the North Valley lands are designated as an "area of mutual concern," consistent with the Urban Service Policies jointly adopted by the Josephine County Board of Commissioners and the Grants Pass City Council in County Resolution #79-41.

RURAL SERVICE POLICIES

Because of the documented effect of inducing urban development when urban services are extended into rural areas, the Board of County Commissioners shall protect rural lands from undesirable conversion while ensuring that adequate services are available to support rural development. For this purpose the following policies are adopted:

1. Urban level services such as urban streets, storm sewers, water systems with fire flow capacities, and sanitary sewers shall be limited to lands within adopted urban growth boundaries or urban service containment boundaries. Extension of urban services outside of urbanizing areas shall be limited to the following circumstances:
 - a. The service extension is required to alleviate a health hazard and the facility is designed to support only existing or rural uses as defined in the applicable urban service policy adopted by the Board of County Commissioners.
 - b. The urban service was constructed and in use prior to the adoption of the Comprehensive Plan on July 1, 1981. Such service includes the Redwood Sanitary Sewer, outside the Grants Pass Urban Boundary, where lands are designated for Rural Residential use.
 - c. The urban service will provide improved or more efficient service in conjunction with a system already existing in a rural area, but will not result in the potential for urban development.
2. Public facilities in rural areas will normally be limited to rural roads, police and fire protection, and irrigation systems.
3. Public water systems serving 15 or more residences, will normally not be provided in rural areas except when groundwater resources would otherwise be endangered or the water system will facilitate the clustering of housing units at rural densities. The Comprehensive Plan anticipates the construction of a public water system in the Summit Loop - Cloverlawn Drive area to allow rural residential development at one acre densities due to salt water contamination of individual groundwater supplies.
4. Sanitary sewer or public water systems provided in conjunction with Rural Convenience Centers shall be limited to the geographic area included in service containment boundaries. Such boundaries shall be established prior to the formation of special service districts.
5. The minimum level of fire protection is encouraged to be a Class 8 for structures, except in remote areas where distances make such a rating infeasible.

private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health; and to qualify properties for flood insurance;
2. To minimize the need for rescue and relief efforts associated with flood control projects, and to minimize the liability of Josephine County, if any, during periods of flood hazards;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
4. To minimize prolonged economic disruption;
5. To minimize damage to public facilities and utilities such as water, gas, electric, and sewer lines, streets and bridges located in areas of special flood hazard, and to minimize potential isolation of residents from emergency services;
6. To help maintain a stable tax base by providing for the appropriate use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To make available to the public, information on the location of areas of special flood hazards;
8. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions;
9. To implement the public policies adopted by the Board of County Commissioners in the Josephine County Comprehensive Plan.

SECTION 75.04 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which

help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 75.05 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 or State Administrative regulation, then the more restrictive shall govern.

SECTION 76.01 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 76.02 Editorial Revision

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

SECTION 76.03 Definitions

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

1. Appeal shall mean a request for a review of an interpretation of any provision of this Ordinance.

2. Area of Shallow Flooding shall mean a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
3. Area of Special Flood Hazard shall mean the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
4. Base Flood shall mean a standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equalled or exceeded in any given year, commonly known as a 100 year flood.
5. Development shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
6. Existing Mobile Home Development shall mean a mobile home park as defined in Section 76.03(16) of this Ordinance, a subdivision or planned development consisting of platted mobile home lots, or two or more contiguous parcels under single ownership developed for the occupancy of mobile homes and intended for sale, lease, or rental, created and developed prior to the passage of this Ordinance.
7. Expansion to an Existing Mobile Home Development shall mean the preparation of additional sites by the construction of facilities for servicing the units on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).
8. Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of waters and/or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
9. Flood Fringe shall mean the area of the flood plain lying outside of the floodway, but subject to periodic flooding.
10. Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Emergency Management

Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

11. Flood Insurance Study shall mean the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood as referenced in Section 76.05.
12. Flood Plain shall mean the area adjacent to a stream that is subject to periodic flooding.
13. Floodway shall mean the normal stream channel and the adjacent land area of the flood plain that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
14. Floor shall mean any level usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, excluding areas useable only for storage purposes.
15. Mobile Home shall mean a structure designed for occupancy by one (1) family and bearing an insignia of compliance as required by ORS Chapter 446.
16. Mobile Home Park shall mean a place where four (4) or more mobile homes are located within five hundred feet of one another on a lot, tract or parcel of land under the same ownership, excluding mobile homes in a platted subdivision.
17. New Construction shall mean structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
18. Significant Increase shall mean any rise in the elevation of the base flood discharge, greater than 0.09 of one (1) foot.
19. Start of Construction shall mean the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured

footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

20. Structure shall mean a walled and roofed building or mobile home that is principally above ground, or a gas or liquid storage tank.
21. Substantial Improvement shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of market value of the structure as shown on the current Assessor's rolls or as determined by M.A.I. qualified appraiser either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
22. Variance shall mean a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

SECTION 76.05 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, and any revision thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file in the Josephine County Planning Department.

SECTION 76.06 Land to Which This Ordinance Applies

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Josephine County, identified in the Flood Insurance Study.

SECTION 76.08 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Josephine County, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 77.01 Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

Section 77.03 Residential Construction

New construction and substantial improvement of any residential structure shall have the the lowest floor, including habitable

basement, elevated to one (1) foot above base flood elevation.

SECTION 77.04 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this subsection and Section 77.01(3) are satisfied.

SECTION 77.04 Mobile Homes

1. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors unless the stand of the mobile home is elevated above the flood level. Special requirements include:
 - a. Over-the-top ties shall be provided at each of the four corners of any single wide mobile home, not constructed to standards established by the Department of Housing and Urban Development with two additional ties per side at intermediate locations, with single wide mobile homes not bearing an Oregon State Insignia of Compliance, less than 50 feet long requiring one additional tie per side;
 - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - d. Any additions to the mobile home shall be similarly anchored.
2. For new mobile home parks and mobile home subdivisions, and for mobile homes not placed in a mobile home park or mobile home subdivision and for expansions to

existing mobile home developments where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced:

- a. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home or attachments thereto will be one (1) foot above the base flood level;
 - b. Adequate surface drainage and access for a hauler shall be provided.
3. In the instance of elevation of mobile homes on pilings:
- a. Lots shall be large enough to permit steps;
 - b. Piling foundations shall be placed in stable soil no more than ten (10) feet apart; and
 - c. Reinforcement shall be provided for pilings more than six (6) feet above the ground level.

SECTION 77.05 Utilities

1. All new and replacement water systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Gas, electrical, and other utilities, in or serving buildings or structures in a flood plain, shall be located and constructed to minimize flood damage or interruption of services.

SECTION 77.06 Subdivision and Partition of Land

If a land division is proposed in an area which is subject to this Ordinance, as specified in Section 76.06 of this Ordinance, the tentative plan for any subdivision or the tentative map for any partition shall show, consistent with the standards of the Josephine County Subdivision Ordinance, the following information:

1. The location of the flood plain, and the location, if applicable, of the floodway;
2. The elevation of the property and the base flood elevation;
3. Methods for reducing the potential for damage from flooding, such as site filling or grading, elevation of building sites, or other site modifications;
4. Methods for draining the property so as to reduce exposure to flood damage, both on-site and on adjacent property;
5. Method of access for emergency vehicles during flood discharge;
6. Other design features, intended to mitigate flood hazards.

SECTION 78.01 Floodways

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachment, fill, new construction, substantial improvements or other development shall not occur within a floodway designated by any map of "The Flood Insurance Study for the County of Josephine, State of Oregon" referenced in Section 75.05 of this Ordinance, unless a technical evaluation demonstrates that encroachments (including cumulative effects of comparable development on surrounding properties) shall not result in any significant increase in flood levels during the occurrence of a base flood discharge;
2. Development shall not occur on any flood plain lands, where a floodway has not been designated for that reach of a stream or river in "The Flood Insurance Study for the County of Josephine, State of Oregon" referenced in Section 76.05 of this Ordinance unless:
 - a. The Planning Director has evidence which in his judgement would indicate the proposed development site is located in an area of shallow flooding and the proposed construction will not divert the flood or cause a rise in the level of the discharge above the base flood elevation;
 - b. A technical study is completed which establishes the probable location of the floodway as defined in Section 76.03(13) of this Ordinance;

- c. If a technical study is completed under the requirements of this Section, demonstrating that the encroachment will not increase the flood levels, any permitted construction or substantial improvements shall comply with all other applicable standards of this Ordinance;
- d. A mobile home shall not be placed in a floodway, except in an existing mobile home development.

SECTION 79.01 Designation of Administrator of the Flood Hazard Ordinance

The Planning Director is hereby appointed to administer and implement this Ordinance by granting or denying Development Permit applications, in accordance with its provisions.

SECTION 79.02 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 76.05.

Application for a Development Permit shall be made on forms furnished by the Planning Director and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation, in relation to mean sea level, to which any structure is to be flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any commercial or industrial structure are adequate to withstand the flood depths, pressures, velocities, impacts and uplift forces and other factors associated with the base flood;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

A development permit may be conditioned by the Planning Director to ensure compliance with this Ordinance; and if the development

will result in an alteration or relocation of a watercourse, the Director shall require that maintenance of the alteration shall be provided so that the flood carrying capacity is not diminished.

SECTION 79.03 Coordination

The Planning Director or his assistants shall review all proposed development permits to ensure that developments will comply with the standards of this Ordinance or other County Ordinances. The Planning Director shall advise other County departments of actions taken under the provisions of this Ordinance. The Planning Director shall advise applicants that they may need to secure permit approvals from other state or federal agencies, having regulatory responsibilities for activities within flood hazard areas, prior to the issuance of development permits or may condition development permits on compliance with other state or federal laws or requirements.

SECTION 79.04 Revocation of a Development Permit

Any permit granted pursuant to Section 77.01 shall be subject to revocation by the Zoning Commission if it is ascertained that the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.

1. All development permits shall be conducted in full compliance with any other County Ordinance or requirement of State Law. Failure to conform to other applicable laws shall be grounds for consideration by the Zoning Commission of revocation of the permit.
2. In order to consider revocation of a permit the Zoning Commission shall hold a public hearing in order for the permit holder to show cause why such permit should not be revoked. No hearing may be convened without a minimum of 5 days notice. Such hearing shall be convened more than 15 days after publication of the notice.
3. If the Zoning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, the Commission, at its discretion, may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the permit shall become effective immediately after the time specified.
4. A final decision of the Zoning Commission may be appealed to the Board of County Commissioners, consistent with the procedures established in the County Land Use Hearing Rules.

SECTION 79.05 Building Permit Review

The Building Safety Director shall review all Building Permits to determine that all new construction and substantial improvements shall satisfy the requirements of this Ordinance and any conditions of the development permit. The Building Safety Director may require a study by a registered professional engineer of the degree of hazards.

SECTION 79.06 Alteration of Watercourses

If, as the result of any construction or substantial improvement authorized by a development permit, any watercourse is proposed to be altered or relocated, the Planning Director or his assistants shall require the developer to notify the U.S. Army Corps of Engineers and to submit to the Director evidence that such notification was made prior to the commencement of any work within the watercourse. A copy of the evidence of notification shall be provided to the Federal Emergency Management Agency by the Planning Director.

SECTION 79.07 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 76.05, of this Ordinance, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Ordinance.

SECTION 79.08 Interpretation of FIRM Boundaries

The Planning Director shall be authorized to make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 79.09.

SECTION 79.09 Appeals

1. The Zoning Commission or Hearings Officer, as established by the Board of County Commissioners, shall hear and decide appeals according to the procedures established in the County Land Use Hearing Rules, when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this Ordinance.
2. The Building Codes Appeals and Advisory Board shall hear and decide appeals when it is alleged there is an

error in any requirement, decision, or determination made by the Building Safety Director in the enforcement or administration of this Ordinance, provided that such request does not also require a variance of the state structural, mechanical, plumbing, or electrical codes.

3. Those aggrieved by the decision of the Building Codes Appeals and Advisory Board may appeal such decision to the appropriate state structural, plumbing or electrical board.
4. In passing upon such applications, the Zoning Commission, Hearings Officer, or Building Codes Appeals and Advisory Board shall consider all evaluations, factors, and standards specified in other sections of this Ordinance.
5. Upon consideration of the factors of this Section and the purposes of this Ordinance, the Zoning Commission, Hearings Officer or Board of Building Code Appeals may attach such conditions as it deems necessary to further the purposes of this Ordinance;
6. The Planning Director or Building Safety Director shall maintain the records of all appeal actions, as appropriate, including technical information, and shall report any granted appeals to the Federal Emergency Management Agency, upon request.

SECTION 79.10 Variances

1. The Zoning Commission or Hearings Officer, as established by the Board of County Commissioners, shall hear and decide requests for variances from the requirements of this Ordinance; consistent with the procedures established in the County Land Use Hearing Rules.
2. Those aggrieved by the decision of the Zoning Commission or Hearings Officer may appeal such decision to the Board of County Commissioners as provided in the County Land Use Hearing Rules.
3. In passing upon such applications, the Zoning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Ordinance.
4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond one-half acre, the technical justification

required for issuing the variance increases;

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section;
6. Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result;
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
8. Variances shall only be issued upon:
 - a. A showing of good and sufficient causes;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in a significant increase in flood heights, additional threats to public safety, or conflict with existing local laws or ordinances; and
 - d. A finding that the variance will not result in special privileges not normally enjoyed by property owners in the vicinity.
9. Upon consideration of the factors of this Section and the purposes of this Ordinance, the Zoning Commission may attach such conditions as it deems necessary to further the purposes of this Ordinance;
10. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. The Planning Director shall maintain the records of all variances, including technical information, and shall report any variances to the Federal Emergency Management Agency, upon request.

SECTION 20.01 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the

terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation. Any person who violates this Ordinance or fails to comply with any of its requirements shall be punishable, upon conviction, in a court of law by a fine of not more than \$500 for a non-continuing offense and a fine of not more than \$1000 for a continuing offense.

SECTION 90.02 Notification of Violations

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

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

SECTION 90.03 Compliance

1. An investigation, if necessary, shall be conducted on the property by the Planning Director or his assistants with the company of the property owner. If the property owner refuses access to the property, the Director shall document the refusal and shall use other legal means of determining the existence of a potential violation;
2. If an alleged violation is not abated within the period authorized by the original notification, the Planning Director or his assistants shall attempt to document the violation with photographs and appropriate field notations. Departmental files shall contain a recording of the time, date and location of any photographs pertaining to the alleged violation, together with the names of any witnesses who in

addition to the enforcement officer viewed the alleged violation;

3. Prior to submission of the alleged violation for legal remedy, the Planning Director or his assistants shall attempt to recontact the property owner, explain the standards of the Ordinance, and seek to obtain voluntary compliance with the law. If an extension of time is necessary, such extension shall be agreed to in writing and shall be limited to no more than 30 days, or a compliance schedule with intermediate program check-ups;
4. If a property owner does not respond to notifications of violation, the Planning Director shall prepare documentation of the alleged violation for submission for appropriate legal remedy. Prior to submission of the violation the director shall notify the property owner by certified letter or personal service. The notification shall contain the following:
 - a. Citation of previous compliance requests, extensions of time, or commitments;
 - b. Description of alleged violations and necessary corrective actions; and
 - c. Indication of a time limit of 10 to 15 days to comply with the Ordinance and a statement that if the alleged violation is not corrected within the time limit, formal legal action will begin without further notice.
5. The Planning Director or his assistants shall continue to offer to meet with the property owner to discuss any alleged violations and to secure possible solutions other than court proceedings. Formal correspondence shall include a copy of the applicable sections of the County ordinance and copies of all previous correspondence and agreements related to the matter.

SECTION 80.04 Legal Action

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

SECTION 80.05 Other Remedies

In addition to penalties provided by ORS 203.065, the Board of County Commissioners may utilize such remedies for violation of this Ordinance as are authorized by CRS 215.125.

SECTION 20.07 Effective Date

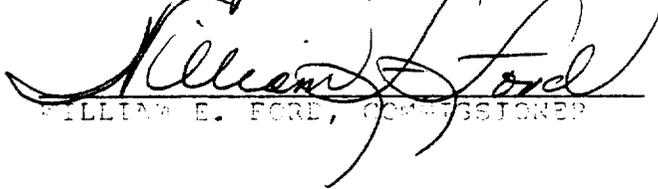
First reading by the Board of County Commissioners is this 26th day of May, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 9th day of June, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

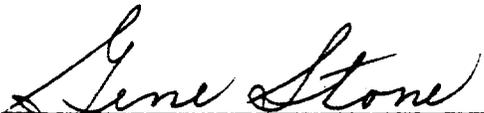

HAROLD L. HAUGEN, CHAIRMAN


MARY E. DEVEDETTI, VICE CHAIRMAN

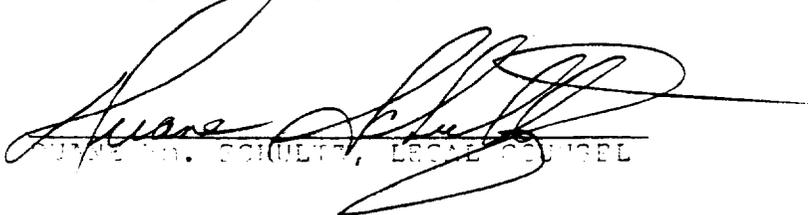

WILLIAM E. FORD, COMMISSIONER

TEST:


YVONNE FOSTER, COUNTY CLERK


GENE STONE, COUNTY SECRETARY

APPROVED AS TO FORM:


WAYNE W. SCHULTE, LEGAL COUNSEL

BIC

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO. 82-22

AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF LAND IN JOSEPHINE COUNTY, SUBJECT TO FLOOD HAZARDS AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP; PROVIDING STANDARDS FOR CONSTRUCTION WITHIN FLOOD-PRONE AREAS; PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTY THEREOF; REPEALING ORDINANCE NO. 78-1.

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

SECTION 75.01 Statutory Authorization

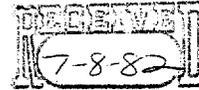
The Legislature of the State of Oregon has in the Oregon Revised Statutes, Chapter 215, delegated the responsibility to the County Board of Commissioners to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Legislature has further required in the Oregon Revised Statutes, Chapter 197, that the Board of County Commissioners shall adopt plans and ordinances which implement the Statewide Planning Goals, including Goal #7 regarding areas subject to Natural Disasters and Hazards.

SECTION 75.02 Findings of Fact

1. The flood hazard areas of Josephine County are subject to periodic inundation which results in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

SECTION 75.03 Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and



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

ORDINANCE NO. 82-23

AN ORDINANCE EXTENDING THE TERM OF THE JOSEPHINE COUNTY ZONING COMMISSION AND ITS MEMBERS TO AUGUST 1, 1982; AND DECLARING AN EMERGENCY.

THE BOARD OF COUNTY COMMISSIONERS OF 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; Ordinance No. 81-19 extended the terms to July 1, 1982. Said Ordinances are hereby re-enacted, ratified in every respect except as may be inconsistent herewith.

SECTION 2. EXTENSION OF COMMISSION AND ITS MEMBERS.

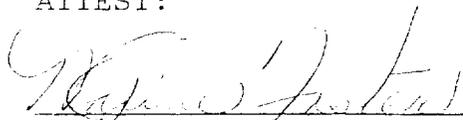
The term of the Josephine County Zoning Commission and its members shall be extended and continued until August 1, 1982, at which time the Commission and the term of its members shall terminate and expire automatically unless the Board of County Commissioners shall thereafter continue the Commission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

SECTION 3. EMERGENCY ORDINANCE; EFFECTIVE DATE.

