

Josephine County 1999 Ordinances

#	Date Signed	Date Effective	Description
99-1	3/10/99	6/10/99	Amending the Comprehensive Plan of Josephine County from Forest to Aggregate Resource; amending the Zoning Map of Josephine County from Woodlot Resource to Aggregate Resource; amending the Comprehensive Plan Database to add this property as a significant aggregate site; determining conditions under which mining will be permitted; establishing protection from future conflicting uses; and providing for post mining use for property identified as Assessor's Map 37-6-14, Tax Lot 1600, and portions of Tax Lots 1700, 1701 and 1702.
99-3	5/12/99	8/10/99	Amending the Josephine County Rural Land Development Code (Ord. 94-4) to Repeal and Replace Chapter 2 - Review Procedures.
99-4	6/23/99	9/21/99	Amending the Josephine County Rural Land Development Code (Ord. 94-4) to Repeal and Replace Chapter 4 - Application Procedures.
99-5	8/4/99	11/2/99	Amending the Comprehensive Plan (Ord 81-11 as amended), with the adoption of additional policies for Goal 10.
99-6	8/4/99	11/2/99	Amending the Comprehensive Plan (Ord 81-11 as amended), with the adoption of physically developed, committed, and reasons exceptions to statewide Goals 11 and 14 for the Illinois Valley Airport Industrial Area.
99-7	9/29/99	12/29/99	Amending the Josephine County Rural Land Development Code (Ord. 94-4) to incorporate changes made in the Oregon Revised Statutes and the Oregon Administrative Rules through the year 1995.

99-8	12/29/99	3/29/00	Amending the Goals and Policies of the Comprehensive Plan for Josephine County (Ord. 81-11) to repeal and replace Goal 11, regarding the amending, updating and maintaining of the Comprehensive Plan, and to amend the Rural Land Development Code, Articles 47, 48 and 49 to conform.
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BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 99 -1

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM FOREST TO AGGREGATE RESOURCE; AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM WOODLOT RESOURCE TO AGGREGATE RESOURCE; AMENDING THE COMPREHENSIVE PLAN DATABASE TO ADD THIS PROPERTY AS A SIGNIFICANT AGGREGATE SITE; DETERMINING CONDITIONS UNDER WHICH MINING WILL BE PERMITTED; ESTABLISHING PROTECTION FROM FUTURE CONFLICTING USES; AND PROVIDING FOR POST MINING USE FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T 37, R 6, SECTION 14, TAX LOT 1600, AND PORTIONS OF TAX LOTS 1700, 1701, AND 1702 FOR JOSEPHINE COUNTY.

WHEREAS, the Board of County Commissioners held public hearings on January 24, 1998 to consider, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 As Amended) and Oregon Administrative Rules 660-23-180 for the request before them; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the applicant's 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 complied 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 Aggregate Resource for property identified as Assessor's Map Township 37, Range 6, Section 14, Tax Lot 1600 and portions of Tax Lots 1700, 1701, AND 1702.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Woodlot Resource to Aggregate Resource for property identified as Assessor's Map Township 37, Range 5,

Section 14, Tax Lot 1600 and portions of Tax Lots 1700, 1701, AND 1702.

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: Determination of Significance

The Josephine County Comprehensive Plan Data Base is hereby amended to include Assessor's Map Township 36, Range 5, Section 14, Tax Lot 1600 and portions of Tax Lots 1700, 1701, and 1702 as a significant aggregate site.

SECTION 5: Conditions Under Which Mining Will Be Permitted

1. The Aggregate Resource comprehensive plan designation and the Aggregate Resource zoning for the Wolf Bar site shall begin on the effective date of the adopting ordinance and shall have a duration of 10 years from the date of issuance of the Development Permit authorizing mining. After such duration the Aggregate Resource comprehensive plan designation and the Aggregate Resource zoning shall revert to a Forest comprehensive plan designation and Woodlot Resource zoning. With this reversion the site shall be removed from the County's inventory of significant aggregate sites. At such time the property owners shall be permitted to use the property in compliance with the Woodlot Resource zone. The mining operator must obtain a Development Permit before commencing any mining activity.
2. Mining operations shall include excavation only, using a tracked backhoe and tractor-trailers. This approval does not permit blasting, crushing, or asphalt or concrete batching on the site.
3. The mining and reclamation of the mine area shall be conducted in conformance with the recommendations of the "Hydraulic Analysis of the Wolf Site" prepared by Thomas Polzin, P.E. and Pacific Habitat Services. This shall include but is not limited to:
 - A. Repair of the levee to withstand a 10 year high water event.*
 - B. Riprap banks of excavation cells as indicated.
 - C. Downstream connection of the excavated ponds to the river.
 - D. No disturbance of riparian vegetation within 100 feet of the Applegate River. On other portions of the site obscuring vegetation shall be maintained so long as is practicable.

- E. Reclamation shall be concurrent with mining operations.
4. Roadway and Access improvements:
- A. The developer shall make the improvements to Southside Road recommended by the applicant's Traffic Engineer, including:
 - improving the sight distance at the proposed access point;
 - widening of Southside Road to accommodate truck turning radii;
 - installation of temporary advisory signs.
 - B. The developer shall also re-construct Southside Road in the vicinity of the access point to mitigate the increased loads caused by the truck turning movements (starting, stopping, turning) by providing the equivalent of 4" of A.C. on 14" of base rock.*
 - C. The developer shall obtain a permit and construct an Industrial Road Approach to Southside Road.*
 - D. The developer shall complete the improvements to Southside Road at the processing site that are currently being reviewed by Public Works in conjunction with this application and the Murphy Creek Industrial Park.*
 - E. Access driveway, maneuvering and parking area if not paved shall be rocked or shaled.*
 - F. The developer should address the erosion potential along the road by placing shale in ditches with slopes over 8%.*
 - G. Any gate shall be set back no less than 30 feet from the right-of-way.
 - H. The developer shall obtain an access permit from the Public Works Department for the Wolf Bar access to Southside Road.*
5. The applicant will complete and return to the Water Resources Department a "Statement of Intended Water Use." Use of more than 5,000 gallons a day of groundwater for commercial or industrial purposes requires a state groundwater use permit. Use of water for gravel washing or dust control will require a state permit for water use.*

6. The applicant shall comply with the recommendations of the "Noise Study to Address Goal 5 Issues Wolf Site for Aggregate Removal" by Talbott Associates, Inc. and Daly Standlee & Associates, Inc. Specifically a 10 foot wood sound barrier shall be installed to mitigate excessive noise impacts on the Huck residence.* Equivalent mitigation measures shall be installed to protect any existing or approved residence within the contour of noise compliance. Such measures need only be taken for approved residences upon issuance of a development permit for the residence. The County Planning Office shall notify Copeland Sand and Gravel upon the issuance of any development permit for an approved use.
 - A. No extraction shall occur within 500 feet of any dwelling on any WBN property, existing as of the date of this approval. All of Copeland's activities on Wolf Bar shall be conducted so as to limit noise to the maximum degree possible. All trucks and other machinery shall be operated to minimize noise, including backup warning devices. Truck beds shall be rubberized. All other applicable noise reduction standards, regulations or guidelines shall be strictly observed.
7. All parking shall be on site. No use of public streets as temporary or permanent parking is permitted. No trucks shall be stored on the Wolf Bar site.
8. Applicant shall comply with the requirements of a National Pollutant Discharge Elimination System.*
9. No mining operation shall be commenced prior to the operator providing the Planning Director a copy of a DOGAMI operating permit and approved reclamation plan.*
10. No surface or subsurface discharge of hazardous water shall occur on this property.
11. The statistical L_{50} noise levels shall not exceed 55 dba. from 7 AM. to 6 PM. or 50 dba. between 6 PM. and 7 AM. as measured at the noise sensitive property using measurement standards described in OAR 340. and shall meet all other sound regulations established by the Oregon Department of Environmental Quality.
12. Extraction of hauling shall not commence on any day earlier than 7:30 a.m. and shall cease not later than 4:00 p.m. Extraction or hauling shall not occur on Saturdays, Sundays or any national holiday. Routine site or equipment maintenance and/or repair resulting in no more than de minimus

noise, dust or like conditions may occur at such or other times or dates.

13. Extraction and hauling shall cease at the close of operation on July 1 of each year and shall not resume until September 15 of that year. Mining and extraction occurring during June and September of each year shall be limited to locations which are the maximum physical distance from the Applegate River as is possible without unduly interfering with the reasonable progress of completion of all extraction of material from Wolf Bar.
14. Copeland shall utilize all customary means for minimizing fugitive dust, including applying water, calcium lignite or other substances to access roads or pits as may be necessary. Copeland shall maintain interior access roads to minimize fugitive dust to a distance of not less than 500 feet from any public road and from any residence.
15. No artificial lighting shall be installed on the property in connection with the operation.

*Provisions shall be completed prior to issuance of a development permit.

SECTION 6: Protection From Future Conflicting Uses

The agreement (Exhibit A) between the mine operator and the neighboring property owners (WBN) places no limitations on the use of property owned by participants in the agreement. The properties participating in this agreement are excluded from the application of §91.040 RLDC (limited protection for a significant aggregate site). The provisions of §91.040 RLDC shall be applied to those properties within 1000 feet of the aggregate site which have not participated in the agreement. The Assessor's Map numbers for the properties subject to §91.040 RLDC are attached as Exhibit B.

SECTION 7: Post Mining Land Use, and Reversion Clause

The post-mining use of the site is proposed to be wildlife habitat.

The Aggregate Resource comprehensive plan designation and the Aggregate Resource zoning for the Wolf Bar site shall begin on the effective date of the adopting ordinance and shall have a duration of 10 years from the date of issuance of the Development Permit authorizing mining. After such duration the Aggregate Resource comprehensive plan designation and the Aggregate Resource zoning shall revert to a Forest comprehensive plan designation and Woodlot Resource zoning. With this reversion the site shall be removed from the County's inventory of significant aggregate sites. At such time the property owners shall be permitted to use the property in compliance with the Woodlot Resource zone.

SECTION 7: Effective Date

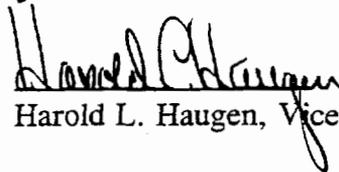
First reading by the Board of County Commissioners this 24th day of February, 1999.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 10th day of March, 1999. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS



Jim Brock, Chair



Harold L. Haugen, Vice Chair

Frank Iverson - Absent

Frank Iverson, Commissioner

ATTEST:


Georgette Brown, County Clerk
Recording Secretary

APPROVED AS TO FORM:

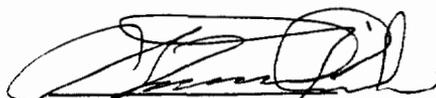

Steve Rich, Legal Counsel

EXHIBIT B

The following Assessor's Tax Lots are within 1000 feet of the Wolf Bar Significant Aggregate site, are not participants in the Wolf Bar Neighbors Land Use Agreement, and are subject to the limitations on land use found at §91.040 of the Josephine County Rural Land Development Code.

T.37S R.6W Sec. 14, Tax Lot 200

T.37S R. 6W Sec.14, Tax Lot 704

T.37S R.6W Sec. 14, Tax Lot 1800

T.37S R.6W Sec. 14, Tax Lot 1900

T.37S R.6W Sec. 15, Tax Lot 1101

T.37S R.6W Sec. 15, Tax Lot 1200

EXHIBIT A

WOLF BAR NEIGHBORS LAND USE AGREEMENT

Parties: Copeland Sand & Gravel, Inc.,
an Oregon corporation (Copeland)

Wolf Bar Neighbors, L.L.C.,
an Oregon limited liability company (WBN)

Recitals:

Copeland desires to mine, extract and remove gravel, rock, and aggregate (collectively material) from that Josephine County real property described on the attached exhibit and otherwise known to the parties as "Wolf Bar."

The members of WBN are certain adjacent, neighboring or nearby residents of Wolf Bar within 1,500 feet of Wolf Bar.

