1992 Ordinance

ORDINANCE NO.	DATE	DISCRIPTION
92-1	2/5/92	Comp Plan change from F to R and Zone Change from WR to RR-2.5 35-6-25-2 100 MCLAUGHLIN Zone Change from RR-5 to RR-2.5 35-6-25 600 MCLAUGHLIN
92-4 92-4-E	2/26/92 3/11/92	Zone change for northerly 180 feet of 36-7-25-3, TL 700 Smith
92-11-E 92-11	4/15/92 4-29-92	Com Plan Change from F to R and Zone Change from WR to RR-5 34-6-36 800 Drake
92-12-E 92-12	4/15/92 4-29-92	Zone Change from TC to RCC 35-6-20-1, TLs 2700/2704/2705 Graham/Changuet
92-14-E 92-14	5/6/92 5/20/92	Zone Chng from RR-5 to RR-2.5 35-6-11-02, TL 1100 FASZER
92-15	5/20/92	Comp Plan Chng from R to C Zone Chng from RR-5 to RC 37-7-1, TLs 910/911/915 PIPA
92-19-E 92-19	5/20/92 6/3/92	Comp Plan chng from R to I Zone Chng from RR-5 to RI 36-5-14, TLs 300/301/302 PICKERING
92-18-E 92-18	5/13/92 6/3/92	COMP PLAN amend from Forest to R, from Ag to R and zone chng from EF to RR-2.5, FR to RR-2.5 WR to RR-2.5 and RR-5 to RR-2.5 PARADISE
92-17	6/3/92	Comp Plan amend from Forest to Residential & Zone Change from WR to RR-5 36-5-4, 1000 1002, 1003 HONG/MURRAY/& GREEN RIVER PROFIT SHARING
92-20	7/1/92	Comp Plan change from F to AG Zone Change from WR to FR 35-6-10 3300/3303 FRAZEUR
92-21-E 92-21	6/22/92 7/8/92	Comp Plan Amend to allow City water line to serve county residents on Merlin/ Galice Rd

ORDINANCE NO.	DATE	DISCRIPTION
92-22 92-22-E	7/15/92 8/12/92	Zone Change from FC to WR 39-5-5 200 RABJOHN
92-23-E 92-23	7/8/92 7/22/92	Boundary Change for 36-5-5-32 2100/2200/2300/3901 STACH
92-24	9-2-92	Zone Change from RR-5 to RR-1 36-6-36-4, tls 102,204,390, 800,900,1000,1100,1101 WRIGHT ETAL
92-25-E 92-25	8/19/92 9/2/92	Comp Plan Change from C to I Zone Change from RC to RI 35-6-36, TL 2000 DILLARD
92-26	9-9-92	Comp Plan Chng from R to I ZC from RR-5 to RI for 39-8-22-23, TLs 1401, 1800 GIBBS
92-28	10/28/92	Zone Change from RR-5 to RR-1 36-6-36-4, 1500/1502/1503 Burns, Etal
92-29	10/28/92	Comp Plan Change from AG to F Zone Changes from EF and FC to WR 34-6-2, TL 602,603,604 605,700 Balmain/MacKnee/ Corrinne
92-30	11/10/92	Comp Plan Change from F to R Zone Change from WR to RR-5 36-7-24-2 100 Johnson

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-1

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE AND RURAL RESIDENTIAL 5 TO RURAL RESIDENTIAL 2.5 FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTIONS 25-2 AND 25 TAX LOTS 100 AND 600 RESPECTIVELY FOR JOHN F. McLAUGHLIN.

WHEREAS, the Board of County Commissioners held a public hearing on December 12, 1991 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Residential for property identified as Assessor's Map Township 35, Range 6, Section 25-2, Tax Lot 100.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource and Rural Residential 5 to Rural Residential 2.5 for property identified as Assessor's Map Township 35, Range 6, Sections 25-2 and 25, Tax Lots 100 and 600 respectively.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 22nd day of January, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 5th day of February, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (1/17/92)

Gloria M. Roy, Assistant Legal Counsel

5/20

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-4

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RR-5 (RURAL RESIDENTIAL 5 ACRE) TO RR-2.5 (RURAL RESIDENTIAL 2.5 ACRE) FOR PROPERTY IDENTIFIED AS THE NORTHERLY 180 FEET OF ASSESSOR'S MAP T36, R7, SECTION 25-3 TAX LOT 700 FOR WILLIAM AND KATHLEEN SMITH.

WHEREAS, the Board of County Commissioners held a public hearing on January 22, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Zoning Change</u>

The Josephine County Zoning Map is hereby amended from RR-5 (Rural Residential 5 Acre) to RR-2.5 (Rural Residential 2.5 Acre) for property identified as the northerly 180 feet of Assessor's Map Township 36, Range 7, Section 25-3, Tax Lot 700.

SECTION 2: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted and heretofore amended.

SECTION 3: <u>Effective Date</u>

First reading by the Board of County Commissioners this 12th day of February, 1992.

Second reading and adoption by the Board of County

Commissioners at least thirteen (13) days from the first reading this 26th day of February, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown - Absent
Rebecca L. Brown, Chairwoman

Fred Borngasser
Fred Borngasser, Vice Chairman

Harold L. Haugen
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown
Georgette Brown, County Clerk

Lori D. Cunningham
Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 2-10-92
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-4-E

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RR-5 (RURAL RESIDENTIAL 5 ACRE) TO RR-2.5 (RURAL RESIDENTIAL 2.5 ACRE) FOR PROPERTY IDENTIFIED AS THE NORTHERLY 180 FEET OF ASSESSOR'S MAP T36, R7, SECTION 25-3 TAX LOT 700 FOR WILLIAM AND KATHLEEN SMITH AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on January 22, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended), the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Zoning Change</u>

The Josephine County Zoning Map is hereby amended from RR-5 (Rural Residential 5 Acre) to RR-2.5 (Rural Residential 2.5 Acre) for property identified as the northerly 180 feet of Assessor's Map Township 36, Range 7, Section 25-3, Tax Lot 700.

SECTION 2: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: <u>Effective Date</u>

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 11th day of March, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown - Absent at signing
Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (3/6/92)

Gloria M. Roy, Assistant Legal Counsel

RECEIVED

MAR 09 1992

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS

William N. Smith
525 Daily Lane
Grants Pass, Oregon 97527
(503) 476-4311

March 9, 1992

Board of County Commissioners
Courthouse
Grants Pass, Oregon 97526

Re: T 36, R 7, Section 25-3, Tax lot 700

Dear Board,

On January 22, 1992 the Board of County Commissioners approved my request for a zone change from RR-5 to RR-2.5 for a portion of the above referenced property. On February 25, 1992 I received the Findings of Fact for that approved request.

I was not informed or made aware of either the 90 day waiting period or the possibility of having it waived. Assuming the request was nearly finalized, I initiated refinancing with my bank to take advantage of current lower interest rates. This refinancing cannot proceed until the minor land partition, subsequent to the zone line change, is finalized.

If the 90 day waiting period is allowed to run full term, the refinancing papers will have expired. The net result is a financial hardship created by losing substantial deposits, and perhaps losing a window of opportunity with respect to interest rates.

I am therefore requesting an emergency ordenance to waive the 90 day waiting period and make above mentioned Findings of Fact effective immediately.

Respectfully Submitted,

William N. Smith

William N. Smith

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-11-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO RURAL RESIDENTIAL 5 (5 ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS A PORTION OF ASSESSOR'S MAP T34, R6, SECTION 36 TAX LOT 800 FOR MALCOLM DRAKE AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on March 25, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Residential for property identified as a portion of Assessor's Map Township 34, Range 6, Section 36, Tax Lot 800 as shown on attached Exhibit A.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential 5 for property identified as a portion of Assessor's Map Township 34, Range 6, Section 36, Tax Lot as shown on attached Exhibit A.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 15th day of April, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

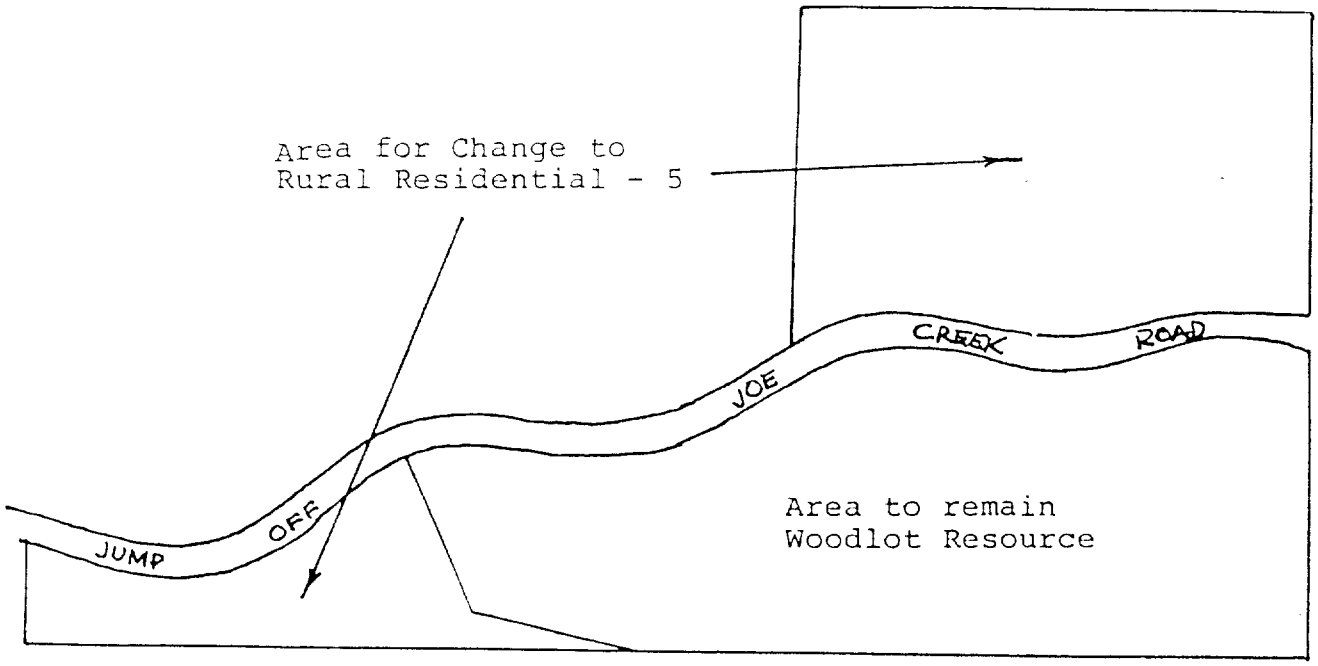
Recording Secretary

APPROVED AS TO FORM:

4/14/92

James H. Boldt, Legal Counsel

EXHIBIT A


Area for Change to
Rural Residential - 5
JUMP
OFF
JOE
CREEK
ROAD
Area to remain
Woodlot Resource

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-11

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO RURAL RESIDENTIAL 5 (5 ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS A PORTION OF ASSESSOR'S MAP T34, R6, SECTION 36 TAX LOT 800 FOR MALCOLM DRAKE.

WHEREAS, the Board of County Commissioners held a public hearing on March 25, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Residential for property identified as a portion of Assessor's Map Township 34, Range 6, Section 36, Tax Lot 800 as shown on attached Exhibit A.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential 5 for property identified as a portion of Assessor's Map Township 34, Range 6, Section 36, Tax Lot as shown on attached Exhibit A.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 15th day of April, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 29th day of April, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

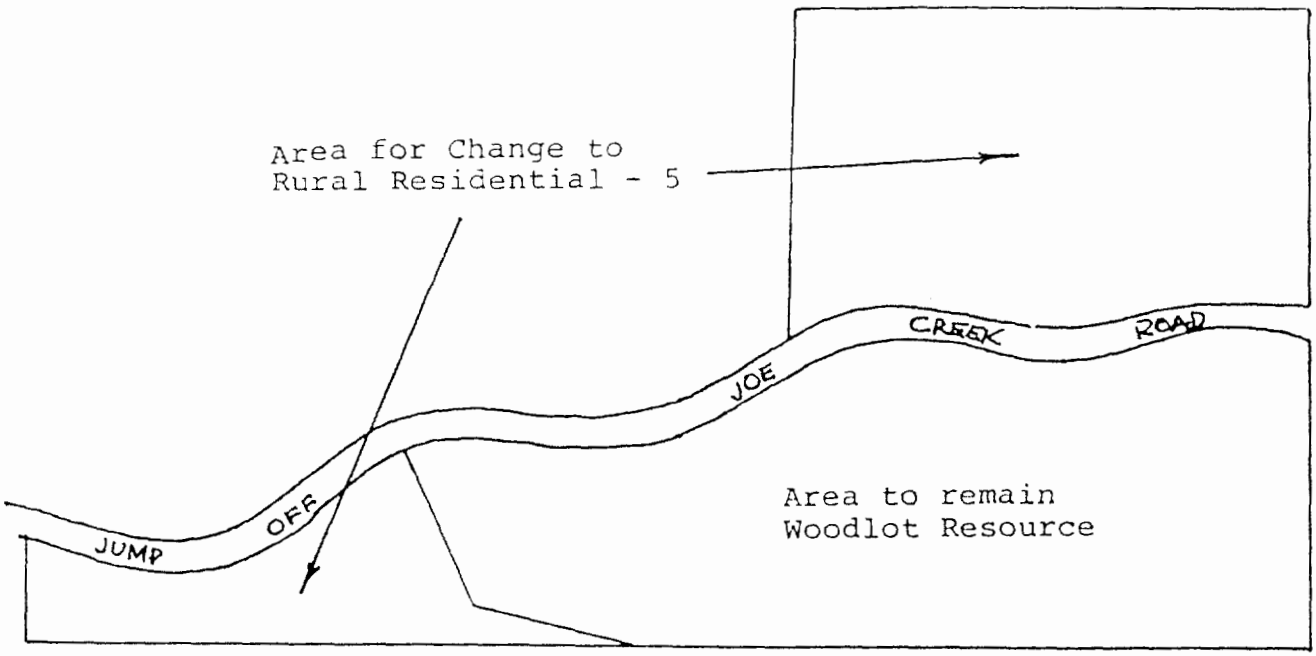
Recording Secretary

APPROVED AS TO FORM:

4-14-92

James H. Boldt, Legal Counsel

EXHIBIT A


Area for Change to
Rural Residential - 5
JUMP
OFF
JOE
CREEK
ROAD
Area to remain
Woodlot Resource

APR 1992

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-12-E

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM TOURIST COMMERCIAL TO RURAL CONVENIENCE CENTER COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 20-1 TAX LOTS 2700, 2704, AND 2705 AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on March 25, 1991 to consider, under the criteria of the Comprehensive Plan and Statewide Planning Goals for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing and heard testimony and received evidence from the Josephine County Staff, the applicant and any remonstrators, concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Tourist Commercial to Rural Convenience Center Commercial for property identified as Assessor's Map Township 35, Range 6, Section 20-1, Tax Lots 2700, 2704, and 2705.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 15th day of April, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

4/14/92

James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92 - 12

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM TOURIST COMMERCIAL TO RURAL CONVENIENCE CENTER COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 20-1 TAX LOTS 2700, 2704, AND 2705.