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 the passage by the Board of County Commissioners.

This Ordinance signed in open session as authentication of its passage this 7th day of July, 1982.

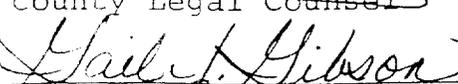
ATTEST:


Maxine Foster
County Clerk

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Harold L. Haugen, Absent

APPROVED AS TO FORM:


Duane Wm. Schultz
County Legal Counsel

Recording Secretary


Mary E. Benedetti, Vice Chairman


William F. Ford, Commissioner

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

ORDINANCE NO. 82-24
AMENDING
ORDINANCE NO. 81-4



AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-4
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.

WHEREAS, the Board of County Commissioners adopted
Ordinance No. 81-4 on the 25th day of March, 1981, which
required aquifer and water quality tests for certain land
developments to be served by individual water systems from
a groundwater source; and

WHEREAS, the advisory committee to the Board entitled
the Josephine County Water Resources Advisory Committee has
recommended that certain changes be made in said Ordinance; and

WHEREAS, it the consensus of the Board of Commissioners
that said recommendations would be in the best interest of the
public.

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

SECTION 8. WATER QUALITY TEST., be amended to read:

A water quality test shall be conducted concurrently with
any aquifer test required by Section 6 of this Ordinance.
Such tests shall be conducted by an accredited 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.

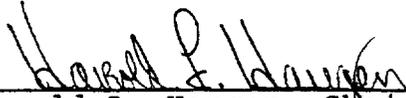
SECTION 9. CRITERIA FOR A REQUEST FOR EXEMPTION. (D), be
amended to read:

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 to determine the extent of the suspected
contaminant 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.

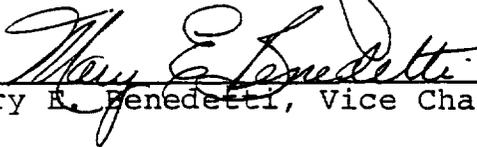
This Ordinance being necessary for the immediate passage of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance shall take effect immediately upon its passage by the Board of County Commissioners.

This Ordinance signed in open session as authentication of its passage this 14th day of July, 1982.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



Harold L. Haugen, Chairman

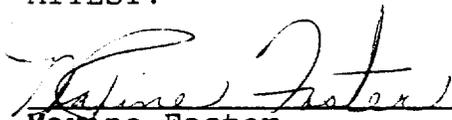


Mary E. Benedetti, Vice Chairman

WILLIAM F. FORD, ABSENT

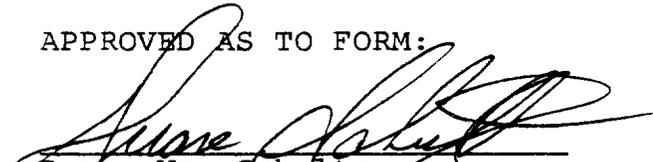
William F. Ford, Commissioner

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. 82-25
AMENDING
ORDINANCE NO. 81-4

8-274

AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-4
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.

WHEREAS, the Board of County Commissioners adopted
Ordinance No. 81-4 on the 25th day of March, 1981, which
required aquifer and water quality tests for certain land
developments to be served by individual water systems from
a groundwater source; and

WHEREAS, the advisory committee to the Board entitled
the Josephine County Water Resources Advisory Committee has
recommended that certain changes be made in said Ordinance; and

WHEREAS, it is the consensus of the Board of Commissioners
that said recommendations would be in the best interest of the
public.

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

SECTION 8. WATER QUALITY TEST., be amended to read:

A water quality test shall be conducted concurrently with
any aquifer test required by Section 6 of this Ordinance.
Such tests shall be conducted by an accredited 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. (D), be
amended to read:

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 to determine the extent of the suspected
contaminant 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.

First reading by the Board of County Commissioners is this 14th day of July, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 28th day of July, 1982. 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)

Harold L. Haugen, Chairman

Mary E. Benedetti
Mary E. Benedetti, Vice Chairman

William F. Ford
William F. Ford, Commissioner

ATTEST:

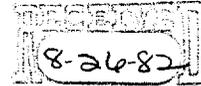
Maxine Foster
County Clerk

By Kathleen Straker, Deputy

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. 82-26

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.

WHEREAS, in the implementation of the Josephine County Comprehensive Plan it has come to the attention of the Board of County Commissioners that certain properties, not irrevocably developed to uses inconsistent with the Statewide Planning Goal on Agricultural Lands, are agricultural lands within the meaning of the goal; and

WHEREAS, such properties were proposed for exception to the goal or were considered to be non-resource properties; and

WHEREAS, the current owners intend to begin or continue farm activities on the properties and desire farm zoning; and

WHEREAS, the Josephine County Zoning Commission has considered permit requests for a portion of these properties, and conditioned such permits on the application of farm zoning.

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

Section 1. PLAN AMENDMENT

Ordinance No. 81-11 adopting the Comprehensive Plan is amended to designate on the plan map the following properties as Exclusive Farm:

- T.37S, R5W, W.M., Section 27, Tax Lot 502
- T.37S, R5W, W.M., Section 28, Tax Lots 100, 102, 103, 104 and 105
- T.39S, R5W, W.M., Section 14, Tax Lots 305, 310, 311 and 312
- T.34S, R5W, W.M., Section 31, Tax Lots 702 and 900
- T.37S, R5W, W.M., Section 19, Tax Lots 400, 500 and 600

Section 2. ZONE CHANGE

Ordinance No. 81-13, establishing zoning districts, is amended to zone the following properties Exclusive Farm:

T.37S, R5W, W.M., Section 27, Tax Lot 502

T.37S, R5W, W.M., Section 28, Tax Lots 100, 102, 103, 104 and 105

T.39S, R5W, W.M., Section 14, Tax Lots 305, 310, 311 and 312

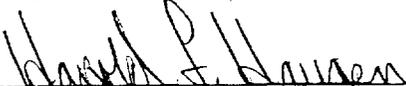
T.34S, R5W, W.M., Section 31, Tax Lots 702 and 900

T.37S, R5W, W.M., Section 14, Tax Lots 400, 500 and 600

Section 3. First reading by the Board of County Commissioners is this 11th day of August, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 25th day of August, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

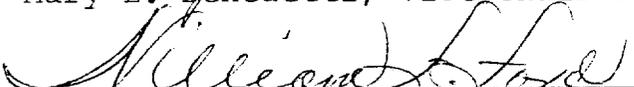
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



Harold L. Haugen, Chairman



Mary E. Benedetti, Vice Chairman



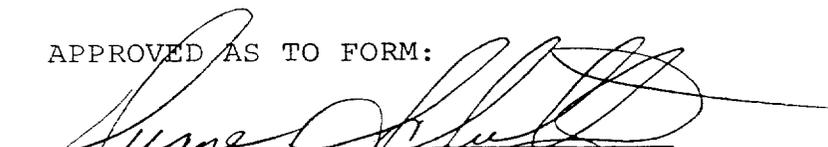
William F. Ford, Commissioner

ATTEST:



Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schultz, Legal Counsel



Gene Stone
Recording Secretary

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 82- 28

AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-11 TO CORRECT PLAN/ZONE CONFLICTS.

WHEREAS, during the review of the Josephine County Comprehensive Plan by the Oregon Department of Land Conservation and Development conflicts between the Plan and implementing zoning were identified; and

WHEREAS, consistency must be maintained between the Plan and implementing ordinances; and

WHEREAS, examination of this situation has revealed that the intent of the Board of County Commissioners was expressed in the zoning designation and that the Comprehensive Plan Map was intended to be revised.

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

SECTION 1. Amendment

The following properties are to be designated on the Comprehensive Plan Map as indicated:

- a) Township 35 South, Range 6 West, Section 9
Tax Lots 105 and 109 - Woodlot
- b) Township 35 South, Range 6 West, Section 11
Tax Lots 401, 900, 1000 - Commercial
- c) Township 35 South, Range 6 West, Section 36
Tax Lots 300, 302, 400, 500 - Commercial
- d) Township 35 South, Range 6 West, Section 36-13
Tax Lots 100, 200, 300, 400, 500, 601, 602, 603,
604, 605 - Rural Residential
- e) Township 35 South, Range 6 West, Section 36-42
Tax Lots 500, 1300, 1301, 1302, 1303 - Rural Residential
- f) Township 37 South, Range 6 West, Section 8
Tax Lots 2000, 2100, 2200, 2800, 2801, 2802, 2805,
2808, 2812 - Exclusive Farm

- g) Township 36 South, Range 5 West, Section 4
Tax Lots 400 and 1000 - Woodlot
- h) Township 36 South, Range 8 West, Section 2
Tax Lots 1900, 1902, 1903, 1904, 2500, 2501,
2502, 2504 - Rural Residential
- i) Township 38 South, Range 7 West, Section 17
Tax Lot 1700 - Forest Resource
- j) Township 38 South, Range 7 West, Section 20
Tax Lot 500 - Forest Resource
- k) Township 36 South, Range 6 West, Section 34
Tax Lot 2400 and 2408 - Woodlot
- l) Township 36 South, Range 6 West, Section 34-4
Tax Lot 1500 - Woodlot

SECTION 2. Effective Date

First reading by the Board of County Commissioners is this 1st day of September, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 15th day of September, 1982. 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 (Absent)

Harold L. Haugen, Chairman

Mary E. Benedetti, Vice Chairman

William E. Ford, Commissioner

ATTEST:

Maxine Foster, County Clerk

Gene Stone, Recording Secretary

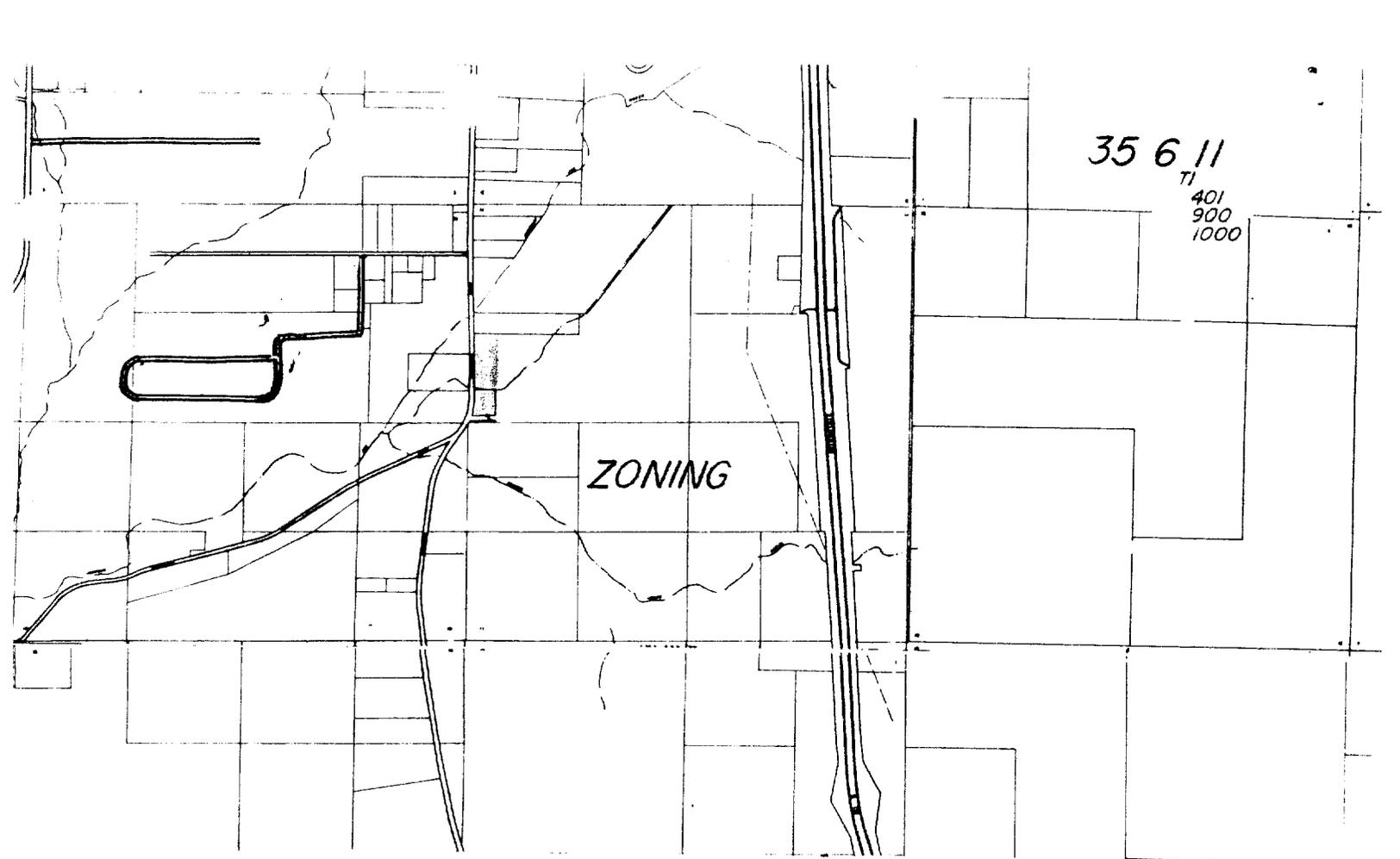
APPROVED AS TO FORM:

Duane Wm. Schultz, Legal Counsel

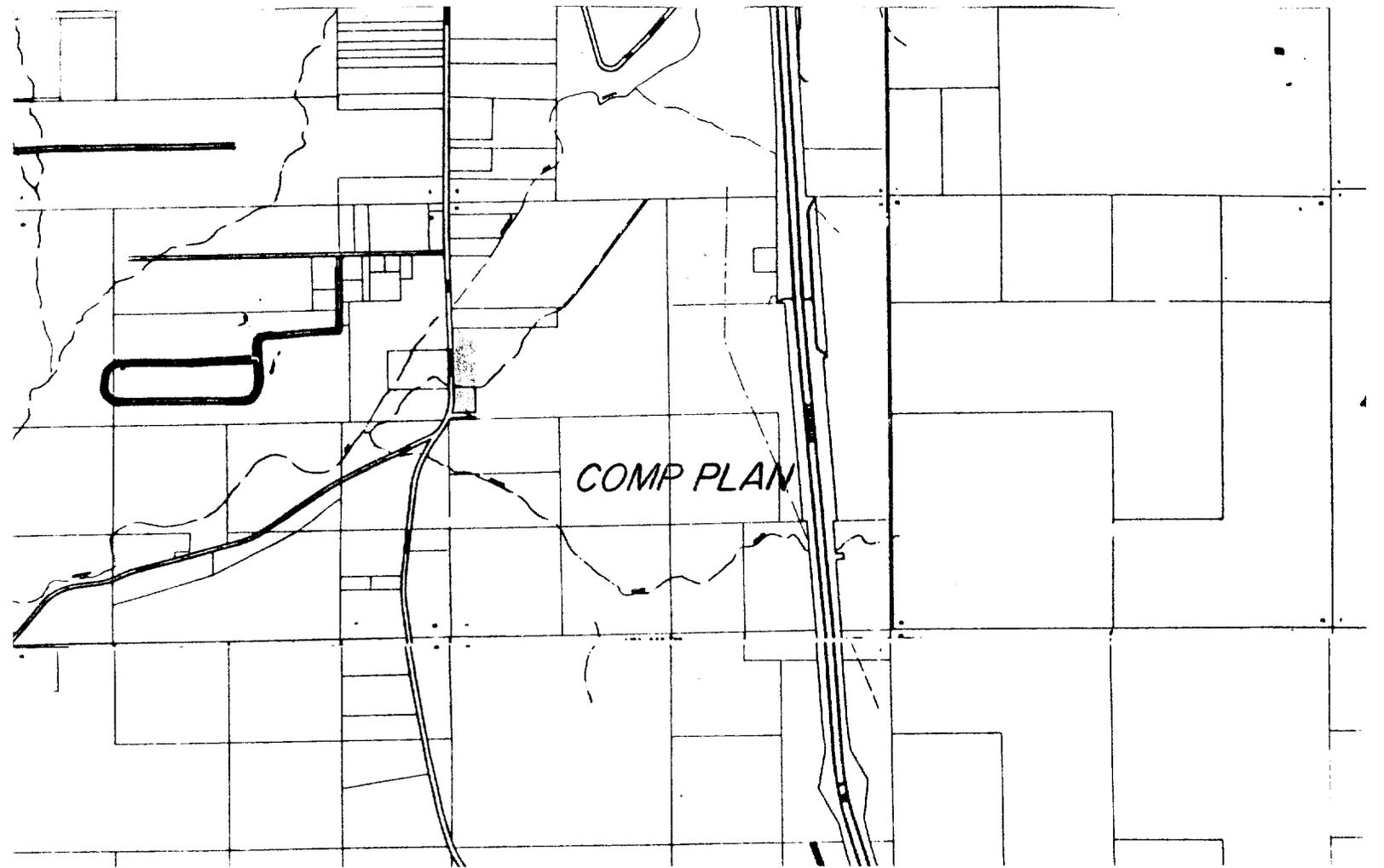
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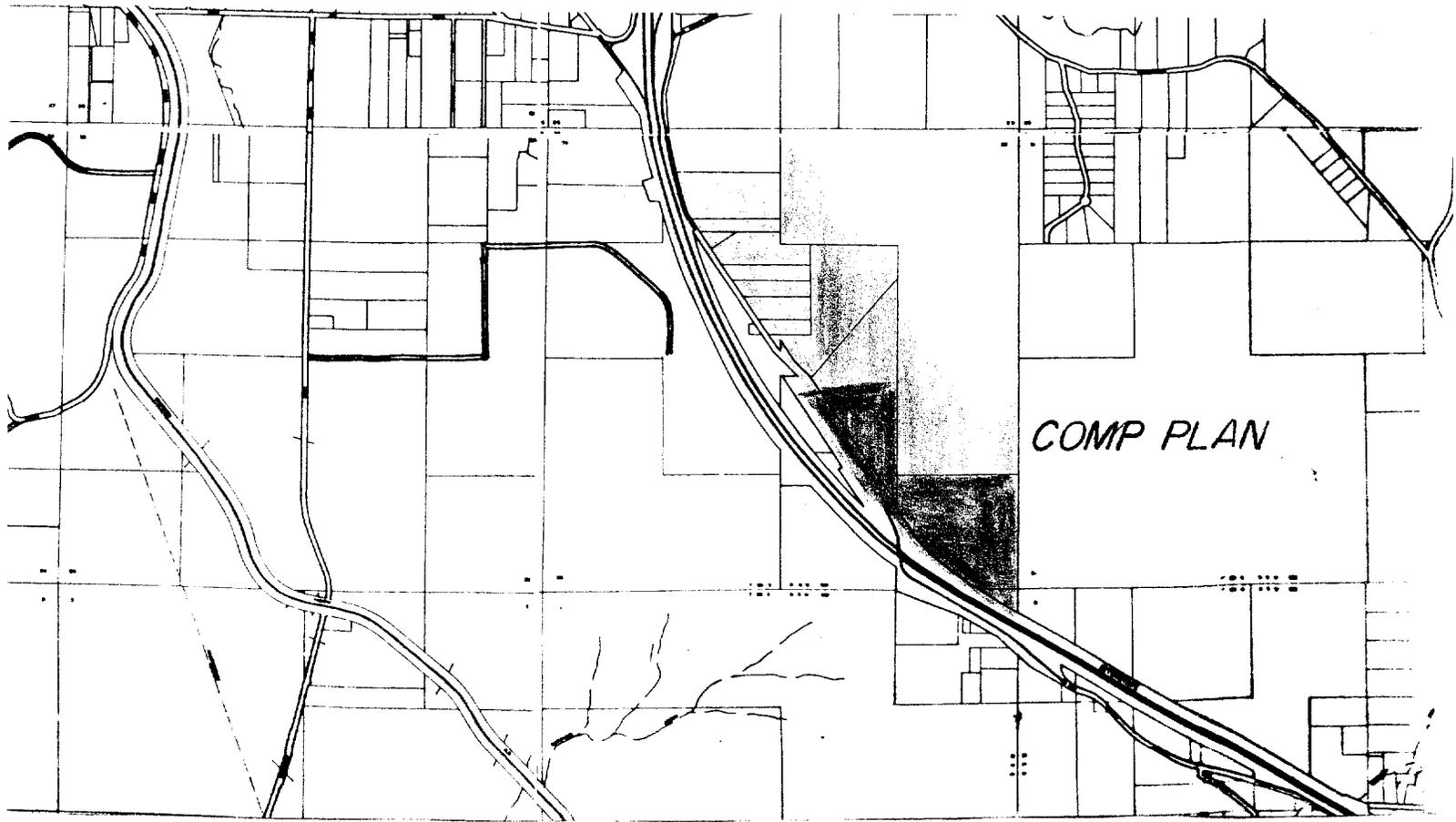
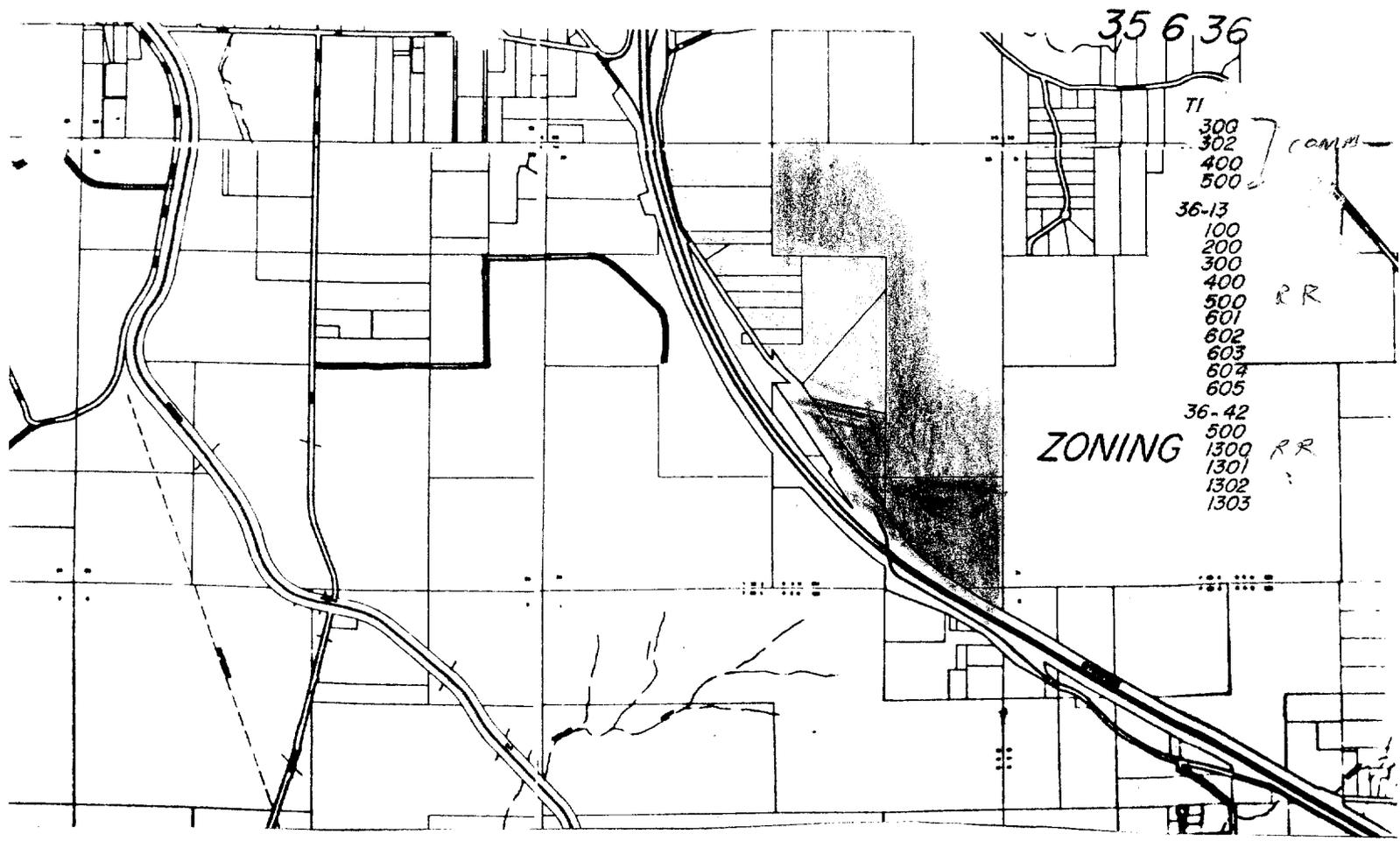
T1
401
900
1000