Copeland has submitted applications or requests to various public or governmental agencies or authorities for permits to allow extraction of material from Wolf Bar.

WBN and its members support the issuance of the permits on the conditions set forth herein.

NOW THEREFORE, for valuable consideration, the sufficiency of which is acknowledged, Copeland and WBN agree as follows:

1. Term. The terms and conditions of this agreement shall become effective on the date which local land use approval from Josephine County becomes final and not subject to further review or appeal and shall remain in effect until completion of restoration and reclamation of Wolf Bar in accordance with all permits issued to Copeland. Copeland agrees that all mining and extraction shall be completed within seven years of the date of issuance of the final gravel removal permit issued by the Oregon Department of Geology and Mineral Industries or such other later permit as may be required to allow actual extraction of material to commence. So long as Copeland is not in default of the terms and conditions herein, Copeland may request that this agreement, or a modification hereof, continue for an additional period not to exceed three years. Copeland shall notify WBN in writing of its desire to extend the agreement. Thereafter, the parties shall use best efforts to agree upon any alteration or modification of this agreement to accommodate the parties. Any terms or conditions set forth herein which are not so modified shall be deemed to remain in force.

2. Conditions of Operation.

A. No crushing or like processing of material shall be permitted on Wolf Bar.

B. No blasting shall occur on Wolf Bar.

C. Extraction or hauling shall not commence on any day earlier than 7:30 a.m. and shall cease not later than 4:00 p.m. Extraction or hauling shall not occur on Saturdays, Sundays or any national holiday. Routine site or equipment maintenance and/or repair resulting in no more than de minimus noise, dust or like conditions may occur at such other times or dates.

D. Extraction and hauling shall cease at the close of operation on July 1 of each year and shall not resume until September 15 of that year. Mining and extraction occurring during June and September of each year shall be limited to locations which are the maximum physical distance from the Applegate River as is possible without unduly interfering with the reasonable progress of completion of all extraction of material from Wolf Bar.

E. No extraction shall occur within 500 feet of any dwelling on any WBN property existing as of the date of this agreement. All of Copeland's activities on Wolf Bar shall be conducted so as to limit noise to the maximum degree which is reasonably possible. All trucks and other machinery shall be operated to minimize noise, including from backup warning devices. Truck beds shall be rubberized. All other applicable noise reduction standards, regulations or guidelines shall be strictly observed.

F. Site obscuring vegetation shall be maintained so long as is practicable. No trucks shall be stored on Wolf Bar.

G. Copeland shall utilize all customary means for minimizing fugitive dust, including applying water, calcium lignite or other substances to access roads or pits as may be necessary. Copeland shall maintain interior access roads to minimize fugitive dust to a distance of not less than 500 feet from any public road and from any residence.

H. No artificial lighting shall be installed on the property in connection with the operation.

I. Access or approaches to public roads shall be located, constructed and utilized only at such locations as may be approved by the appropriate regulatory authority.

J. Prior to commencement of extraction, Copeland shall furnish to WBN a copy of each final permit issued in connection with extraction of material from the property, including proof of compliance with the requirements of a National Pollutant Discharge permit. Copeland shall conduct all activities contemplated hereunder in accordance with all such permits and all applicable laws, rules, ordinances and regulations, whether state, federal or local.

K. No surface or subsurface discharge of hazardous materials or waste shall occur on the property.

L. The statistical L50 noise levels resulting from mining activities shall not exceed 55 dba as measured from any property owned or controlled by a member of WBN using measurement standards described in chapter 340 of the Oregon Administrative Rules.

M. Operations contemplated hereunder shall be otherwise conducted so as to avoid all unreasonable and unnecessary impacts upon WBN properties.

3. Royalty. In light of the conditions resulting during the term of extraction not otherwise mitigated by the conditions in section 2 above, Copeland shall pay to WBN an initial royalty of \$.10 per yard of material removed from the property for the first year of operation. The royalty shall increase by \$.10 per yard for each successive year thereafter that this agreement remains in effect, regardless of whether extraction shall have actually occurred within any particular year.

The royalty calculation shall be determined by multiplying the applicable royalty rate by the number of yards of material removed. The number of yards removed shall be determined by dividing the gross weight in pounds of material removed by the "conversion factor" which represents the agreed upon number of tons comprising each cubic yard of material. The initial conversion factor shall be three thousand six hundred fifty (3,650) pounds of material per cubic yard. Upon written request of either party and not more frequently than every six months, the conversion factor may be recalculated by measurement of the inside volume of the bed of a truck and then comparing its empty weight against the weight when fully loaded with material.

Royalty payments shall be calculated and paid not later than the last day of the calendar month for material removed during the preceding calendar month. Payment shall be made solely to the account of WBN and no member of WBN shall have any personal right to payment thereof except through WBN.

Copeland shall keep and maintain full and accurate books and records showing the number of truck loads of material removed from Wolf Bar and the respective weights of such trucks. Such books and records shall be kept and maintained at Copeland's principal offices and shall be available for inspection by the duly authorized representative of WBN at reasonable times and after reasonable notice.

WBN acknowledges that Copeland is required to keep and maintain records for the purposes of calculating royalty payments to the owners of Wolf Bar and insofar as such records or the data therein are relied on by the property owner they shall be binding upon WBN. Nothing in this agreement requires Copeland to

maintain separate records of material removed from the property for the purpose of calculating the royalty to be paid hereunder.

4. Monitoring Costs. Within 30 days of issuance of the final permit to allow commencement of extraction, Copeland shall pay to WBN the amount of \$5,000 which shall be used solely for payment of damages as may be provided pursuant to section 9 below or for costs reasonably incurred to monitor Copeland's compliance with this agreement or the terms of any permits allowing for the extraction of material. WBN shall maintain separate account of all amounts used in connection with this account, including a description of the nature of every expenditure. Not less than annually Copeland shall replenish the account to its original level. Such funds shall be maintained in an interest bearing account at any Josephine County branch of Valley of the Rogue Bank. At the termination of this agreement any unused balance, including accrued interest, shall be returned to Copeland.

5. No Limits on Development. The activities contemplated hereunder, including but not limited to the issuance of orders by Josephine County changing or altering the zoning of the property, shall not limit the present or available uses of any parcel owned or controlled by any member of WBN.

6. Annual Meeting. In May of each year during the term of this agreement the parties and their authorized representatives shall hold a meeting to review any matters then existing or anticipated between them. The meeting shall occur at such time and location as the parties may reasonably agree in Grants Pass, Oregon. Not less than fourteen days before the meeting each party shall submit to the other an agenda of matters to be discussed. At each meeting, the parties shall determine the location of extraction planned to occur during June and September of that year. The parties shall mutually agree to meet at such other times as either may deem necessary.

7. Reclamation. The parties acknowledge that it is anticipated that all required reclamation of the property at the conclusion of mining, or any part thereof, shall foster the property's permanent return to the condition of a wildlife habitat. Notwithstanding, nothing herein shall be construed to limit the rights of the owners of Wolf Bar to pursue such activities as the owners may desire. Nor does Copeland warrant or guarantee that reclamation, when properly completed, will attract or sustain any species of plant, animal or other life.

8. Rezoning at Conclusion of Term. Copeland shall not oppose any request after the conclusion or expiration of this agreement to return the property's zoning to woodlot resource or similar designation under Josephine County's Acknowledged Comprehensive Plan or Land Use Ordinance.

9. Enforcement. Except as is otherwise provided under section 10 below, any dispute between the parties relating to this agreement or any of the activities contemplated hereunder shall be resolved pursuant to this section 9. In the event one or more members of WBN has reason to believe there exists a material violation or failure to adhere to the terms and conditions set forth herein or any term, condition or provision of any permit required for Copeland to remove aggregate from the property (a violation) such member(s) shall advise the duly appointed representatives of WBN. If the representatives determine that good cause exists to believe that a violation exists, WBN shall notify the duly appointed representative of Copeland of the nature and cause of the violation and the cure or remedy. Within seven days of such notice Copeland shall have cured or made substantial progress to cure the violation or shall notify WBN that Copeland disputes the existence or occurrence of a violation. In such event, the parties shall promptly submit the matter to mediation before a qualified and mutually agreeable mediator and WBN may concurrently advise Josephine County of the existence of a disputed violation and request investigation thereof. Mediation shall occur within seven days of the notice from Copeland disputing the violation. In the event the parties are unable to resolve the disputed violation, the matter shall be submitted to arbitration in accordance with ORS 36.300 et seq and Oregon Uniform Trial Court Rules Chapter 13. Insofar as may be practical, the arbitration shall occur within 30 days of the mediation. The arbitrator shall have the authority to make such rulings or orders to cure or remedy the violation and may provide for appropriate reparation, whether financial or otherwise, for damages suffered in connection with the violation. The arbitration award may be enforced in accordance with Oregon law. The prevailing party in any arbitration or action to enforce an arbitration award shall be entitled to recover its reasonable costs of the proceeding, including legal fees incurred. This agreement, and all mining activities of Copeland on the subject property excepting reclamation, shall terminate in the event that an arbitration pursuant to this section finds Copeland to be in regular and material breach of this agreement or any condition of any permit required for extraction or hauling. For the purposes of this section, regular and material breach shall be presumed upon the third separate arbitration proceeding to have resulted in one or more findings adverse to Copeland.

10. Statement of Support. In view of this agreement and Copeland's covenant to adhere to the terms herein, WBN and its individual members shall support all applications or requests for permits to undertake mining, extraction and removal of material from the property. So long as Copeland is not in default under the terms of this agreement, WBN and its individual members waive all right to oppose or take any position adverse to Copeland before any governmental agency or authority regarding the approval or issuance of any permit required for Copeland to commence extraction of material. WBN shall not submit to any regulatory agency or authority, including any court of competent

jurisdictions, any complaint, petition or objection to any of Copeland's activities on Wolf Bar without first exhausting all remedies pursuant to section 9 of this agreement.

11. Notices. Any notice hereunder shall be in writing and shall be delivered to the respective party as follows:

If to Copeland:

Copeland Sand & Gravel, Inc.
608 S.E. J Street
Grants Pass, Oregon 97526
ATTENTION: Robert Copeland

If to WBN:

Wolf Bar Neighbors, L.L.C.

ATTENTION: _____

12. Authorized Representatives. For the purposes of administering this agreement, the initial duly authorized representative of Copeland shall be Robert S. Copeland and the duly authorized representatives of WBN shall be _____. Neither party shall have any duty or obligation to rely on any notice or communication from any other person unless the person has first produced sufficient evidence of authority from its respective principal.

13. No Waiver. Nothing in this agreement shall be deemed a waiver of any liability on the part of either party as to any matter.

14. Binding Effect. This agreement and every term within is binding on the parties and its respective agents, successors or assigns. This agreement or a memorandum thereof may be recorded on the public real property records of any parcel owned by a member of WBN and benefitted by this agreement. WBN acknowledges that it has apprised its individual members of the terms set forth herein. This agreement may be incorporated into any approval or permit issued by Josephine County permitting the extraction of material from Wolf Bar.

DATED this 11 day of JUNE, 1998.

COPELAND SAND & GRAVEL, INC.,
an Oregon corporation

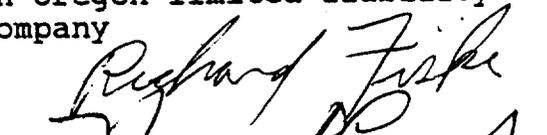
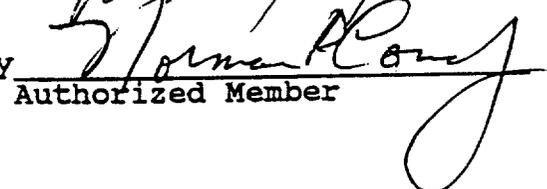
BY



Authorized Officer

WOLF BAR NEIGHBORS, LLC,
an Oregon limited liability
company

BY

Authorized Member

EXHIBIT B

The following Assessor's Tax Lots are within 1000 feet of the Wolf Bar Significant Aggregate site, are not participants in the Wolf Bar Neighbors Land Use Agreement, and are subject to the limitations on land use found at §91.040 of the Josephine County Rural Land Development Code.