WHEREAS, the Board of County Commissioners held a public hearing on March 25, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Tourist Commercial to Rural Convenience Center Commercial for property identified as Assessor's Map Township 35, Range 6, Section 20-1, Tax Lots 2700, 2704, and 2705.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 15th day of April, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 29th day of April, 1992. This Ordinance shall take effect ninety (90) days after its

adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

4-14-92

James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-14-E

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 TO RURAL RESIDENTIAL 2.5 FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 11-2 TAX LOT 1100 AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on February 26, 1992 to consider, under the criteria of the above referenced Comprehensive Plan and Statewide Planning Goals for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing and heard testimony and received evidence from the Josephine County Staff, the applicant and any remonstrators, concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential 5 to Rural Residential 2.5 for property identified as Assessor's Map Township 35, Range 6, Section 11-2, Tax Lot 1100.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

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

Passed by the Josephine County Board of Commissioners and

signed by us in open session in authentication of its passage this 6th day of May, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 5/5/92

James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-14

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 TO RURAL RESIDENTIAL 2.5 FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 11-2 TAX LOT 1100.

WHEREAS, the Board of County Commissioners held a public hearing on February 26, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential 5 to Rural Residential 2.5 for property identified as Assessor's Map Township 35, Range 6, Section 11-2, Tax Lot 1100.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 6th day of May, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 20th day of May, 1992. This Ordinance shall take effect ninety (90) days after its

adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 5/5/92

James H. Boldt, Legal Counsel

8-18-92
Pepe

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-15

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM RESIDENTIAL TO COMMERCIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 TO RURAL COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T37, R7, SECTION 1 TAX LOTS 910, 911, AND 915.

WHEREAS, the Board of County Commissioners held a public hearing on February 12 and February 17, 1982 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Residential to Commercial for property identified as Assessor's Map Township 37, Range 7, Section 1, Tax Lots 910, 911, and 915.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential 5 to Rural Commercial for property identified as Assessor's Map Township 37, Range 7, Section 1, Tax Lots 910, 911, and 915.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 6th day of May, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 20th day of May, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 5/5/92

James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-17

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO RURAL RESIDENTIAL 5 (5 ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R5, SECTION 4 TAX LOTS 1000, 1002, AND 1003 FOR HONG, MURRAY, AND GREEN RIVER CLINICAL PATH PROFIT SHARING.

WHEREAS, the Board of County Commissioners held a public hearing on February 26, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Residential for property identified as Assessor's Map Township 36, Range 5, Section 4, Tax Lots 1000, 1002, and 1003.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential 5 (5 Acre minimum) for property identified as Assessor's Map Township 36, Range 5, Section 4, Tax Lots 1000, 1002, and 1003.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as

originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 13th day of May, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 3rd 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

-ABSENT
Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 5-7-92
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-18-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST AND AGRICULTURE TO RURAL RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE, EXCLUSIVE FARM, FARM RESOURCE AND RURAL RESIDENTIAL 5 (5 ACRE MINIMUM) TO RURAL RESIDENTIAL 2.5 (2.5 ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAPS 35-6-15, Tax Lots 1700, 1701, 1702, 1703, 1707, 1708, 1709; 35-6-14 Tax Lots 1400, 1401, 1402, 1403, 1500, 1502, 1600; 35-6-23 Tax Lots 400, 500, 600, 601, 602, 603, 700; 35-6-22-1 Tax Lots 100, 201, and 401 FOR HILLEBRAND PARADISE RANCH RESORT INC. AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held public hearings on February 12 and April 8, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) the request before them; and

WHEREAS, the Josephine County Planning Commission at public hearings gave consideration to the above identified Comprehensive Plan Amendment and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held public hearings, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan Amendment and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Comprehensive Plan Amendment</u>

The Josephine County Comprehensive Plan is hereby amended from Agriculture to Rural Residential for property identified as Assessor's Maps Township 35, Range 6, Section 15, Tax Lots 1700, 1703 and 1707; Township 35, Range 6 Section 23, Tax Lots 400, 600, 601, 602 and 603; and Township 35, Range 6, Section 22-1, Tax Lots 100 201 and 401.

The Josephine County Comprehensive Plan is hereby amended from Forest to Rural Residential for property identified as Assessor's Map Township 35, Range 6, Section 15, Tax Lot 1701.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Exclusive Farm to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Map Township 35, Range 6, Section 15, Tax Lots 1700, 1703 and 1707.

The Josephine County Zoning Map is hereby amended from Farm Resource to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Maps Township 35, Range 6, Section 23, Tax Lots 400, 600, 601, 602 and 603; Township 35, Range 6, Section 22-1, Tax Lots 100, 201 and 401.

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Map Township 35, Range 6, Section 15, Tax Lot 1702.

The Josephine County Zoning Map is hereby amended from Rural Residential 5(5 Acre Minimum) to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Maps Township 35, Range 6, Section 15, Tax Lots 1701, 1708, and 1709; Township 35, Range 6, Section 14 Tax Lots 1400, 1401, 1402, 1403, 1500, 1502, and 1600; Township 35, Range 6, Section 23, Tax Lots 500 and 700.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: REVERSION CLAUSE

The Comprehensive Plan Amendment and Zone Change shall be null and void with all lands reverting to their original Comprehensive Plan designations and zones if the resort construction is not begun within two years of the effective date of this ordinance and the Comprehensive Plan Amendment and Zone Change shall be null and void with all lands reverting to their original Comprehensive Plan designations and zones if the required resort and recreational facilities construction are not completed within four years. A time extension of two additional years may be granted if the extension is necessary to meet the intent of this approval with delays not caused by failure of the applicant to diligently carry the project to completion.

SECTION 5: Effective Date

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

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 13th day of May, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 5-11-92

Gloria M. Roy, Assistant Legal Counsel

JOSEPHINE COUNTY OREGON

COURTHOUSE GRANTS PASS, OREGON 97526

(503) 474-5221

BOARD OF COMMISSIONERS
Rebecca L. Brown
~~Brian E. Calvert~~
~~Brian M. McGregor~~
Barbara A. Humberd

WEEKLY BUSINESS SESSION AGENDA ITEM COVERSHEET

Agenda Item Title Ordinances

Agenda Date 5-13-92

Department Planning

Contact Person Bob Hart Ext 5421

RECEIVED
MAY 07 1992
JOSEPHINE COUNTY BOARD OF COMMISSIONERS

Please answer the following questions prior to submitting items to the Commissioner's Office for Weekly Business Session agenda. The Board has directed that no item be considered without this information being available to them prior to the meeting.

==========

1. Background, description and recommendation of item (include previous related decisions of the BCC).

Emergency implementing Ordinance for Paradise Ranch Comp Plan/Zone Change

==========

2. Does item have budget impact? _____ Yes ✓ No
If yes, detail costs and benefits.

Finance staff review/comments: Initial _____ Date _____

==========

3. Does item have legal impact? ✓ Yes _____ No
If required, obtain Legal Counsel's signture before submitting.

Legal Counsel Review / Comments: Initial AMR Date 5-11-92

L-CZ-4:5/7/92:#1

==========

We request a staff member be present for items that may need public explanation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-18

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST AND AGRICULTURE TO RURAL RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE, EXCLUSIVE FARM, FARM RESOURCE AND RURAL RESIDENTIAL 5 (5 ACRE MINIMUM) TO RURAL RESIDENTIAL 2.5 (2.5 ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAPS 35-6-15, Tax Lots 1700, 1701, 1702, 1703, 1707, 1708, 1709; 35-6-14 Tax Lots 1400, 1401, 1402, 1403, 1500, 1502, 1600; 35-6-23 Tax Lots 400, 500, 600, 601, 602, 603, 700; 35-6-22-1 Tax Lots 100, 201, and 401 FOR HILLEBRAND PARADISE RANCH RESORT INC.

WHEREAS, the Board of County Commissioners held public hearings on February 12 and April 8, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) the request before them; and

WHEREAS, the Josephine County Planning Commission at public hearings gave consideration to the above identified Comprehensive Plan Amendment and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held public hearings, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan Amendment and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Comprehensive Plan Amendment</u>

The Josephine County Comprehensive Plan is hereby amended from Agriculture to Rural Residential for property identified as Assessor's Maps Township 35, Range 6, Section 15, Tax Lots 1700, 1703 and 1707; Township 35, Range 6 Section 23, Tax Lots 400, 600, 601, 602, and 603; and Township 35, Range 6, Section 22-1, Tax Lots 100 201 and 401.

The Josephine County Comprehensive Plan is hereby amended from Forest to Rural Residential for property identified as Assessor's Map Township 35, Range 6, Section 15, Tax Lot 1702.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Exclusive Farm to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Map Township 35, Range 6, Section 15, Tax Lots 1700, 1703 and 1707.

The Josephine County Zoning Map is hereby amended from Farm Resource to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Maps Township 35, Range 6, Section 23, Tax Lots 400, 600, 601, 602 and 603; Township 35, Range 6, Section 22-1, Tax Lots 100, 201 and 401.

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Map Township 35, Range 6, Section 15, Tax Lot 1702.

The Josephine County Zoning Map is hereby amended from Rural Residential 5(5 Acre Minimum) to Rural Residential 2.5(2.5 Acre Minimum) for property identified as Assessor's Maps Township 35, Range 6, Section 15, Tax Lots 1701, 1708, and 1709; Township 35, Range 6, Section 14 Tax Lots 1400, 1401, 1402, 1403, 1500, 1502, and 1600; Township 35, Range 6, Section 23, Tax Lots 500 and 700.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: REVERSION CLAUSE

The Comprehensive Plan Amendment and Zone Change shall be null and void with all lands reverting to their original Comprehensive Plan designations and zones if the resort construction is not begun within two years of the effective date of this ordinance and the Comprehensive Plan Amendment and Zone Change shall be null and void with all lands reverting to their original Comprehensive Plan designations and zones if the required resort and recreational facilities construction are not completed within four years. A time extension of two additional years may be granted if the extension is necessary to meet the intent of this approval with delays not caused by failure of the applicant to diligently carry the project to completion.

SECTION 5: Effective Date

First reading by the Board of County Commissioners this 13th day of May, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 3rd 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

Rebecca L. Brown - ABSENT
Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 5-11-92
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-19-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM RESIDENTIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 TO RURAL INDUSTRIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R5, SECTION 14 TAX LOTS 300, 301, AND 302 FOR RANDALL, MARGARET AND RYAN PICKERING AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on May 13, 1992 to consider, under the criteria of the above referenced Comprehensive Plan and Statewide Planning Goals for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing and heard testimony and received evidence from the Josephine County Staff, the applicant and any remonstrators, concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Comprehensive Plan Amendment</u>

The Josephine County Comprehensive Plan is hereby amended from Residential to Industrial for property identified as Assessor's Map Township 36, Range 5, Section 14, Tax Lots 300, 301, and 302.

SECTION 2: <u>Zoning Change</u>

The Josephine County Zoning Map is hereby amended from Rural Residential 5 to Rural Industrial for property identified as Assessor's Map Township 36, Range 5, Section 14, Tax Lots 300, 301 and 302.

SECTION 3: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as

originally adopted, and heretofore amended.

SECTION 4: Effective Date

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 20th day of May, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown - ABSENT
Rebecca L. Brown, Chairwoman

Fred Borngasser
Fred Borngasser, Vice Chairman

Harold L. Haugen
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown
Georgette Brown, County Clerk

Lori D. Cunningham
Recording Secretary

APPROVED AS TO FORM: (5/20/92)

James H. Boldt
Gloria M. Roy, Assistant Legal Counsel by
James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-19

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM RESIDENTIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 TO RURAL INDUSTRIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R5, SECTION 14 TAX LOTS 300, 301, AND 302 FOR RANDALL, MARGARET AND RYAN PICKERING.

WHEREAS, the Board of County Commissioners held a public hearing on May 13, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Comprehensive Plan Amendment</u>

The Josephine County Comprehensive Plan is hereby amended from Residnetial to Industrial for property identified as Assessor's Map Township 36, Range 5, Section 14, Tax Lots 300, 301, and 302.

SECTION 2: <u>Zoning Change</u>

The Josephine County Zoning Map is hereby amended from Rural Residential 5 to Rural Industrial for property identified as Assessor's Map Township 36, Range 5, Section 14, Tax Lots 300, 301, and 302.

SECTION 3: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 20th day of May, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 3rd 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

Rebecca L. Brown - ABSENT
Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (5/20/92)

Gloria M. Roy, Assistant Legal Counsel by
James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-20

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO AGRICULTURE AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO FARM RESOURCE FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 10 TAX LOTS 3300 AND 3303 FOR W.SCOTT FRAZEUR.

WHEREAS, the Board of County Commissioners held a public hearing on May 26, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Agriculture for property identified as Assessor's Map Township 35, Range 6, Section 10, Tax Lots 3300 and 3303.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Farm Resource for property identified as Assessor's Map Township 35, Range 6, Section 10, Tax Lots 3300 and 3303.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 17th day of June, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 1st day of July, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 6-10-92

Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-21-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), TO ALLOW THE EXTENSION OF A MUNICIPAL WATER LINE FROM THE CITY OF GRANTS PASS TO SERVE AREAS THAT MAY BE AFFECTED BY SUSPECTED POLLUTION FROM THE MERLIN SANITARY LAND FILL AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on June 22, 1992 to consider, under the criteria of the above referenced Comprehensive Plan and Statewide Planning Goals for the request before them; and

WHEREAS, the Josephine County Planning Commission at a joint public hearing gave consideration to the above identified Comprehensive Plan request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing and heard testimony and received evidence from the Josephine County Staff, Grants Pass City Staff and any remonstrators, concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Comprehensive Plan Amendment</u>

The Josephine County Comprehensive Plan is hereby amended to authorize the installation of a municipal water line outside of an Urban Growth Boundary to serve properties identified on attached Exhibit B and use of said water line shall be limited in accordance with the Exception Findings of Facts attached as Exhibit A.

SECTION 2: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: <u>Effective Date</u>

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 22nd day of June, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 6-23-92

Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF JOSEPHINE

STATE OF OREGON

IN THE MATTER AMENDING THE COMPREHENSIVE PLAN TO ADOPT AN EXCEPTION TO OREGON STATE-WIDE PLANNING GOAL 11 (PUBLIC) FACILITIES AND SERVICES) BY PERMITTING THE EXTENSION OF A MUNICIPAL PUBLIC WATER LINE TO SERVE AN AREA OUTSIDE OF A CITY'S ACKNOWLEDGED URBAN GROWTH BOUNDARY	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW Exhibit 'A'**
City of Grants Pass: Applicant	)	

I

NATURE OF THE APPLICATION

The City of Grants Pass (hereinafter "the City" or "the applicant") seeks amendment of the Josephine County Comprehensive Plan through the adoption of an exception to Oregon Statewide Land Use Planning Goal ("Statewide Goal") 11: Public Facilities and Services. The exception will allow the extension of an existing public water service lines further beyond the City's acknowledged urban growth boundary ("UGB") and beyond the also acknowledged North Valley Urban Services Containment Area. The area proposed to receive public water service ("the exception area") has already been granted a goal exception from Statewide Goals 3 and 4 (Agricultural and Forest Lands) at the time the Josephine County Comprehensive Plan ("JCCP") was adopted and acknowledged. The subject action will expand upon the exception that presently exists within this exception area consistent with Oregon Administrative Rules (OAR) 660-04-018(3)(b). The subject exception seeks no concurrent intensification of zoning or land uses beyond levels that presently exist. The exception is for the singular purpose of enabling the extension of public water service to an area where groundwater supplies have been determined by federal and state agencies to be at risk of environmental damage from adjacent landfill activities.

The exception area is adjacent to the Merlin Sanitary Landfill. Groundwater is contaminated by rain water that soaks through sanitary landfill waste, picking up chemicals and eventually entering the water table beneath the landfill. The contaminated rain water called "leachate" is the result of landfill disposal of common items like paint, glue, cleansers, engine degreasers, pesticides and batteries. Well sampling has indicated the existence of contamination on the periphery of the landfill site.