ZONING

A zoning map showing a grid of land parcels. A prominent area on the left side is outlined with a thick black border. The word "ZONING" is printed in the center of the map. The map includes various lines representing property boundaries, zoning districts, and possibly roads or waterways.

COMP PLAN

A comprehensive plan map showing a grid of land parcels. A prominent area on the left side is outlined with a thick black border. The word "COMP PLAN" is printed in the center of the map. The map includes various lines representing property boundaries, zoning districts, and possibly roads or waterways.

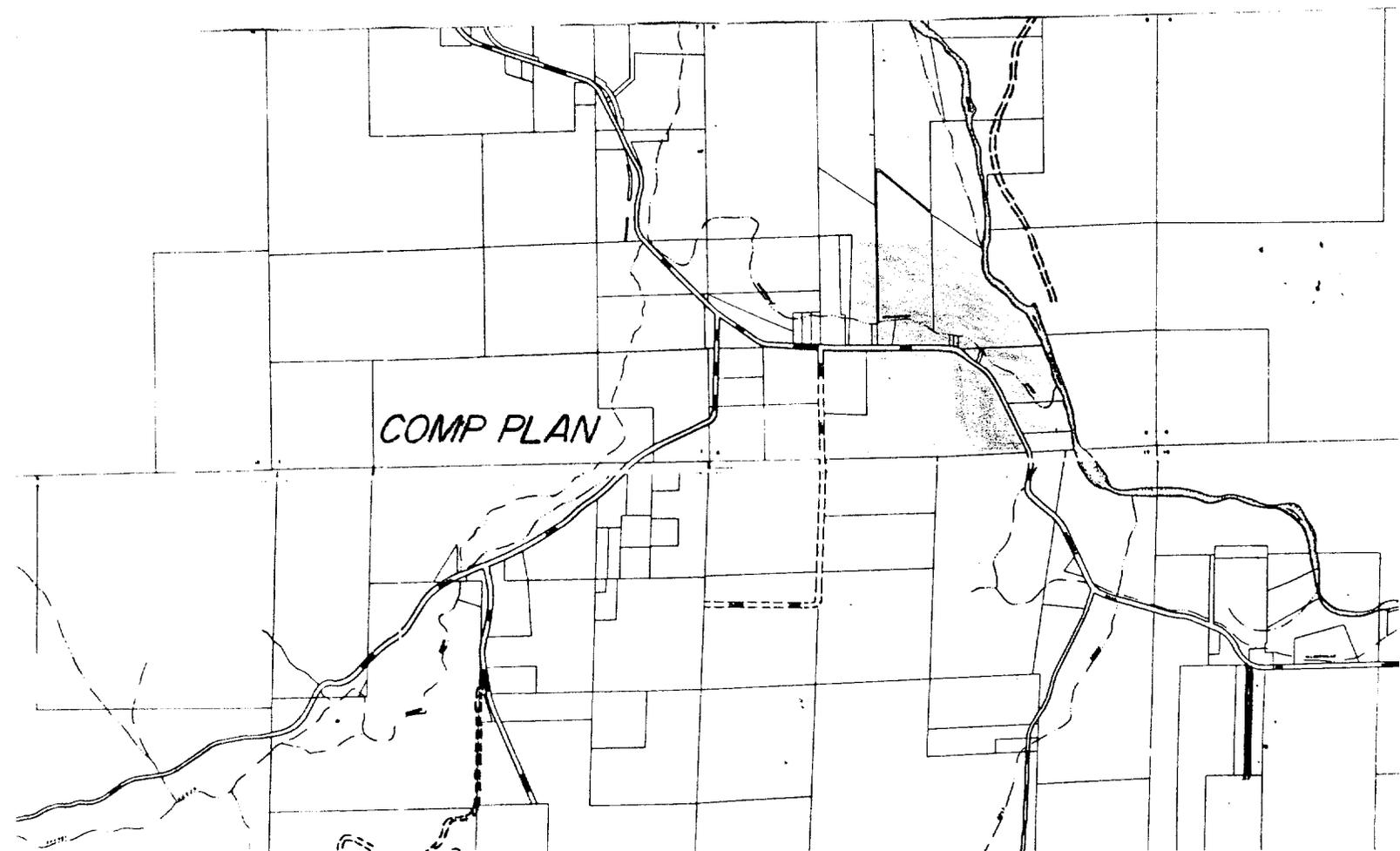
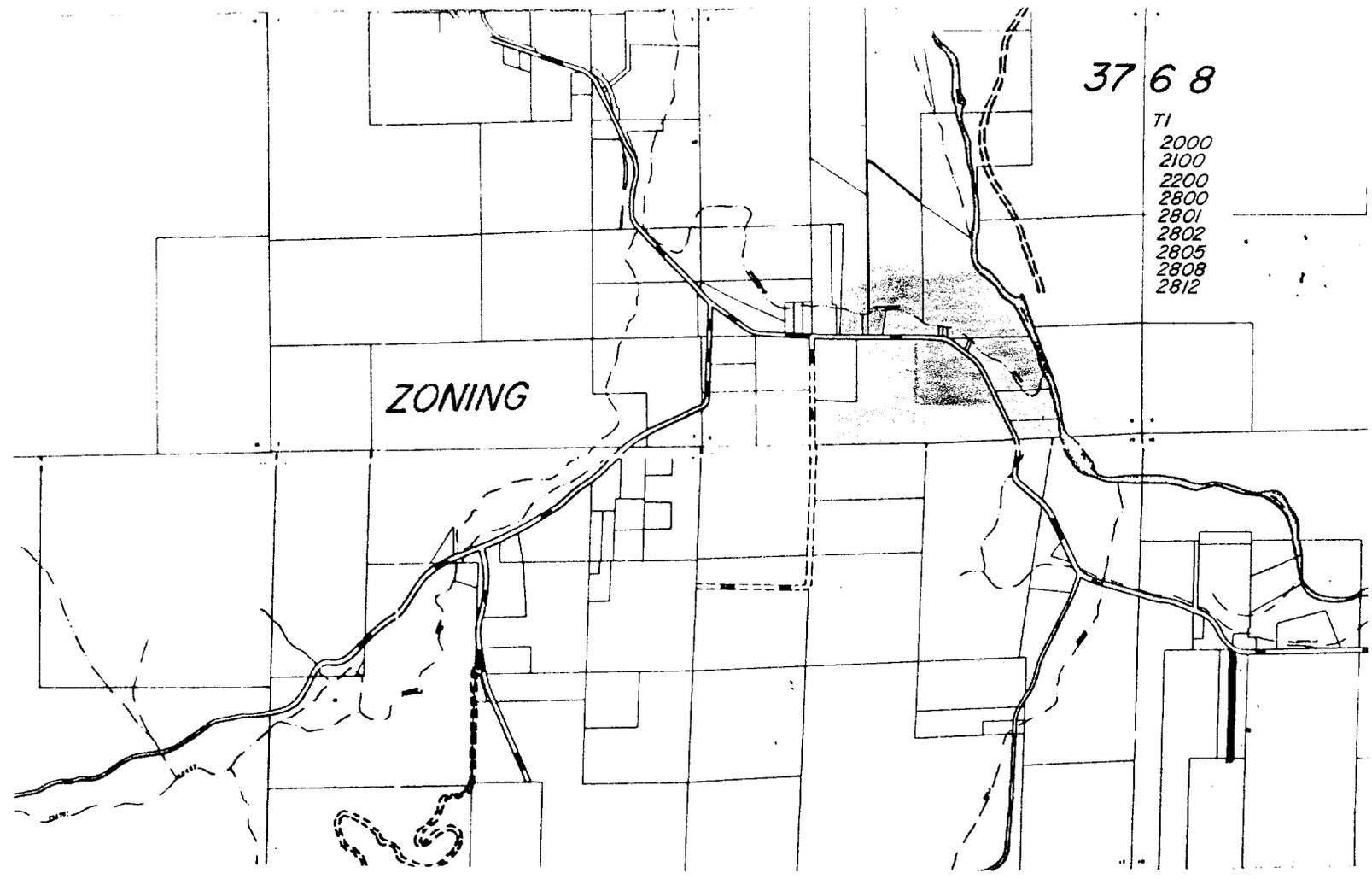


37 6 8

- 71
- 2000
- 2100
- 2200
- 2800
- 2801
- 2802
- 2805
- 2808
- 2812

ZONING

COMP PLAN

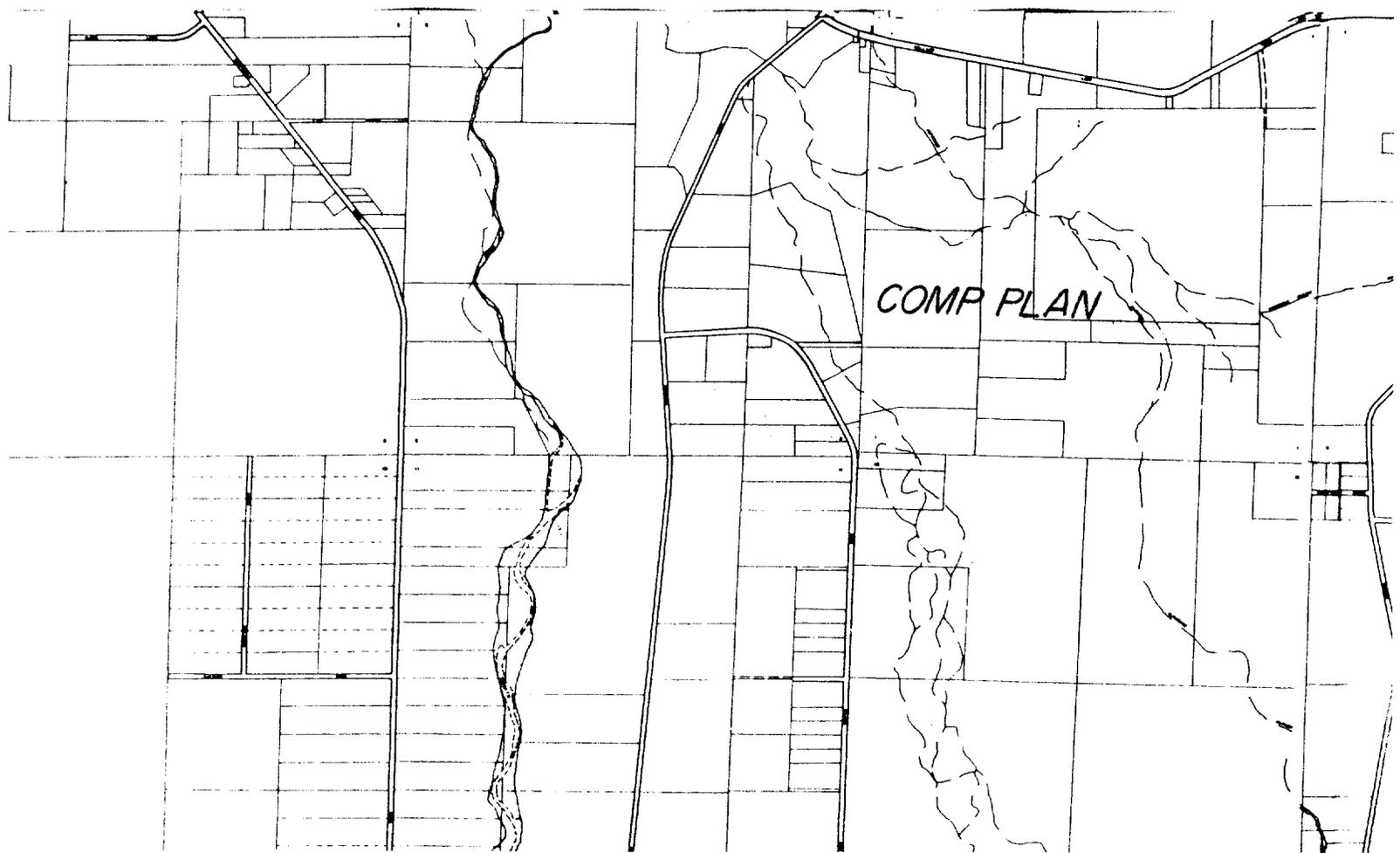
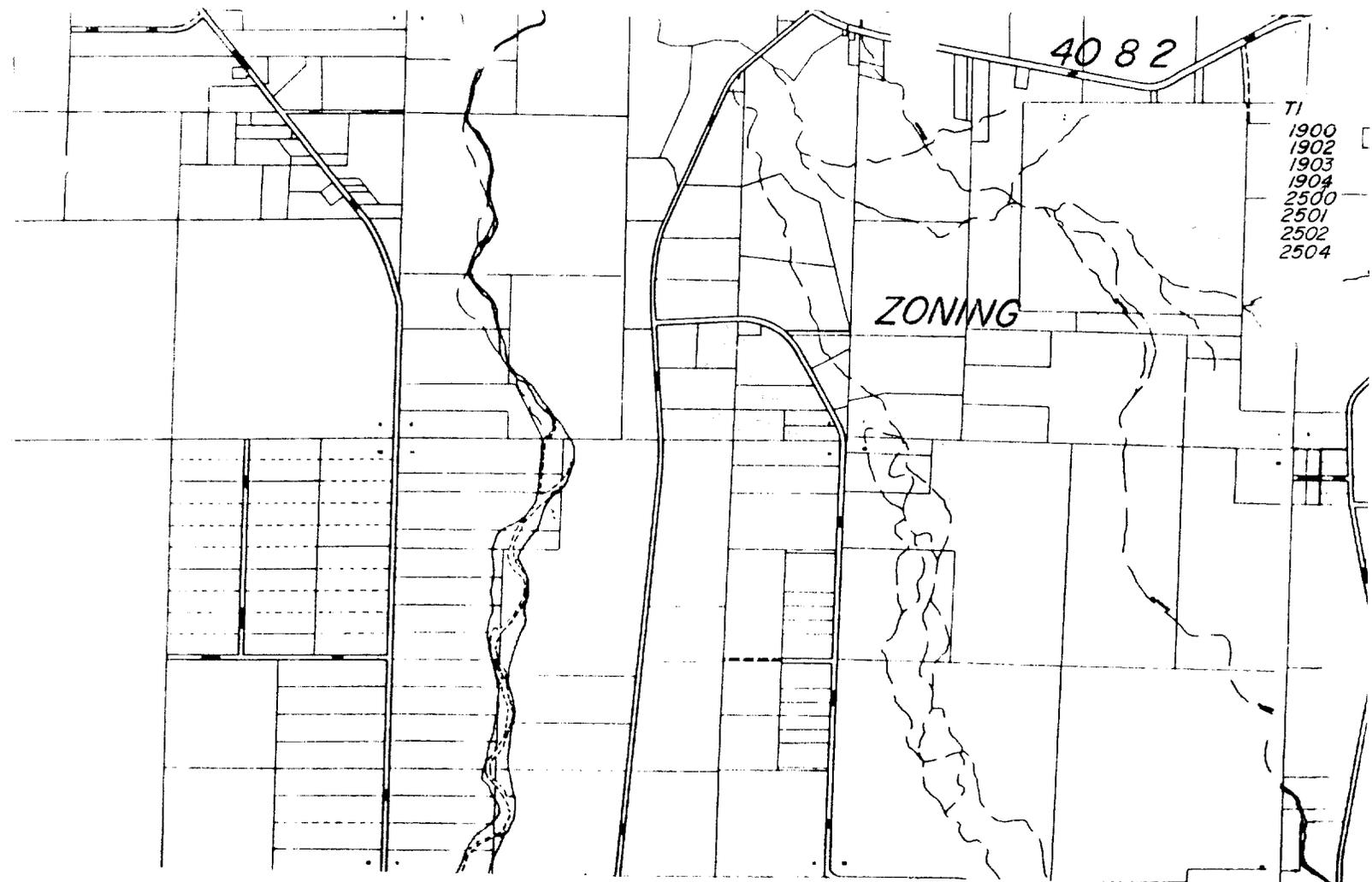