T.37S R.6W Sec. 14, Tax Lot 200

T.37S R. 6W Sec.14, Tax Lot 704

T.37S R.6W Sec. 14, Tax Lot 1800

T.37S R.6W Sec. 14, Tax Lot 1900

T.37S R.6W Sec. 15, Tax Lot 1101

T.37S R.6W Sec. 15, Tax Lot 1200

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY**

ORDINANCE NO. 99-3

**AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND
DEVELOPMENT CODE (ORD. 94-4) TO REPEAL AND REPLACE CHAPTER 2 —
REVIEW PROCEDURES.**

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called Plan) at Goal 11, Policy 3, and the Josephine County Rural Land Development Code (hereinafter called Code) at Article 49, the Rural Planning Commission conducted a public hearing regarding the amendment, after notice by publication and mailing as therein required; and

WHEREAS, in accordance with the procedures of the Plan and Code, the Board of County Commissioners also conducted a public workshop and a public hearing to consider the recommendation of the Planning Commission, after providing the required notice by publication and mailing; and

WHEREAS, the Plan and Code vest the Board of County Commissioners with the authority to amend the text of the Code by legislative action;

NOW, THEREFORE, based on the foregoing authority and procedures, the Board of County Commissioners for Josephine County, Oregon, hereby takes the following legislative action to amend the code in the following respects:

Section 1. Repeal

Chapter 2 — Review Procedures of the Rural Land Development Code is hereby repealed in its entirety.

Section 2. Adoption

The following new Chapter 2 — Review Procedures language is hereby adopted to replace the language repealed by Section 1, which will now read:

CHAPTER 2 - REVIEW PROCEDURES

ARTICLE 20 - BASIC PROVISIONS

20.010 - PURPOSE

The purpose of this Chapter is to establish the procedures to be used in the review of various land use applications and the issuance or denial of land use permits in Josephine County. It is

an objective of this Chapter to ensure that the level of private and public resources required to accomplish the requirements of this Code shall be proportional to the scope and intensity of impacts associated with specific land uses. The following procedures are designed to establish efficient and effective levels of service to affected property owners, developers and involved public and private agencies and organizations.

20.020 - TYPES OF REVIEW

The following types of review are established:

- A. Pre-Application Review
- B. Director Review
- C. Hearings Officer Review
- D. Planning Commission Review
- E. Board Review

20.030 - GENERAL PROCEDURES

- A. When a land use proposal involves multiple applications, the applications shall be processed together using the highest level of review procedure required by any one of the consolidated applications. Each application shall require full pre-application and application review as required by this Code, to include the payment of all respective pre-application and application fees. Notices may be consolidated whenever it is efficient and convenient to do so. Findings of approval or denial may be consolidated into a single document as long as all applicable standards and criteria are identified and addressed as required by law.
- B. Notwithstanding subsection A. above, the Director may require the separate process of applications whenever the Director determines that the advantages of consolidated review are outweighed by complications, confusion or administrative burdens to the review body, the county or other participants.

ARTICLE 21 - PRE-APPLICATION REVIEW

21.010 - PURPOSE

The purpose of pre-application review is to familiarize applicants and others with the procedures, standards, criteria and the various requirements of other affected agencies or jurisdictions that may apply to specific land use applications, and to assure that every application is complete and ready for processing when formally submitted. Pre-application review may include one or more conferences with planning staff, as well as informational correspondence. Pre-application review shall take place prior to formal filing of all applications.

21.020 - CONFERENCES AND CORRESPONDENCE

Persons who desire information regarding a land use permit or a determination regarding the administration of any provision or requirement of this Code, as well as other planning duties imposed by ordinance or law upon the Director, may apply for pre-application review. At the request of the applicant or the Director, one or more meetings may be scheduled with a planner to discuss the request. In all cases, unless waived by the applicant, the Director shall furnish a written response that identifies and describes application procedures, fees, standards, criteria, rules and laws, comments and recommendations, along with a list of other agencies or departments that may also have possible jurisdiction over the request.

21.030 - DISCLAIMER

Pre-application review is intended to identify tentative requirements, comments or recommendations regarding applications and must not be considered final or binding in any regard. Full application review may include notice to neighbors, neighborhood or area citizen's groups, affected agencies, departments or organizations which can, along with further staff review, disclose new or different information that may affect final requirements or recommendations. Pre-application comments or correspondence shall not authorize site improvements or be used to support the purchase of property or other kinds of investment. Final approval by issuance of all necessary permits is absolutely required before any development or land use activity covered by this Code is authorized.

21.040 - SCOPE OF REVIEW

The pre-application review may cover the following topics:

- A. Requirements for filing an application, including application forms, fees, and the submission of factual documentation about the proposal;
- B. Procedural requirements for review and/or hearing the proposal;
- C. Substantive review standards and criteria;
- D. Opportunities and constraints regarding the proposal which result from the policies and regulations contained in this Code and other applicable federal, state or county rules, resolutions, ordinances, technical manuals and codes, as such may be reasonably ascertained within the limits of pre-application review;
- E. Other issues which may be appropriate.

21.050 - NOTICE, HEARING & APPEAL

The requirements for notice, hearing and appeal as provided by this Code shall not apply to requests for pre-application review.

ARTICLE 22 - PERMIT REVIEW PROCEDURES

22.010 - PURPOSE

The purpose of this Article is to establish the procedures to be used for the processing of permit applications for land uses in Josephine County.

22.020 - RULES OF PROCEDURES

The general rules of procedure contained in Articles 12 (*Administration*), 20 (*Basic Review Provisions*), 21 (*Pre-Application Review*), 30 (*Basic Provisions*), 32 (*Public Notice*), 33 (*Appeal of Decisions*), 40 (*Basic Application Provisions*), 41 (*Administration of Permits*) and 42 (*Site Plan Review*) shall apply, where appropriate, to the Director's review of permit applications. The review of applications by the Hearings Officer or the Planning Commission shall also conform to the requirements of Articles 23 (*Hearings Officer Review Procedure*) and 24 (*Planning Commission Review Procedure*).

22.030 - MINISTERIAL REVIEW PROCEDURES

- A. This review shall apply to permit requests involving the application of clear and objective standards for approval, and which are therefore considered ministerial. Ministerial Review shall not involve the interpretation of criteria or the exercise of policy or legal judgment.
- B. Ministerial Review shall not require public notice or hearing.
- C. The Director shall review all ministerial applications to determine compliance with applicable standards. If the Director determines an application is complete and that it complies with relevant standards, the application shall be approved.
- D. The Director may refer ministerial applications to a higher level of review pursuant to the authority granted in Article 12.090.E, including site plan review pursuant to Article 42.
- E. The Development Permit shall document the Director's final action on ministerial applications subject to the rules set forth in Article 41, *Administration of Permits*.
- F. Unless specifically provided otherwise in this Code, a decision to deny a permit utilizing Ministerial Review Procedures may be appealed by the applicant only to the Board, subject to the rules and procedures contained in Article 33 applicable to the appeal of decisions by the Director.

22.040 - QUASI-JUDICIAL REVIEW PROCEDURES

- A. This review shall apply to all permit requests which constitute land use decisions because the decision to issue or not issue the permit requires the interpretation of criteria or the exercise of policy or legal judgment. The Director, the Hearings Officer and the Planning Commission are authorized to review and approve permits that require Quasi-Judicial Review. The Director shall be the review body unless the Director refers the application to a higher level of review as authorized by this Code, or review authority is specifically granted to the Hearings Officer, Planning Commission or the Board elsewhere in this Code.
- B. All Quasi-Judicial applications shall comply with the following procedures:
1. A permit request requiring Quasi-Judicial Review shall be initiated by filing a request for pre-application review on forms provided by the Planning Department, together with a pre-application fee.
 2. During pre-application review the application materials shall be reviewed pursuant to Article 21 to determine completeness. If the application is complete, or becomes complete, the applicant shall submit all required fees in full. If the information is not complete or fees are missing, the applicant shall be notified in writing of exactly what information and/or fees are missing. The application shall be deemed complete upon receipt of the missing information and/or fees; or, if the applicant refuses to submit the missing information, the application shall be deemed complete the 31st day after the application and fees are received and accepted.
 3. The Director is authorized to require site plan review pursuant to the rules contained in Article 42, to include the payment of the appropriate site plan review fee.
 4. For all applications requiring site plan or public hearing review, the Director shall determine whether a wetland is located on the property pursuant to an officially adopted wetlands inventory. If it is determined that an official wetland is located on the site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by it within 5 working days from when the application is deemed complete. A copy of the form shall be sent to the applicant as notification that special permits relating to wetland protection may be required.
 5. The Director shall mail notice of an application to all persons within the notice area as required by Article 32. All comments or objections relating to the application shall be submitted in writing within 15 days from the mailing of the notice in order to establish party status for appeal purposes.

- C. In those cases where the Director is the review body:
1. The Director shall evaluate the application, public and agency comments or objections, if any are received, and the planner's report from site plan review when required, and then determine whether the application complies with the applicable standards and criteria contained in this Code, with or without conditions for development.
 2. The Director's decision shall be rendered in the form of written findings of decision and shall be entered into the Director's file. The Director is authorized to approve, approve with conditions or deny the request.
 3. Written notice of the decision shall be mailed or delivered to all parties to the action. The decision may be appealed to the Board of County Commissioners as set forth in Article 33.
 4. A Development Permit may be issued once findings are entered if no one has standing to appeal; or, in the event party status exists for an appeal, when the appeal period ends without an appeal being filed.
- D. In those cases where the Hearings Officer, Planning Commission or Board of Commissioners is the review body, permit applications requiring Quasi-Judicial Review shall be processed in accordance with the procedures outlined in subsections B.1 through B.5 of this section, as well as the applicable provisions of Articles 23 (Hearings Officer), 24 (Planning Commission), and 25 (Board Review), and Chapter 3 on Public Hearings, Notices and Appeals.

ARTICLE 23 - HEARINGS OFFICER REVIEW PROCEDURE

23.010 - PURPOSE

The purpose of this Article is to provide for the conduct of an impartial public hearing by a Hearings Officer for applications which involve significant impacts on the neighborhood and/or facilities and services, or involve complex or difficult legal or factual issues or criteria.

23.020 - APPOINTMENT & DUTIES

- A. The Board of County Commissioners shall appoint the Hearings Officer to serve at the pleasure of the Board. The Board may appoint more than one Hearings Officer.
- B. The Hearings Officer shall be knowledgeable and proficient in the land use laws and procedures of the State of Oregon and Josephine County.

- C. The Hearings Officer is authorized to act on behalf of the Board of County Commissioners in making land use decisions regarding matters of original jurisdiction as granted by this Code, or as referred to the Hearings Officer by the Planning Director or the Board.

23.030 - RULES OF PROCEDURE

Public hearings conducted by the Hearings Officer shall follow the procedures for Quasi-Judicial land use hearings as set forth in Article 22, and as further governed by Chapter 3, *Public Hearings, Notice & Appeal*.

23.040 - PUBLIC HEARING & NOTICE

- A. The Director shall administer all hearings before the Hearings Officer by scheduling and rescheduling hearings for dates, times and places certain, by providing notices to applicants, neighbors and interested persons and agencies, by providing the Hearings Officer with background and analytical reports regarding each request, and by assigning one or more planners to present staff reports and assist in the conduct of the hearings.
- B. The Director shall have authority to continue or reschedule any public hearing to a new place, date and time certain at the request of the applicant when the request is made prior to the issuance of public notice by mail or publication. This authority is permissive and is intended to accomplish basic fairness while minimizing inconvenience. In all cases the Director is authorized to refer the request for a continuance to the Hearings Officer for consideration at the scheduled public hearing.
- C. Requests for a continuance made after the mailing or publication of notice for the hearing must be considered by the Hearings Officer at the public hearing. In the event the continuance cannot be given to a place, date and time certain at the public hearing, a re-noticing and/or new publication fee must be submitted within 7 days from when the continuance is orally granted or the application shall be deemed withdrawn.