II

EXHIBITS

The following constitute all of the exhibits submitted with the application:

Exhibit "A" Findings of Fact and Conclusions of Law

Exhibit "B" Application Form

Exhibit "C" Exception Area Map

Exhibit "D" Table Indicating: Map and Tax Lot, Map Designation, Zoning, Acreage, and Land Use

Exhibit "E" Josephine County Comprehensive Plan Map

Exhibit "F" Alternative Drinking Water Supply Evaluation; Merlin Landfill Vicinity

Exhibit "G" Merlin Landfill Off-Site Domestic Well Sampling Work Plan; Solid Waste Disposal Permit No. 159.

Exhibit "H" Merlin Sanitary Landfill; Phase II Hydrogeologic Investigation Report; Volume I - Text

Exhibit "I" Merlin Sanitary Landfill; Phase II Hydrogeologic Investigation Report; Volume II - Appendices

Exhibit "J" Aerial Photographs (3 sheets)

Exhibit "K" Josephine County Assessor Plat Maps (5 sheets)

Exhibit "L" Composite of Josephine County Assessor Plat Maps

Exhibit "M" Community Action Plan: Solving the Garbage Problem

Exhibit "N" Exception Area Summary from Josephine County Comprehensive Plan (Ack. 1985)

III

SUBSTANTIVE APPROVAL CRITERIA

The following have been determined to be all of the relevant substantive criteria applicable to amending the Josephine County Comprehensive Plan (JCCP) by taking an exception to Statewide Goal 11 (Public Facilities and Services):

Josephine County Comprehensive Plan

Goal 11; Policy 4. In order to amend the Comprehensive Plan map, it will be necessary to demonstrate compliance with applicable Statewide planning goals and conformance

with the text of the Josephine County Comprehensive Plan. At a minimum, such changes should demonstrate:

a. Physical capability of the land to support permitted uses: e.g. adequate water supply, septic suitability, soil quality, and adequate access.

b. Consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land.

c. Compatibility with resource uses on surrounding lands.

d. Preservation and promotion of the public health, safety and welfare.

e. Availability of adequate public facilities and services to support the projected intensity of use.

f. The property's peculiar suitability for particular uses.

g. Consistency with current or projected development patterns, or demonstration why a different use should be introduced into the area.

A request for a Comprehensive Plan amendment shall first be considered by the Planning Commission. The Planning Commission will recommend either approval or denial to the Board of County Commissioners who will make the final decision.

Goal 4; Policy 3. Public and community water supply systems shall be considered for areas of the County where existing groundwater supplies have been contaminated or intruded. An inventory shall be maintained of areas of known water quality problems. Development in such areas shall be restricted until potable water supplies can be obtained.

Intergovernmental Agreement between the City of Grants Pass and Josephine County for the Joint Management of the Grants Pass Urban Growth Boundary Area. (City of Grants Pass Resolution No. 1747, July 20, 1984) Hereinafter "UGB Agreement".

UGB Agreement § 5(e). Provision of City sewer and/or water service capable of supporting development at urban densities shall occur beyond the Urban Growth Boundary only:

1) after a determination by affected agencies that a "danger to public health" as defined by ORS 431.705(5) exists. The service thus authorized shall serve only the area in which the danger exists; or

2) unless an exception is granted.

An exception will be based on criteria which include:

a) The properties are located in an urban services containment area which is acknowledged by the Land Conservation and Development Commission as

an exception area consistent with Josephine County's Rural Comprehensive Plan, such as the North Valley Urban Services Containment Areas; or

b) It is not practical or appropriate to expand the Urban Growth Boundary to include the property and the service will not be used for additional development.

Statewide Planning Goal 2, Part II(c)
Exception Requirements

and

Oregon Revised Statutes (ORS) 197.732(1)(c)
Goal Exceptions

and

Oregon Administrative Rules (OAR) Chapter 660, Division 4
Interpretation of Goal 2 Exception Process

OAR 660-04-010(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards which do not prescribe or restrict certain uses of resource land because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These goals are:

> **OAR 660-04-010(2)(g)** Goal 11 "Public Facilities and Services", except as provided for in OAR 660, Division 14 for the provision of urban facilities and services to the incorporation of new cities or new urban development.

OAR 660-04-015(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-04-020(2) and OAR 660-04-022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

OAR 660-04-020(2): The four factors in goal 2 part II(c) required to be addressed when taking an exception to a goal are:

> **OAR 660-04-020(2)(a)** "Reasons justify why the state policy embodied in the applicable goals should not apply": the exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.
>
> **OAR 660-04-020(2)(b)** "Areas which do not require a new exception cannot reasonably accommodate the use":

OAR 660-04-020(2)(b)(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use which do not require a new exception. The area for which the exception is taken shall be identified.

OAR 660-04-020(2)(b)(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. under the alternative factor the following questions shall be addressed:

OAR 660-04-020(2)(b)(B)(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception including increasing the density of uses on nonresource land? If not, why not?

OAR 660-04-020(2)(b)(B)(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

OAR 660-04-020(2)(b)(B)(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

OAR 660-04-020(2)(b)(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

OAR 660-04-020(2)(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen

site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

OAR 660-04-020(2)(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. the exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

IV

FINDINGS OF FACT

Purpose of the Goal Exception: The applicant City requires an exception to Goal 11 (Public Facilities and Services) to extend municipal water lines to serve land within the exception area boundary. The water lines to be extended presently exist beyond the applicant City's UGB. The boundary of the exception area and present location of existing water lines are shown on Exhibit 'C.' The water line extension is needed because groundwater in the area has been identified by environmental regulatory authorities as "at risk" of contamination from adjacent landfill activities. On the basis of their scientific engineering analysis, the applicant City has asserted that connection to the existing public water supply is the best and most cost effective alternative to provide the greatest margin of safety in protecting people within the exception area from ingesting groundwater that may become contaminated, and to meet state and federal safe drinking water standards.

Source of Groundwater Contamination: Groundwater is contaminated by rain water that soaks through sanitary landfill waste, picking up chemicals and eventually entering the water table beneath the landfill. The contaminated rain water is called "leachate." The chemicals are not from unusual waste but are a result of common items like paint, glue, cleansers, engine degreasers, pesticides and batteries. Well sampling has indicated the existence of contamination on the periphery of the landfill site. Exhibits 'G,' 'H,' and 'I.'

Location of Grants Pass Urban Growth Boundary (UGB): The subject exception area is located approximately 3 miles from the nearest segment of the Grants Pass UGB.

Location and Description of the Exception Area: The exception area consists of 72 parcels consisting of 138.57 acres (exclusive of public street rights-of-way). The exception area is located off Dellwood Drive (also known as Brookside Boulevard) in the vicinity of the Josephine County Airport. The area is adjacent and contiguous to the "North Valley Urban Containment Boundary" (UCB), and "North Valley General

Services District." The Merlin Sanitary Landfill is located immediately south of the exception area. Exhibit 'C.' The parcels within the exception area, their size, zoning and existing usage are identified in Exhibit 'D.' The boundaries of the exception area has been determined by a scientific examination existing beneficial uses and the potential for groundwater contamination. Exhibits 'G,' 'H,' and 'I.' The boundaries of the exception area has been refined by continuing scientific and engineering analysis to include properties determined to have a potential threat of contaminated groundwater.

Existing Goal Exception: Josephine County excepted the subject area from the requirements of Statewide Planning Goals 3 and 4 (Agricultural and Forest Lands) in 1985 when the Josephine County Comprehensive Plan (JCCP) was adopted and acknowledged by the Land Conservation and Development Commission (LCDC). The goal exception, including land within the North Valley UCB, General Services District, and surrounding area, adopted as a part of the JCCP, was not appealed. The 1985 exception is evidenced at Exhibit 'N,' a summary sheet for the "North Valley" exception area, containing 1,179.15 acres, including the subject property. An exception was also taken for Goal 11 (Public Facilities and Services) for that portion of the North Valley exception area located within the North Valley UCB and North Valley General Services District.

Exception Area Planning and Zoning: The existing comprehensive plan map designation for the exception area is "Residential." Existing zoning is Rural Residential: RR-1, RR-2.5, and RR-5. The acreage within each of the three Rural Residential zones is indicated at Page 5 of Exhibit 'D' as follows: RR-1 (8.47 acres); RR-2.5 (95.73 acres); and RR-5 (34.37 acres).

Existing Water Lines: Exhibit 'J' illustrates the location of existing water service mains, the nearest of which is a 16-inch line within the Grants Pass Road right-of-way. The water line to serve the exception area will connect to the existing line at the Grants Pass Road intersection with the Merlin Galice Road.

Proposed Water Line: The new water line would be extended approximately 4,400 feet to the exception area along the Merlin Galice Road. Beginning as a 12-inch line at its intersection with the existing 16-inch line, the size of the line tapers to 4-inches inside the exception area. Exhibit 'J.' The water system extension has been designed by the City to serve only the domestic requirements of the exception area without additional capacity for fire protection or future development beyond the levels anticipated by the subject goal exception. The City intends to phase the construction of and connection to water lines within the exception area based upon continued monitoring of domestic wells within the exception area. Before reaching the exception area, the line passes through other land that is within both the North Valley UCB and General Services District, an area for which an acknowledged exception was granted as a part of the JCCP acknowledgment in 1985. There are no intervening lands through which the new water line would pass which have not already received a goal exception.

Cost of Water Line Extension and Connections: All proposed water system improvements, including the extension of water mains and service laterals, and the connection of existing homes and other uses within the exception area to the water system will be paid for entirely by the applicant City. The City has estimated the cost of the water system extensions to be approximately $800,000. (Exhibit 'F').

Community Action Plan: Exhibit 'M,' a pamphlet prepared by the applicant City for

community distribution outlines problems associated with the Merlin Sanitary Landfill: Groundwater impacts, the schedule for closure of the landfill, the cost of solutions, and how the community will finance the total estimated cost of approximately $17.4 million.

Alternative Drinking Water Solutions: Exhibit 'F' examined five alternatives to provide safe drinking water for the exception area:

Alternative 1. Connection to a public drinking water supply system. Connecting the proposed exception area to an existing nearby public water distribution system is the preferred alternative described herein and illustrated at Exhibit 'J.' The estimated capital cost of the alternative is approximately $800,000, with monthly operating costs of $2,535. (Exhibit 'F'). Once constructed, the water line will be maintained by the City.

Alternative 2. Construction of new water intakes or wells, either in a different aquifer or in an uncontaminated area of the same aquifer. Alternative 2 provides water from a proposed well field located near the Josephine County Airport. The system would include four wells capable of producing an average 24 gallons per minute (gpm) and 100,000 to 125,000 gallon storage reservoir. The proposed system would meet domestic and irrigation needs, and would include appropriate abandonment of existing wells in the subject area. Alternative 2 would eliminate exposure to potentially contaminated ground water unless the proposed well field near the airport experienced contamination. Exhibit 'F' reports the potential for future groundwater contamination from existing underground storage tanks near and within the well field. The City has expressed its concern that additional wells would adversely impact the groundwater supply for other existing users. The estimated capital cost is $990,000, with monthly operating costs of $2,500. The quasi-urban nature of the system would also likely require a similar exception to Statewide Planning Goal 11.

Alternative 3. Delivery of bottled water. The use of bottled water for drinking water would eliminate the exposure to potentially contaminated groundwater from human ingestion. Exposure to contaminated groundwater might potentially result from continued use of groundwater for irrigation or bathing. Exhibit 'F' estimates the monthly cost to be approximately $1,300 to $2,500.

Alternative 4. Installation of individual-user water purification systems. Exhibit 'F' evaluated two different types of individual water purification systems, recommending an "activated carbon" system. The system would purify the water used for all interior household uses, but would exclude irrigation water. Exposure to contaminated groundwater might potentially result from continued use of groundwater for irrigation. Each dwelling would require its own treatment unit. The average cost to purchase and install a treatment unit is $3,000 per residence, with monthly operating and maintenance costs of about $130 per housing unit which would be the responsibility of individual homeowners.

Alternative 5. Installation of other treatment facilities or technologies; property acquisition. Exhibit 'F' concludes that no other proven, readily available treatment facilities or technologies were found to be appropriate to supply water to the subject area. Exhibit 'F' found that their study area has a total assessed value of $1.79 million, but that acquisition of the land would cost over $2 million, rising to over $3 million if relocation costs were considered.

Josephine County Comprehensive Plan (JCCP) Acknowledgment: The JCCP was acknowledged by the Oregon Land Conservation and Development Commission (LCDC) as being in compliance with the Statewide Goals pursuant to ORS 197.251 in 1985.

Existing and Potential Additional Development Within the Exception Area: There are 138.57 acres within the exception area. The area is within three zones: RR-1, RR-2.5, and RR-5. There are presently 54 single family dwellings within the exception area, and based upon existing zoning there is a mathematical potential for 20 additional dwellings based upon the zoning and lot size of existing vacant parcels. (Exhibit 'D'). The proposed goal exception does not propose the rezoning the exception area to allow any increase in the allowable density or intensity of land usage. In addition to existing single family development, the exception area includes a church and automobile wrecking yard adjacent to the landfill, south of the Merlin-Galice Highway.

Surrounding Land Uses: Aerial photographs (Exhibit 'J') indicate the following land uses that surround the exception area:

> **North**: Large acreage homesites, some with hobby agriculture. Vacant acreage covered with natural vegetation. Further north is the Josephine County Airport.
>
> **South**:The Merlin Sanitary Landfill is immediately south of the exception area. Other land to the south is largely vacant parcels covered with natural vegetation.
>
> **West**: Land uses west of the exception area consist of a mixture of small acreage homesites, industrial uses, and large vacant parcels covered with natural vegetation.
>
> **East:** Land uses east of the exception area consist of a mixture of small acreage homesites, industrial uses, and large vacant parcels covered with natural vegetation. Some land east of the exception area is within the North Valley UCB and General Services District.

V

CONCLUSIONS OF LAW

The conclusions of law supporting an amendment of the JCCP by taking an exception to Statewide Goal 11 under the JCCP, Statewide Goal 2 (Part II(c), ORS § 197.732(1)(c), and OAR 660-04 are preceded by the specific criteria to which they relate:

Josephine County Comprehensive Plan (JCCP)

Standard 1

JCCP Goal 11; Policy 4. In order to amend the Comprehensive Plan map, it will be necessary to demonstrate compliance with applicable Statewide planning goals and conformance with the text of the Josephine County Comprehensive Plan. At a minimum, such changes should demonstrate:

a. Physical capability of the land to support permitted uses: e.g. adequate water supply, septic suitability, soil quality, and adequate access.

Conclusions of Law: The applicant City has conducted extensive scientific and engineering analysis of the exception area and the routing of proposed water lines, concluding that the lines can be extended to serve the entire exception area at a cost of $800,000. The exception does not include any provision or proposal to increase the allowable density or intensity of land usage over levels presently allowed by acknowledged planning and zoning as indicated on Exhibit 'D.' Although 20 additional dwellings are mathematically possible under present planning/zoning, these could be permitted under any solution implemented to mitigate groundwater pollution. We ultimately conclude that there is a physical capability of the land to support the proposed water lines, existing development, and additional development allowed under existing planning/zoning.

Standard 2

b. Consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land.

Conclusions of Law: The exception area is not resource land based upon a 1985 acknowledged exception to Statewide Planning Goals 3 and 4. The goal exception was not appealed. Existing Rural Residential zoning reflects the 1985 goal exception.

Standard 3

c. Compatibility with resource uses on surrounding lands.