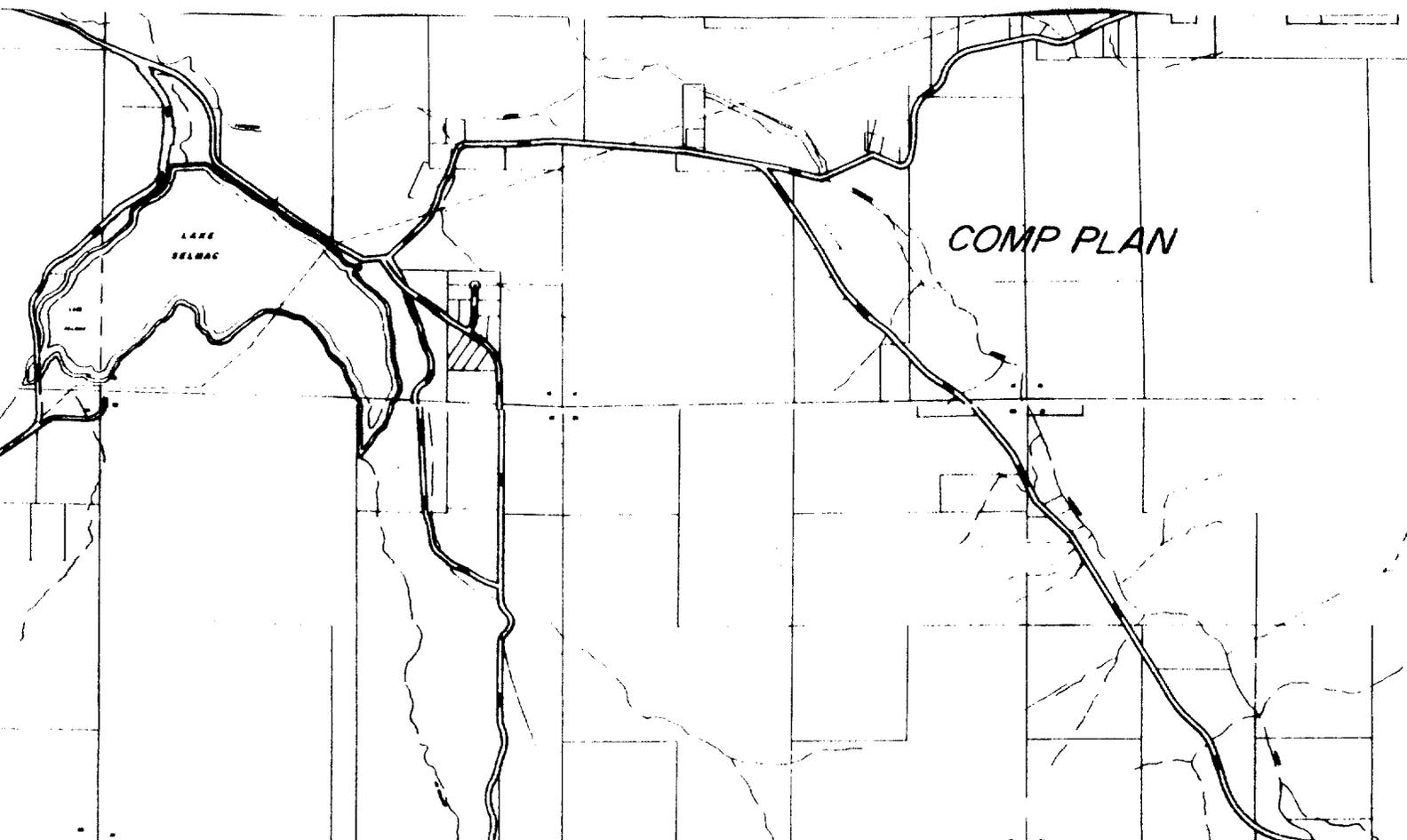
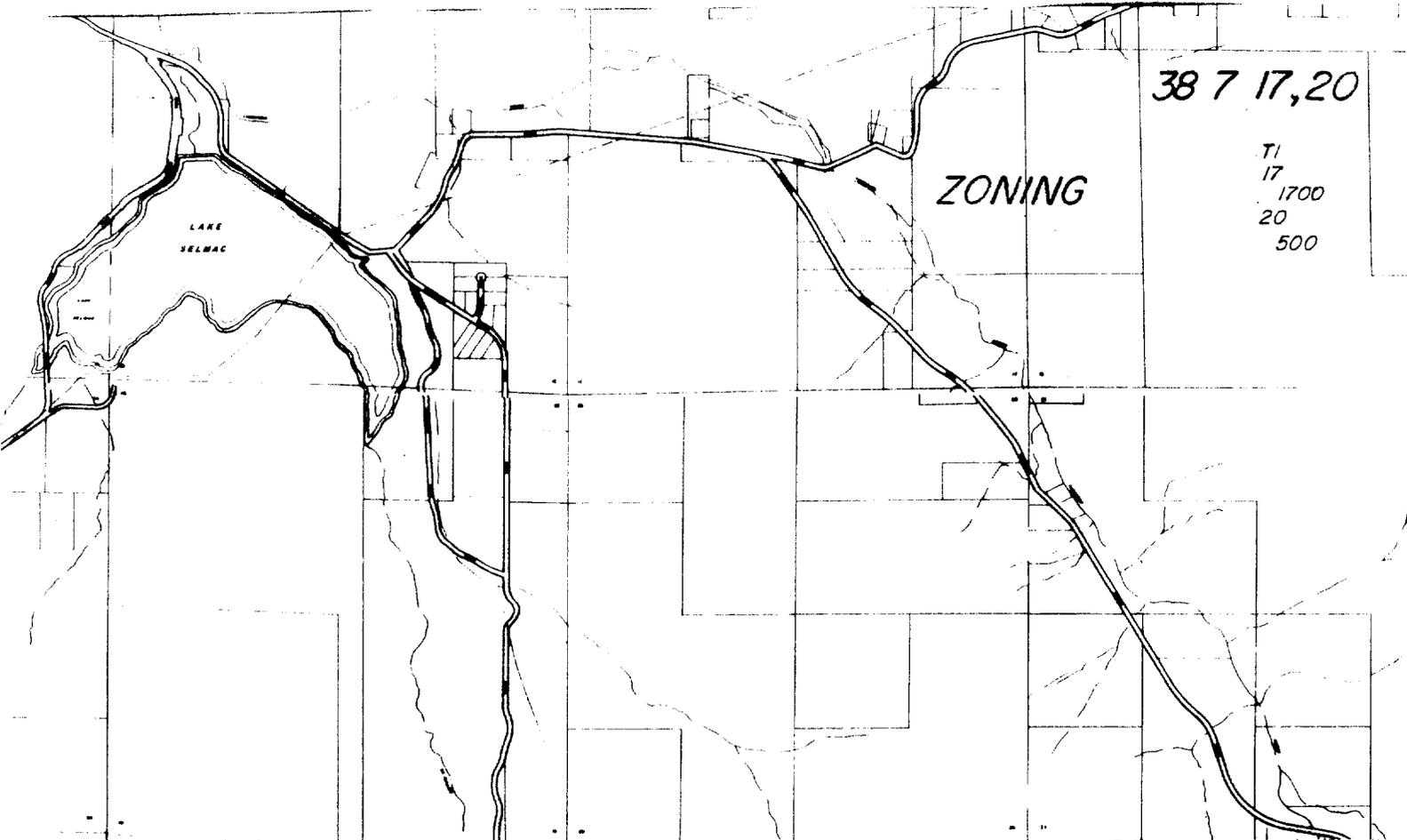
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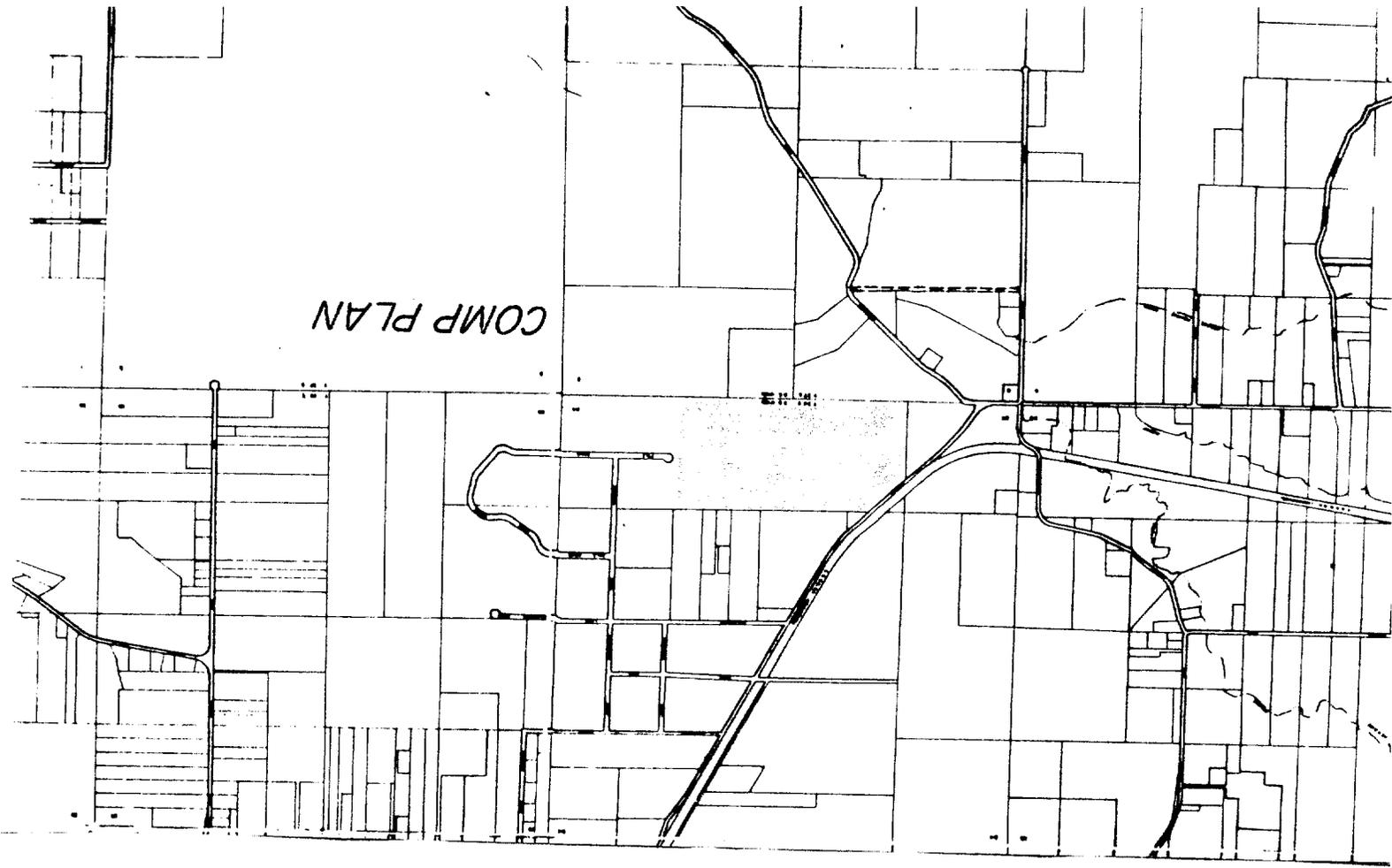
ZONING

COMP PLAN

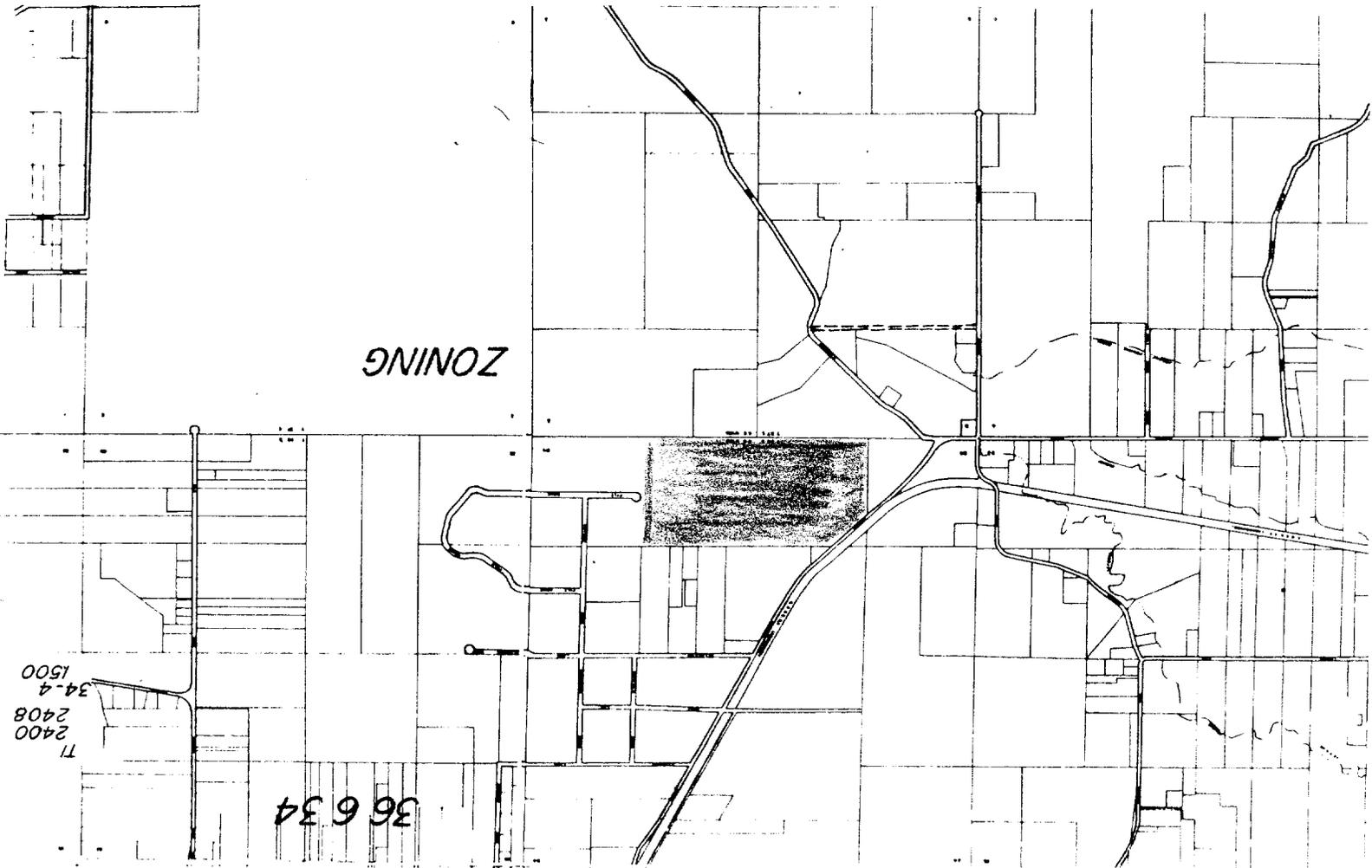




COMP PLAN



ZONING



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JOSEPHINE COUNTY OREGON



Board of Commissioners

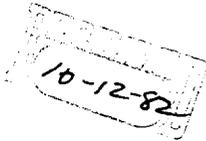
MARY E. BENEDETTI
HAROLD L. HAUGEN
WILLIAM F. FORD

Duane Schultz, Legal Counsel

(503) 474-5221

COURTHOUSE

GRANTS PASS, OREGON 97526



MEMORANDUM

TO: MAXINE FOSTER, COUNTY CLERK
FROM: DUANE WM. SCHULTZ, COUNTY LEGAL COUNSEL *D.S.*
SUBJECT: ORDER OF EDITORIAL REVISION TO JOSEPHINE
COUNTY ORDINANCE NO. 82-28
DATE: OCTOBER 11, 1982

Pursuant to Section 14.040 of the Josephine County Zoning Ordinance No. 81-11:

Whereas, it has come to our attention that Josephine County Ordinance No. 82-28, Section 1(h) contains a typographical error.

Now, therefore, Josephine County Ordinance No. 82-28, Section 1(h) is amended to read as follows:

- h) Township 40 South, Range 8 West, Section 2
Tax Lots 1900, 1902, 1903, 1904, 2500, 2501,
2502, 2504 - Rural Residential

cc: Planning Commission

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

ORDINANCE NO. 82-29

AN ORDINANCE ADOPTING AMENDMENTS TO THE URBAN AREA ZONING ORDINANCE NO. 81-25 (CITY ORDINANCE NO. 4415).

WHEREAS, the Board of County Commissioners adopted an Urban Area Zoning Ordinance to provide for consistent zoning regulations, and providing procedures for enforcement and penalties for the violation thereof, with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, it has come to the attention of the Board of County Commissioners that the wording of the Thoroughfare Commercial (C-5) District, Section 123.02 Permitted Uses and Section 123.03 Conditional Uses are confusing and need clarification.

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

SECTION 1. The following sections are amended as follows:

Section 123.02 Permitted Uses is amended to add "theaters", and such amendment to read as follows:

"i. Commercial recreation facilities such as bowling alleys, skating rinks, dance halls, and theaters, but not including golf-driving ranges or drive-in theaters."

Section 123.03 Conditional Uses is amended to delete "k. Churches" from the list of Conditional Uses, said use being presently listed as a permitted use in this zone.

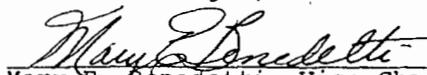
SECTION 2. First reading by the Board of County Commissioners is this 1st day of September, 1982.

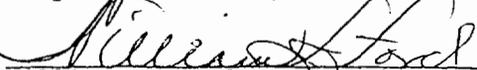
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 15th day of September, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

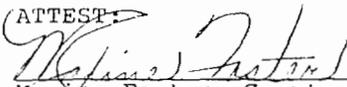
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

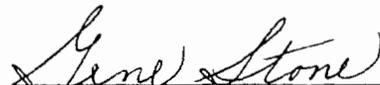
Harold L. Haugen (Absent)

Harold L. Haugen, Chairman


Mary E. Benedetti, Vice Chairman


William F. Ford, Commissioner

ATTEST:

Maxine Foster, County Clerk


Gene Stone
Recording Secretary

APPROVED AS TO FORM:

Duane Wm. Schultz, Legal Counsel

✓ 7 300

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

ORDINANCE NO. 82-30

AN ORDINANCE PROVIDING FOR USER FEES AT COUNTY-OWNED AND OPERATED
SANITARY LANDFILL DISPOSAL SITES; ESTABLISHING PENALTIES AND PROVIDING
PROCEDURES FOR ENFORCEMENT.