23.050 - REVIEW & DECISION

- A. Public hearings conducted by the Hearings Officer shall be called to order at the date and time specified in the public notice. The hearing shall conform to the requirements of Article 31.
- B. The Hearings Officer may grant continuances as needed or helpful to permit a full and fair hearing, and the decision may take into account the special circumstances of any participant in the hearing, as well as the requirement to conclude action on the request (including appeals) within the statutory time limit on land use decisions. The decision

to grant or not grant a continuance is not appealable. Applicants can request a reasonable extension of the statutory time limit as a condition of a continuance.

- C. The Hearings Officer may continue a hearing to a place, date and time certain to conduct a site visit. The site visit shall be considered a part of the evidentiary hearing, and shall be open to all participants. The Hearings Officer may make factual inquiries regarding the physical location, layout and other physical features or circumstances of the site from staff, but no substantive testimony shall be received from the parties or witnesses. The Hearings Officer shall summarize the site visit on the record when the hearing reconvenes.
- D. The Hearings Officer shall grant continuances or hold the record open as provided in Section 31.120.J of this Code.
- E. At the conclusion of the evidentiary hearing, the Hearings Officer may take any one of the following actions: [1] make a decision to outright approve; [2] make a decision to conditionally approve; [3] make a decision to deny the request; or [4] continue the hearing to a date and time or place certain for further evidence or decision only.
- F. The final decision of the Hearings Officer shall be in the form of written findings of fact meeting the requirements of state law and Section 31.130.C of this Code.

23.060 - APPEAL

Final actions of the Hearings Officer may be appealed to the Board within 10 days from the date notice of the decision is mailed to the participants as set forth in Article 33.

ARTICLE 24 - PLANNING COMMISSION REVIEW PROCEDURE

24.010 - PURPOSE

The purpose of this Article is to provide for the conduct of an impartial public hearing by the Rural Planning Commission for applications which involve significant policy issues having county-wide impact, or which call for review and recommendation to the Board of Commissioners.

24.020 - APPOINTMENT & DUTIES

- A. The Board of County Commissioners under the authority of Oregon Revised Statutes shall appoint the members of the Planning Commission to serve terms fixed in length by the Board.
- B. The Planning Commissioners shall be appointed subject to the following rules:

1. The members of the Commission shall be residents of the various geographic areas of the County;
 2. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit either as individuals or for a company or corporation;
 3. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.
- C. The members of the Planning Commission shall act on behalf of the Board of County Commissioners in hearings deciding and making recommendations regarding land use applications as authorized by this Code.

24.030 - RULES OF PROCEDURE

Public hearings conducted by the Planning Commission shall follow the procedures for Quasi-Judicial land use hearings as set forth in Article 22, and as further governed by Chapter 3, *Public Hearings, Notice & Appeal*.

24.040 - PUBLIC HEARING & NOTICE

- A. The Director shall administer all hearings before the Planning Commission by scheduling and rescheduling hearings for dates, times and places certain, by providing notices to applicants, neighbors and interested persons and agencies, by providing the Planning Commission with background and analytical reports regarding each request, and by assigning one or more planners to be present at the hearings to give staff reports and to assist in the conduct of the hearings.
- B. The Director shall have authority to continue or reschedule any public hearing to a new place, date and time certain at the request of the applicant when the request is made prior to the issuance of public notice by mail or publication. This authority is permissive and is intended to accomplish basic fairness while minimizing inconvenience. In all cases the Director is authorized to refer the request for a continuance to the Planning Commission for consideration at the scheduled public hearing.
- C. Requests for a continuance made after notice by mail or publication must be considered by the Planning Commission at the public hearing. In the event the continuance cannot be given to a place, date and time certain at the public hearing, a re-noticing and/or new publication fee must be submitted within 7 days from when the continuance is orally granted or the application shall be deemed withdrawn.

24.050 - REVIEW & DECISION

- A. Public hearings conducted by the Planning Commission shall be called to order by the presiding officer at the date and time specified in the public notice. The hearing shall conform to the requirements of Article 31.
- B. The Planning Commission may grant continuances as needed or helpful to permit a full and fair hearing, and the decision may take into account the special circumstances of any party to the hearing, as well as the requirement to conclude action on the request (including appeals) within the statutory time limit on land use decisions. The decision to grant or not grant a continuance is not appealable. Applicants can request a reasonable extension of the statutory time limit as a condition of a continuance.
- C. The Planning Commission may continue a hearing to a place, date and time certain to conduct a site visit. The site visit shall be considered a part of the evidentiary hearing and shall be open to all participants. The commissioners may make factual inquiries regarding the physical location, layout and other physical features or circumstances of the site from staff, but no substantive testimony shall be received from the parties or witnesses. The presiding officer shall summarize the site visit on the record when the hearing reconvenes.
- D. The Planning Commission may grant a continuance or hold the record open as provided in Section 31.120.J of this Code.
- E. At the conclusion of the evidentiary hearing, the Planning Commission may take any one of the following actions: [1] make a decision to outright approve; [2] make a decision to conditionally approve; [3] make a decision to deny the request; or [4] continue the hearing to a date and time certain for further evidence or decision only.
- F. A final decision of the Planning Commission shall be in the form of findings of fact meeting the requirements of state law and Section 31.130.C of this Code. Decisions which constitute a recommendation to the Board shall be in the form of minutes detailing the testimony, arguments and deliberations leading up to the recommendation.

24.060 - APPEAL

Final actions of the Planning Commission may be appealed to the Board within 10 days from the date notice of the decision is mailed to the participants as set forth in Article 33.

ARTICLE 25 - BOARD OF COMMISSIONERS REVIEW PROCEDURE

25.010 - PURPOSE

The purpose of review by Board of Commissioners is to hear and resolve appeals from decisions by the Planning Director, the Hearings Officer and the Planning Commission, to hear matters coming to it by recommendation from the Planning Commission, to hear matters of original or assumed jurisdiction, and to hear matters remanded to it from a higher board or court.

25.030 - RULES OF PROCEDURE

Public hearings conducted by the Board shall follow the procedures for Quasi-Judicial land use hearings as set forth in Article 22, and as further governed by Chapter 3, *Public Hearings, Notice & Appeal*.

25.040 - PUBLIC HEARING & NOTICE

- A. The Planning Director, in coordination with the Board's office staff, shall administer all hearings before the Board by scheduling and rescheduling hearings for dates, times and places certain, by providing notices to applicants, neighbors and interested persons and agencies, by providing the Board with background and analytical reports regarding the requests, and by assigning one or more planners to be present at the hearing to give staff reports and to assist in the conduct of the hearings.
- B. The Director shall have authority to continue or reschedule any public hearing to a new place, date and time certain at the request of the applicant when the request is made prior to the issuance of public notice by mail or publication. This authority is permissive and is intended to accomplish basic fairness while minimizing inconvenience. In all cases the Director is authorized to refer the request for a continuance to the Board for consideration at the scheduled public hearing.
- C. Requests for a continuance made after notice is given by mail or publication must be considered by the Board at the public hearing. In the event the continuance cannot be given to a place, date and time certain at the public hearing, a re-noticing and/or new publication fee must be submitted within 7 days from when the continuance is orally granted or the application shall be deemed withdrawn.

25.050 - REVIEW & DECISION

- A. Public hearings conducted by the Board shall be called to order by the Chair at the date and time specified in the public notice. The hearing shall conform to the requirements of Article 31.
- B. The Board may grant continuances as needed or helpful to permit a full and fair hearing, and the decision may take into account the special circumstances of any party to the hearing, as well as the requirement to conclude action on the request (including

appeals) within the statutory time limit on land use decisions. Applicants can request a reasonable extension of the statutory time limit as a condition of a continuance.

- C. The Board may continue a hearing to a place, date and time certain to conduct a site visit. The site visit shall be considered a part of the evidentiary hearing and shall be open to all participants. The Board may make factual inquiries regarding the physical location, layout and other physical features or circumstances of the site from staff, but no substantive testimony shall be received from the parties or witnesses. The presiding officer of the Board shall summarize the site visit on the record when the hearing reconvenes.
- D. The Board may grant a continuance or hold the record open as provided in Section 31.120.J of this Code.
- E. At the conclusion of the evidentiary hearing, the Board may take any one of the following actions: [1] make a decision to outright approve; [2] make a decision to conditionally approve; [3] make a decision to deny the request; or [4] continue the hearing to a date and time certain for further evidence or decision only.
- F. The final decision of the Board shall be in the form of findings of fact meeting the requirements of state law and Section 31.130.C of this Code.

25.050 - APPEAL

A land use decision by the Board may be appealed to the Oregon Land Use Board of Appeals as provided by state law.

Section 3. Affirmation

Except as specifically amended by the provisions of this ordinance, the Rural Land Development Code (Ord. 94-4) is hereby affirmed.

Section 4. Effective Date

First reading by the Board of County Commissioners this 7th day of April, 1999.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 12 day of May, 1999, This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COMMISSIONERS

Jim Brock May 12, 1999
Jim Brock, Chair

Harold L. Haugen May 12, 1999
Harold L. Haugen, Vice-Chair

Frank Iverson May 12, 1999
Frank Iverson, Commissioner

ATTEST:

Georgette Brown
Georgette Brown, County Clerk

Roberta Allen
Recording Secretary

APPROVED AS TO FORM:

Steven E. Rich
Steven E. Rich, Legal Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY**

ORDINANCE NO. 99-4

**AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND
DEVELOPMENT CODE (ORD. 94-4) TO REPEAL AND REPLACE CHAPTER 4 —
APPLICATION PROCEDURES.**

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called Plan) at Goal 11, Policy 3, and the Josephine County Rural Land Development Code (hereinafter called Code) at Article 49, the Rural Planning Commission conducted a public hearing regarding the amendment, after notice by publication and mailing as therein required; and

WHEREAS, in accordance with the procedures of the Plan and Code, the Board of County Commissioners also conducted a public workshop and a public hearing to consider the recommendation of the Planning Commission, after providing the required notice by publication and mailing; and

WHEREAS, the Plan and Code vest the Board of County Commissioners with the authority to amend the text of the Code by legislative action;

NOW, THEREFORE, based on the foregoing authority and procedures, the Board of County Commissioners for Josephine County, Oregon, hereby takes the following legislative action to amend the code in the following respects:

Section 1. Repeal

Chapter 4 — Application Procedures, of the Rural Land Development Code, is hereby repealed in its entirety.

Section 2. Adoption

The following new Chapter 4 — Application Procedures is hereby adopted to replace the language repealed by Section 1, which will now read:

CHAPTER 4 - APPLICATION PROCEDURES

ARTICLE 40 - BASIC PROVISIONS

40.010 - PURPOSE

The purpose of this Article is to establish the basic procedures for the submission of applications for land use permits in Josephine County.

40.020 - TYPES OF ACTIONS

The following is a list of land use actions authorized by this Code. This list shall not be considered exclusive, and land use actions authorized by state or federal law or other County ordinance or regulation are also authorized.

- A. Alteration of a Non-Conforming Use
- B. Amendment of the Comprehensive Plan Map
- C. Appeals and Remand Hearings
- D. Change of Zone
- E. Conditional Use Permit (General)
- F. Destination and Recreational Resorts
- G. Determination of a Non-Conforming Use
- H. Development in Flood Hazard Areas
- I. Development Permit
- J. Director's Decision Regarding the Interpretation or Administration of this Code
- K. Farm and Forest Dwellings
- L. Farm and Forest Uses
- M. Home Occupation Permit
- N. Hydroelectric and Transmission Facilities
- O. Land Divisions
- P. Naming of a Street or Road
- Q. Similar Use
- R. Site Plan Review by the Director
- S. Temporary Use Permit
- T. Text Amendment to the Comprehensive Plan or Land Development Code
- U. Variance

40.030 - GENERAL PROCEDURES

- A. All applications shall be submitted on forms provided by the Director.