Conclusions of Law: No resource uses exist on surrounding lands. Exhibit 'E' illustrates comprehensive planning designations on surrounding lands. With the exception of land adjoining the west boundary of the exception area, all adjoining land is planned and zoned for rural residential use, a non-resource use designation and zone for which an exception was similarly granted in 1985. Land to the west within a Forest (F) plan map designation is the existing Merlin Sanitary Landfill. The landfill has no farm or forest resources. We ultimately conclude that the proposed water line and goal exception will be compatible with resource uses on surrounding lands because no resource exist thereupon.

Standard 4

d. Preservation and promotion of the public health, safety and welfare.

Conclusions of Law: We ultimately conclude that the proposed water line extension and goal exception is expressly proposed to preserve and promote the public health, safety, and welfare.

Standard 5

e. Availability of adequate public facilities and services to support the projected intensity of use.

Conclusions of Law: We conclude that the "intensity of use" will not change from the levels allowed by prevailing zoning because no change of plan map designation or zoning is herewith proposed. Any future intensification of zoning, (which is neither proposed or anticipated), will require a new goal exception.

Standard 6

f. The property's peculiar suitability for particular uses.

Conclusions of Law: Refer to the conclusions of law with respect to Standard 1 (JCCP Goal 11, Policy 4), above.

Standard 7

g. Consistency with current or projected development patterns, or demonstration why a different use should be introduced into the area.

Conclusions of Law: The current and projected development pattern of the exception area, (as evidenced by Exhibit 'D') presently supports 54 existing single family dwellings. There is a mathematical potential for 20 additional dwellings allowed by present planning/zoning. The exception area also includes a church and automobile wrecking yard. While it might be argued that public water service is inconsistent with residential development at existing densities because the lines will produce pressure for additional and more intensive development, we conclude that an intensification of development beyond the levels now permitted will not occur because: 1) More intensive development will require an additional goal exception; development on less than one acre parcels will probably also require an exception to Statewide Planning Goal 14 (Urbanization). 1000 Friends of Oregon v. LCDC (Curry County) 301 Or 447 (1986). 2) Affected property owners within the exception area will not be required to pay for the cost of water line extensions. We believe that if property owners bear no financial burden for facility extension costs, the extension will not produce the same type of development pressure exerted when property owners pay and then try to recoup or offset their expenditures by more intensive development. 3) The service line has been sized to meet only the domestic needs of the exception area. Additional capacity for other uses, including fire suppression and irrigation has not been designed into the project. 4) The project is intended to be phased to meet only a future verified need within the exception area. We ultimately conclude that the exception is consistent with current and projected development patterns for the exception area.

Standard 8

JCCP Goal 4; Policy 3. Public and community water supply systems shall be considered for areas of the County where existing groundwater supplies have been contaminated or intruded. An inventory shall be maintained of areas of known water quality problems. Development in such areas shall be restricted until potable water supplies can be obtained.

Conclusions of Law: Based upon the evidence in the record, we ultimately conclude: 1) Groundwater beneath and at the boundary of the Merlin Landfill has become contaminated; the landfill is adjacent to the exception area. 2) There is a serious potential for the contamination of groundwater supplies within the exception area, 3) It is appropriate to consider the extension of a public water supply system so that future

phased improvements and system connections within the exception area can occur in a timely manner should groundwater supplies within the exception area become contaminated in the future.

Intergovernmental Agreement between the City of Grants Pass and Josephine County for the Joint Management of the Grants Pass Urban Growth Boundary Area. (City of Grants Pass Resolution No. 1747, July 20, 1984) Hereinafter "UGB Agreement".

Standard 9

UGB Agreement § 5(e). Provision of City sewer and/or water service capable of supporting development at urban densities shall occur beyond the Urban Growth Boundary only:

1) after a determination by affected agencies that a "danger to public health" as defined by ORS 431.705(5) exists. The service thus authorized shall serve only the area in which the danger exists; or

2) unless an exception is granted.

Conclusions of Law: The provision of city water service beyond any existing UGB to the subject area will occur only after the adoption and acknowledgment of an exception to Statewide Planning Goal 11. Adoption/acknowledgment of a goal exception meets the requirements of the above cited UGB Agreement § 5(e)(2).

Standard 10

An exception will be based on criteria which include:

a) The properties are located in an urban services containment area which is acknowledged by the Land Conservation and Development Commission as an exception area consistent with Josephine County's Rural Comprehensive Plan, such as the North Valley Urban Services Containment Areas; or

b) It is not practical or appropriate to expand the Urban Growth Boundary to include the property and the service will not be used for additional development.

Conclusions of Law: The nearest UGB is the one surrounding the City of Grants Pass, the nearest portion of which is approximately three miles from the exception area. We find and conclude that it is impractical and inappropriate to expand the Grants Pass UGB because to do so would require the inclusion of substantial intervening lands for which compliance with the requirements for a UGB amendment can probably not be met. We further conclude that the service extension will not support additional development beyond levels already permitted by existing planning and zoning. The above conclusions are consistent with the second alternative test established in the above criteria. In reaching this conclusion we are further persuaded by the fact that the subject exception area is contiguous to both the North Valley Urban Containment Boundary and General Services Area for which exceptions have been granted.

Statewide Planning Goal 2, Part II(c)
Exception Requirements

and

Oregon Revised Statutes (ORS) 197.732(1)(c)
Goal Exceptions

and

Oregon Administrative Rules (OAR) Chapter 660, Division 4
Interpretation of Goal 2 Exception Process

Standard 11

OAR 660-04-010(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards which do not prescribe or restrict certain uses of resource land because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These goals are:

> **OAR 660-04-010(2)(g)** Goal 11 "Public Facilities and Services", except as provided for in OAR 660, Division 14 for the provision of urban facilities and services to the incorporation of new cities or new urban development.

Conclusions of Law: We and the applicant City find and conclude that it is necessary and appropriate to take exception to Statewide Planning Goal 11 for the purpose of extended public water lines outside of an existing UGB. The acknowledged Josephine County - City of Grants Pass UGB Agreement § 5(e)(2) requires a goal exception to allow the needed water line extension. We are further persuaded that excepting Statewide Planning Goal 11 is the appropriate way to proceed. This procedure was endorsed by the Department of Land Conservation and Development prior to undertaking the exceptions process.

Standard 12

OAR 660-04-015(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-04-020(2) and OAR 660-04-022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

Conclusions of Law: The "findings of fact and a statement of reasons which demonstrate that the standards for the exception have been met" are those contained herein. This document is intended to and will be adopted as a part of the Josephine County Comprehensive Plan.

Standard 13

OAR 660-04-020(2): The four factors in goal 2 part II(c) required to be addressed when taking an exception to a goal are:

> **OAR 660-04-020(2)(a)** "Reasons justify why the state policy embodied in the applicable goals should not apply": the exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

Conclusions of Law: We conclude as follows:

1) The "state policy embodied in the applicable goal" for which an exception is taken are the following provisions in Statewide Planning Goal 11:

> *"Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."*
>
> *"**Rural Facilities and Services** - - refers to facilities and services which the governing body determines to be suitable and appropriate solely for the needs of rural use."*

The county and applicant City determined in their acknowledged UGB Agreement § 5(e)(2) that a goal exception is required in order to extend a public water line beyond an existing UGB.

2) The facts and assumptions used as the basis for determining that the above state policy embodied in Statewide Planning Goal 11 should not apply to specific properties or situations are those contained within this document.

3. We find the phrase, "the amount of land for the use being planned and why the use requires a location on resource land," to be ambiguous in the context of an exception to Statewide Planning Goal 11. We therefore construe the phrase to mean the amount of land within the exception area and why the area requires public water service for which a goal exception is required.

Under the above adopted construction of the criterion, we conclude that the amount of land subject to the exception consists of 138.57 acres (exclusive of public street rights-of-way), and that public water service is required to supply potable water to a substantial population presently residing within the exception area. Without replacing the existing individual wells used by exception area residents, an unmitigated threat of serious illness from well contamination may exist in the future. As earlier described, we and the applicant City believe that an exception to Statewide Planning Goal 11 is required to extend a water line further beyond an existing UGB or exception area.

We ultimately conclude that reasons exist which justify not applying the state policy embodied in Statewide Planning Goal 11.

Standard 14

OAR 660-04-020(2)(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

Conclusions of Law: The cited criterion has no meaning in the context of an exception to Statewide Planning Goal 11 because the exception is not for the purpose of siting a new land use. We find and conclude that the above criterion is inapplicable.

Standard 15

> **OAR 660-04-020(2)(b)(A)** The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use which do not require a new exception. The area for which the exception is taken shall be identified.

Conclusions of Law: Exhibits 'C', 'K' and 'L' are maps identifying the boundaries of the exception area. The area is further identified and described in Exhibit 'D' and in Section IV (Findings of Fact), herein. In the context of an exception to Statewide Planning Goal 11, we find the above language of OAR 660- 04-020(2)(b)(A) requiring a description of alternative "areas" to be ambiguous. We therefore construe the requirement to evaluate alternative "areas" to instead require an evaluation of alternative methods to supply potable water to the exception area. We further construe the above requirement to identify the "area for which the exception is taken" to be a requirement to identify the alternative method of supplying potable water to the exception area.

Under the above construction of OAR 660-04-020(2)(b)(A), we conclude that Exhibit 'F' is a meaningful examination of alternative methods to supply potable water to the exception area. The exception is being taken to allow implementation of Alternative 1, the extension of public water supply lines to serve land within the exception area. We ultimately conclude that the exception is consistent with the requirements of OAR 660-04-020(2)(b)(A) because alternatives, including the selected alternative are properly identified within this, the exception document, and because Exhibit attached hereto precisely identify the exception area.

Standard 16

> **OAR 660-04-020(2)(b)(B)** To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:
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> > **OAR 660-04-020(2)(b)(B)(i)** Can the proposed use be reasonably accommodated on nonresource land that would not require an exception including increasing the density of uses on nonresource land? If not, why not?

Conclusions of Law: In the context of an exception to Statewide Planning Goal 11,

we find ambiguous the above language of OAR 660-04-020(2)(b)(B) and OAR 660-04-020(2)(b)(B)(i) requiring: 1) a discussion of why "other areas which do not require a new exception cannot reasonable accommodate the proposed use;" and 2) answering the question whether "the proposed use can be reasonably accommodated on nonresource land that would not require an exception." We therefore construe the meaning of the above requirements of OAR 660-04-020(2)(b)(B) and OAR 660-04-020(2)(b)(B)(i) to require: 1) a discussion of why other water supply alternatives can not reasonably overcome conditions of groundwater contamination in supplying potable water to the exception area; and 2) answering the question whether the supply of potable water to the exception area can be reasonably accommodated by alternatives that do not require an exception.

Under the above construction of OAR 660-04-020(2)(b)(B), we find and conclude as follows:

- The implementation of Alternatives 3 and 4 as outlined in the Findings of Fact section of this document, and as described in detail in Exhibit 'F' would not require a goal exception. Alternative 3 (bottled water) would supply a safe and reasonably reliable drinking water supply to exception area residents. Alternative 4 (individual water purification systems) would supply a reasonably safe and reliable interior water supply to exception area residents. We have concerns over maintenance of the individual water purification systems; if not properly maintained, the purification systems would not function properly and would not remove all potentially hazardous contaminants. Neither Alternative 3 or 4 provides adequate safeguards against accidental human ingestion of contaminated groundwater. In the case of Alternative 3, requiring bathing in contaminated water, this alternative poses a significant risk of accidental ingestion. Regarding Alternative 4, lesser but unacceptable risk exists because hose bibs and other exterior water outlets would continue to supply contaminated groundwater; we conclude that an unacceptable risk of ingestion by children would exist under Alternative 4. We ultimately conclude that Alternatives 3 and 4 can not reasonably accommodate the objective of supplying safe potable water to the exception area.

- We believe, and conclude that the implementation of Alternative 2 (water supplied from wells) as outlined herein and in Exhibit 'F' would likewise require a goal exception under Statewide Planning Goal 11, and UGB Agreement § 5(e)(2), which requires a goal exception to provide water service beyond UGBs which are capable of supporting urban development. Alternative 2 involves the use of four or more wells as a central water source with an underground piping system to dwellings within the exception area. Other than the water source, the distribution system would be indistinguishable from the Grants Pass (or any other) urban public water system. We take note that some cities use wells to supply their public water systems. The Alternative 2 system would not, in itself, be incapable of supplying water for urban residential housing densities. As such, a goal exception would be required. We also share the applicant City's concern that new wells associated with Alternative 2 has a potential to adversely affect limited groundwater supplies for other residents residing within and outside the exception area.

- Alternative 5 (condemnation/acquisition of land in the exception area), at an estimated cost of $3 million, (Exhibit 'F'), has a capital cost roughly four times the cost of preferred Alternative 1, and a lifecycle cost roughly three times as great. We ultimately conclude that the economic cost to implement Alternative 5 is infeasible.

We ultimately conclude that other water supply alternatives that do not require an exception can not reasonably overcome conditions of groundwater contamination in supplying potable water to the exception area.

Standard 17

> **OAR 660-04-020(2)(b)(B)(ii)** Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

Conclusions of Law: We find the language of the cited criterion to be ambiguous in the context of the subject goal exception, and conclude as follows: We do not know whether the exception area, had it not already been developed, would have been zoned for resource use by the 1985 comprehensive plan. Assuming the land has resource potential that would otherwise require resource zoning, the subject area can be considered resource land that is already irrevocable committed to nonresource uses. While Exhibit 'N' does not indicate whether the 1985 exception was a "reasons," or "built," or "irrevocably committed" goal exception, it appears that the exception was taken partially because of the built environment and partially due to irrevocable commitment given the acreage of the exception area, size of parcels, and number of existing dwellings. We ultimately conclude that the exception area is already irrevocably committed to nonresource uses, and that the proposed exception is consistent in all respects with OAR 660-04- 020(2)(b)(B)(ii).

Standard 18

> **OAR 660-04-020(2)(b)(B)(iii)** Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

Conclusions of Law: Refer to the conclusions of law under Standard 10 herein.

Standard 19

> **OAR 660-04-020(2)(b)(C)** This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

Conclusions of Law: In the context of this exception we conclude that there is no distinction between the tests imposed in the above standard and collectively in Standards 16, 17, and 18. We ultimately conclude that compliance exists with respect to the above cited standard on the same basis that compliance was established for Standards 16, 17, and 18.

Standard 20

OAR 660-04-020(2)(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

Conclusions of Law: We find ambiguous the above language of OAR 660-04-020(2)(c) requiring an examination of consequences resulting from a "use" being located at a particular site in comparison to other areas that also require a goal exception. We therefore construe the requirement to evaluate the consequences of alternative "areas" to instead require an evaluation of consequences for alternative methods to supply water to the exception area which also requires a goal exception.

Under the above conclusions of law for Standard 16 we determined that there were five alternative methods (including Preferred Alternative #1) to relieve the potential health hazard. Of the five alternatives, we determined that Alternative 2 (water supplied from nearby wells and piped underground to the exception area) as described in Exhibit 'F' would require a goal exception under Statewide Planning Goal 11, and UGB Agreement § 5(e)(2). Based upon the evaluation of alternatives in Exhibit 'F,' we ultimately conclude that the long-term environmental, economic, social and energy consequences for Alternative 1 are not significantly more adverse than those for Alternative 2. In reaching this conclusion we also rely upon our conclusions reached under Standard 16.