JOSEPHINE COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1 TITLE.

This Ordinance shall be known as the 1982 Josephine County Sanitary
Landfill Site User Fee Ordinance.

SECTION 2 PURPOSE.

The purpose of this Ordinance is to establish user fees as County-owned
and operated Sanitary Landfill sites.

SECTION 3 DEFINITIONS.

- (a) DEQ: The State Department of Environmental Quality.
- (b) Solid Waste: All putrescible and nonputrescible wastes,
including but not limited to garbage, rubbish,
refuse, cold ashes, waste paper and cardboard; digested
sewage sludge, commercial, industrial demolition and
construction wastes; discarded or abandoned vehicles, or
parts thereof; discarded home and industrial appliances,
manure, vegetable or animal solid and semi-solid wastes and
dead animals. The term does not include: hazardous wastes
as defined in ORS 459.410; materials used for fertilizer or
for other productive purposes or which are salvageable as
such materials are used on land in agricultural operations
and the growing or harvesting of crops and the raising of
fowls or animals; non-digested sewage sludges, septic tank
pumpings, oils, chemicals, liquids, hospital wastes, explosives,
hot ashes or any other material which may be determined to be
hazardous by the Director or his duly authorized representative.
- (c) Director: The Public Works Director or his duly authorized
representative.
- (d) Disposal Site: Any location authorized by the DEQ and Josephine
County for the deposit of solid waste.
- (e) Person: Any individual, firm, corporation or governmental agency.

SECTION 4 DUMPING AUTHORITY.

The Director or his duly authorized representative shall accept waste at
County-owned and operated sanitary landfill sites from authorized users
between the hours of 9:00 a.m. and 6:00 p.m. on each and every day of the
week, except recognized holidays observed by Josephine County. All
authorized users of County-owned and operated disposal sites shall be subject
to the restrictions contained in this Ordinance.

SECTION 5 AUTHORIZED USERS.

All persons shall be deemed to be authorized users and shall be permitted to dispose of waste, as defined herein, at any County-owned and operated sanitary landfill site.

SECTION 6 PROHIBITED ACTIVITIES.

The following activities are hereby prohibited by any authorized user of a County-owned and operated sanitary landfill site:

- (a) The disposal or the attempted disposal of material other than waste as defined herein unless specifically authorized in writing by the Director or his duly authorized representative.
- (b) The failure to pay any and all fees as determined by the Director or his duly authorized representative prior to disposing of waste, as defined herein.
- (c) The failure to conform to and abide by the disposal procedures and directions established by the Director or his duly authorized representative in charge of the sanitary landfill site.
- (d) The salvaging and recycling of sanitary landfill waste or other material without written authorization of the Director or his duly authorized representative.

SECTION 7 USER FEES.

- (a) Any authorized user shall pay a fee in an amount which shall be established and collected by the Director or his duly authorized representative in accordance with the following schedule:

CARS	\$ 1.00
STATION WAGONS & PICKUPS	3.00
TRAILERS - SINGLE AXLE	4.00
TRAILERS - TANDEM AXLE	8.00
COMPACTED REFUSE	1.25 PER CUBIC YARD
LOOSE REFUSE	1.00 " " "
LARGE APPLICANCES	2.50 EACH
TIRES	1.00 EACH
- (b) The Director or his duly authorized representative shall determine the amount, composition and type of solid waste to be disposed of in determining the required fee.
- (c) User fees are subject to an annual review, and may be adjusted periodically by the Board of County Commissioners by amendment to this Ordinance, when deemed necessary to meet annual operating expenses.

SECTION 8 APPEAL.

Any action or ruling by the Director may be appealed to the Board of County Commissioners within thirty (30) days after the Director has rendered his decision by the person appealing filing written notice with the Chairman of the Board of County Commissioners. If no appeal is taken within the thirty (30) day period, the decision of the Director shall be final. If an appeal is filed, it shall be accompanied by a filing fee of Twenty Dollars (\$20.00). Notice of hearing on appeal shall be given by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the hearing.

SECTION 9 SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any section, sentence, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, such decisions shall have no effect on the validity of the remaining portions of this Ordinance.

SECTION 10 PENALTY.

Any person, firm, corporation or other entity who violates any provisions of this Ordinance shall be punished upon conviction by a fine of not more than Five Hundred Dollars (\$500.00) for a non-continuing offense and fine of not more than One Thousand Dollars (\$1,000) for a continuing offense. This penalty shall be in addition to any other remedy provided by law.

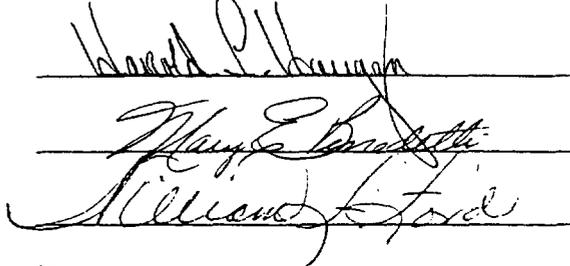
SECTION 11 EFFECTIVE DATE.

This Ordinance shall be in force and take effect ninety (90) days after its final enactment by the Board of County Commissioners.

The first reading of this Ordinance DONE and DATED in open public hearing this 15th day of September, 1982.

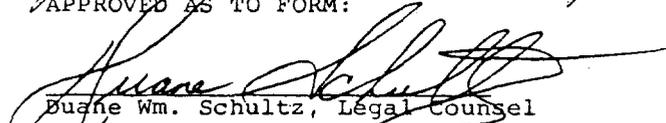
Second reading of this Ordinance, at least thirteen (13) days after the first reading, and signed in open session as authentication of its passage this 29th day of September, 1982.

BOARD OF COUNTY COMMISSIONERS



ATTEST:

Maxine Foster, County Clerk
By: Kathleen Stinson, Deputy
APPROVED AS TO FORM:


Duane Wm. Schultz, Legal Counsel

Recording Secretary

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

ORDINANCE NO. 82-22

AMENDED BY ORDINANCE NO. 82-31 ✓

AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF LAND IN JOSEPHINE COUNTY, SUBJECT TO FLOOD HAZARDS AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP; PROVIDING STANDARDS FOR CONSTRUCTION WITHIN FLOOD-PRONE AREAS; PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTY THEREOF; REPEALING ORDINANCE NO. 78-1.

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

SECTION 75.01 Statutory Authorization

The Legislature of the State of Oregon has in the Oregon Revised Statutes, Chapter 215, delegated the responsibility to the County Board of Commissioners to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Legislature has further required in the Oregon Revised Statutes, Chapter 197, that the Board of County Commissioners shall adopt plans and ordinances which implement the Statewide Planning Goals, including Goal #7 regarding areas subject to Natural Disasters and Hazards.

SECTION 75.02 Repealed

SECTION 75.03 Repealed

SECTION 75.04 Repealed

SECTION 75.05 Interpretation

The provisions of this Ordinance shall be liberally interpreted. 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 or State Administrative regulation, then the more restrictive shall govern.

SECTION 76.01 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 76.02 Editorial Revision

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

SECTION 76.03 Definitions

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

1. Appeal shall mean a request for a review of an interpretation of any provision of this Ordinance.
2. Area of Shallow Flooding shall mean a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
3. Area of Special Flood Hazard shall mean the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
4. Base Flood shall mean a standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equalled or exceeded in any given year, commonly known as a 100 year flood.
5. Development shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

6. Existing Mobile Home Development shall mean a mobile home park as defined in Section 76.03(16) of this Ordinance, a subdivision or planned development consisting of platted mobile home lots, or two or more contiguous parcels under single ownership developed for the occupancy of mobile homes and intended for sale, lease, or rental, created and developed prior to the passage of this Ordinance.
7. Expansion to an Existing Mobile Home Development shall mean the preparation of additional sites by the construction of facilities for servicing the units on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).
8. Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of waters and/or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
9. Flood Fringe shall mean the area of the flood plain lying outside of the floodway, but subject to periodic flooding.
10. Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
11. Flood Insurance Study shall mean the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood as referenced in Section 76.05.
12. Flood Plain shall mean the area adjacent to a stream that is subject to periodic flooding.
13. Floodway shall mean the normal stream channel and the adjacent land area of the flood plain that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
14. Floor shall mean any level usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, excluding areas useable only for storage purposes.

15. Mobile Home shall mean a structure designed for occupancy by one (1) family and bearing an insignia of compliance as required by ORS Chapter 446.
16. Mobile Home Park shall mean a place where four (4) or more mobile homes are located within five hundred feet of one another on a lot, tract or parcel of land under the same ownership, excluding mobile homes in a platted subdivision.
17. New Construction shall mean structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
18. Significant Increase shall mean any rise in the elevation of the base flood discharge, greater than 0.09 of one (1) foot.
19. Start of Construction shall mean the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
20. Structure shall mean a walled and roofed building or mobile home that is principally above ground, or a gas or liquid storage tank.
21. Substantial Improvement shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of market value of the structure as shown on the current Assessor's rolls or as determined by M.A.I. qualified appraiser either:

- a. Before the improvement or repair started, or
- b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
22. Variance shall mean a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

SECTION 76.04 Reserved for Future Use

SECTION 76.05 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, and any revision thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file in the Josephine County Planning Department.

SECTION 76.06 Land to Which This Ordinance Applies

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Josephine County, identified in the Flood Insurance Study.

SECTION 76.07 Reserved for Future Use

SECTION 76.08 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Josephine County, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 77.01 Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

Section 77.02 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the flood elevation.

SECTION 77.03 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this subsection and Section 77.01(3) are satisfied.

SECTION 77.04 Mobile Homes

1. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors unless the stand of the mobile home is elevated above the flood level. Special requirements include:
 - a. Over-the-top ties shall be provided at each of the four corners of any single wide mobile home, not constructed to standards established by the Department of Housing and Urban Development with two additional ties per side at intermediate locations, with single wide mobile homes not bearing an Oregon State Insignia of Compliance, less than 50 feet long requiring one additional tie per side;
 - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - d. Any additions to the mobile home shall be similarly anchored.
2. For new mobile home parks and mobile home subdivisions, and for mobile homes not placed in a mobile home park or mobile home subdivision and for expansions to existing mobile home developments where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced:
 - a. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home or attachments thereto will be one (1) foot above the base flood level;
 - b. Adequate surface drainage and access for a hauler shall be provided.
3. In the instance of elevation of mobile homes on pilings:
 - a. Lots shall be large enough to permit steps;
 - b. Piling foundations shall be placed in stable soil no more than ten (10) feet apart; and

- c. Reinforcement shall be provided for pilings more than six (6) feet above the ground level.

SECTION 77.05 Utilities

1. All new and replacement water systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Gas, electrical, and other utilities, in or serving buildings or structures in a flood plain, shall be located and constructed to minimize flood damage or interruption of services.

SECTION 77.06 Subdivision and Partition of Land

If a land division is proposed in an area which is subject to this Ordinance, as specified in Section 76.06 of this Ordinance, the tentative plan for any subdivision or the tentative map for any partition shall show, consistent with the standards of the Josephine County Subdivision Ordinance, the following information:

1. The location of the flood plain, and the location, if applicable, of the floodway;
2. The elevation of the property and the base flood elevation;
3. Methods for reducing the potential for damage from flooding, such as site filling or grading, elevation of building sites, or other site modifications;
4. Methods for draining the property so as to reduce exposure to flood damage, both on-site and on adjacent property;
5. Method of access for emergency vehicles during flood discharge;
6. Other design features, intended to mitigate flood hazards.

SECTION 78.01 Flood ways

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachment, fill, new construction, substantial improvements or other development shall not occur within a floodway designated by any map of "The Flood Insurance Study for the County of Josephine, State of Oregon" referenced in Section 76.05 of this Ordinance, unless a technical evaluation demonstrates that encroachments (including cumulative effects of comparable development on surrounding properties) shall not result in any significant increase in flood levels during the occurrence of a base flood discharge;
2. Development shall not occur on any flood plain lands, where a floodway has not been designated for that reach of a stream or river in "The Flood Insurance Study for the County of Josephine, State of Oregon" referenced in Section 76.05 of this Ordinance unless:
 - a. The Planning Director has evidence which in his judgement would indicate the proposed development site is located in an area of shallow flooding and the proposed construction will not divert the flood or cause a rise in the level of the discharge above the base flood elevation;
 - b. A technical study is completed which establishes the probable location of the floodway as defined in Section 76.03(13) of this Ordinance;
 - c. If a technical study is completed under the requirements of this Section, demonstrating that the encroachment will not increase the flood levels, any permitted construction or substantial improvements shall comply with all other applicable standards of this Ordinance.
3. A mobile home shall not be placed in a floodway, except in an existing mobile home development.

SECTION 79.01 Designation of Administrator of the Flood Hazard Ordinance

The Planning Director is hereby appointed to administer and implement this Ordinance by granting or denying Development Permit applications, in accordance with its provisions.

SECTION 79.02 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 76.05.

Application for a Development Permit shall be made on the same forms as required by any applicable zoning ordinance and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation, in relation to mean sea level, to which any structure is to be flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofed methods for any commercial or industrial structure are adequate to withstand the flood depths, pressures, velocities, impacts and uplift forces and other factors associated with the base flood;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

A development permit may be conditioned by the Planning Director to ensure compliance with this Ordinance; and if the development will result in an alteration or relocation of a watercourse, the Director shall require that maintenance of the alteration shall be provided so that the flood carrying capacity is not diminished.

SECTION 79.03 Coordination

The Planning Director or his assistants shall review all proposed development permits to ensure that developments will comply with the standards of this Ordinance or other County Ordinances. The Planning Director shall advise other County departments of actions taken under the provisions of this Ordinance. The Planning Director shall advise applicants that they may need to secure permit approvals from other state or federal agencies, having regulatory responsibilities for activities within flood hazard areas, prior to the issuance of development permits or may condition development permits on compliance with other state or federal laws or requirements.

SECTION 79.04 Revocation of a Development Permit

Any permit granted pursuant to Section 77.01 shall be subject to revocation by the Board of County Commissioners if it is ascertained that the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.

1. All development permits shall be conducted in full compliance with any other County Ordinance or requirement of State Law. Failure to conform to other applicable laws shall be grounds for consideration by the Board of County Commissioners of revocation of the permit.
2. In order to consider revocation of a permit the Board of County Commissioners shall hold a public hearing in order for the permit holder to show cause why such permit should not be revoked. No hearing may be convened without a minimum of 5 days notice. Such hearing shall be convened not more than 15 days after publication of the notice.
3. If the Board of County Commissioners find that the conditions of permit approval have not been complied with or are not being maintained, the Commission, at its discretion, may grant a reasonable time for rectification, and if corrections are not made within that time, revocation of the permit shall become effective immediately after the time specified.

SECTION 79.05 Building Permit Review

The Building Safety Director shall review all Building Permits to determine that all new construction and substantial improvements shall satisfy the requirements of this Ordinance, the State structural, mechanical, plumbing, or electrical codes, and any conditions of the development permit. The Building Safety Director may require a study by a registered professional engineer of the degree of hazards.

SECTION 79.06 Alteration of Watercourses

If, as the result of any construction or substantial improvement authorized by a development permit, any watercourse is proposed to be altered or relocated, the Planning Director or his assistants shall require the developer to notify the U.S. Army Corps of Engineers and to submit to the Director evidence that such notification was made prior to the commencement of any work within the watercourse. A copy of the evidence of notification shall be provided to the Federal Emergency Management Agency by the Planning Director.

SECTION 79.07 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 76.05, of this Ordinance, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Ordinance.

SECTION 79.08 Interpretation of FIRM Boundaries

If a property owner believes, contrary to information contained in the Flood Insurance Study, that a property is not located within an area subject to special flood hazard, he may request the Planning Director to review the FIRM boundary. The Planning Director shall be authorized to make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards. If the Planning Director finds that due to topography or other conditions not reflected in the Flood Insurance Study, the contested property is reasonably free of flood hazards, the Director shall be authorized to issue a Development Permit without compliance with the special requirements of this Ordinance.

SECTION 79.09 Appeals

1. The Board of County Commissioners shall hear and decide appeals, according to the procedures established in the County Land Use Hearing Rules, when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this Ordinance.
2. The Building Codes Appeals and Advisory Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Safety Director in the enforcement or administration of this Ordinance, provided that such request does not also require a variance of the State structural, mechanical, plumbing, or electrical codes.
3. Those aggrieved by the decision of the Building Codes Appeals and Advisory Board may appeal such decision to the appropriate State structural, plumbing or electrical board.
4. In passing upon such applications, the Board of County Commissioners or Building Codes Appeals and Advisory Board shall consider all evaluations, factors, and standards specified in other sections of this Ordinance.
5. Upon consideration of the factors of this Section and the purposes of this Ordinance, the Board of County Commissioners or Board of Building Code Appeals may attach such conditions as it deems necessary to further the purposes of this Ordinance;

6. The Planning Director or Building Safety Director shall maintain the records of all appeal actions, as appropriate, including technical information, and shall report any granted appeals to the Federal Emergency Management Agency, upon request.

SECTION 79.10 Variances

1. The County Planning Commission or Hearings Officer, as established by the Board of County Commissioners, shall hear and decide requests for variances from the requirements of this Ordinance; consistent with the procedures established in the applicable Land Use Hearing Rules.
2. Those aggrieved by the decision of the Planning Commission or Hearings Officer may appeal such decision to the Board of County Commissioners as provided in the applicable Land Use Hearing Rules.
3. In passing upon such applications, the Planning Commission or Hearings Officer shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Ordinance.
4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
6. Variances shall not be issued within any designated floodway if any significant increase in flood levels during the base flood discharge would result.
7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
8. Variances shall only be issued upon:
 - a. A showing of good and sufficient causes;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

- c. A determination that the granting of a variance will not result in a significant increase in flood heights, additional threats to public safety, or conflict with existing local laws or ordinances; and
 - d. A finding that the variance will not result in special privileges not normally enjoyed by property owners in the vicinity.
9. Upon consideration of the factors of this Section and the purposes of this Ordinance, the Planning Commission or Hearings Officer may attach such conditions as it deems necessary to further the purposes of this Ordinance.
 10. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 11. The Planning Director shall maintain the records of all variances, including technical information, and shall report any variances to the Federal Emergency Management Agency, upon request.

SECTION 80.01 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation. Any person who violates this Ordinance or fails to comply with any of its requirements shall be punishable, upon conviction, in a court of law by a fine of not more than \$500 for a non-continuing offense and a fine of not more than \$1000 for a continuing offense.