- B. It is the responsibility of the applicant to complete the application forms and to supply the documentation as required by Pre-application Review (Article 21).
- C. The Director is authorized to reject incomplete or frivolous applications.
- D. When a development proposal involves more than one application, and any one or more of the applications requires conditional use or hearing procedures, the applications may be consolidated for one review process, unless the Director determines one of the following circumstances applies:
 - 1. The issues in the applications are so complex that combined review will likely prevent a full and fair review of all of the issues; or
 - 2. The consolidation of the applications will result in an administrative hardship to the Director, the Review Body or the participants.
- E. Consolidated applications shall be accompanied by the full fee for each application, and shall be processed using the highest level of review procedure required by any of the applications. A decision to approve or deny consolidated applications may be documented in a single set of findings as long as the findings separately list and address the standards and criteria for each application. A decision by the Director to consolidate or not consolidate applications is not subject to appeal.

40.040 - APPLICATION REQUIREMENTS

An application shall include or attach some or all of the following items. A list of the initial requirements shall be furnished applicants at the completion of pre-application review, or at a later time if the Director determines additional information or documents are needed for effective review.

- A. Proof of ownership
- B. A completed application form (or a *Land Use Request Cover Sheet* in the event a specific application form does not exist for the request)
- C. A power of attorney, if the applicant is someone other than the property owner and the property owner has not signed the application
- D. An executed *Statement of Understanding*
- E. All required fees
- F. Proof of access
- G. Copies of easements encumbering or benefitting the property
- H. A *Determination of Legal Lot* demonstrating the parcel or lot is authorized for development

- I. A plot plan meeting the requirements of Section 41.020.B.3 of this Code
- J. A site plan map meeting the requirements of Section 42.060 of this Code
- K. A copy of the Assessor's and/or zoning map for the vicinity
- L. A copy of the applicable *Flood Hazard Map* or *Flood Insurance Rate Map* with the property lines delineated to the same scale as the map, or a depiction of the federal designated flood plain/floodway on the plot plans required by items I or J above.
- M. A soil map for the property from the *Soil Survey of Josephine County*
- N. An access permit from the Oregon State Highway Division
- O. Proof of a long-term access permit or agreement from a public agency
- P. A scenic easement approval
- Q. A drainage and/or erosion control plan
- R. An elevation map for the property showing 6 or more relative elevations or contours for the property
- S. Proof of irrigation or water rights
- T. Copies of relevant well logs, pump tests or other water source or quality data
- U. An approved *Statement of Intended Water Use* and/or other information showing compliance with the Article 84 (Water Standards)
- V. Copies of existing and proposed septic site evaluations
- W. Copies of existing surveys
- X. An original copy of an aerial photograph of the property or vicinity
- Y. Any information or documentation regarding open space, scenic, historic, archeological and natural resource sites that are located on or near the property
- Z. Any other information necessary or helpful to explain the circumstances of the request or address applicable standards and criteria, as determined by the Director.

ARTICLE 41 - ADMINISTRATION OF PERMITS

41.010 - PURPOSE

The purpose of this Article is to set out basic rules for the issuance, time limit, extension, expiration and revocation of land use permits.

41.020 - DEVELOPMENT PERMITS

- A. No use, building or structure shall be established, constructed, changed in use, erected, moved, reconstructed, replaced, extended, enlarged or altered without first obtaining a Development Permit from the Director, except as follows:
1. When the development consists of interior remodeling only, and results in no increase in the "footprint" or exterior dimensions of an existing structure;
 2. When the development consists of a change in occupancy without a change in the use of the land or structure;
 3. The use is listed as an *Outright Use* in a farm or forest zone; or
 4. The use is an agricultural or forest use (as defined in Article 11 of this Code) which is listed in the Rural Residential, Mineral and Aggregate Resource, Serpentine or Limited Development districts.
- B. A Development Permit shall be used to document the Director's final action on all land use applications, except land divisions covered by Chapter 5 of this Code and decisions involving the interpretation and administration of the requirements of this code, and shall be used to advise other departments and agencies that the requirements of this Code have been met. In the case of ministerial actions described in Section 22.030, the Development Permit shall be the only documentation required for the Director's action. The following additional rules shall apply to Development Permits:
1. All of the standards, conditions and requirements of the approval shall be considered a part of the Development Permit.
 2. The Development Permit shall be signed by a property owner, a contractor licensed by the State of Oregon, a licensed attorney at law, or some other person possessing a valid power of attorney which authorizes the obtaining of land use permits for the owner(s).
 3. The Development Permit shall be accompanied by a plot plan of the property being developed meeting the following basic requirements:
 - a. Proportionally drawn with a north arrow;
 - b. Show the owners' name, together with the Assessor's legal description (township, range, section, quarter section, tax lot number) and the street address;
 - c. Show the location and name of all streets, roads, rights-of way, easements, rivers, streams, watercourses and irrigation ditches on or adjacent to the property;

- d. Show the location, size (including height), and intended use of all existing and proposed structures or improvements (including septic and well locations) on the property, clearly identifying the proposed structure(s); and
 - e. Show the distance from existing and proposed structures or improvements from the nearest property line.
4. The Development Permit may be used by the Director as a method of documenting or authorizing a lawfully existing land use, structure or improvement.
 5. When a Development or Conditional Use Permit request requires review by the Hearings Officer, Planning Commission or the Board (by referral from the Director, by original jurisdiction or by appeal) the Development Permit shall not be issued until final action is taken on all local appeals, and all of the pre-conditions of the approval have been met or guaranteed.
 6. Development Permits shall be valid for 1 year from the date of issuance, but may be renewed for additional 1 year periods so long as the use or structure continues to be authorized by the provisions of this Code or other applicable law. Renewals shall occur only after the Director determines the use or structure complies with any additional standards, criteria or processing procedures which exist at the time of renewal.

41.030 - TIME LIMIT, EXTENSION & EXPIRATION OF LAND USE PERMITS

- A. All land use permits, except Development Permits and permits which have special conditions relating to expiration and/or renewal attached to them, shall expire 2 years after the date findings of approval are executed unless substantial development occurs as defined in Section 11.030(326).
- B. If substantial development does not occur within the life of the permit, the permit holder may request a one-time 2 year extension of the permit from the Director subject to all of the following requirements:
 1. The request is made by filing a request for an extension on forms provided by the planning office, together with a pre-application fee;
 2. The request is made before the original permit or any subsequent extension expires; and
 3. There has been no change in the circumstances, criteria or standards used to support the original approval or subsequent extension.
- C. Applications for an extension shall be processed using the Ministerial Review Procedures as set forth in Article 22.

- D. When the permit involves the establishment of a specific use or activity and the use or activity actually commences, but then discontinues for any continuous period of 2 years, the permit shall expire, and the use shall be considered abandoned, unless an extension is obtained in conformance with requirements of subsection B of this section.

41.040 - REVOCATION OF PERMITS

Unless another section of this Code makes a different provision, all land use permits may be subject to revocation by the Director if it is determined the application includes false or misleading information, or if the standards or conditions governing the permit have not been met or maintained.

- A. The revocation of any permit by the Director shall be subject to the following rules:
1. The Director shall mail the permit-holder a written statement of the proposed revocation at least 30 days prior to the date of revocation. The notice shall contain a detailed statement identifying the specific reason(s) for revocation. The notice shall advise the permit holder of the opportunity to respond to the Director's statement in writing within 15 days from the date the notice is mailed by explaining or refuting the reason(s).
 2. The Director's action to revoke a permit shall be considered a land use decision subject to the process requirements of Section 22.040.B.5 and 22.040.C.1 through C.3 of this Code.
 3. In the event the permit-holder submits a written explanation to the notice, the Director shall thereupon give careful consideration to the response in conjunction with other relevant evidence, including other written comments received in response to landowner or agency notice, to determine whether revocation of the permit should occur.
 4. At the conclusion of the Director's review, the Director shall enter findings of the decision and mail notice of the decision to revoke or not revoke to the permit-holder and other parties to the action. The notice shall explain basic appeal rights.
 5. No permit shall be revoked until the appeal period for the decision to revoke has expired without an appeal.
- B. The Director's decision to revoke a permit may be appealed pursuant to the rules and procedures contained in Article 33 governing the appeal of land use decisions. In the event of an appeal, the revocation of the permit shall be stayed pending review by the Board of County Commissioners.

ARTICLE 42 - SITE PLAN REVIEW

42.010 - PURPOSE

Site plan review is an internal administrative process designed to assist the Director in the review of land use applications by assessing certain proposed developments. It shall be the function of the site plan review process to examine and evaluate plans for development, and to formulate recommended conditions for development designed to assure compliance with applicable standards and/or criteria.

42.010 - SITE PLAN REVIEW PARTICIPATION

The Director shall notify and involve other county departments, government agencies, political jurisdictions, private organizations, individuals or property owners as the Director determines are necessary or helpful in the conduct of site plan review. Site plan review shall not be considered a separate land use action or process apart from the review authority of the Director, or in the case of public hearings, the Hearings Officer, the Planning Commission or the Board.

42.030 - INITIATION OF SITE PLAN REVIEW

- A. The following requests shall require a pre-application review for site plan review pursuant to Article 21 of this Code:
1. New conditional use permits;
 2. The expansion, alteration or replacement of a use or structure lawfully established prior to being listed as a conditional use, or which was previously approved as a conditional use;
 3. The resumption of conditional use activities within structures that have been destroyed by casualty;
 4. Development permits within any commercial or industrial zone that involve the enlargement of existing structures or the construction of new structures or public facilities;
 5. Development permits for the exploration, mining and processing of aggregate or other minerals, including geothermal resources;
 6. Development within a Floodway Hazard Area; and
 7. Any other request when the Director believes the facts and circumstances indicates the more comprehensive review afforded by site plan review is justified.

- B. At the completion of pre-application review, the Planning Director may initiate site plan review when the Director has reason to believe one of the following circumstances may exist:
1. The development involves the potential for significant impact(s) on surrounding properties, public facilities or transportation systems, or will adversely affect environmental concerns such as wildfire, flooding, erosion control, or wetland, wildlife habitat and watershed preservation, or other similar concerns; or
 2. Review of the application will be enhanced by a thorough factual investigation through inter-agency or inter-jurisdictional notice and comment, as well as notice to surrounding landowners.
- C. The action to require site plan review is not a land use decision or a final decision for appeal.

42.040 - SITE PLAN REVIEW PROCEDURES

- A. In the event the Director determines site plan review is required, and after the application is deemed complete and the application fee paid, the Director shall assign a planner to conduct the site plan review, together with instructions to review for compliance with standards of development only, or to include review for compliance with standards and criteria.
- B. The planner shall conduct a site plan review of the development and submit a report to the Director within 21 days from date the site review application is deemed complete, subject to the following minimum requirements:
1. The report shall include a list of recommended conditions for the development, and each condition shall be separately numbered and shall include a citation to the ordinance, statute, rule, resolution, technical manual, policy or other similar documents which support or require the condition; and
 2. All recommended conditions which require the applicant to provide on-site public facilities or to improve existing on-site public facilities, or to transfer land, or an interest therein, to the public, or to make off-site improvements to public land or facilities, or which are required to protect the general public health, safety and welfare, shall be supported by the following additional information in the report:
 - a. A description of the legitimate public interest or interests to be advanced by the condition;
 - b. A description of how the development will adversely impact such interests; and
 - c. Demonstrate how the required condition is reasonably related (roughly proportional) to the protection of such interests.

- C. Upon receipt, the Director shall review the report to determine the conditions which are to be attached to the permit or recommended to the Hearings Body. Any permit issued by the Director which incorporates conditions based upon a review of criteria shall be noticed and processed using quasi-judicial review procedures as set forth in Section 22.040 of this Code. The findings shall include the special citations and supporting information required by subsection B above.

42.050 - SITE REVIEW STANDARDS & CRITERIA

Site plans shall be reviewed against, and comply with, the following standards and/or criteria as required by the Director:

A. STANDARDS.

1. Development standards contained within the Josephine County Rural Land Development Code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the County or the state or federal governments;
2. The Josephine County Roadway and Traffic Management Plan, including the Official Street Map;
3. Standards for construction of required infrastructure and public facilities; and
4. Access standards contained in Section 11.030.9.