Standard 21

OAR 660-04-020(2)(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Conclusions of Law: Under Standard 3 we found and concluded that no resource land or uses exist on adjacent and surrounding lands. We find ambiguous the above language of OAR 660-04-020(2)(d) requiring a demonstration that the "proposed uses" are or can be made compatible with surrounding natural resources, management, or production practices. Therefore, we construe the term "proposed uses" to mean "proposed water service." Based on this construction, we ultimately conclude that will be compatible because: 1) No resource land or uses exist in the surrounding area. 2) Adjacent and nearby lands can not connect to public water lines to be extended under the subject exception without themselves being subject to their own exception. 3) As we earlier concluded, the economic pressure to connect to the water lines will not exist because the lines will be extended without assessment to benefited properties or other intervening properties not actually served by the lines. 4) There can be no intensification of land usage beyond the levels presently allowed by planning and zoning without an additional goal exception that we believe is not possible. On these bases, we ultimately conclude that the water line extensions are situated so as to be compatible with surrounding natural resources and resource management and production practices.

VI

DECISION AND ORDER

Based upon the foregoing findings of fact and conclusions of law, we conclude that the case has been made for taking an exception to Statewide Planning Goal 11 as herein outlined. Therefore, it is hereby Ordered that the Josephine County Comprehensive Plan shall herewith be amended to adopt and include by reference this final Order and the findings of fact and conclusions of law herein contained.

JOSEPHINE COUNTY, by:

_____ DATE 6/24/92
REBECCA BROWN, CHAIR

_____ DATE 6/24/92
FRED BORNGASSER, COMMISSIONER

_____ DATE 6/24/92
HAROLD HAUGEN, COMMISSIONER

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-21

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), TO ALLOW THE EXTENSION OF A MUNICIPAL WATER LINE FROM THE CITY OF GRANTS PASS TO SERVE AREAS THAT MAY BE AFFECTED BY SUSPECTED POLLUTION FROM THE MERLIN SANITARY LAND FILL.

WHEREAS, the Board of County Commissioners held a public hearing on June 22, 1992 to consider, under the criteria of the above referenced Comprehensive Plan and Statewide Planning Goals for the request before them; and

WHEREAS, the Josephine County Planning Commission at a joint public hearing gave consideration to the above identified Comprehensive Plan request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing and heard testimony and received evidence from the Josephine County Staff, Grants Pass City Staff and any remonstrators, concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended to authorize the installation of a municipal water line outside of an Urban Growth Boundary to serve properties identified on attached Exhibit B and use of said water line shall be limited in accordance with the Exception Findings of Facts attached as Exhibit A.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 22nd day of June, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 8th day of July, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen - Absent
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 6-23-92
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF JOSEPHINE

STATE OF OREGON

IN THE MATTER AMENDING THE COMPREHENSIVE PLAN TO ADOPT AN EXCEPTION TO OREGON STATE-WIDE PLANNING GOAL 11 (PUBLIC) FACILITIES AND SERVICES) BY PERMITTING THE EXTENSION OF A MUNICIPAL PUBLIC WATER LINE TO SERVE AN AREA OUTSIDE OF A CITY'S ACKNOWLEDGED URBAN GROWTH BOUNDARY	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW Exhibit 'A'**
City of Grants Pass: Applicant	)	

I

NATURE OF THE APPLICATION

The City of Grants Pass (hereinafter "the City" or "the applicant") seeks amendment of the Josephine County Comprehensive Plan through the adoption of an exception to Oregon Statewide Land Use Planning Goal ("Statewide Goal") 11: Public Facilities and Services. The exception will allow the extension of an existing public water service lines further beyond the City's acknowledged urban growth boundary ("UGB") and beyond the also acknowledged North Valley Urban Services Containment Area. The area proposed to receive public water service ("the exception area") has already been granted a goal exception from Statewide Goals 3 and 4 (Agricultural and Forest Lands) at the time the Josephine County Comprehensive Plan ("JCCP") was adopted and acknowledged. The subject action will expand upon the exception that presently exists within this exception area consistent with Oregon Administrative Rules (OAR) 660-04-018(3)(b). The subject exception seeks no concurrent intensification of zoning or land uses beyond levels that presently exist. The exception is for the singular purpose of enabling the extension of public water service to an area where groundwater supplies have been determined by federal and state agencies to be at risk of environmental damage from adjacent landfill activities.

The exception area is adjacent to the Merlin Sanitary Landfill. Groundwater is contaminated by rain water that soaks through sanitary landfill waste, picking up chemicals and eventually entering the water table beneath the landfill. The contaminated rain water called "leachate" is the result of landfill disposal of common items like paint, glue, cleansers, engine degreasers, pesticides and batteries. Well sampling has indicated the existence of contamination on the periphery of the landfill site.

II

EXHIBITS

The following constitute all of the exhibits submitted with the application:

Exhibit "A" Findings of Fact and Conclusions of Law

Exhibit "B" Application Form

Exhibit "C" Exception Area Map

Exhibit "D" Table Indicating: Map and Tax Lot, Map Designation, Zoning, Acreage, and Land Use

Exhibit "E" Josephine County Comprehensive Plan Map

Exhibit "F" Alternative Drinking Water Supply Evaluation; Merlin Landfill Vicinity

Exhibit "G" Merlin Landfill Off-Site Domestic Well Sampling Work Plan; Solid Waste Disposal Permit No. 159.

Exhibit "H" Merlin Sanitary Landfill; Phase II Hydrogeologic Investigation Report; Volume I - Text

Exhibit "I" Merlin Sanitary Landfill; Phase II Hydrogeologic Investigation Report; Volume II - Appendices

Exhibit "J" Aerial Photographs (3 sheets)

Exhibit "K" Josephine County Assessor Plat Maps (5 sheets)

Exhibit "L" Composite of Josephine County Assessor Plat Maps

Exhibit "M" Community Action Plan: Solving the Garbage Problem

Exhibit "N" Exception Area Summary from Josephine County Comprehensive Plan (Ack. 1985)

III

SUBSTANTIVE APPROVAL CRITERIA

The following have been determined to be all of the relevant substantive criteria applicable to amending the Josephine County Comprehensive Plan (JCCP) by taking an exception to Statewide Goal 11 (Public Facilities and Services):

Josephine County Comprehensive Plan

Goal 11; Policy 4. In order to amend the Comprehensive Plan map, it will be necessary to demonstrate compliance with applicable Statewide planning goals and conformance

with the text of the Josephine County Comprehensive Plan. At a minimum, such changes should demonstrate:

a. Physical capability of the land to support permitted uses: e.g. adequate water supply, septic suitability, soil quality, and adequate access.

b. Consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land.

c. Compatibility with resource uses on surrounding lands.

d. Preservation and promotion of the public health, safety and welfare.

e. Availability of adequate public facilities and services to support the projected intensity of use.

f. The property's peculiar suitability for particular uses.

g. Consistency with current or projected development patterns, or demonstration why a different use should be introduced into the area.

A request for a Comprehensive Plan amendment shall first be considered by the Planning Commission. The Planning Commission will recommend either approval or denial to the Board of County Commissioners who will make the final decision.

Goal 4; Policy 3. Public and community water supply systems shall be considered for areas of the County where existing groundwater supplies have been contaminated or intruded. An inventory shall be maintained of areas of known water quality problems. Development in such areas shall be restricted until potable water supplies can be obtained.

Intergovernmental Agreement between the City of Grants Pass and Josephine County for the Joint Management of the Grants Pass Urban Growth Boundary Area. (City of Grants Pass Resolution No. 1747, July 20, 1984) Hereinafter "UGB Agreement".

UGB Agreement § 5(e). Provision of City sewer and/or water service capable of supporting development at urban densities shall occur beyond the Urban Growth Boundary only:

1) after a determination by affected agencies that a "danger to public health" as defined by ORS 431.705(5) exists. The service thus authorized shall serve only the area in which the danger exists; or

2) unless an exception is granted.

An exception will be based on criteria which include:

a) The properties are located in an urban services containment area which is acknowledged by the Land Conservation and Development Commission as

an exception area consistent with Josephine County's Rural Comprehensive Plan, such as the North Valley Urban Services Containment Areas; or

b) It is not practical or appropriate to expand the Urban Growth Boundary to include the property and the service will not be used for additional development.

Statewide Planning Goal 2, Part II(c)
Exception Requirements

and

Oregon Revised Statutes (ORS) 197.732(1)(c)
Goal Exceptions

and

Oregon Administrative Rules (OAR) Chapter 660, Division 4
Interpretation of Goal 2 Exception Process

OAR 660-04-010(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards which do not prescribe or restrict certain uses of resource land because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These goals are:

> **OAR 660-04-010(2)(g)** Goal 11 "Public Facilities and Services", except as provided for in OAR 660, Division 14 for the provision of urban facilities and services to the incorporation of new cities or new urban development.

OAR 660-04-015(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-04-020(2) and OAR 660-04-022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

OAR 660-04-020(2): The four factors in goal 2 part II(c) required to be addressed when taking an exception to a goal are:

> **OAR 660-04-020(2)(a)** "Reasons justify why the state policy embodied in the applicable goals should not apply": the exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.
>
> **OAR 660-04-020(2)(b)** "Areas which do not require a new exception cannot reasonably accommodate the use":

OAR 660-04-020(2)(b)(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use which do not require a new exception. The area for which the exception is taken shall be identified.

OAR 660-04-020(2)(b)(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. under the alternative factor the following questions shall be addressed:

OAR 660-04-020(2)(b)(B)(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception including increasing the density of uses on nonresource land? If not, why not?

OAR 660-04-020(2)(b)(B)(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

OAR 660-04-020(2)(b)(B)(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

OAR 660-04-020(2)(b)(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

OAR 660-04-020(2)(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen

site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

OAR 660-04-020(2)(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. the exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

IV

FINDINGS OF FACT

Purpose of the Goal Exception: The applicant City requires an exception to Goal 11 (Public Facilities and Services) to extend municipal water lines to serve land within the exception area boundary. The water lines to be extended presently exist beyond the applicant City's UGB. The boundary of the exception area and present location of existing water lines are shown on Exhibit 'C.' The water line extension is needed because groundwater in the area has been identified by environmental regulatory authorities as "at risk" of contamination from adjacent landfill activities. On the basis of their scientific engineering analysis, the applicant City has asserted that connection to the existing public water supply is the best and most cost effective alternative to provide the greatest margin of safety in protecting people within the exception area from ingesting groundwater that may become contaminated, and to meet state and federal safe drinking water standards.

Source of Groundwater Contamination: Groundwater is contaminated by rain water that soaks through sanitary landfill waste, picking up chemicals and eventually entering the water table beneath the landfill. The contaminated rain water is called "leachate." The chemicals are not from unusual waste but are a result of common items like paint, glue, cleansers, engine degreasers, pesticides and batteries. Well sampling has indicated the existence of contamination on the periphery of the landfill site. Exhibits 'G,' 'H,' and 'I.'

Location of Grants Pass Urban Growth Boundary (UGB): The subject exception area is located approximately 3 miles from the nearest segment of the Grants Pass UGB.

Location and Description of the Exception Area: The exception area consists of 72 parcels consisting of 138.57 acres (exclusive of public street rights-of-way). The exception area is located off Dellwood Drive (also known as Brookside Boulevard) in the vicinity of the Josephine County Airport. The area is adjacent and contiguous to the "North Valley Urban Containment Boundary" (UCB), and "North Valley General

Services District." The Merlin Sanitary Landfill is located immediately south of the exception area. Exhibit 'C.' The parcels within the exception area, their size, zoning and existing usage are identified in Exhibit 'D.' The boundaries of the exception area has been determined by a scientific examination existing beneficial uses and the potential for groundwater contamination. Exhibits 'G,' 'H,' and 'I.' The boundaries of the exception area has been refined by continuing scientific and engineering analysis to include properties determined to have a potential threat of contaminated groundwater.

Existing Goal Exception: Josephine County excepted the subject area from the requirements of Statewide Planning Goals 3 and 4 (Agricultural and Forest Lands) in 1985 when the Josephine County Comprehensive Plan (JCCP) was adopted and acknowledged by the Land Conservation and Development Commission (LCDC). The goal exception, including land within the North Valley UCB, General Services District, and surrounding area, adopted as a part of the JCCP, was not appealed. The 1985 exception is evidenced at Exhibit 'N,' a summary sheet for the "North Valley" exception area, containing 1,179.15 acres, including the subject property. An exception was also taken for Goal 11 (Public Facilities and Services) for that portion of the North Valley exception area located within the North Valley UCB and North Valley General Services District.

Exception Area Planning and Zoning: The existing comprehensive plan map designation for the exception area is "Residential." Existing zoning is Rural Residential: RR-1, RR-2.5, and RR-5. The acreage within each of the three Rural Residential zones is indicated at Page 5 of Exhibit 'D' as follows: RR-1 (8.47 acres); RR-2.5 (95.73 acres); and RR-5 (34.37 acres).

Existing Water Lines: Exhibit 'J' illustrates the location of existing water service mains, the nearest of which is a 16-inch line within the Grants Pass Road right-of-way. The water line to serve the exception area will connect to the existing line at the Grants Pass Road intersection with the Merlin Galice Road.

Proposed Water Line: The new water line would be extended approximately 4,400 feet to the exception area along the Merlin Galice Road. Beginning as a 12-inch line at its intersection with the existing 16-inch line, the size of the line tapers to 4-inches inside the exception area. Exhibit 'J.' The water system extension has been designed by the City to serve only the domestic requirements of the exception area without additional capacity for fire protection or future development beyond the levels anticipated by the subject goal exception. The City intends to phase the construction of and connection to water lines within the exception area based upon continued monitoring of domestic wells within the exception area. Before reaching the exception area, the line passes through other land that is within both the North Valley UCB and General Services District, an area for which an acknowledged exception was granted as a part of the JCCP acknowledgment in 1985. There are no intervening lands through which the new water line would pass which have not already received a goal exception.

Cost of Water Line Extension and Connections: All proposed water system improvements, including the extension of water mains and service laterals, and the connection of existing homes and other uses within the exception area to the water system will be paid for entirely by the applicant City. The City has estimated the cost of the water system extensions to be approximately $800,000. (Exhibit 'F').

Community Action Plan: Exhibit 'M,' a pamphlet prepared by the applicant City for

community distribution outlines problems associated with the Merlin Sanitary Landfill: Groundwater impacts, the schedule for closure of the landfill, the cost of solutions, and how the community will finance the total estimated cost of approximately $17.4 million.

Alternative Drinking Water Solutions: Exhibit 'F' examined five alternatives to provide safe drinking water for the exception area:

Alternative 1. Connection to a public drinking water supply system. Connecting the proposed exception area to an existing nearby public water distribution system is the preferred alternative described herein and illustrated at Exhibit 'J.' The estimated capital cost of the alternative is approximately $800,000, with monthly operating costs of $2,535. (Exhibit 'F'). Once constructed, the water line will be maintained by the City.

Alternative 2. Construction of new water intakes or wells, either in a different aquifer or in an uncontaminated area of the same aquifer. Alternative 2 provides water from a proposed well field located near the Josephine County Airport. The system would include four wells capable of producing an average 24 gallons per minute (gpm) and 100,000 to 125,000 gallon storage reservoir. The proposed system would meet domestic and irrigation needs, and would include appropriate abandonment of existing wells in the subject area. Alternative 2 would eliminate exposure to potentially contaminated ground water unless the proposed well field near the airport experienced contamination. Exhibit 'F' reports the potential for future groundwater contamination from existing underground storage tanks near and within the well field. The City has expressed its concern that additional wells would adversely impact the groundwater supply for other existing users. The estimated capital cost is $990,000, with monthly operating costs of $2,500. The quasi-urban nature of the system would also likely require a similar exception to Statewide Planning Goal 11.