SECTION 80.02 Notification of Violations

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

1. Cite the alleged violation, the section of the Ordinance which may be violated, and the remedies which are available to correct the problem;

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

SECTION 80.03 Compliance

1. An investigation, if necessary, shall be conducted on the property by the Planning Director or his assistants with the company of the property owner. If the property owner refuses access to the property, the Director shall document the refusal and shall use other legal means of determining the existence of a potential violation;
2. If an alleged violation is not abated within the period authorized by the original notification, the Planning Director or his assistants shall attempt to document the violation with photographs and appropriate field notations. Departmental files shall contain a recording of the time, date and location of any photographs pertaining to the alleged violation, together with the names of any witnesses who in addition to the enforcement officer viewed the alleged violation;
3. Prior to submission of the alleged violation for legal remedy, the Planning Director or his assistants shall attempt to recontact the property owner, explain the standards of the Ordinance, and seek to obtain voluntary compliance with the law. If an extension of time is necessary, such extension shall be agreed to in writing and shall be limited to no more than 30 days, or a compliance schedule with intermediate program check-ups;
4. If a property owner does not respond to notifications of violation, the Planning Director shall prepare documentation of the alleged violation for submission for appropriate legal remedy. Prior to submission of the violation the director shall notify the property owner by certified letter or personal service. The notification shall contain the following:

- a. Citation of previous compliance requests, extensions of time, or commitments;
 - b. Description of alleged violations and necessary corrective actions; and
 - c. Indication of a time limit of 10 to 15 days to comply with the Ordinance and a statement that if the alleged violation is not corrected within the time limit, formal legal action will begin without further notice.
5. The Planning Director or his assistants shall continue to offer to meet with the property owner to discuss any alleged violations and to secure possible solutions other than court proceedings. Formal correspondence shall include a copy of the applicable sections of the County ordinance and copies of all previous correspondence and agreements related to the matter.

SECTION 80.04 Legal Action

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

SECTION 80.05 Other Remedies

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

SECTION 80.06 Reserved for Future Use

SECTION 30.07 Effective Date

First reading by the Board of County Commissioners is this 26th day of May, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 9th day of June, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

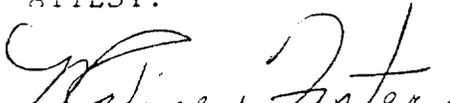
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


HAROLD L. HAUGEN, CHAIRMAN


MARY E. BENEDETTI, VICE CHAIRMAN

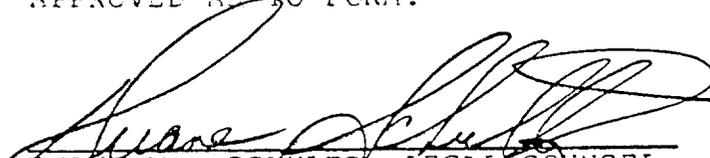

WILLIAM F. FORD, COMMISSIONER

ATTEST:


MAXINE FOSTER, COUNTY CLERK


RECORDING SECRETARY

APPROVED AS TO FORM:


DUANE M. SCHULTZ, LEGAL COUNSEL

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

ORDINANCE NO. 82-32

AN ORDINANCE AMENDING ORDINANCE NO. 80-2.

WHEREAS, on November 17, 1980, the Board of County Commissioners adopted an ordinance establishing a joint Land Use Plan, Urban Growth Boundary and Management Agreement with the City of Cave Junction; and

WHEREAS, the review of the City of Cave Junction Comprehensive Plan by the Land Conservation and Development Commission discovered that the City's Comprehensive Plan had not taken into consideration County zoning in the urbanizing area; and

WHEREAS, County zoning reflects actual use of properties and it is in the public interest to maintain conforming zoning.

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

SECTION 1. Amendment to the Comprehensive Plan

The Comprehensive Plan for the Cave Junction urbanizing area shall be amended for the following properties to reflect the applied zoning:

✓ T39S, R8W, Section 22-31, tax lots 700 and 800 -
Commercial

T39S, R8W, Section 22-4, tax lot 900 -
Commercial

T39S, R8W, Section 22-4, tax lots 603 and 800 -
Industrial

T39S, R8W, Section 22-4, tax lot 604 -
Commercial

T39S, R8W, Section 27, tax lots 100 and 101 -
Commercial

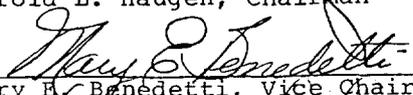
SECTION 2. Effective Date

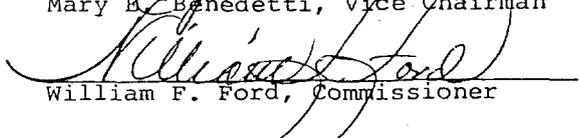
The first reading by the Board of County Commissioners is this 8th day of September, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 22nd day of September, 1982. This ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

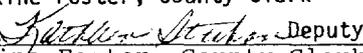

Harold L. Haugen, Chairman

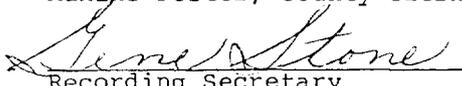

Mary E. Benedetti, Vice Chairman


William F. Ford, Commissioner

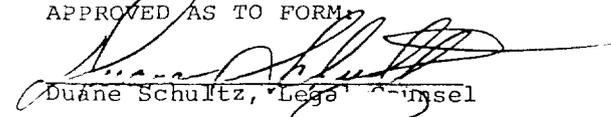
ATTEST:

Maxine Foster, County Clerk

By  Deputy
Maxine Foster, County Clerk


Recording Secretary

APPROVED AS TO FORM:


Duane Schultz, Legal Counsel

Virginia

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

ORDINANCE NO. 82-34

AN ORDINANCE ADOPTING AN AMENDMENT TO THE URBAN AREA ZONING
ORDINANCE NO. 81-25.

WHEREAS, the Board of County Commissioners adopted an Urban Area Zoning Ordinance to provide for consistent zoning regulations, and providing procedures for enforcement and penalties for the violation thereof, with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, Section 140.01(f) of the Urban Area Zoning Ordinance regulates the placement of political signs; and

WHEREAS, candidates have requested an amendment to this section of the Ordinance; and

WHEREAS, on September 1, 1982, the Council of the City of Grants Pass adopted City Ordinance No. 4463 amending their Urban Area Zoning Ordinance No. 4415.

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

SECTION 1. The Urban Area Zoning Ordinance No. 81-25, Section 140.01(f) is hereby amended to read as follows:

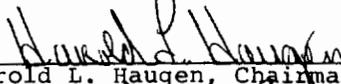
"Non-illuminated temporary signs advertising a candidate or ballot measure, provided each sign not exceed six (6) square feet in area for each candidate or ballot measure and not more than two (2) signs for each candidate or ballot measure shall be placed on any single parcel of land. Such signs shall not be placed less than ten (10) feet from the front curb line and shall be removed within a period of ten (10) days following the election to which the sign pertains."

SECTION 2. Except as otherwise provided herein, Ordinance No. 81-25 is hereby affirmed as originally adopted or thereafter amended.

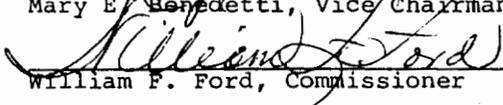
SECTION 3. First reading by the Board of County Commissioners is this 29th day of September , 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 13th day of October , 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

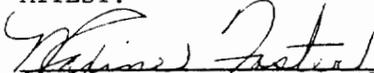
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


Harold L. Haugen, Chairman


Mary E. Benedetti, Vice Chairman

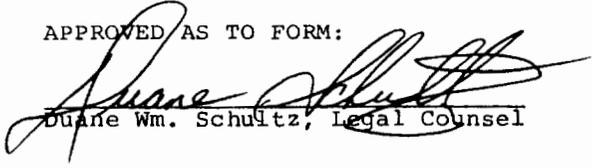

William F. Ford, Commissioner

ATTEST:


Maxine Foster, County Clerk


Recording Secretary

APPROVED AS TO FORM:


Duane Wm. Schultz, Legal Counsel

9-13-82

AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 4415, AS AMENDED BY CITY ORDINANCE NO. 4438, PERTAINING TO TEMPORARY ADVERTISING SIGNS.

Whereas, the City of Grants Pass has a Zoning Ordinance regulating the placement of political signs located at 140.01(f); and

Whereas, candidates have requested the City to amend the Ordinance;

NOW THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1. Section 140.01(f) of the Grants Pass Zoning Ordinance is hereby amended to read as follows:

"140.01(f). Non-illuminated temporary signs advertising a candidate or ballot measure, provided each sign not exceed six (6) square feet in area for each candidate or ballot measure and not more than two (2) signs for each candidate or ballot measure shall be placed on any single parcel of land. Such signs shall not be placed less than ten (10) feet from the front curb line and shall be removed within a period of ten (10) days following the election to which the sign pertains."

Section 2.

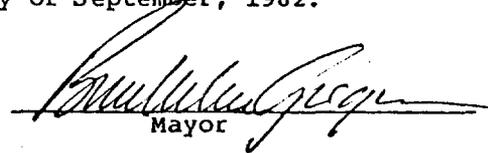
In all other respects, Ordinance No. 4415, as amended by Ordinance No. 4438 of the Grants Pass Zoning Ordinance is hereby affirmed.

Section 3.

Since the election date is very near, an emergency is hereby declared to exist, and in the interest of public peace, health and safety of the City of Grants Pass and the inhabitants thereof, this ordinance may be adopted by any one meeting of the Council and shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

PASSED by the Council of the City of Grants Pass, Oregon, this 1st day of September, 1982.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon this 3rd day of September, 1982.


Mayor

ATTEST:


Finance Director

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

ORDINANCE NO. 82-35

AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-13 TO
PROVIDE FOR CONSISTENCY WITH OREGON ADMINISTRATIVE RULE 660-06-000.

WHEREAS, the Land Conservation and Development Commission has not yet acknowledged the Comprehensive Plan for Josephine County and implementing ordinances; and

WHEREAS, in August, 1982, the Commission adopted by Administrative Rule regulations governing forest lands subject to the requirements of Statewide Planning Goal #4; and

WHEREAS, the Administrative Rule adopted by the Land Conservation and Development Commission includes requirements that necessitate amendment of the provisions of zoning districts proposed to comply with Statewide Planning Goal #4.

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

SECTION 1. Amendment

The following sections are to be deleted as permitted uses and included as conditional uses in Ordinance No. 81-13:

Section 16.020, subsection (1)(c) and subsection (2)(g) and (i).

Section 17.020, subsection (1)(c) and subsection (2)(a), (b) and (k).

SECTION 2. Revision

The following sections of Ordinance No. 81-13 shall be revised as follows:

Section 17.020, subsection (2)(h), the word "tower" shall be substituted with the existing word "reservoirs".

Section 17.025, subsection (2) shall be written to read as Section 16.025, subsection (6).

SECTION 3. Affirmation

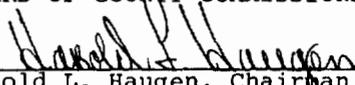
Except as otherwise provided herein, Ordinance No. 81-13 is hereby affirmed as originally adopted or thereafter amended.

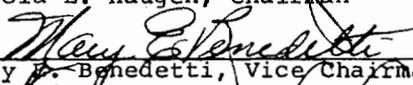
SECTION 4. Effective Date

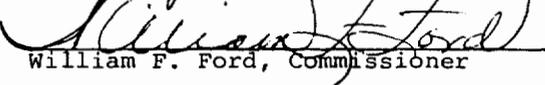
The first reading by the Board of County Commissioners is this 29th day of September, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 13th day of October, 1982. 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, Chairman


Mary F. Benedetti, Vice Chairman

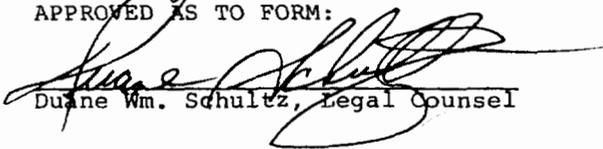

William F. Ford, Commissioner

ATTEST:


Maxine Foster, County Clerk


Recording Secretary

APPROVED AS TO FORM:


Duane Wm. Schultz, Legal Counsel

Blair

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

ORDINANCE NO. 82-36



AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-13.

WHEREAS, the 1981 Legislative Assembly amended the Oregon Revised Statutes, Chapter 215 providing for County planning and zoning to include a provision on lots of record; and

WHEREAS, the Land Conservation and Development Commission has adopted a continuance order requiring Josephine County to amend its Zoning Ordinance to include the provisions of Chapter 884, Sections 9-13, Oregon Laws 1981, in order to receive acknowledgement of compliance with the Statewide Planning Goals.

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

SECTION 1. Repeal of Sections

Section 14.050, subsection (77) and Section 50.080 of the Josephine County Zoning Ordinance are repealed.

SECTION 2. Amendment of the Ordinance

The Josephine County Zoning Ordinance shall be amended to read as follows:

Section 14.050

132. Contiguous Units of Land. Lots, parcels or lots and parcels as defined in this Ordinance that have a common boundary. Contiguous units of land include but are not limited to lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous units of land does not include lots, parcels or lots and parcels separated by a four (4) lane highway.
133. Lot of Record. A lot or parcel located outside of the area designated in the Josephine County Comprehensive Plan as being subject to flood or geologic hazards or designated for urban, industrial or commercial development and which was lawfully created or transferred to present owner by a deed or sales contract executed after December 31, 1964 and before January 1, 1975. Notwithstanding this definition only one lot of record exists when:

- a. A lot or parcel that is within the definition of a "lot of record" is contiguous to one or more lots or parcels that are within the definition of a "lot of record"; or
- b. Greater than possessory interests are held in contiguous lots, parcels or lots and parcels by the same person, relatives, spouses, or single partnership or business entities, separately or in a tenancy in common. When the interests described in this subsection are held by relatives paragraph (a) of this subsection applies only to those contiguous lots, parcels or lots and parcels in which one relative held the interests before transfer to another relative.

134. Relative. A parent, child, brother or sister.

Section 50.020 Use of Non-conforming Lot

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

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

SECTION 3. Review Form

The Planning Director shall use the attached form marked "Exhibit A" in determining the qualification and status of "lots of record" under the provisions of this Ordinance.

SECTION 4. Affirmation

Except as otherwise provided herein, Ordinance No. 81-13 is hereby affirmed as originally adopted or thereafter amended.

SECTION 5. Effective Date

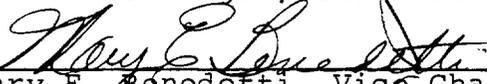
First reading by the Board of County Commissioners is this 29th day of September, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 20th day of October, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

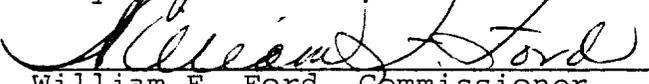
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



Harold L. Haugen, Chairman



Mary E. Benedetti, Vice Chairman

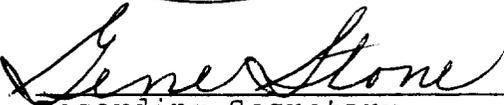


William F. Ford, Commissioner

ATTEST:

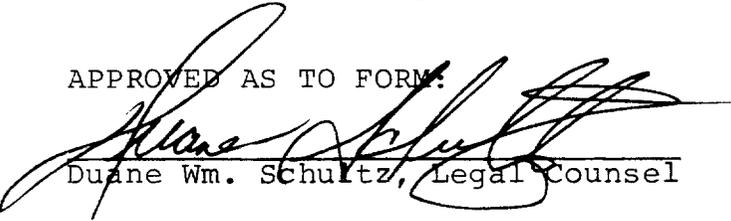


Maxine Foster, County Clerk



Gene Stone
Recording Secretary

APPROVED AS TO FORM:



Duane Wm. Schultz, Legal Counsel

Lot Record Qualification Form "EXHIBIT A"

(For implementation of the 1981 Legislature's revisions (SB 419) of ORS Chapter 215 concerning lots of record.)

Received by _____

Date _____

STEP 1: APPLICANTS INFORMATION

Applicant(s) _____ Phone _____

Address _____

Tax Account Number(s) _____

T _____ R _____ S _____ Tax Lot Number(s) _____

Subdivision Name _____ Lot Number _____

Major or Minor Land Partitioning Vol _____ Pg _____

Acreage _____

Other Structures on Property _____

Signature of Applicant _____

(If a single family dwelling exists on this unit of land, it does not qualify for a second dwelling, proceed to STEP 6. If no dwelling exists, continue to STEP 2.)

STEP 2: TIME QUALIFICATION

Was this lot, parcel, or unit of land "lawfully created" or transferred to the present owner by deed or contract after December 31, 1964, and before January 1, 1975? Yes _____ No _____

Deed Reference: Vol _____ Page _____

INSTRUMENT NUMBER _____

(If yes, continue to STEP 3; if no, this unit of land does not qualify as a lot of record, proceed to STEP 6.)

STEP 3: LOCATION RESTRICTIONS

A. Is this lot, parcel, or unit of land located in:

1. the Flood Plain? Yes _____ No _____

2. a Geologic hazard area? Yes _____ No _____

An engineer's or soil scientist's certification may be necessary to verify the exact location of the property in regard to Flood Plain or Geologic hazard; if so, hold this review and process a Certification of Elevation or a Critical Mass Movement Evaluation before proceeding.

(If not located in a Flood Plain or Geologic hazard area, continue to B; if located in a Flood Plain or Geologic hazard area, the unit of land does not qualify as a lot of record, proceed to STEP 6.)

B. Applicable Comprehensive Plan _____

Designation _____

Is this lot, parcel, or unit of land located in:

1. An area designated by a Comprehensive Plan for urban use (city Urban Growth Boundary or County Urban Service Area)?

Yes _____ No _____

2. A Commercial area designated by a Comprehensive Plan?

Yes _____ No _____

3. An Industrial area designated by a Comprehensive Plan?

Yes _____ No _____

(If any answers in A or B are yes, the unit of land does not qualify as a lot of record, proceed to STEP 6. If no, continue to STEP 4.)

STEP 4: CONTIGUOUS OWNERSHIP TEST:

- A. Does the applicant own any adjacent lots or parcels? Yes _____ No _____
- B. Do the applicants' relatives (parent, child, brother or sister), spouse, single partnership, or business entity own any adjacent lots or parcels? Yes _____ No _____

(If yes, only one lot of record may exist and be recognized for all contiguously owned lots and parcels as defined by these questions, but only if all other previous step qualifications are fulfilled by the total ownership. If no, a lot of record exists. Proceed to STEP 5.)

STEP 5: TAX EXCEPTION

- A. Has this lot, parcel or unit of land or any portion of this ownership been subject to a tax deferral under:
1. ORS 308.370, Tax Class 5-0-3
 2. ORS 321.300('75), Tax Class 6-0-0
 3. ORS 321.352, Tax Class 6-0-0
 4. ORS 321.377, Tax Class 6-0-0
 5. ORS 321.622('75), Tax Class 6-0-0
 6. ORS 321.720, Tax Class 6-0-0
 7. ORS 321.810, Tax Class 6-0-0
- Yes _____ No _____
- B. How long has the ownership been assessed under the deferral program?
1. Less than 5 years _____
 2. 5 or more years _____

(If the ownership (or any portion of it) has been subject to a tax deferral program for 5 or more years, it is not eligible for a building permit as a lot of record unless it is within an acknowledged Comprehensive Plan's designation of urban or rural residential. Proceed to STEP 6.)

STEP 6: DETERMINATION OF LOT OF RECORD STATUS

Applicant(s) _____

Tax Account Number(s) _____

After review of this request and the evaluation of its status under Steps 2-4, it has been determined that a lot of record does _____ / does not _____ exist and under Step 5 of this analysis it is _____ / is not _____ eligible for a single family dwelling.

BASIS FOR DISQUALIFICATION OR OTHER COMMENTS: _____

Determination completed by: _____

Date _____

THIS CERTIFICATION OF LOT OF RECORD STATUS AND THE ELIGIBILITY FOR THE ISSUANCE OF A PERMIT FOR A SINGLE FAMILY DWELLING IS NOT TRANSFERABLE.

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

ORDINANCE NO. 82-37

AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-11.