B. CRITERIA.

1. All criteria made applicable by the provisions of Article 44 (Variances), Article 69 (Overlays), Chapter 7 (Development Standards), Chapter 8 (Public Facilities), and Chapter 9 (Special Uses).
2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("significant impact" is defined in Article 11 of this Code);
3. The use will not exceed the carrying capacity of the land as defined in Section 11.030(64);
4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development;
5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

6. Special hazards (flooding, fire, erosion, etc.) and special environmental circumstances (watershed, wetland, wildlife or plant habitat, etc.), are adequately mitigated, provided for or protected.

42.060 - SITE PLAN MAP REQUIREMENTS

When site plan review is required by the Director, the applicant shall prepare and submit a site plan map for the entire parcel where the development is proposed to occur. The site plan map shall be drawn to scale and shall show some or all of the following items, as determined in the Pre-Application Review pursuant to Article 21.

- A. Location of the parcel by address and Assessor's legal description.
- B. The length of lot lines in feet and parcel size(s) in acres (to 10ths).
- C. The scale used to draw the map, a north arrow and the date of preparation.
- D. The location, size, height and dimensions of existing and proposed buildings and structures, including the distances between the buildings and the nearest property line.
- E. A notation describing the existing and proposed uses for the structures shown on the site.
- F. The slopes on the property (by % of grade), the nature and area of any proposed grading or earth movement, and the features of the proposed erosion control plan, if one is required (see Article 83).
- G. The location and conceptual design for storm drainage or detention facilities.
- H. The location of existing and proposed roads or driveways, including the location and width of existing rights-of-way(s) called for in the Josephine County Roadway and Traffic Management Plan, points of entry and exit for motor vehicles, and a description of other existing or proposed uses for streets (e.g., parking, walkways, bikepaths, etc.).
- I. The location, dimensions and uses for all existing and proposed easements serving or burdening the parcel.
- J. The location and layout of existing and proposed off-street parking, including the number and dimensions of spaces, the surface material, the internal circulation pattern and loading facilities.
- K. The location and layout of existing and proposed public and private utilities on and adjoining the site, including septic systems.
- L. The location of off-street walkways and bikepaths.
- M. The location, height and construction materials of walls and fences.

- N. The location and nature of exterior lighting fixtures, including a depiction or description of the area to be illuminated.
- O. The location, size, height and purpose for existing and proposed exterior notification or advertising signs or structures.
- P. The location and description of recepticals or areas for trash and garbage collection and/or disposal.
- Q. The location of natural or man-made water features, such as, springs, rivers, creeks, ponds, lakes, drainage ways, irrigation ditches and other similar features.
- R. The location of the 100-year floodplain and floodway lines.
- S. Architectural or engineering data needed to show the criteria or standards of site plan review have been met.
- T. The boundary limits of the phases of development when phased development is proposed.
- U. A depiction or description of adjoining structures and land uses, together with the approximate distances between the subject parcel lines and the adjacent structures or uses.
- V. When an addition or remodel is proposed to an existing structure the site plan map shall indicate the relationship of the proposed addition or remodel to the existing development.

42.070 - PERFORMANCE AGREEMENT

The Director or Hearings Body shall require a performance agreement pursuant to Article 14 for improvements which are to be completed after the issuance of the Development Permit.

ARTICLE 43 - ADMINISTRATIVE PERMIT

< ELIMINATE >

CHANGE THE ARTICLE NUMBER FOR ARTICLE 44, TEMPORARY USE PERMITS, TO 43

< Article 43, Administrative-Permits, has been deleted >

RENUMBER ARTICLE 45, VARIANCES, TO ARTICLE 44.

ARTICLE 44 - VARIANCES

44.010 - PURPOSE

A variance is an authorized departure from a dimensional standard contained in this Code. Variances are intended to allow controlled exceptions to the requirements of this Code when strict administration of dimensional standards for development will result in an unnecessary hardship to the property owner arising from circumstances inherent in the property to be developed. Use variances shall not be permitted.

44.020 - REVIEW PROCEDURE

Requests for Variances shall be processed using Quasi-Judicial Review Procedures as set forth in Article 22 of this Code.

44.030 - REVIEW CRITERIA

Applications for variances shall comply with the following criteria:

- A. The reason for the variance arises from one or more special conditions or circumstances related to the property to be developed, such as lot size or shape, topography, the location of existing structures or facilities, vegetation, the presence of development restrictions (wildlife habitat, wetlands, special setbacks, etc.) or hazardous conditions (erosion, fire, flooding, etc.), or some other similar condition or circumstance.
- B. Strict adherence to the development standard(s) will result in a hardship to the property owner by substantially preventing or denying a development option contemplated by the applicable zoning district. The hardship shall not be self-imposed, but adverse economic or financial consequences may be used to support the hardship as long as the consequences result from a condition in the land, as described in criterion A above.
- C. The approved variance will result in the minimum departure from the development standard(s) needed to alleviate the hardship.
- D. The location, size, design and use of the proposed structure or facility will not result in a significant impact(s) on the neighborhood that cannot be reasonably mitigated through the imposition of special conditions of approval by the Review Body.

44.040 - PERFORMANCE AGREEMENT

The Director or Hearings Body shall require a performance agreement pursuant to Article 14 for improvements which are to be completed after the issuance of the Development Permit.

ARTICLE 45 - CONDITIONAL USE PERMITS

45.010 - PURPOSE

Conditional uses are land uses that involve significant benefits to the community and individual property owners, and are intended to allow important options for land use development within the various zones. It is also recognized that conditional uses may result in adverse impacts on nearby properties, as well as on existing public facilities, unless special precautions are taken in the issuance of permits. This article is intended to meet this concern by providing comprehensive review criteria and procedures designed to assure conditional uses will be compatible with the neighborhood and are supported by adequate public infrastructure and facilities. It is therefore the policy of this Code to permit conditional uses when significant impacts can be adequately mitigated through conditions of approval. Conditional use permits run with the land and the rights and obligations afforded by the permit may be assumed by new owners.

45.020 - REVIEW PROCEDURE

- A. Requests for Conditional Use Permits shall be processed using Quasi-Judicial Review Procedures as set forth in Article 22 of this Code.
- B. The expansion or alteration of a use or structure lawfully established prior to being listed as a conditional use, or which was previously approved as a conditional use, may be reviewed and approved utilizing Ministerial Review Procedures as set forth in Article 22 of this Code. In the event the Director requires site plan review that involves the application of criteria, the request to expand or alter a pre-existing conditional use shall be processed using Quasi-Judicial Review Procedures as set forth in Article 22 of this Code.
- C. Unless another section of this Code specifically provides otherwise, lawful pre-existing uses or structures which are now listed as conditional uses in this Code, and which have been destroyed by casualty, may be replaced within two years of the casualty using Ministerial Review Procedures, unless the Director initiates site plan review that involves the application of criteria, in which case the requests shall be processed using Quasi-Judicial Review procedures as set forth in Article 22.

45.030 - REVIEW STANDARDS & CRITERIA

Conditional use permit requests shall comply with the following standards and criteria:

- A. STANDARDS.
 1. Development standards contained within the Josephine County Rural Land Development Code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the County or the state or federal governments;

2. The Josephine County Roadway and Traffic Management Plan, including the Official Street Map;
3. Standards for construction of required infrastructure and public facilities; and
4. Access standards contained in Section 11.030.9.

B. CRITERIA.

1. All criteria made applicable by the provisions of Article 69 (Overlays), Chapter 7 (Development Standards), Chapter 8 (Public Facilities), and Chapter 9 (Special Uses).
2. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood ("significant impact" is defined in Article 11 of this Code);
3. The use will not exceed the carrying capacity of the land as defined in Section 11.030(64);
4. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development;
5. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;
6. Special hazards (flooding, fire, erosion, etc.) and special environmental circumstances (watershed, wetland, wildlife or plant habitat, etc.), are adequately mitigated, provided for or protected.

45.070 - PERFORMANCE AGREEMENT

The Director or Hearings Body shall require a performance agreement pursuant to Article 14 for improvements which are to be completed after the issuance of the Development Permit.

RENUMBER ARTICLES 47, CHANGE OF ZONE DESIGNATION, AND 48, COMPREHENSIVE PLAN MAP AMENDMENT, AND 49, LEGISLATIVE AMENDMENTS, TO CONFORM.

EDIT, INSERT AND/OR NUMBER THE FOLLOWING DEFINITIONS IN SECTION 11.030.3 OF THE RLDC:

_____ ADEQUATELY MITIGATED. The term used to describe when a permit approval eliminates or lessens adverse impacts resulting from authorized land use activities through the imposition of conditions of operation or development, so that the activities no longer result in significant adverse impacts regarding the use or quality of other properties or public facilities. See the definition for *Significant (Adverse) Impact*.

89. CRITERION (CRITERIA) OF APPROVAL. A subjective rule upon which a finding, judgement or decision can be based for permit approval that requires the decision-maker to exercise discretion or interpretation, or to exercise legal judgment, in determining compliance. Criterion is singular; criteria is plural.

_____ SIGNIFICANT (ADVERSE) IMPACT. A criterion used to determine whether proposed land use activities will inappropriately affect the use or quality of other properties or public facilities. Impacts are significant when they cause serious adverse effects to, or conflict with, other properties, which cannot be reasonably mitigated through the imposition of conditions of development or operation. The Review Body shall judge the significance of impacts based on what a reasonable person would consider serious given the facts and circumstances of the application.

_____ STANDARD OF APPROVAL. An objective standard for permit approval that requires the decision-maker to verify the existence or non-existence of certain facts or circumstances by observation or measurement.

Section 3. Affirmation

Except as specifically amended by the provisions of this ordinance, the Rural Land Development Code (Ord. 94-4) is hereby affirmed.

Section 4. Effective Date

First reading by the Board of County Commissioners this 26th day of May, 1999.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 23rd day of June, 1999, This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

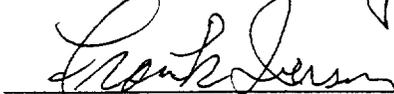
JOSEPHINE COUNTY BOARD OF COMMISSIONERS



Jim Brock, Chair

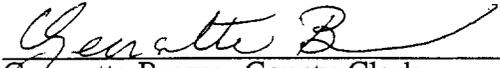


Harold L. Haugen, Vice-Chair



Frank Iverson, Commissioner

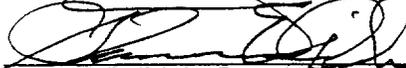
ATTEST:



Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:



Steven E. Rich, Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 99 -5

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), WITH THE ADOPTION OF ADDITIONAL POLICIES FOR GOAL 10.

WHEREAS, the Board of County Commissioners held public hearings on March 24, 1999 and May 26, 1999 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 considered the proposed comprehensive plan text amendments, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing, heard testimony, from the Josephine County Staff, and the public, and concluded that the proposed text amendments complied 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 with the addition to Goal 10 of policy statements for Urban Area Committed and Urban Area Reasons Exceptions to Statewide Goals 3, 4, 11, and 14. The complete text of these policy statements is attached as Exhibit A.

SECTION 3: Affirmation

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

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 14th day of July, 1999.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 4th day of August, 1999. This Ordinance shall take effect

ninety (90) days after its adoption by the Board of County Commissioners.

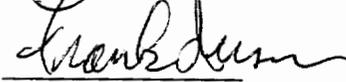
JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Jim Brock - Absent

Jim Brock, Chair
08 04 99

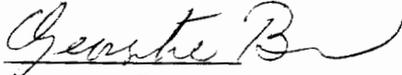


Harold L. Haugen, Vice Chair
08 04 99



Frank Iverson, Commissioner
08 04 99

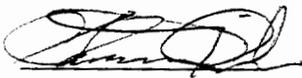
ATTEST:



Georgette Brown, County Clerk


Recording Secretary

APPROVED AS TO FORM:



Steve Rich, Legal Counsel

11/2/99

JOSEPHINE COUNTY COMPREHENSIVE PLAN POLICY AMENDMENT

The following language is added to Comprehensive Plan Goal 10, Policy 1.