Alternative 3. Delivery of bottled water. The use of bottled water for drinking water would eliminate the exposure to potentially contaminated groundwater from human ingestion. Exposure to contaminated groundwater might potentially result from continued use of groundwater for irrigation or bathing. Exhibit 'F' estimates the monthly cost to be approximately $1,300 to $2,500.

Alternative 4. Installation of individual-user water purification systems. Exhibit 'F' evaluated two different types of individual water purification systems, recommending an "activated carbon" system. The system would purify the water used for all interior household uses, but would exclude irrigation water. Exposure to contaminated groundwater might potentially result from continued use of groundwater for irrigation. Each dwelling would require its own treatment unit. The average cost to purchase and install a treatment unit is $3,000 per residence, with monthly operating and maintenance costs of about $130 per housing unit which would be the responsibility of individual homeowners.

Alternative 5. Installation of other treatment facilities or technologies; property acquisition. Exhibit 'F' concludes that no other proven, readily available treatment facilities or technologies were found to be appropriate to supply water to the subject area. Exhibit 'F' found that their study area has a total assessed value of $1.79 million, but that acquisition of the land would cost over $2 million, rising to over $3 million if relocation costs were considered.

Josephine County Comprehensive Plan (JCCP) Acknowledgment: The JCCP was acknowledged by the Oregon Land Conservation and Development Commission (LCDC) as being in compliance with the Statewide Goals pursuant to ORS 197.251 in 1985.

Existing and Potential Additional Development Within the Exception Area: There are 138.57 acres within the exception area. The area is within three zones: RR-1, RR-2.5, and RR-5. There are presently 54 single family dwellings within the exception area, and based upon existing zoning there is a mathematical potential for 20 additional dwellings based upon the zoning and lot size of existing vacant parcels. (Exhibit 'D'). The proposed goal exception does not propose the rezoning the exception area to allow any increase in the allowable density or intensity of land usage. In addition to existing single family development, the exception area includes a church and automobile wrecking yard adjacent to the landfill, south of the Merlin-Galice Highway.

Surrounding Land Uses: Aerial photographs (Exhibit 'J') indicate the following land uses that surround the exception area:

> **North**: Large acreage homesites, some with hobby agriculture. Vacant acreage covered with natural vegetation. Further north is the Josephine County Airport.
>
> **South**:The Merlin Sanitary Landfill is immediately south of the exception area. Other land to the south is largely vacant parcels covered with natural vegetation.
>
> **West**: Land uses west of the exception area consist of a mixture of small acreage homesites, industrial uses, and large vacant parcels covered with natural vegetation.
>
> **East:** Land uses east of the exception area consist of a mixture of small acreage homesites, industrial uses, and large vacant parcels covered with natural vegetation. Some land east of the exception area is within the North Valley UCB and General Services District.

V

CONCLUSIONS OF LAW

The conclusions of law supporting an amendment of the JCCP by taking an exception to Statewide Goal 11 under the JCCP, Statewide Goal 2 (Part II(c), ORS § 197.732(1)(c), and OAR 660-04 are preceded by the specific criteria to which they relate:

Josephine County Comprehensive Plan (JCCP)

Standard 1

JCCP Goal 11; Policy 4. In order to amend the Comprehensive Plan map, it will be necessary to demonstrate compliance with applicable Statewide planning goals and conformance with the text of the Josephine County Comprehensive Plan. At a minimum, such changes should demonstrate:

a. Physical capability of the land to support permitted uses: e.g. adequate water supply, septic suitability, soil quality, and adequate access.

Conclusions of Law: The applicant City has conducted extensive scientific and engineering analysis of the exception area and the routing of proposed water lines, concluding that the lines can be extended to serve the entire exception area at a cost of $800,000. The exception does not include any provision or proposal to increase the allowable density or intensity of land usage over levels presently allowed by acknowledged planning and zoning as indicated on Exhibit 'D.' Although 20 additional dwellings are mathematically possible under present planning/zoning, these could be permitted under any solution implemented to mitigate groundwater pollution. We ultimately conclude that there is a physical capability of the land to support the proposed water lines, existing development, and additional development allowed under existing planning/zoning.

Standard 2

b. Consistency with the goal of preserving the maximum feasible amount of resource land or demonstration that the property is non-resource land.

Conclusions of Law: The exception area is not resource land based upon a 1985 acknowledged exception to Statewide Planning Goals 3 and 4. The goal exception was not appealed. Existing Rural Residential zoning reflects the 1985 goal exception.

Standard 3

c. Compatibility with resource uses on surrounding lands.

Conclusions of Law: No resource uses exist on surrounding lands. Exhibit 'E' illustrates comprehensive planning designations on surrounding lands. With the exception of land adjoining the west boundary of the exception area, all adjoining land is planned and zoned for rural residential use, a non-resource use designation and zone for which an exception was similarly granted in 1985. Land to the west within a Forest (F) plan map designation is the existing Merlin Sanitary Landfill. The landfill has no farm or forest resources. We ultimately conclude that the proposed water line and goal exception will be compatible with resource uses on surrounding lands because no resource exist thereupon.

Standard 4

d. Preservation and promotion of the public health, safety and welfare.

Conclusions of Law: We ultimately conclude that the proposed water line extension and goal exception is expressly proposed to preserve and promote the public health, safety, and welfare.

Standard 5

e. Availability of adequate public facilities and services to support the projected intensity of use.

Conclusions of Law: We conclude that the "intensity of use" will not change from the levels allowed by prevailing zoning because no change of plan map designation or zoning is herewith proposed. Any future intensification of zoning, (which is neither proposed or anticipated), will require a new goal exception.

Standard 6

f. The property's peculiar suitability for particular uses.

Conclusions of Law: Refer to the conclusions of law with respect to Standard 1 (JCCP Goal 11, Policy 4), above.

Standard 7

g. Consistency with current or projected development patterns, or demonstration why a different use should be introduced into the area.

Conclusions of Law: The current and projected development pattern of the exception area, (as evidenced by Exhibit 'D') presently supports 54 existing single family dwellings. There is a mathematical potential for 20 additional dwellings allowed by present planning/zoning. The exception area also includes a church and automobile wrecking yard. While it might be argued that public water service is inconsistent with residential development at existing densities because the lines will produce pressure for additional and more intensive development, we conclude that an intensification of development beyond the levels now permitted will not occur because: 1) More intensive development will require an additional goal exception; development on less than one acre parcels will probably also require an exception to Statewide Planning Goal 14 (Urbanization). 1000 Friends of Oregon v. LCDC (Curry County) 301 Or 447 (1986). 2) Affected property owners within the exception area will not be required to pay for the cost of water line extensions. We believe that if property owners bear no financial burden for facility extension costs, the extension will not produce the same type of development pressure exerted when property owners pay and then try to recoup or offset their expenditures by more intensive development. 3) The service line has been sized to meet only the domestic needs of the exception area. Additional capacity for other uses, including fire suppression and irrigation has not been designed into the project. 4) The project is intended to be phased to meet only a future verified need within the exception area. We ultimately conclude that the exception is consistent with current and projected development patterns for the exception area.

Standard 8

JCCP Goal 4; Policy 3. Public and community water supply systems shall be considered for areas of the County where existing groundwater supplies have been contaminated or intruded. An inventory shall be maintained of areas of known water quality problems. Development in such areas shall be restricted until potable water supplies can be obtained.

Conclusions of Law: Based upon the evidence in the record, we ultimately conclude: 1) Groundwater beneath and at the boundary of the Merlin Landfill has become contaminated; the landfill is adjacent to the exception area. 2) There is a serious potential for the contamination of groundwater supplies within the exception area, 3) It is appropriate to consider the extension of a public water supply system so that future

phased improvements and system connections within the exception area can occur in a timely manner should groundwater supplies within the exception area become contaminated in the future.

Intergovernmental Agreement between the City of Grants Pass and Josephine County for the Joint Management of the Grants Pass Urban Growth Boundary Area. (City of Grants Pass Resolution No. 1747, July 20, 1984) Hereinafter "UGB Agreement".

Standard 9

UGB Agreement § 5(e). Provision of City sewer and/or water service capable of supporting development at urban densities shall occur beyond the Urban Growth Boundary only:

1) after a determination by affected agencies that a "danger to public health" as defined by ORS 431.705(5) exists. The service thus authorized shall serve only the area in which the danger exists; or

2) unless an exception is granted.

Conclusions of Law: The provision of city water service beyond any existing UGB to the subject area will occur only after the adoption and acknowledgment of an exception to Statewide Planning Goal 11. Adoption/acknowledgment of a goal exception meets the requirements of the above cited UGB Agreement § 5(e)(2).

Standard 10

An exception will be based on criteria which include:

a) The properties are located in an urban services containment area which is acknowledged by the Land Conservation and Development Commission as an exception area consistent with Josephine County's Rural Comprehensive Plan, such as the North Valley Urban Services Containment Areas; or

b) It is not practical or appropriate to expand the Urban Growth Boundary to include the property and the service will not be used for additional development.

Conclusions of Law: The nearest UGB is the one surrounding the City of Grants Pass, the nearest portion of which is approximately three miles from the exception area. We find and conclude that it is impractical and inappropriate to expand the Grants Pass UGB because to do so would require the inclusion of substantial intervening lands for which compliance with the requirements for a UGB amendment can probably not be met. We further conclude that the service extension will not support additional development beyond levels already permitted by existing planning and zoning. The above conclusions are consistent with the second alternative test established in the above criteria. In reaching this conclusion we are further persuaded by the fact that the subject exception area is contiguous to both the North Valley Urban Containment Boundary and General Services Area for which exceptions have been granted.

Statewide Planning Goal 2, Part II(c)
Exception Requirements

and

Oregon Revised Statutes (ORS) 197.732(1)(c)
Goal Exceptions

and

Oregon Administrative Rules (OAR) Chapter 660, Division 4
Interpretation of Goal 2 Exception Process

Standard 11

OAR 660-04-010(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards which do not prescribe or restrict certain uses of resource land because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These goals are:

> **OAR 660-04-010(2)(g)** Goal 11 "Public Facilities and Services", except as provided for in OAR 660, Division 14 for the provision of urban facilities and services to the incorporation of new cities or new urban development.

Conclusions of Law: We and the applicant City find and conclude that it is necessary and appropriate to take exception to Statewide Planning Goal 11 for the purpose of extended public water lines outside of an existing UGB. The acknowledged Josephine County - City of Grants Pass UGB Agreement § 5(e)(2) requires a goal exception to allow the needed water line extension. We are further persuaded that excepting Statewide Planning Goal 11 is the appropriate way to proceed. This procedure was endorsed by the Department of Land Conservation and Development prior to undertaking the exceptions process.

Standard 12

OAR 660-04-015(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-04-020(2) and OAR 660-04-022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

Conclusions of Law: The "findings of fact and a statement of reasons which demonstrate that the standards for the exception have been met" are those contained herein. This document is intended to and will be adopted as a part of the Josephine County Comprehensive Plan.

Standard 13

OAR 660-04-020(2): The four factors in goal 2 part II(c) required to be addressed when taking an exception to a goal are:

> **OAR 660-04-020(2)(a)** "Reasons justify why the state policy embodied in the applicable goals should not apply": the exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

Conclusions of Law: We conclude as follows:

1) The "state policy embodied in the applicable goal" for which an exception is taken are the following provisions in Statewide Planning Goal 11:

> *"Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."*
>
> *"**Rural Facilities and Services** - - refers to facilities and services which the governing body determines to be suitable and appropriate solely for the needs of rural use."*

The county and applicant City determined in their acknowledged UGB Agreement § 5(e)(2) that a goal exception is required in order to extend a public water line beyond an existing UGB.

2) The facts and assumptions used as the basis for determining that the above state policy embodied in Statewide Planning Goal 11 should not apply to specific properties or situations are those contained within this document.

3. We find the phrase, "the amount of land for the use being planned and why the use requires a location on resource land," to be ambiguous in the context of an exception to Statewide Planning Goal 11. We therefore construe the phrase to mean the amount of land within the exception area and why the area requires public water service for which a goal exception is required.

Under the above adopted construction of the criterion, we conclude that the amount of land subject to the exception consists of 138.57 acres (exclusive of public street rights-of-way), and that public water service is required to supply potable water to a substantial population presently residing within the exception area. Without replacing the existing individual wells used by exception area residents, an unmitigated threat of serious illness from well contamination may exist in the future. As earlier described, we and the applicant City believe that an exception to Statewide Planning Goal 11 is required to extend a water line further beyond an existing UGB or exception area.

We ultimately conclude that reasons exist which justify not applying the state policy embodied in Statewide Planning Goal 11.

Standard 14

OAR 660-04-020(2)(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

Conclusions of Law: The cited criterion has no meaning in the context of an exception to Statewide Planning Goal 11 because the exception is not for the purpose of siting a new land use. We find and conclude that the above criterion is inapplicable.

Standard 15

> **OAR 660-04-020(2)(b)(A)** The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use which do not require a new exception. The area for which the exception is taken shall be identified.

Conclusions of Law: Exhibits 'C', 'K' and 'L' are maps identifying the boundaries of the exception area. The area is further identified and described in Exhibit 'D' and in Section IV (Findings of Fact), herein. In the context of an exception to Statewide Planning Goal 11, we find the above language of OAR 660- 04-020(2)(b)(A) requiring a description of alternative "areas" to be ambiguous. We therefore construe the requirement to evaluate alternative "areas" to instead require an evaluation of alternative methods to supply potable water to the exception area. We further construe the above requirement to identify the "area for which the exception is taken" to be a requirement to identify the alternative method of supplying potable water to the exception area.

Under the above construction of OAR 660-04-020(2)(b)(A), we conclude that Exhibit 'F' is a meaningful examination of alternative methods to supply potable water to the exception area. The exception is being taken to allow implementation of Alternative 1, the extension of public water supply lines to serve land within the exception area. We ultimately conclude that the exception is consistent with the requirements of OAR 660-04-020(2)(b)(A) because alternatives, including the selected alternative are properly identified within this, the exception document, and because Exhibit attached hereto precisely identify the exception area.

Standard 16

> **OAR 660-04-020(2)(b)(B)** To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:
>
> > **OAR 660-04-020(2)(b)(B)(i)** Can the proposed use be reasonably accommodated on nonresource land that would not require an exception including increasing the density of uses on nonresource land? If not, why not?

Conclusions of Law: In the context of an exception to Statewide Planning Goal 11,

we find ambiguous the above language of OAR 660-04-020(2)(b)(B) and OAR 660-04-020(2)(b)(B)(i) requiring: 1) a discussion of why "other areas which do not require a new exception cannot reasonable accommodate the proposed use;" and 2) answering the question whether "the proposed use can be reasonably accommodated on nonresource land that would not require an exception." We therefore construe the meaning of the above requirements of OAR 660-04-020(2)(b)(B) and OAR 660-04-020(2)(b)(B)(i) to require: 1) a discussion of why other water supply alternatives can not reasonably overcome conditions of groundwater contamination in supplying potable water to the exception area; and 2) answering the question whether the supply of potable water to the exception area can be reasonably accommodated by alternatives that do not require an exception.