WHEREAS, the order of a continuance adopted by the Land Conservation and Development Commission concerning Josephine County requires the Board of County Commissioners to adopt amendments to the Josephine County Comprehensive Plan; and

WHEREAS, these amendments are deemed necessary to secure acknowledgement by the Land Conservation and Development Commission of the Comprehensive Plan adopted by the Board of County Commissioners.

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

SECTION 1. Amendment of Goal #1

The Josephine County Comprehensive Plan shall be amended to include an additional policy under Goal #1 which is "to preserve and maintain agricultural lands and the rural character of Josephine County." The additional policy shall read as follows:

5. Agricultural lands as defined by Statewide Planning Goal #3 shall be preserved for agricultural uses through exclusive farm use zoning. In applying the definition of agricultural land, the Board of County Commissioners shall include in exclusive farm use zones other lands which are:
 - a. Part of an economic farm unit; or which are
 - b. Necessary to buffer agricultural lands to permit continued farm use.

(An example of the latter application is the Rural Residential lands located between the Grants Pass Urban Growth Boundary and the hops fields which are zoned Exclusive Farm.)

In determining whether lands are agricultural as defined, the Board of County Commissioners shall consider the Josephine Agricultural Rating System; the availability of irrigation; and historic, existing and potential land use.

SECTION 2. Amendment of Goal #4

The Josephine County Comprehensive Plan shall be amended to add an additional policy to implement Goal #4 which is "to plan and develop facilities and services that are needed and can be afforded by the residents of the County." The additional policy shall read as follows:

10. The physically handicapped and transportation disadvantaged shall be considered in the design of transportation facilities and alternative transportation modes.

SECTION 3. Amendment of Goal #8

The Josephine County Comprehensive Plan shall be amended to add an additional policy under Goal #8 which is "pollution shall be controlled." The additional policy shall read as follows:

4. County agencies such as the Planning and Environmental Health Departments shall coordinate activities with State agencies involved in the regulation of air, water and noise pollution to ensure application of State and Federal standards. Ordinances shall be adopted which require compliance with State discharge and construction permits for new or industrial land uses.

SECTION 4. Affirmation

Except as otherwise provided herein, Ordinance No. 81-11 is hereby affirmed as originally adopted or thereafter amended.

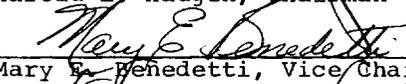
SECTION 5. Effective Date

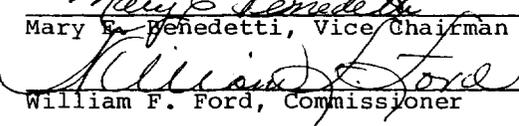
The first reading by the Board of County Commissioners is this 29th day of September, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 13th day of October, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

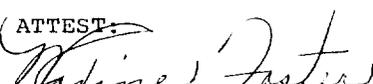
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

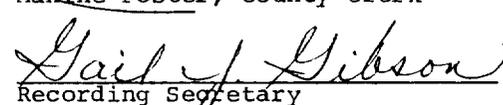

Harold L. Haugen, Chairman


Mary E. Benedetti, Vice Chairman

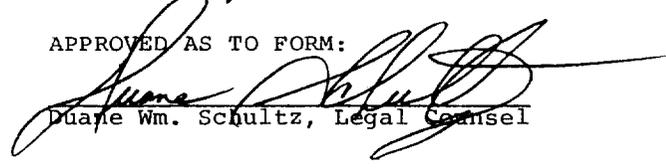

William F. Ford, Commissioner

ATTEST:


Maxine Foster, County Clerk


Recording Secretary

APPROVED AS TO FORM:


Duane Wm. Schultz, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 82-38



AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-8 AND DECLARING AN EMERGENCY.

WHEREAS, on June 23, 1982, the Board of County Commissioners and Common Council for the City of Grants Pass conducted a public hearing and deliberated on changes to the Interim Development Standards for the Grants Pass urbanizing area; and

WHEREAS, said changes have been recommended by members of the community and City and County staff to provide better administrative procedures and more appropriate development standards.

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

SECTION 1. Josephine County Ordinance No. 81-8, Exhibit "A", is hereby amended as follows:

a. Section 1.000 Purpose and Application

A. Section 1.100 is hereby repealed and replaced with the following:

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.

- B. Section 1.200 is hereby repealed and replaced with the following:

1.200 Effective December 1, 1982, these regulations shall not apply to the construction of any new single-family or two-family dwelling, located on any lot or parcel created and of record on or before April 22, 1981.

Effective December 1, 1982, these regulations shall also not apply to the alteration, reconstruction, or expansion of any existing single-family or two-family dwelling, construction of which commenced on or before April 22, 1981. This exemption shall also include any accessory building which is secondary to a single-family or two-family dwelling and is located on the same lot or parcel.

- C. A new Section 1.300 is hereby adopted to read as follows:

1.300 Interim Development Standards shall apply to the alteration, expansion or enlargement of a rural or urban level development, as defined herein, existing as of the date of this amendment, except and unless one of the following conditions exists:

1. The alteration, expansion or enlargement will not cause the resultant total square footage of the original structure(s) being so altered to be greater than 1.5 times the square footage of the original structure(s); 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 a resultant total square footage of the development being so altered to be no greater than 1.5 times the square footage of the original structure.

D. A new Section 1.400 is hereby adopted to read as follows:

1.400 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.

b. Section 2.000 Rural Level Development

A. Section 2.100 is hereby repealed and replaced with the following:

2.100 Definition. Rural level development is defined as any division of or construction on a parcel of land within the urbanizing area including partitioning, subdividing, and residential construction action, when such action creates actual densities equal to or less than one dwelling unit per acre, or parcels or lots equal to or greater than one acre in size.

B. Section 2.200 Shall be amended by adding the following language:

2.200 Provision of the full level of services required under this section may not be required for the parcel(s) within a partition which contain a pre-existing residential use. The level that is to be required on such parcel(s) shall be established by the County for each individual application. Additional required services to such a parcel shall be provided when further development of the subject parcel occurs.

c. Section 3.000 Urban Level Development

A. Section 3.100 is hereby repealed and replaced with the following:

3.100 Definition. Urban level development is defined as any division of or construction on a parcel of land within the urbanizing area including partitioning, subdividing, and residential construction action, when such action creates actual densities greater than one dwelling unit per acre, or parcels or lots less than one acre in size. Urban level development shall also include any

commercial or industrial development, whether by land division or construction activity, within the urbanizing area.

d. Section 4.000 Development Standards

- A. Section 4.200 is hereby repealed and replaced with the following:

4.210 Parcels Split by the Urban Growth Boundary. When a parcel proposed for development action lies partly within and partly outside the Urban Growth Boundary, only that portion of said parcel which lies within the Urban Growth Boundary shall be subject to these development standards.

- B. A new Section 4.220 is hereby adopted to read as follows:

4.220 Developments Containing Both Rural and Urban Urban Size Parcels. Where an application involves partitioning or subdividing of a parent parcel, each parcel or lot created from the parent parcel, which is rural level as defined herein shall be subject to the rural level provision of services of Section 2.200, and each parcel or lot within the parent parcel which is urban level as defined herein shall be subject to the urban level service requirements of Section 4.400

- C. Section 4.400 is hereby repealed and replaced with the following:

4.400 Services Required. Urban level developments shall require service by public sanitary sewer systems, municipal or public sanitary sewer systems, municipal 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.

- D. A new Section 4.411 is hereby adopted to read as follows:

4.411 Exceptions to Sanitary Sewer Service.

1. Effective December 1, 1982, the following categories of development shall be exempt from the requirements of Section 4.410 when the subject lot or parcel had been created and was

of record prior to June 23, 1982, and does not have adequate capacity public sanitary sewer available within the specified distances:

- a. Residential development of existing rural or urban level parcels for one single-family dwelling where the public sewer is not within 300 feet.
 - b. Rural level minor partitions for one single-family dwelling per parcel, where the public sewer is not within 300 feet for a 2-lot partition, and 600 feet for a 3-lot partition. Only one such minor partition of the original parent parcel shall be permitted under this exception.
 - c. Commercial or industrial developments (or other permitted structures) on such lots and parcels where the public sewer is not within 300 feet and where the daily sewage flow does not exceed 450 gallons per day under State Administrative Rules for on-site sewage disposal.
2. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.
 3. Parcels qualifying for exemption under this section shall post security for one-half the cost of a public sanitary sewer for the full length of their frontage, in accordance with Section 4.480. Such parcel(s) shall also be required to connect to the public sewer at such time when it directly abuts the parcel(s).
- E. Section 4.420 is hereby repealed and replaced with the following:
- 4.420 Water Service. All urban level developments shall be provided with a municipal water system, or may be provided with a 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.

F. Section 4.421 is hereby repealed and replaced with the following:

4.421 Exception to Public Water Supply System Requirement.

1. 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 charge 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.
2. Urban lot developments or partitionings, involving less than four (4) lots shall be required to install water distribution systems that meet City of Grants Pass water standards even though these water systems do not come under the jurisdiction of the Oregon State Health Divisions (OSHD) Rules. Once a water system serves more than three (3) service connections, it is a public water system with all its components subject to all the OSHD rules of OAR Chapter 333-42 (200-250). Included in Chapter 333-42 is the requirement that the water supplier must have control for a radius of 100 feet surrounding the well and there be no sanitary hazards (i.e., septic systems, underground fuel tanks) within 100 feet of the well.
3. All subsequent urban developments from the original parent parcel shall be required to hookup to the water distribution system installed or to be installed to City standards.

G. Section 4.422 is hereby repealed and replaced with the following:

- 4.422 Transfer of Water System. When a new public water system is proposed, or when an extension or enlargement of an existing public water system is proposed for an urban level development, the annexation agreement required by Section 3.200 of this Ordinance 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 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 public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and right-of-ways 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.

H. Section 4.423 is hereby repealed and replaced with the following:

4.423 Future Water Systems. All future water systems municipal 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 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.

I. Section 4.424 is hereby repealed and replaced with the following:

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

Residential: Class 8

Commercial/Industrial: Class 9

J. Section 4.427 is hereby repealed and replaced with the following:

4.427 Water System Development Charges. 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 water system development charges:

1. For municipal water service: Water system development charges shall be payable to the City consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended.
2. For public water service: Water system development charges shall be payable to the County, such charges consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended: Provided, however, that no additional water system development charges shall be required when a public water system is transferred to the owner of the municipal water system pursuant to Section 4.422 above.

K. Section 4.428 is hereby repealed and replaced with the following:

4.428 Charge Collection. The water system development charges shall be paid prior to the issuance of a building permit.

L. Section 4.429 is hereby repealed and replaced with the following:

4.429 Segregation and Use of Revenues. All funds derived from the water system development charges 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 water system development charges received by the City shall be applied to bond redemption as required by City Ordinance No. 4283.

M. Section 4.440 is hereby repealed and replaced with the following:

4.440 Transportation. At 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, including any required dedication of right-of-way. At County discretion, street improvements shall be constructed to an equivalent dollar amount of said half-width urban standard.

N. Section 4.441 The existing language is hereby repealed.

O. Section 4.470 is hereby repealed and replaced with the following:

4.470 Fire Suppression. No urban level development shall be approved in any part of the urbanizing area that is not provided with a minimum Class 8 fire suppression.

P. A new Section 4.480 is hereby adopted to read as follows:

4.480 Security. In lieu of actual construction of all facilities required by applicable sections of this Ordinance at the time of site development, the developer may be required to post security as provided in City Ordinance No. 4290 or any other security arrangement acceptable to the County. Posting of such security shall be at the sole discretion of the County for the purpose of guaranteeing future construction of those portions of such facilities which are not feasible or appropriate to construct at the time of site development. Such security shall be posted in an estimated amount with the security instrument stipulating that the actual cost of such facilities shall become due and payable at the time construction has been authorized by the County.

e. A new Section 6.000 Amendment and Variance Provisions is hereby adopted to read as follows:

A. Section 6.100 shall read as follows:

6.100 Amendments. This Ordinance may be amended by changing any provision thereof, whenever the public necessity and convenience and the general welfare requires

such an amendment. Any such proposed amendment or change shall first be submitted to the Urban Area Planning Commission and the Planning Commission shall, within sixty (60) days after a hearing, recommend to the governing bodies approval, disapproval or modification of the proposed amendment.

1. An amendment may be proposed by the governing bodies on their own motion or by the Urban Area Planning Commission, or by petition as hereinafter set forth. An application for amendment by a property owner or his authorized agent shall be filed with the County Planning Director. The application shall be made on forms issued by the County Planning Office.
2. A non-refundable fee, in an amount to be set by resolution of the governing bodies, to amend this Ordinance shall accompany each application by a property owner. Said fee shall be the same as text changes to the Zoning Ordinance.
3. Procedures of public hearing shall be by those established in the Joint Zoning Ordinance, Section 139.02 to Section 139.05 as amended.

B. Section 6.200 shall read as follows:

6.200 VariANCES

1. Where practical, difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provision thereof, variances may be granted as provided in this section. The Urban Area Planning Commission or Hearings Officer may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship. In granting a variance the Urban Area Planning Commission or Hearings Officer may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance.

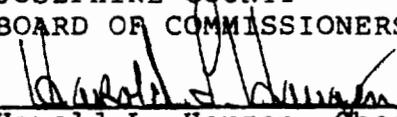
2. No variance shall be granted unless it can be shown that all of the following conditions exist:
 - a. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.
 - b. The authorization of the variance shall not be materially detrimental to the purpose of this Ordinance, be injurious to property in the district or vicinity in which the property is located or be otherwise detrimental to the objectives of any development plan or polciy.
 - c. The variance requested is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.
3. A non-refundable fee, in an amount to be set by resolution of the governing bodies, shall accompany each application for a variance. Said fee shall be the same as in a variance to the Zoning Ordinance.
4. Procedures of public hearing shall be those established in the Joint Zoning Ordinance, Section 139.02 to Section 139.05 as amended.

SECTION 2. Except as otherwise provided herein, Ordinance No. 81-8 is hereby affirmed as originally adopted or thereafter amended.

SECTION 3. The immediate passage of this Ordinance being necessary in the public interest to protect 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.

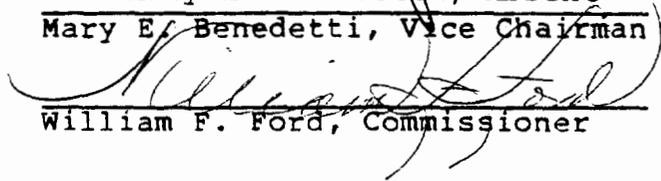
PASSED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS AND
SIGNED BY US IN OPEN SESSION IN AUTHENTICATION OF ITS PASSAGE
THIS 1st DAY OF December , 1982.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



Harold L. Haugen, Chairman

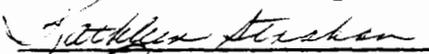
Mary E. Benedetti, Absent
Mary E. Benedetti, Vice Chairman



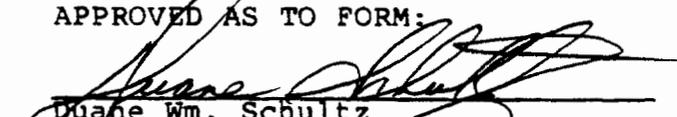
William F. Ford, Commissioner

ATTEST:

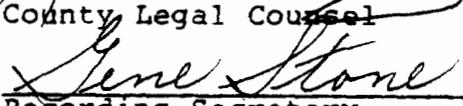
Maxine Foster, County Clerk

By,  Deputy

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. 82-39

AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE NO. 81-8.

WHEREAS, on June 23, 1982, the Board of County Commissioners and Common Council for the City of Grants Pass conducted a public hearing and deliberated on changes to the Interim Development Standards for the Grants Pass urbanizing area; and

WHEREAS, said changes have been recommended by members of the community and City and County staff to provide better administrative procedures and more appropriate development standards.

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

SECTION 1. Josephine County Ordinance No. 81-8, Exhibit "A", is hereby amended as follows:

a. Section 1.000 Purpose and Application

A. Section 1.100 is hereby repealed and replaced with the following:

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.

- B. Section 1.200 is hereby repealed and replaced with the following:

1.200 Effective November ⁵/₁ 3, 1982, these regulations shall not apply to the construction of any new single-family or two-family dwelling, located on any lot or parcel created and of record on or before April 22, 1981.

Effective November 3, 1982, these regulations shall also not apply to the alteration, reconstruction, or expansion of any existing single-family or two-family dwelling, construction of which commenced on or before April 22, 1981. This exemption shall also include any accessory building which is secondary to a single-family or two-family dwelling and is located on the same lot or parcel.

- C. A new Section 1.300 is hereby adopted to read as follows:

1.300 Interim Development Standards shall apply to the alteration, expansion or enlargement of a rural or urban level development, as defined herein, existing as of the date of this amendment, except and unless one of the following conditions exists:

1. The alteration, expansion or enlargement will not cause the resultant total square footage of the original structure(s) being so altered to be greater than 1.5 times the square footage of the original structure(s); 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 a resultant total square footage of the development being so altered to be no greater than 1.5 times the square footage of the original structure.

D. A new Section 1.400 is hereby adopted to read as follows:

1.400 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.

b. Section 2.000 Rural Level Development

A. Section 2.100 is hereby repealed and replaced with the following:

2.100 Definition. Rural level development is defined as any division of or construction on a parcel of land within the urbanizing area including partitioning, subdividing, and residential construction action, when such action creates actual densities equal to or less than one dwelling unit per acre, or parcels or lots equal to or greater than one acre in size.

B. Section 2.200 Shall be amended by adding the following language:

2.200 Provision of the full level of services required under this section may not be required for the parcel(s) within a partition which contain a pre-existing residential use. The level that is to be required on such parcel(s) shall be established by the County for each individual application. Additional required services to such a parcel shall be provided when further development of the subject parcel occurs.

c. Section 3.000 Urban Level Development

A. Section 3.100 is hereby repealed and replaced with the following:

3.100 Definition. Urban level development is defined as any division of or construction on a parcel of land within the urbanizing area including partitioning, subdividing, and residential construction action, when such action creates actual densities greater than one dwelling unit per acre, or parcels or lots less than one acre in size. Urban level development shall also include any

commercial or industrial development, whether by land division or construction activity, within the urbanizing area.

d. Section 4.000 Development Standards

A. Section 4.200 is hereby repealed and replaced with the following:

4.210 Parcels Split by the Urban Growth Boundary. When a parcel proposed for development action lies partly within and partly outside the Urban Growth Boundary, only that portion of said parcel which lies within the Urban Growth Boundary shall be subject to these development standards.

B. A new Section 4.220 is hereby adopted to read as follows:

4.220 Developments Containing Both Rural and Urban Urban Size Parcels. Where an application involves partitioning or subdividing of a parent parcel, each parcel or lot created from the parent parcel, which is rural level as defined herein shall be subject to the rural level provision of services of Section 2.200, and each parcel or lot within the parent parcel which is urban level as defined herein shall be subject to the urban level service requirements of Section 4.400

C. Section 4.400 is hereby repealed and replaced with the following:

4.400 Services Required. Urban level developments shall require service by public sanitary sewer systems, municipal or public sanitary sewer systems, municipal 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.