J. Urban Exception Areas are lands with acknowledged exceptions to Statewide Planning Goals 3, 4, 11 and 14. There are two types or classes of "urban" exception lands within Josephine County outside of urban growth boundaries: (1) lands that are physically developed or irrevocably committed to urban levels of development (UEA-C); and (2) urban exception areas for which "reasons" justify allowing new urban development on lands located outside of urban growth boundaries and unincorporated community boundaries (UEA-R).

In general, urban exception areas contain uses or levels of development not typically found in rural Josephine County. The plan policies for UEAs apply to: (1) existing land use developments where a concentration of industrial, commercial, or residential development is built and committed to make the area no longer "rural"; and (2) valid "reasons" exceptions to Statewide Planning Goals 3, 4, 11 and 14 to allow new urban development.

The first type of urban exception area consists of lands determined to be "built and committed" to urban levels or types of land uses existing on April 17, 1998. In UEA-C areas, it is the policy of the county to recognize and allow modest expansions of existing developments rather than to promote additional new urban development. In UEA-C areas, the county does not encourage new urban development that could more appropriately locate and be served inside urban growth boundaries or certain unincorporated community boundaries. However, development on existing vacant lots will be permitted. Where it can be demonstrated that on site water and sewer systems will not exceed carrying capacity, it is the policy of the county to allow additional uses similar in type and density to those already existing in a UEA-C area. The UEA-C designation may be implemented by industrial, commercial, residential or mixed use zones appropriate for and consistent with the types of uses existing in the particular exception area. These areas will be identified on the comprehensive plan map as UEA-C areas.

The second type of urban exception area consists of lands for which an exception to Goals 3 and 4 has been acknowledged, and where the county has justified a "reasons" exception to Goals 11 and 14 to allow new urban levels or types of land uses. For UEA-R areas, it is the county's policy to recognize existing development and to promote additional urban development for the reasons specified in the exception. It is also the policy of the county to establish UEA-R areas sparingly and primarily for the reason of strategic economic importance to the county (e.g., locating industrial development at the airport in Illinois Valley). This designation is not intended to be applied to lands that would compete with vacant lands within urban growth boundaries or in those unincorporated communities recognized as appropriate for new urban development. Neither is it intended to promote urban land uses that would be out of character with existing rural neighborhoods or diminish the existing quality of life in such neighborhoods. Full urban levels of service may be provided to UEA-R areas where an exception to Goal 11 has been justified. The UEA-R designation may be implemented by an industrial, commercial, or mixed use industrial-commercial zone appropriate for and consistent with the justification used in the goal exception statement. These areas will be identified on the comprehensive plan map as UEA-R areas.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 99 - 6

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), WITH THE ADOPTION OF PHYSICALLY DEVELOPED, COMMITTED AND REASONS EXCEPTIONS TO STATEWIDE GOALS 11 AND 14 FOR THE ILLINOIS VALLEY AIRPORT INDUSTRIAL AREA.

WHEREAS, the Board of County Commissioners held a public hearing on March 24, 1999 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 considered the proposed exceptions to Statewide Goals 11 and 14, 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, and the public, and concluded that the proposed exceptions to Statewide Goals 11 and 14 complied 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 with the addition of exceptions to Statewide Goals 11 and 14 for the Illinois Valley Airport industrial area as identified on the attached Exhibit A.

SECTION 3: Affirmation

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

SECTION 4: Effective Date

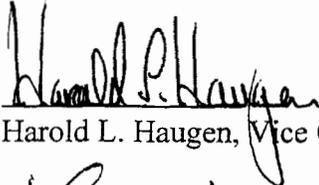
First reading by the Board of County Commissioners this 14th day of July, 1999.

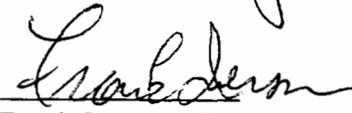
Second reading and adoption by the Board of County Commissioners at least thirteen (13)

days from the first reading this 4th day of August, 1999. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Jim Brock - Absent
Jim Brock, Chair


Harold L. Haugen, Vice Chair


Frank Iverson, Commissioner

ATTEST:

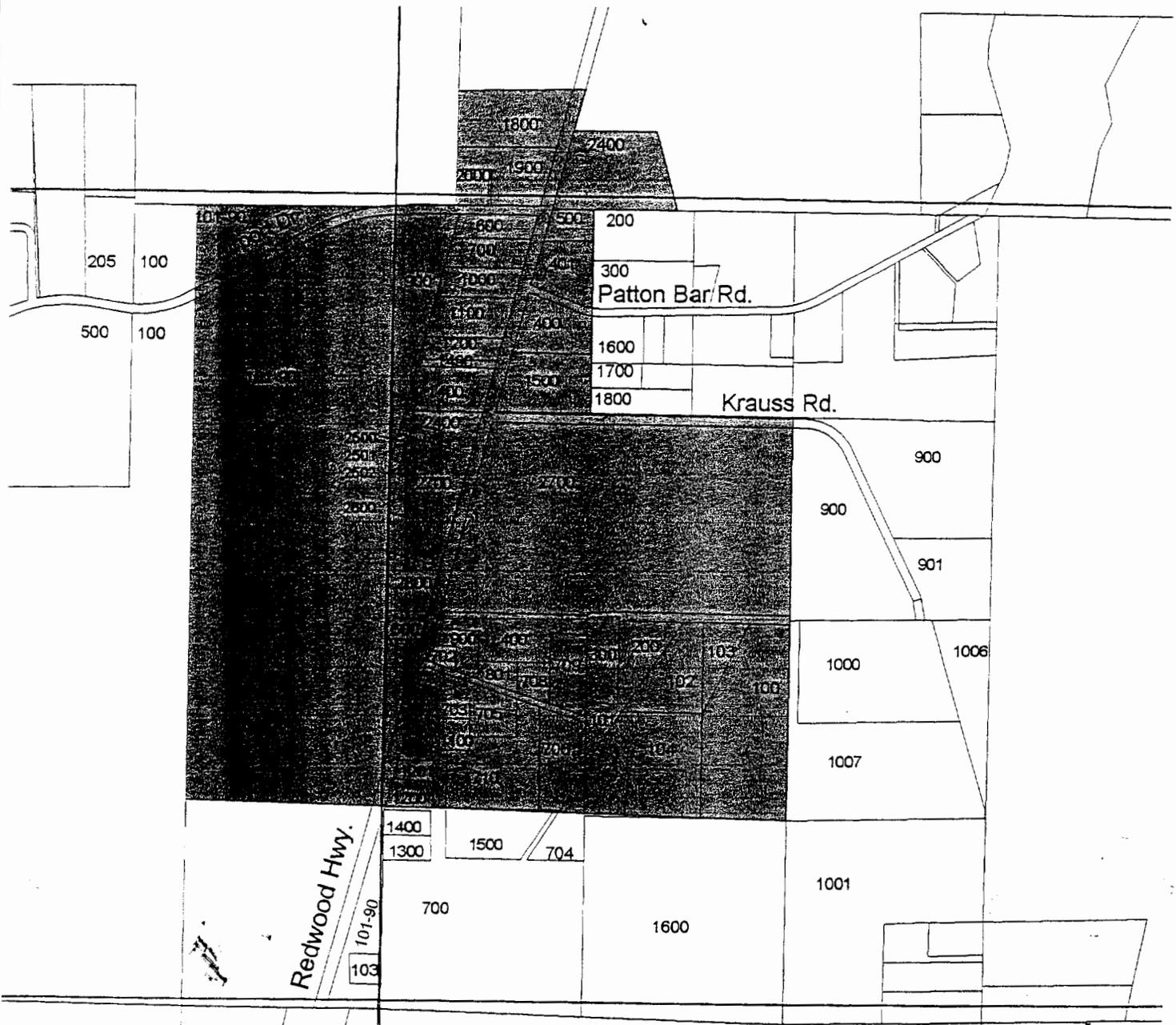

Georgette Brown, County Clerk


Recording Secretary

APPROVED AS TO FORM:


Steve Rich, Legal Counsel

ILLINOIS VALLEY AIRPORT INDUSTRIAL AREA URBAN EXCEPTION AREA

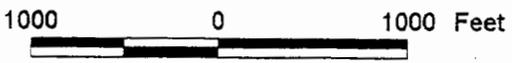


LEGEND

- Urban Exception
- Taxlots



SCALE
1:12000



JOSEPHINE COUNTY
PLANNING DEPARTMENT,
GIS DIVISION
510 NW 4TH ST.
GRANTS PASS, OR 97526
(541) 474-5421

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY**

ORDINANCE NO. 99-7

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4) TO INCORPORATE CHANGES MADE IN THE OREGON REVISED STATUTES AND THE OREGON ADMINISTRATIVE RULES THROUGH THE YEAR 1995.

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called plan) at Goal 11, Policy 3, and the Josephine County Rural Land Development Code (hereinafter called code) at Article 49, the Rural Planning Commission conducted a public hearing regarding certain amendments to the Rural Land Development Code, after notice by publication and mailing as therein required; and

WHEREAS, in accordance with the same procedures of the plan and code, the Board of County Commissioners also conducted a public hearing to consider the recommendations of the planning commission, after providing the required notice by publication and mailing; and

WHEREAS, the plan and code vest the Board of County Commissioners with the authority to amend the text of the code by legislative action; and

WHEREAS, certain changes have occurred in the Oregon Revised Statutes and the Oregon Administrative Rules as they relate to certain land uses and procedures, which are applicable to all jurisdictions within the State of Oregon; and

WHEREAS, it is required by state law that the Rural Land Development Code be maintained current and consistent with all of the requirements of state law (ORS 197.646), and to keep the county and its citizens knowledgeable in regard thereto;

NOW, THEREFORE, based on the foregoing authority and procedures, the Board of County Commissioners for Josephine County, Oregon, hereby takes the following legislative action to amend the code in the following respects:

Section 1. Amend the Text of Rural Land Development Code

The various texts of the Rural Land Development Code shall be amended as follows:

ARTICLE 96 - DESTINATION RESORTS

96.020 - STANDARDS TO QUALIFY

- E. In lieu of the standards in subsections (A), (C) and (D) of this Section, the standards in Section 96.020(F) apply to a Destination Resort that is sited on one of the following:

1. On land that is not defined as agricultural or forest land under any statewide Planning Goal;
2. On land where there has been an exception to any Statewide Planning Goal on agricultural lands, forest lands, public facilities and services and urbanization;
3. ~~On secondary lands.~~

ARTICLE 64 - EXCLUSIVE FARM ZONE

64.070 - DWELLINGS

D. A dwelling may be sited under the following provisions as a limited lot of record:

3. The lot or parcel tract shall not have a dwelling on it; and

NOTE: The same amendment must be made to identical language in the following additional sections: 64.170.D.3 (FR); 65.070.C.3 (FC); 65.170.C.3(WR).

ARTICLE 64 - EXCLUSIVE FARM ZONE

64.070 - DWELLINGS

D. A dwelling may be sited under the following provisions as a limited lot of record:

5. The dwelling cannot be sited on a lot or parcel defined as high-value farmland unless a Hearings Officer of the County determines that:
 - b. The dwelling ~~meets the criteria set out in ORS and local codes for review of non-farm uses~~ will comply with the provisions of ORS 215.296(1); and

NOTE: The same amendment must be made to identical language in Section 64.170.D.5.b (FR).

ARTICLE 64 - EXCLUSIVE FARM ZONE

64.070 - DWELLINGS

A. Dwellings customarily provided in conjunction with farm use as defined in ORS 215.230(2) must meet one of the following tests:

1. Test 1 - Minimum Size. A dwelling may be considered customarily provided in conjunction with farm use if:

- c. Except as permitted in ORS 215.283(1)(~~qp~~), there is no other dwelling on the subject tract; and

NOTE: The same amendment must be made to identical language in Section 64.170.A.1.c (FR).