Under the above construction of OAR 660-04-020(2)(b)(B), we find and conclude as follows:

- The implementation of Alternatives 3 and 4 as outlined in the Findings of Fact section of this document, and as described in detail in Exhibit 'F' would not require a goal exception. Alternative 3 (bottled water) would supply a safe and reasonably reliable drinking water supply to exception area residents. Alternative 4 (individual water purification systems) would supply a reasonably safe and reliable interior water supply to exception area residents. We have concerns over maintenance of the individual water purification systems; if not properly maintained, the purification systems would not function properly and would not remove all potentially hazardous contaminants. Neither Alternative 3 or 4 provides adequate safeguards against accidental human ingestion of contaminated groundwater. In the case of Alternative 3, requiring bathing in contaminated water, this alternative poses a significant risk of accidental ingestion. Regarding Alternative 4, lesser but unacceptable risk exists because hose bibs and other exterior water outlets would continue to supply contaminated groundwater; we conclude that an unacceptable risk of ingestion by children would exist under Alternative 4. We ultimately conclude that Alternatives 3 and 4 can not reasonably accommodate the objective of supplying safe potable water to the exception area.

- We believe, and conclude that the implementation of Alternative 2 (water supplied from wells) as outlined herein and in Exhibit 'F' would likewise require a goal exception under Statewide Planning Goal 11, and UGB Agreement § 5(e)(2), which requires a goal exception to provide water service beyond UGBs which are capable of supporting urban development. Alternative 2 involves the use of four or more wells as a central water source with an underground piping system to dwellings within the exception area. Other than the water source, the distribution system would be indistinguishable from the Grants Pass (or any other) urban public water system. We take note that some cities use wells to supply their public water systems. The Alternative 2 system would not, in itself, be incapable of supplying water for urban residential housing densities. As such, a goal exception would be required. We also share the applicant City's concern that new wells associated with Alternative 2 has a potential to adversely affect limited groundwater supplies for other residents residing within and outside the exception area.

- Alternative 5 (condemnation/acquisition of land in the exception area), at an estimated cost of $3 million, (Exhibit 'F'), has a capital cost roughly four times the cost of preferred Alternative 1, and a lifecycle cost roughly three times as great. We ultimately conclude that the economic cost to implement Alternative 5 is infeasible.

We ultimately conclude that other water supply alternatives that do not require an exception can not reasonably overcome conditions of groundwater contamination in supplying potable water to the exception area.

Standard 17

> **OAR 660-04-020(2)(b)(B)(ii)** Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

Conclusions of Law: We find the language of the cited criterion to be ambiguous in the context of the subject goal exception, and conclude as follows: We do not know whether the exception area, had it not already been developed, would have been zoned for resource use by the 1985 comprehensive plan. Assuming the land has resource potential that would otherwise require resource zoning, the subject area can be considered resource land that is already irrevocable committed to nonresource uses. While Exhibit 'N' does not indicate whether the 1985 exception was a "reasons," or "built," or "irrevocably committed" goal exception, it appears that the exception was taken partially because of the built environment and partially due to irrevocable commitment given the acreage of the exception area, size of parcels, and number of existing dwellings. We ultimately conclude that the exception area is already irrevocably committed to nonresource uses, and that the proposed exception is consistent in all respects with OAR 660-04- 020(2)(b)(B)(ii).

Standard 18

> **OAR 660-04-020(2)(b)(B)(iii)** Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

Conclusions of Law: Refer to the conclusions of law under Standard 10 herein.

Standard 19

> **OAR 660-04-020(2)(b)(C)** This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

Conclusions of Law: In the context of this exception we conclude that there is no distinction between the tests imposed in the above standard and collectively in Standards 16, 17, and 18. We ultimately conclude that compliance exists with respect to the above cited standard on the same basis that compliance was established for Standards 16, 17, and 18.

Standard 20

OAR 660-04-020(2)(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

Conclusions of Law: We find ambiguous the above language of OAR 660-04-020(2)(c) requiring an examination of consequences resulting from a "use" being located at a particular site in comparison to other areas that also require a goal exception. We therefore construe the requirement to evaluate the consequences of alternative "areas" to instead require an evaluation of consequences for alternative methods to supply water to the exception area which also requires a goal exception.

Under the above conclusions of law for Standard 16 we determined that there were five alternative methods (including Preferred Alternative #1) to relieve the potential health hazard. Of the five alternatives, we determined that Alternative 2 (water supplied from nearby wells and piped underground to the exception area) as described in Exhibit 'F' would require a goal exception under Statewide Planning Goal 11, and UGB Agreement § 5(e)(2). Based upon the evaluation of alternatives in Exhibit 'F,' we ultimately conclude that the long-term environmental, economic, social and energy consequences for Alternative 1 are not significantly more adverse than those for Alternative 2. In reaching this conclusion we also rely upon our conclusions reached under Standard 16.

Standard 21

OAR 660-04-020(2)(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Conclusions of Law: Under Standard 3 we found and concluded that no resource land or uses exist on adjacent and surrounding lands. We find ambiguous the above language of OAR 660-04-020(2)(d) requiring a demonstration that the "proposed uses" are or can be made compatible with surrounding natural resources, management, or production practices. Therefore, we construe the term "proposed uses" to mean "proposed water service." Based on this construction, we ultimately conclude that will be compatible because: 1) No resource land or uses exist in the surrounding area. 2) Adjacent and nearby lands can not connect to public water lines to be extended under the subject exception without themselves being subject to their own exception. 3) As we earlier concluded, the economic pressure to connect to the water lines will not exist because the lines will be extended without assessment to benefited properties or other intervening properties not actually served by the lines. 4) There can be no intensification of land usage beyond the levels presently allowed by planning and zoning without an additional goal exception that we believe is not possible. On these bases, we ultimately conclude that the water line extensions are situated so as to be compatible with surrounding natural resources and resource management and production practices.

VI

DECISION AND ORDER

Based upon the foregoing findings of fact and conclusions of law, we conclude that the case has been made for taking an exception to Statewide Planning Goal 11 as herein outlined. Therefore, it is hereby Ordered that the Josephine County Comprehensive Plan shall herewith be amended to adopt and include by reference this final Order and the findings of fact and conclusions of law herein contained.

JOSEPHINE COUNTY, by:

Rebecca Brown DATE 7/8/92
REBECCA BROWN, CHAIR

Fred Borngasser DATE 7/8/92
FRED BORNGASSER, COMMISSIONER

Harold L. Haugen - Absent DATE _____
HAROLD HAUGEN, COMMISSIONER

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-22

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM FOREST COMMERCIAL TO WOODLOT RESOURCE FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T39, R5, SECTION 5 TAX LOT 200 FOR CHARLIE AND KAY RABJOHN.

WHEREAS, the Board of County Commissioners held a public hearing on March 4, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Forest Commercial to Woodlot Resource for property identified as Assessor's Map Township 39, Range 5, Section 5, Tax Lot 200.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

JUL 1992
RECEIVED

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 1st day of July, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 15th day of July, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser-Absent
Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 6-26-92
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-22-E

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM FOREST COMMERCIAL TO WOODLOT RESOURCE FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T39, R5, SECTION 5 TAX LOT 200 FOR CHARLIE AND KAY RABJOHN AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on March 4, 1992 to consider, under the criteria of the above referenced Comprehensive Plan and Statewide Planning Goals for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Zoning Change</u>

The Josephine County Zoning Map is hereby amended from Forest Commercial to Woodlot Resource for property identified as Assessor's Map Township 39, Range 5, Section 5, Tax Lot 200.

SECTION 2: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: <u>Effective Date</u>

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 12th day of August, 1992.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-23-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-20, AS AMENDED), TO INCLUDE APPROXIMATELY 3.87 ACRES OF LAND WITHIN THE URBAN GROWTH BOUNDARY OF JOSEPHINE COUNTY, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, an Intergovernmental Management Agreement exists between Josephine County and the City of Grants Pass for the joint management of the Urban Growth Boundary area; and

WHEREAS, the Agreement contains provisions for amendments to the comprehensive plan map as it pertains to the Urban Growth Boundary; and

WHEREAS, inclusion of real property within the Urban Growth Boundary shall be enacted only after agreement by the Board of County Commissioners and the City Council in accordance with plan and ordinance amendment procedures as jointly established by each jurisdiction; and

WHEREAS, the proposed amendment to the Boundary has been done in accordance with plan and ordinance amendment procedures; and

WHEREAS, applicable criteria for amendment, described in Section 15.3.a. I-X of the "Implementing Section" of the Josephine County Urban Growth Area Goals and Policies, have been satisfied; and

WHEREAS, the Board of County Commissioners held a public hearing and heard testimony and received evidence from the Josephine County staff, the City of Grants Pass staff, the applicant, and any remonstrators, and concluded that the applicant had met his burden of proof, and that the comprehensive plan map amendment, as requested, did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

Section 1: AMENDMENT AREA

Ordinance No. 81-20, Exhibit D, is amended to include the territory described in Exhibits "1" and "2", which are attached to be incorporated in and made a part of this Ordinance and said territory is hereby proclaimed

to be included within the Urban Growth Boundary of Josephine County.

Section 2: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinance No. 81-20 is hereby affirmed as originally adopted and heretofore amended.

Section 3: EFFECTIVE DATE:

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 8th of July, 1992.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen - Absent
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown County Clerk

Lisa D. Cunningham
Recording Secretary

APPROVED AS TO FORM:

James H. Boldt, County Legal Counsel

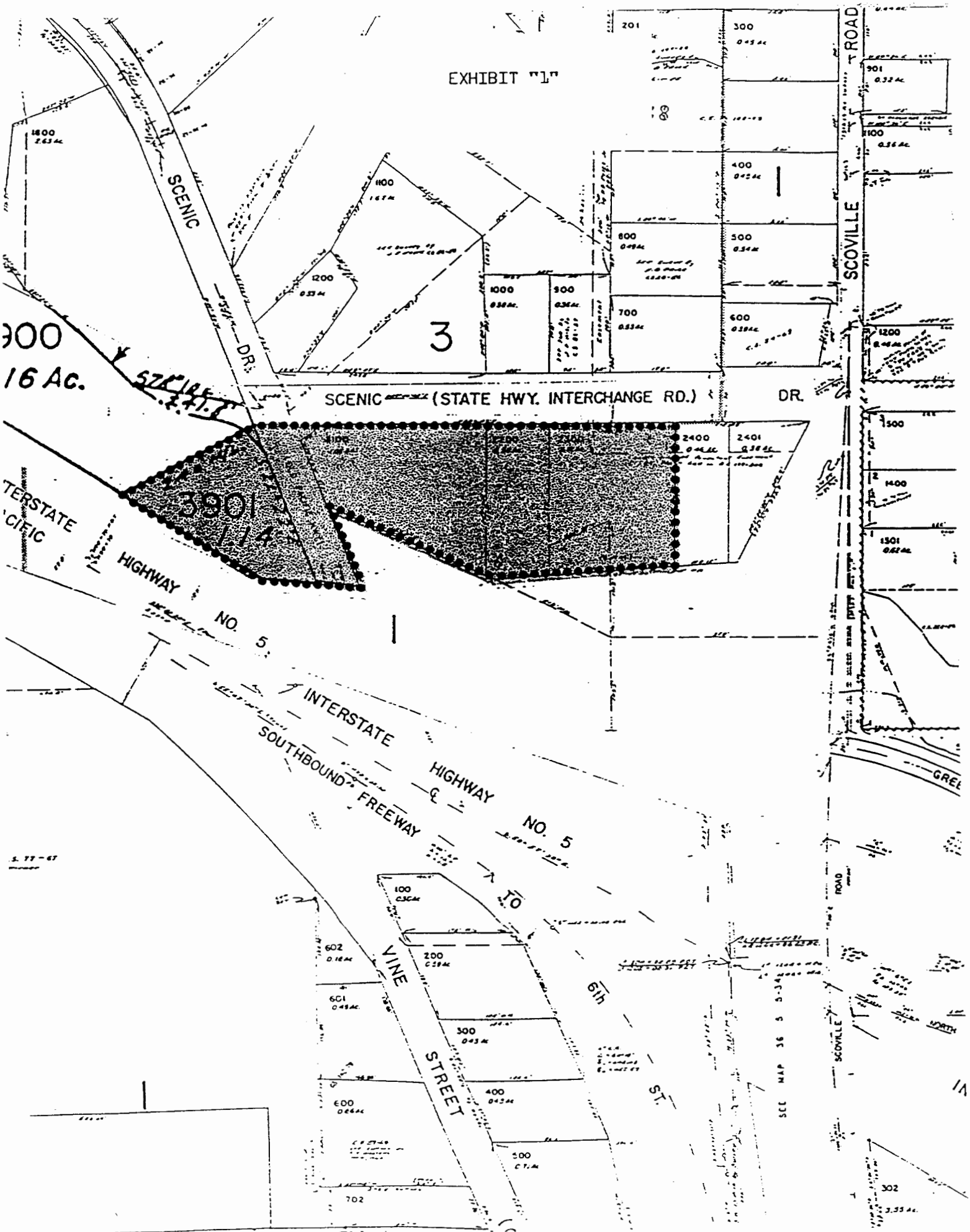
EXHIBIT "1"
SCENIC DR.
SCENIC (STATE HWY. INTERCHANGE RD.) DR.
SCOVILLE ROAD
3
3901
1.14
16 Ac.
INTERSTATE HIGHWAY NO. 5
INTERSTATE HIGHWAY NO. 5
SOUTHBOUND FREEWAY
TO 6th ST.
VINE STREET
SCOVILLE ROAD
SEE MAP 36 5 5-34
NORTH

EXHIBIT "2"

Beginning at a point on the South line of the State Highway interchange road which point is 818 feet South and 479 feet West from the Northeast Corner of the Northwest Quarter of the Southwest Quarter of Section 5, Township 36 South, Range 5 West of the Willamette Meridian; thence South 89°47' West 100 feet to the True Point of Beginning. Thence continue along said South right of way line of the interchange road South 89°47' West 268.9 feet; thence continue along the South line of said interchange road in a Southwesterly direction 48.8 feet, more or less to the East line of Old Pacific Hwy. No. 99; thence South 20°45' East along said right of way 113 feet, more or less; thence South 65°00' East along said line to a point which is due South from the True Point of Beginning; thence North 245 feet, more or less, to the True Point of Beginning.

All located in Township 36 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon.
36-5-5-32/2100
****
Beginning at a point on the South line of State Highway interchange road, said point being South 818 feet and West 479 feet from the Northeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 5, Township 36 South, Range 5 West of the Willamette Meridian; thence South 89°47' West 100 feet; thence South 243 feet; thence South 67° East 15 feet; thence North 87°11' East 80 feet, more or less, to a point due South of the Point of Beginning; thence North 243 feet to the Point of Beginning.

All in Township 36 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon.
6-5-5-32/2200
****
Beginning at a point on the South line of State Highway interchange road, said point being South 818 feet and West 479 feet from the Northeast Corner of the Northwest Quarter of the Southwest Quarter, Section 5, Township 36 South, Range 5 West of the Willamette Meridian; thence South 243 feet; thence North 87°11' East 209.88 feet; thence North 233.8 feet to the South line of said road; thence South 89°47' West 203.95 feet to the Point of Beginning.

All in Township 36 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon.
36-5-5-32/2300
****
Beginning at the East Quarter corner of Section 6, Township 36 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, and running thence South 91.3 feet to the center of the Pacific Highway; thence South 52°35' East 100 feet; thence South 42°46' East, 100 feet; thence South 32°42' East, 26.8 feet; thence South 67°33' West 196.5 feet; thence South 04°20' West 218.7 feet; thence South 34°21' East 76.7 feet; thence South 51°26' East 63.4 feet; thence South 45°44' East 134.5 feet; thence South 78°10' East 241.8 feet to the center of Old Pacific Highway (now Scenic Drive) said point being the Southeast corner of a parcel described in Volume 73, Page 119, Josephine County Deed Records; thence North 78°10' West 30.0 feet, more or less, to a point on the Southwesterly right of way line of said Scenic Drive; thence South 21°58' East along said right of way line 38.0 feet to the True Point of Beginning; thence continue South 21°58' East along said right of way line 275.0 feet, more or ss, to a point on the Northeasterly right of way line of the relocated acific Highway; thence Northwesterly along said right of way line 350.0 feet; thence Northeasterly, in a direct line, 240.0 feet, more or less, to the True Point of Beginning.
36-5-6/3901

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-23

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-20, AS AMENDED), TO INCLUDE APPROXIMATELY 3.87 ACRES OF LAND WITHIN THE URBAN GROWTH BOUNDARY OF JOSEPHINE COUNTY, OREGON.