D. A new Section 4.411 is hereby adopted to read as follows:

4.411 Exceptions to Sanitary Sewer Service.

1. Effective December 1, 1982, the following categories of development shall be exempt from the requirements of Section 4.410 when the subject lot or parcel had been created and was

of record prior to June 23, 1982, and does not have adequate capacity public sanitary sewer available within the specified distances:

- a. Residential development of existing rural or urban level parcels for one single-family dwelling where the public sewer is not within 300 feet.
 - b. Rural level minor partitions for one single-family dwelling per parcel, where the public sewer is not within 300 feet for a 2-lot partition, and 600 feet for a 3-lot partition. Only one such minor partition of the original parent parcel shall be permitted under this exception.
 - c. Commercial or industrial developments (or other permitted structures) on such lots and parcels where the public sewer is not within 300 feet and where the daily sewage flow does not exceed 450 gallons per day under State Administrative Rules for on-site sewage disposal.
2. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.
 3. Parcels qualifying for exemption under this section shall post security for one-half the cost of a public sanitary sewer for the full length of their frontage, in accordance with Section 4.480. Such parcel(s) shall also be required to connect to the public sewer at such time when it directly abuts the parcel(s).

E. Section 4.420 is hereby repealed and replaced with the following:

4.420 Water Service. All urban level developments shall be provided with a municipal water system, or may be provided with a 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.

- F. Section 4.421 is hereby repealed and replaced with the following:

4.421 Exception to Public Water Supply System Requirement.

1. 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 charge 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.
2. Urban lot developments or partitionings, involving less than four (4) lots shall be required to install water distribution systems that meet City of Grants Pass water standards even though these water systems do not come under the jurisdiction of the Oregon State Health Divisions (OSHD) Rules. Once a water system serves more than three (3) service connections, it is a public water system with all its components subject to all the OSHD rules of OAR Chapter 333-42 (200-250). Included in Chapter 333-42 is the requirement that the water supplier must have control for a radius of 100 feet surrounding the well and there be no sanitary hazards (i.e., septic systems, underground fuel tanks) within 100 feet of the well.
3. All subsequent urban developments from the original parent parcel shall be required to hookup to the water distribution system installed or to be installed to City standards.

- G. Section 4.422 is hereby repealed and replaced with the following:

4.422 Transfer of Water System. When a new public water system is proposed, or when an extension or enlargement of an existing public water system is proposed for an urban level development, the annexation agreement required by Section 3.200 of this Ordinance 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 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 public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and right-of-ways 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.

H. Section 4.423 is hereby repealed and replaced with the following:

4.423 Future Water Systems. All future water systems municipal 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 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.

I. Section 4.424 is hereby repealed and replaced with the following:

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

Residential: Class 8

Commercial/Industrial: Class 9

J. Section 4.427 is hereby repealed and replaced with the following:

4.427 Water System Development Charges. 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 water system development charges:

1. For municipal water service: Water system development charges shall be payable to the City consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended.
2. For public water service: Water system development charges shall be payable to the County, such charges consistent with City Ordinance No. 4352 (Utility Ordinance), or as amended: Provided, however, that no additional water system development charges shall be required when a public water system is transferred to the owner of the municipal water system pursuant to Section 4.422 above.

K. Section 4.428 is hereby repealed and replaced with the following:

4.428 Charge Collection. The water system development charges shall be paid prior to the issuance of a building permit.

L. Section 4.429 is hereby repealed and replaced with the following:

4.429 Segregation and Use of Revenues. All funds derived from the water system development charges 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 water system development charges received by the City shall be applied to bond redemption as required by City Ordinance No. 4283.

M. Section 4.440 is hereby repealed and replaced with the following:

4.440 Transportation. At 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, including any required dedication of right-of-way. At County discretion, street improvements shall be constructed to an equivalent dollar amount of said half-width urban standard.

N. Section 4.441 The existing language is hereby repealed.

O. Section 4.470 is hereby repealed and replaced with the following:

4.470 Fire Suppression. No urban level development shall be approved in any part of the urbanizing area that is not provided with a minimum Class 8 fire suppression.

P. A new Section 4.480 is hereby adopted to read as follows:

4.480 Security. In lieu of actual construction of all facilities required by applicable sections of this Ordinance at the time of site development, the developer may be required to post security as provided in City Ordinance No. 4290 or any other security arrangement acceptable to the County. Posting of such security shall be at the sole discretion of the County for the purpose of guaranteeing future construction of those portions of such facilities which are not feasible or appropriate to construct at the time of site development. Such security shall be posted in an estimated amount with the security instrument stipulating that the actual cost of such facilities shall become due and payable at the time construction has been authorized by the County.

e. A new Section 6.000 Amendment and Variance Provisions is hereby adopted to read as follows:

A. Section 6.100 shall read as follows:

6.100 Amendments. This Ordinance may be amended by changing any provision thereof, whenever the public necessity and convenience and the general welfare requires

such an amendment. Any such proposed amendment or change shall first be submitted to the Urban Area Planning Commission and the Planning Commission shall, within sixty (60) days after a hearing, recommend to the governing bodies approval, disapproval or modification of the proposed amendment.

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3. Procedures of public hearing shall be by those established in the Joint Zoning Ordinance, Section 139.02 to Section 139.05 as amended.

B. Section 6.200 shall read as follows:

6.200 Variances

1. Where practical, difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provision thereof, variances may be granted as provided in this section. The Urban Area Planning Commission or Hearings Officer may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship. In granting a variance the Urban Area Planning Commission or Hearings Officer may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance.

2. No variance shall be granted unless it can be shown that all of the following conditions exist:
 - a. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.
 - b. The authorization of the variance shall not be materially detrimental to the purpose of this Ordinance, be injurious to property in the district or vicinity in which the property is located or be otherwise detrimental to the objectives of any development plan or polciy.
 - c. The variance requested is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.
3. A non-refundable fee, in an amount to be set by resolution of the governing bodies, shall accompany each application for a variance. Said fee shall be the same as in a variance to the Zoning Ordinance.
4. Procedures of public hearing shall be those established in the Joint Zoning Ordinance, Section 139.02 to Section 139.05 as amended.

SECTION 2. Except as otherwise provided herein, Ordinance No. 81-8 is hereby affirmed as originally adopted or thereafter amended.

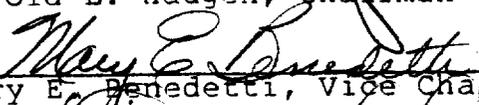
SECTION 3. First reading by the Board of County Commissioners is this 1st day of December , 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 15th day of December , 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

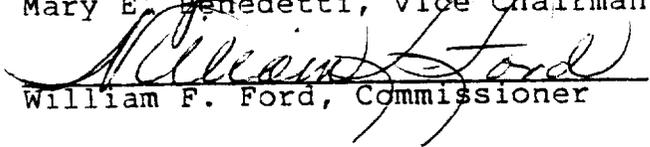
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



Harold L. Haugen, Chairman

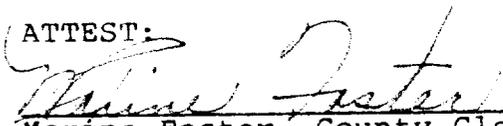


Mary E. Benedetti, Vice Chairman



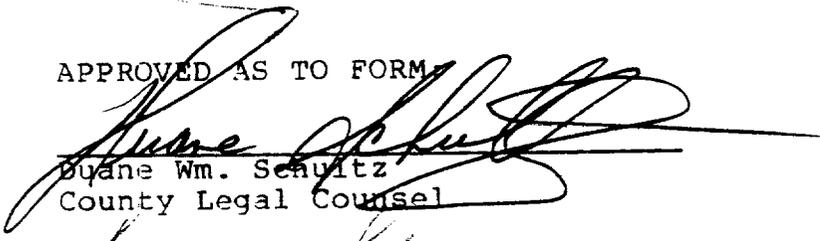
William F. Ford, Commissioner

ATTEST:



Maxine Foster, County Clerk

APPROVED AS TO FORM:



Duane Wm. Schuitz
County Legal Counsel



Gene Stone
Recording Secretary

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 82-41



AN ORDINANCE AMENDING JOSEPHINE COUNTY ORDINANCE 81-25.

WHEREAS, the Board of County Commissioners adopted an Urban Area Zoning Ordinance to provide for consistent zoning regulations, and providing procedures for enforcement and penalties for the violation thereof, with the City of Grants Pass as required by Ordinance 81-25.

WHEREAS, the Urban Area Planning Commission conducted a public hearing on October 27, 1982, and recommended amendments to the Urban Area Zoning Ordinance as set forth below.

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

SECTION 1. The following sections are amended as follows:

Section 114.03 Conditional Uses is amended to delete "apiaries", and such amendment shall read as follows:

"f. Keeping of swine, kennels, riding stables, poultry husbandry, or rabbitry on a parcel less than 2.5 acres in size."

Section 115.02 Permitted Uses is amended to delete "apiaries", and such amendment shall read as follows:

"b. 1. No swine, kennels, poultry husbandry or rabbitry shall be kept."

Section 132 Provisions Applying to Certain Uses shall be amended to add a new subsection to read as follows:

"Section 132.26 Beekeeping

- a. The keeping of bees is permitted in all zone districts.
- b. To minimize conflict to adjacent property owners and land uses, each beehive shall be located on the property as follows:
 1. A minimum setback of 15' from all property boundaries, or
 2. Adjacent to a solid barrier being a minimum of six (6) feet high.

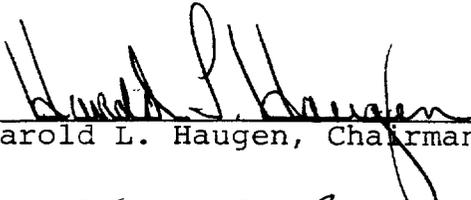
SECTION 2. Affirmation

Except as otherwise provided herein, Ordinance No. 81-25 is hereby affirmed as originally adopted or thereafter amended.

SECTION 3. First reading by the Board of County Commissioners is this 8th day of December, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 22nd day of December, 1982. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

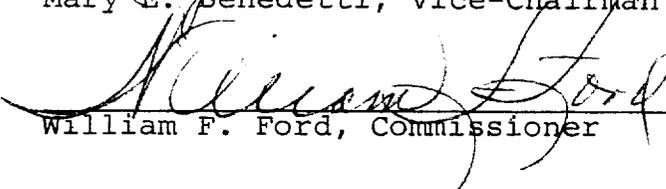
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS



Harold L. Haugen, Chairman

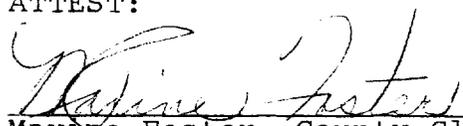


Mary E. Benedetti, Vice-Chairman

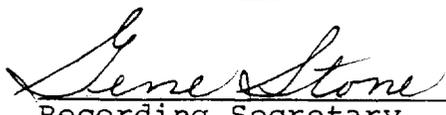


William F. Ford, Commissioner

ATTEST:

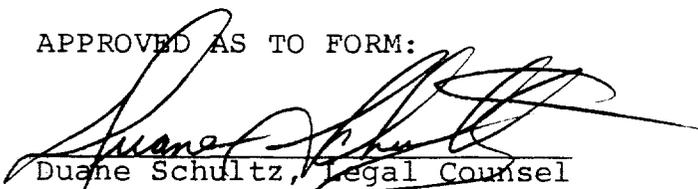


Maxine Foster, County Clerk



Gene Stone
Recording Secretary

APPROVED AS TO FORM:



Duane Schultz, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 82-45

AN ORDINANCE ADOPTING AN AMENDMENT TO THE URBAN AREA ZONING ORDINANCE NO. 81-25.

WHEREAS, the Board of County Commissioners adopted an Urban Area Zoning Ordinance to provide for consistent zoning regulations and providing procedures for enforcement and penalties for the violation thereof, with the City of Grants Pass as required by Ordinance No. 81-7; and

WHEREAS, the Urban Area Planning Commission conducted a public hearing on May 26, 1982, and recommended amendments to the Urban Area Zoning Ordinance as set forth below; and

WHEREAS, on July 7, 1982, the Council of the City of Grants Pass adopted City Ordinance No. 4459 amending their Urban Area Zoning Ordinance No. 4415 as recommended by the Urban Area Planning Commission; and

WHEREAS, the Board of County Commissioners for Josephine County conducted a public hearing on July 21, 1982, to consider the amendments recommended by the Urban Area Planning Commission.

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

SECTION 1. The following section is amended to include as follows:

Section 127.02 Permitted Uses

- o. Skating Rinks.

SECTION 2. The following section is added as follows:

Section 129.11 Performance Parking Standards

A. Purpose

The purpose of this section is to provide a process and mechanism whereby business proprietors and property owners have the option to determine parking needs based upon a 'performance' evaluation. This section is intended to apply to unique or special uses where the prescriptive parking standard contained in Section 129.04 appears unrepresentative of actual parking needs and, therefore, creates a hardship on the property owner. It is not the intent of this section to circumvent the normal requirements of the Zoning Ordinance, nor create substandard parking conditions.

B. Concept

The Performance Parking concept recognizes the need for flexibility in determining parking requirements for those uses which do not 'fit' the standards contained in Section 129.04 of the Zoning Ordinance. The concept provides the property owner with an opportunity to determine parking needs based upon a submitted plan and the owner's ability to 'perform' in accordance with the plan.

The parking plan, as approved by the Site Plan Committee, is constructed and placed on 'probation' for an 18 month period. During this period, the parking conditions are monitored to determine impact to surrounding property owners and streets. If it is determined that no impact has been created, the probationary period terminates and the use complies with the Ordinance. If an impact has been created, the remaining parking requirements must be constructed. To guarantee construction, security must be posted prior to issuance of the development permit.

C. Procedure

The procedure for submission, review and approval is designed to insure the general health, safety and welfare of the community while providing flexibility and minimizing time delays to the applicant.

1. Application for Performance Parking Permit

A property owner or his designee may submit an application for Performance Parking Permit to the appropriate Planning Agency. The application will be accepted and processed when all of the required information has been submitted.

2. Information Required

(a) Application for Performance Parking an non-refundable fee.

(b) Off-Street Parking Plan

A parking plan shall be prepared and submitted in accordance with Section 129.10 of the Zoning Ordinance. If the proposed use involves the preparation of a 'Site Plan', the parking plan may then be part of the Site Plan. The plan shall show both the total off-street parking spaces as required in Section 129.04, and the location and number of the 'proposed' spaces.

The difference between the total and proposed spaces is the amount of 'relief' requested from the Zoning Ordinance, and is hereby referred to as 'deferred' parking.

(c) Evidence of Off-Site Parking Facilities

If any of the 'total' spaces are to be located on a separate parcel, the applicant shall submit evidence as to the ownership of the parcel, availability of parking, and an agreement, lease, deed in escrow, option to buy, or other mechanism guaranteeing the parking with the other owner. Off-site spaces shall conform with the requirements of Section 129.06 and 129.07 of the Zoning Ordinance. The use of the off-site parking facilities shall not reduce the number of spaces below the required number for the use occupying the site.

(d) Undeveloped Facilities

If any of the 'deferred' parking is located on property which does not contain parking facilities developed to the standards contained in Section 129.10 of the Zoning Ordinance, a 'security guarantee' shall be provided for the cost of the facilities and shall be guaranteed for the duration of the probationary period.

3. Application Review

Upon receipt of all required information, the Site Plan Committee shall review the request as to compliance with the purposes, intent and standards of this section, and shall report their findings to the Director of Community Development/County Planning.

4. Decision on Permit Request

Based upon the submitted evidence and the Findings of the Site Plan Committee, the Director shall approve, approve with conditions, or deny the request.

5. Issuance of Permit

The permit is issued for the duration of the 'probationary period'. If 'future' facilities are involved, the applicant shall sign a binding agreement and posting of security guaranteeing to construct all required parking in accordance with the approved parking plan. The permit is issued for the use as described on the application. Any enlargement, expansion or change of use of the building shall subject the property to the parking requirements contained in Section 129.03 of the Zoning Ordinance.

6. Probationary Review

The probationary period shall begin at time of issuance of 'Use and Occupancy Permit', or Business License, and run for a period not to exceed 18 months. At the beginning of the probationary period, property owners within 500 feet of the use or building, shall be notified of the request. During the probation, site visits shall be conducted by staff to determine impacts, if any. At the end of probation, property owners are notified again and asked to comment on the parking condition. Based upon the evidence gathered during the probationary period, the Director shall determine if the applicant has performed to his stated need.

7. Decision on Performance Evaluation

Upon completion of the probationary period, the Director shall decide:

- (a) The applicant has 'performed' to his stated need and, therefore, complies with the Zoning Ordinance. The permit, agreement and securities (if any) shall become null and void, or

- (b) The use consistently generates greater parking demand than the applicant's stated need. Therefore, the applicant has failed to 'perform' to his stated need and must comply with the prescriptive standards contained in the Ordinance. the 'deferred' parking facilities must now be constructed.

8. Appeal

Any aggrieved citizen may appeal the Director's decision in accordance with Section 137.02 of the Zoning Ordinance.

D. Standards

Applicant must conform to the normal requirements of the Zoning Ordinance, including lot design and materials, number of spaces and landscaping.

1. Parcel Size

Each affected parcel must be of minimum size to physically accommodate the total required parking and landscaping requirements as prescribed in Section 129.04 and 133.02. Exception to the requirement is provided for in Section 129.07, Location of Parking Requirements, of the Zoning Ordinance, and subsection D.2 of this provision.

2. 'Off-Site' Parking

If any of the 'total' required parking is proposed 'off-site', applicant must comply with Section 129.07. Evidence must be provided that; the off-site facilities are exclusively available to the applicant for the duration of his use; the facilities are developed to the standards contained in Section 129.10, and use of the facilities will not reduce the amount of required parking for any other uses. Evidence of proof must be in the form of a lease, deed, contract or any other written evidence acceptable to the Director.

3. 'Deferred' Parking on Undeveloped Property

If any of the 'deferred' parking is proposed on undeveloped property, the applicant must demonstrate:

- (a) The development rights of the property are controlled by the applicant for the duration of the 'probationary' period. Proof may take the form of a deed, deed in escrow, deed restriction, or any other instrument acceptable to the Director.
- (b) The ability to install and cover all costs of the 'deferred' parking. Prior to the issuance of the Performance Parking Permit, the Site Plan Committee shall determine all associated costs of the parking and shall receive a 'security' guarantee from the applicant to be held by the appropriate jurisdiction for the duration of the probationary period.

4. Binding Agreement

Applicant to sign an agreement with the appropriate jurisdiction binding him to the terms of the Performance Parking Permit. The agreement commits the applicant to make all improvements as required and pertains to both the land and the parking facilities. The binding agreement shall be implemented through the security guarantee and the possible forfeiture of any public service or facility.

5. Fee

A non-refundable fee shall be adopted by Resolution to cover all administrative costs of this permit system.

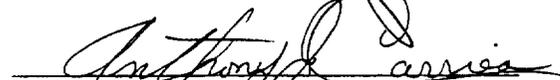
SECTION 3. Except as otherwise provided herein, Ordinance No. 81-25 is hereby affirmed as originally adopted or thereafter amended.

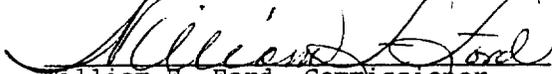
SECTION 4. First reading by the Board of County Commissioners is this 22nd day of December, 1982.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 12th day of January, 1983.

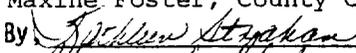
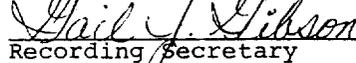
JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS


Harold L. Haugen, Chairman

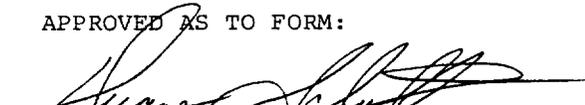

Anthony J. Corrigan, Vice Chairman


William F. Ford, Commissioner

ATTEST:

Maxine Foster, County Clerk
By  Chief Deputy

Recording Secretary

APPROVED AS TO FORM:


Duane Schultz, Legal Counsel