WHEREAS, an Intergovernmental Management Agreement exists between Josephine County and the City of Grants Pass for the joint management of the Urban Growth Boundary area; and

WHEREAS, the Agreement contains provisions for amendments to the comprehensive plan map as it pertains to the Urban Growth Boundary; and

WHEREAS, inclusion of real property within the Urban Growth Boundary shall be enacted only after agreement by the Board of County Commissioners and the City Council in accordance with plan and ordinance amendment procedures as jointly established by each jurisdiction; and

WHEREAS, the proposed amendment to the Boundary has been done in accordance with plan and ordinance amendment procedures; and

WHEREAS, applicable criteria for amendment, described in Section 15.3.a. I-X of the "Implementing Section" of the Josephine County Urban Growth Area Goals and Policies, have been satisfied; and

WHEREAS, the Board of County Commissioners held a public hearing and heard testimony and received evidence from the Josephine County staff, the City of Grants Pass staff, the applicant, and any remonstrators, and concluded that the applicant had met his burden of proof, and that the comprehensive plan map amendment, as requested, did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

Section 1: AMENDMENT AREA

Ordinance No. 81-20, Exhibit D, is amended to include the territory described in Exhibits "1" and "2", which are attached to be incorporated in and made a part of this Ordinance and said territory is hereby proclaimed

to be included within the Urban Growth Boundary of Josephine County.

Section 2: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinance No. 81-20 is hereby affirmed as originally adopted and heretofore amended.

Section 3: EFFECTIVE DATE:

First reading by the Board of County Commissioners this 8th day of July, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (days) from the first reading this 22nd day of July, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown County Clerk

Recording Secretary

APPROVED AS TO FORM:

James H. Boldt, County Legal Counsel

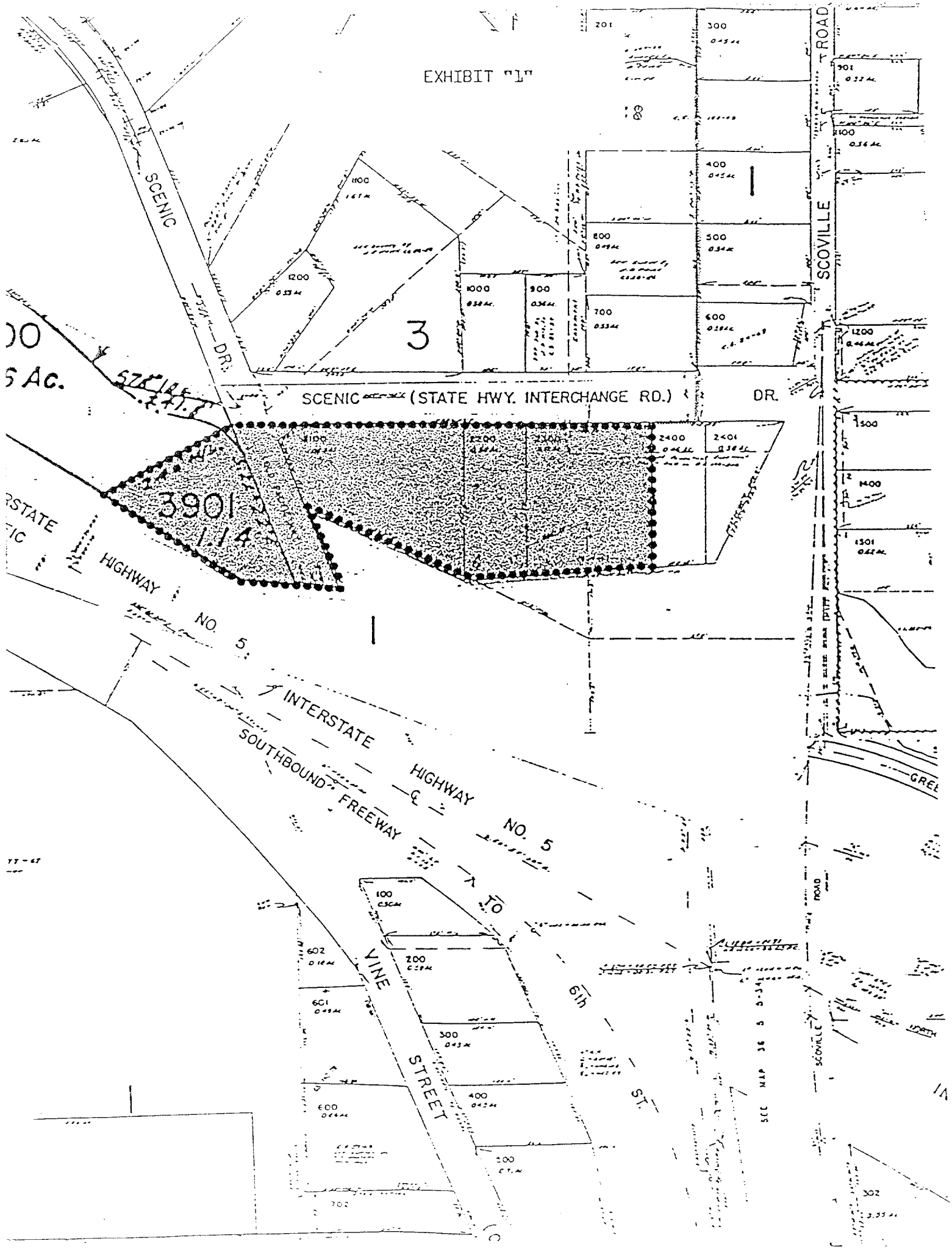
EXHIBIT "1"
SCENIC DR.
SCENIC (STATE HWY. INTERCHANGE RD.) DR.
SCOVILLE ROAD
3901
1.14
3
1
HIGHWAY NO. 5
INTERSTATE HIGHWAY NO. 5
SOUTHBOUND FREEWAY
TO 6th ST.
VINE STREET
SCOVILLE ROAD
SEE MAP 36 5 5-34
201
300
400
500
600
700
800
900
1000
1100
1200
2400
2401
1500
1400
1301
100
200
300
400
500
600
601
602
702
302

EXHIBIT "2"

ginning at a point on the South line of the State Highway interchange road
ch point is 818 feet South and 479 feet West from the Northeast Corner of
Northwest Quarter of the Southwest Quarter of Section 5, Township 36 South,
ge 5 West of the Willamette Meridian; thence South 89°47' West 100 feet to
True Point of Beginning. Thence continue along said South right of way
e of the interchange road South 89°47' West 268.9 feet; thence continue
ng the South line of said interchange road in a Southwesterly direction 48.8
t, more or less to the East line of Old Pacific Hwy. No. 99; thence South
45' East along said right of way 113 feet, more or less; thence South 65°00'
st along said line to a point which is due South from the True Point of
ginning; thence North 245 feet, more or less, to the True Point of Beginning.

l located in Township 36 South, Range 5 West of the Willamette Meridian,
sephine County, Oregon.
-5-5-32/2100
****
ginning at a point on the South line of State Highway interchange road, said
int being South 818 feet and West 479 feet from the Northeast Corner of the
rthwest Quarter of the Southwest Quarter of said Section 5, Township 36
uth, Range 5 West of the Willamette Meridian; thence South 89°47' West 100
et; thence South 243 feet; thence South 67° East 15 feet; thence North 87°11'
st 80 feet, more or less, to a point due South of the Point of Beginning;
ehce North 243 feet to the Point of Beginning.

l in Township 36 South, Range 5 West of the Willamette Meridian, Josephine
unty, Oregon.
-5-5-32/2200
****
ginning at a point on the South line of State Highway interchange road, said
int being South 818 feet and West 479 feet from the Northeast Corner of the
rthwest Quarter of the Southwest Quarter, Section 5, Township 36 South, Range
West of the Willamette Meridian; thence South 243 feet; thence North 87°11'
st 209.88 feet; thence North 233.8 feet to the South line of said road;
ence South 89°47' West 203.95 feet to the Point of Beginning.

l in Township 36 South, Range 5 West of the Willamette Meridian, Josephine
unty, Oregon.
-5-5-32/2300
****
ginning at the East Quarter corner of Section 6, Township 36 South, Range 5
st of the Willamette Meridian, Josephine County, Oregon, and running thence
uth 91.3 feet to the center of the Pacific Highway; thence South 52°35' East
0 feet; thence South 42°46' East, 100 feet; thence South 32°42' East, 26.8
et; thence South 67°33' West 196.5 feet; thence South 04°20' West 218.7 feet;
ence South 34°21' East 76.7 feet; thence South 51°26' East 63.4 feet; thence
uth 45°44' East 134.5 feet; thence South 78°10' East 241.8 feet to the center
f Old Pacific Highway (now Scenic Drive) said point being the Southeast corner
f a parcel described in Volume 73, Page 119, Josephine County Deed Records;
ence North 78°10' West 30.0 feet, more or less, to a point on the
uthwesterly right of way line of said Scenic Drive; thence South 21°58' East
ong said right of way line 38.0 feet to the True Point of Beginning; thence
ntinue South 21°58' East along said right of way line 275.0 feet, more or
ss, to a point on the Northeasterly right of way line of the relocated
cific Highway; thence Northwesterly along said right of way line 350.0 feet;
ence Northeasterly, in a direct line, 240.0 feet, more or less, to the True
int of Beginning.
-5-6/3901

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-24

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5(5 ACRE) TO RURAL RESIDENTIAL 1(1 ACRE) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R6, SECTION 36-4 TAX LOTS 102, 204, 390, 800, 900, 1000, 1100, 1101 FOR SIDNEY M. CECIL, DORIS WRIGHT, N.B. WRIGHT AND MARTHA LEE SMITH ET AL.

WHEREAS, the Board of County Commissioners held public hearings on July 8, July 15, and July 29, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held public hearings, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential 5 (5 Acre) to Rural Residential 1 (1 Acre) for property identified as Assessor's Map Township 36, Range 6, Section 36-4, Tax Lots 102, 204, 390, 800, 900, 1000, 1100, 1101.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 19th day of August, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 2nd day of September, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

Gloria M. Roy 8-13-92

Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-25-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM COMMERCIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL COMMERCIAL TO RURAL INDUSTRIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 36 TAX LOT 2000 FOR LONNIE AND RUTH DILLARD AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on August 12, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: <u>Comprehensive Plan Amendment</u>

The Josephine County Comprehensive Plan is hereby amended from Commercial to Industrial for property identified as Assessor's Map Township 35, Range 6, Section 36, Tax Lot 2000.

SECTION 2: <u>Zoning Change</u>

The Josephine County Zoning Map is hereby amended from Rural Commercial to Rural Industrial for property identified as Assessor's Map Township 35, Range 6, Section 36, Tax Lot 2000.

SECTION 3: <u>Affirmation</u>

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 19th day of August, 1991.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser - Absent
Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (8/18/92)

~~Gloria M. Roy, Assistant~~ Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-25

AUG 1992 RECEIVED

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM COMMERCIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL COMMERCIAL TO RURAL INDUSTRIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T35, R6, SECTION 36 TAX LOT 2000 FOR LONNIE AND RUTH DILLARD.

WHEREAS, the Board of County Commissioners held a public hearing on August 12, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Commercial to Industrial for property identified as Assessor's Map Township 35, Range 6, Section 36, Tax Lot 2000.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Commercial to Rural Industrial for property identified as Assessor's Map Township 35, Range 6, Section 36, Tax Lot 2000.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 19th day of August, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 2nd day of September, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (8/18/92)

~~Gloria M. Roy, Assistant~~ Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-26

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM RESIDENTIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 TO RURAL INDUSTRIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T39, R8, SECTION 22-23 TAX LOTS 1401 AND 1800 FOR DON GIBBS.

WHEREAS, the Board of County Commissioners held a public hearing on June 24, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Residential to Industrial for property identified as Assessor's Map Township 39, Range 8, Section 22-23, Tax Lots 1401 and 1800.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential 5 to Rural Industrial for property identified as Assessor's Map Township 39, Range 8, Section 22-23, Tax Lots 1401 and 1800.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

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

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

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chairwoman

Fred Borngasser, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (8/24/92)

James H. Boldt, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-28

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL 5 ACRE TO RURAL RESIDENTIAL 1 ACRE FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R6, SECTION 36-4 TAX LOTS 1500, 1502 AND 1503 FOR ROBERT BURNS.

WHEREAS, the Board of County Commissioners held a public hearing on September 23, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential 5 Acre to Rural Residential 1 Acre for property identified as Assessor's Map Township 36, Range 6, Section 36-4, Tax Lots 1500, 1502, and 1503.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted, and heretofore amended.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 14th day of October, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 28th day of October, 1992. This Ordinance shall take effect ninety (90) days after its

adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Fred Borngasser - Absent
Fred Borngasser, Chairman

Harold L. Haugen, Vice Chairman

William C. Lytle, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (10/12/92)

James H. Boldt, Legal Counsel by
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-29

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM AGRICULTURE TO FOREST AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM EXCLUSIVE FARM AND FOREST COMMERCIAL TO WOODLOT RESOURCE FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T34, R6, SECTION 2 TAX LOTS 603, 602, 604, 605, AND 700 FOR MARY MacKNEE, MARJORIE BALMAIN AND TEE CORINNE.

WHEREAS, the Board of County Commissioners held a public hearing on September 30, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Agriculture to Forest for property identified as Assessor's Map Township 34, Range 6, Section 2, Tax Lot 603.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Exclusive Farm and Forest to Woodlot Resource for property identified as Assessor's Map Township 34, Range 6, Section 2, Tax Lots 603, 602, 604, 605 and 700.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 14th day of October, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 28th day of October, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Fred Borngasser - Absent
Fred Borngasser, Chairman

Harold L. Haugen
Harold L. Haugen, Vice Chairman

William C. Lytle
William C. Lytle, Commissioner

ATTEST:

Georgette Brown
Georgette Brown, County Clerk

Lori D. Cunningham
Recording Secretary

APPROVED AS TO FORM: (10/12/92)

Gloria M. Roy
James H. Boldt, Legal Counsel by
Gloria M. Roy, Assistant Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 92-30

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO RURAL RESIDENTIAL - 5 FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R7, SECTION 24-2 TAX LOT 100 FOR SUE JOHNSON.

WHEREAS, the Board of County Commissioners held a public hearing on October 14, 1992 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, received evidence from the Josephine County Staff, the applicant and any remonstrators, and concluded that the applicant had met his burden of proof, and that the Comprehensive Plan and Zone Change, as requested did comply with the requirements of Josephine County and State Law pertaining to such matters.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Forest to Residential for property identified as Assessor's Map Township 36, Range 7, Section 24-2, Tax Lot 100.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Rural Residential-5 for property identified as Assessor's Map Township 36, Range 7, Section 24-2, Tax Lot 100.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 28th day of October, 1992.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 10th day of November, 1992. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Fred Borngasser, Chairman

Harold L. Haugen, Vice Chairman

William C. Lytle, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

10-23-92

Gloria M. Roy, Assistant Legal Counsel