ARTICLE 64.1 - FARM RESOURCE ZONE

64.190 - PARCEL STANDARDS

In addition to the requirements of Chapter 5, the following standards shall apply:

- A. The requirements for a division of land with the Farm Resource Zone are:
 - 1. The minimum size of newly created parcel(s) for agricultural uses shall be ~~20~~80 acres;

ARTICLE 65 - FOREST COMMERCIAL ZONE

65.090 - PARCEL STANDARDS

- B. The minimum lot size of ~~20 or 40 acres~~ may be reduced for uses authorized as Section 65.040 (B), (~~D~~), (E), (F), (H), (I), and 65.050(A) (B), (C), (E), (G), (J), (K) and (M), when it can be demonstrated that:

ARTICLE 65.1 - WOODLOT RESOURCE ZONE

65.190 - PARCEL STANDARDS

- A. Area. The minimum size of every lot or land parcel ~~not adjacent to land zone Forest Commercial~~ shall be ~~20~~80 acres
- ~~B. The minimum size of every lot or land parcel adjacent to land zoned Forest Commercial shall be 40 acres.~~
- ~~B.~~ The minimum lot size of ~~20 or 40 acres~~ may be reduced for uses authorized as Section 65.140 (B), (~~D~~), (E), (F), (H), (I), and 65.150(A) (B), (C), (E), (G), (J), (K) and (M), when it can be demonstrated that:

ARTICLE 64 - EXCLUSIVE FARM ZONE

64.070 - DWELLINGS

A. Dwellings customarily provided in conjunction with farm use as defined in ORS 215.230(2) must meet one of the following tests:

5. A Residential Care Home or a Residential Care Facility ~~may be allowed~~ will be permitted subject to the criteria stated in this subsection;

NOTE: *This same language change must be made in the following additional sections: 64.070.B.6; 64.070.C.10; 64.070.D.10; 64.170.A.5; 64.170.B.6; 64.170.C.10; 64.170.D.10; 65.070.A.4; 65.070.B.7; 65.070.C.8; 65.170.A.4; 65.170.B.7; 65.170.C.8.*

ARTICLE 11 - DEFINITIONS

11.030 - TERMS DEFINED

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

- A. Irrigated and classified prime, unique, Class I or Class II; or
- B. Not irrigated and classified prime, unique, Class I or Class II; and
- C. Tracts growing specified perennial as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to 1993. "Specified perennial" means perennial grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards but not including seed crops, hay, pasture, or alfalfa.

ARTICLE 64 - EXCLUSIVE FARM ZONE

64.040 - ADMINISTRATIVE PERMIT USES

- C. Dog kennels. New dog kennels shall not be authorized on property which is High-Value Farmland as defined in Section 11.030(159). Existing facilities may be maintained, enhanced or expanded subject to other requirements of law.
- E. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. For the purpose of this subsection, a facility is necessary if it must be situated in an agricultural zone in order for the service to be provided;

64.050 - CONDITIONAL USES

- D. Public or private schools subject to the following criteria:
1. Must be located more than 3 miles from an Urban Growth Boundary; or
 2. If located within 3 miles from an Urban Growth Boundary, then an exception to the State Goals must be taken; and
 3. New public or private schools shall not be authorized on property which is High-Value Farmland as defined in Section 11.030(159). Existing facilities may be maintained, enhanced or expanded subject to other requirements of law.
- E. Churches, which may include a parsonage and a cemetery in conjunction with the church subject to the following criteria:
1. Must be located more than 3 miles from an Urban Growth Boundary; or
 2. If located within 3 miles from an Urban Growth Boundary, then an exception to the State Goals must be taken; and
 3. New churches shall not be authorized on property which is High-Value Farmland as defined in Section 11.030(159). Existing facilities may be maintained, enhanced or expanded subject to other requirements of law.
- G. Private parks, playgrounds, hunting and fishing preserves, and campgrounds. New Private Parks, playgrounds, hunting and fishing preserves, and campgrounds shall not be authorized on property which is High-Value Farmland as defined in Section 11.030(159). Existing facilities may be maintained, enhanced or expanded subject to other requirements of law.
- I. Golf courses as defined in Section 11.030(147). New golf courses shall not be authorized on property which is High-Value Farmland as defined in Section 11.030(159). Existing facilities may be maintained, enhanced or expanded, but shall not be expanded to contain more than 36 holes.

64.070 - DWELLINGS

- C. One single-family residential dwelling not provided in conjunction with commercial farm use, based on findings demonstrating that all of the following criteria are met:
3. Does not materially alter the overall land use patterns in the area. To make that determination a finding must be developed which addresses the following:

- a) In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated; and
- b) In the creation of a new parcel for the non-farm dwelling, the County shall consider whether the creation of the non-farm parcel will lead to the creation of other non-farm parcels to the detriment of agriculture in the area.

D. A dwelling may be sited under the following provisions as a limited lot of record:

- 3. The ~~lot or parcel~~ tract shall not have a dwelling on it; and

ARTICLE 64.1 - FARM RESOURCE ZONE

THE CHANGES MADE IN THE EXCLUSIVE FARM ZONE MUST BE REPEATED IN THE CORRESPONDING SECTIONS OF THE FARM RESOURCE ZONE.

ARTICLE 65 - FOREST COMMERCIAL ZONE

65.070 - DWELLINGS

B. The Template Test. A dwelling may be allowed on land zoned for forest use under Goal 4 if the parcel is primarily composed of soils which are:

- 6. Rules for using the template:
 - c. If the tract 60 acres or larger abuts a road that existed on January 1, 1993, or perennial stream, the template shall be a 160 acre rectangle which is 1 mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the greatest extent possible; and

C. The Lot of Record Test. A dwelling may be sited under a limited lot of record provision when the following criteria are met:

- 3. The ~~lot or parcel~~ tract shall not have a dwelling on it; and

ARTICLE 65.1 - WOODLOT RESOURCE ZONE

THE CHANGES MADE IN THE FOREST COMMERCIAL ZONE MUST BE REPEATED IN THE CORRESPONDING SECTIONS OF THE WOODLOT RESOURCE ZONE.

Add the following use to the list of permitted uses in the Rural Residential (61.020), Rural Commercial (62.020), Tourist Commercial (62.120), Rural Commercial Center (62.220), Serpentine (67.020) and Limited Development (68.020) zones:

Family Day Care Dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status.

Add the following use to the list of permitted dwellings in the Exclusive Farm (64.070.B), Farm Resource (64.170.B), zones:

Family Day Care Dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status.

ARTICLES 64.070 & 64.170 - DWELLINGS

D. A dwelling may be sited under the following provisions as a limited lot of record:

5. The dwelling cannot be sited on a lot or parcel defined as high-value farmland unless a Hearings Officer ~~from the Oregon Department of Agriculture of the County~~ determines that:

- a. The lot or parcel either alone or in conjunction with other parcels cannot be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity of the lot or parcel; and
- b. The dwelling meets the criteria set out in ORS and local codes for review of non-farm uses; and
- c. The dwelling will not materially alter the stability of the overall land use pattern in the area.

6. The County shall provide notice of all applications for dwellings allowed under this subsection to the State Department of Agriculture at least 20 calendar days prior to the public hearing before the Hearings Officer.

[Renumber subsections 6 - 11]

E. The soil class, soil rating or other soil designation of a specific lot or parcel used for determining whether dwelling approval criteria have been met under this Article may be changed if the property owner:

1. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
2. Submits a report from a soils scientist, whose credentials are acceptable to the State Department of Agriculture, demonstrating the soil class, soil rating or other soil designation should be changed. The report shall be accompanied by a statement from the State Department of Agriculture that the Director of Agriculture or the Director's designee has reviewed the report and finds it soundly and scientifically based.

ARTICLES 65.080 & 65.180 - SITING STANDARDS

D. Approval of a dwelling shall be subject to the following requirements: If a lot or parcel is more than 10 acres in size, a dwelling shall not be approved unless the owner submits a stocking survey report to the assessor and the assessor verifies the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

- ~~1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Department of Forestry stocking requirements at the time specified in the DOF administrative rules;~~
- ~~2. The Planning Department shall notify the county assessor of the condition at the time the dwelling is approved;~~
- ~~3. The property owner shall submit a stocking survey report to the county assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the DOF rules;~~
- ~~4. The Assessor shall inform the DOF in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;~~
- ~~5. Upon notification by the county assessor, the DOF shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the DOF determines that the tract does not meet those requirements, then:

 - ~~a. The DOF shall notify the owner and the Assessor that the land is not being managed as forest land, and~~
 - ~~b. The Assessor shall remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.~~~~

64.050 & 64.150 - CONDITIONAL USES

P. Parking of no more than 7 log trucks

65.090 & 65.190 - PARCEL STANDARDS

C. The minimum lot size of 80 acres may be reduced for an existing lot or parcel when all of the following requirements are met:

1. A dwelling exists on the property at the time of the application and was placed on the lot or parcel prior to June 1, 1995; and
2. The new lot or parcel is no larger than 5 acres in size and is created around the existing dwelling (the parcel may be increased in size up to 10 acres in order to accommodate physical factors such as road or streams); and
3. The remaining parcel not containing the dwelling meets the minimum land division standards of the zone after division, or the remaining parcel is consolidated with an adjacent parcel so that together the two parcels meet the minimum parcel size standards of the zone; and
4. The landowner signs and records with the county clerk a statement declaring the landowner will not complain about, or object to, or seek to enjoin, or otherwise preclude or interfere with accepted farm or forest practices on nearby lands; and
5. The landowner signs and records with the county clerk a restriction on the remaining parcel which prevents the placement of a dwelling on the lot or parcel, and the restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating an applicable comprehensive plan or land use regulation has changed so that the property is no longer subject to statewide planning goals pertaining to forest or agricultural lands.

[Renumber the current subparagraph "C" to "D"]

64.030 & 64.0130 - PERMITTED USES

G. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

11.030.16 - TERMS DEFINED

16. AGRICULTURE, FARMING, FARM USE. The current employment of land, including that portion of such lands under buildings, supporting accepted farming practices for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or dairying and the sale of dairy products or any other agricultural or horticultural use or farm use, animal husbandry, or combination thereof, and any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use. "Farm use" includes the preparation and storage of the agricultural products grown raised on and/or off-site such land for primary or secondary marketing for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in definition #91 in this section or land described in ORS 321.267(1)(e) or 321.425(5) or the construction and use of dwellings customarily provided in conjunction with farm use. It does include: "Current employment" of land for farm use includes:

- A. Land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540 70, Stat. 188);
- A. Farmland, the operation or use of which is subject to any farm-related government program;
- B. Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry; and
- C. Land planted in orchards or other perennials, other than land specified in subsection D of this definition, prior to maturity;
- D. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- E. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

- F. Land under buildings supporting accepted farm practices;
- G. Water impoundments lying in or adjacent to and in common ownership with farm use land;
- H. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- I. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For the purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- J. Any land described under ORS 321.267(1)(e) or 321.415(5); and
- K. Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming.

As used in this Code, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

SECTIONS 64.020 & 64.120

The following uses shall be allowed outright:

- A. ~~Agriculture, farming, and related farm use including indoor animal husbandry and the boarding and breeding of horses~~ Agriculture, Farming and Farm Use, as these uses are defined in Section 11.030.16 of this Code (development permit and/or site plan review are not required);

SECTIONS 64.050 & 64.150 (Exclusive Farm & Farm Resource—Conditional Uses)

- Q. On-site filming and activities accessory to on-site filming, subject to the definitions, procedures and standards set forth in ORS 215.306.

SECTION 11.030 - TERMS DEFINED

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

31.120 - ORDER OF PROCEDURE

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

- ~~1. If the applicant places additional documents or evidence in the record, any party to the hearing may request the hearing be continued in order to review the additional documents or evidence. The period of continuance shall not count against the 120-day limit for final action specified in ORS 215.428;~~
- ~~2. If a continuance has not otherwise been granted, any participant may request the record remain open for at least 7 days after the hearing. The request must be made before the close of the evidentiary hearing and the period of continuance shall not count against the 120-day limit for final action specified in ORS 215.428.~~

Additional Evidence or Testimony. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The following rules shall govern requests to submit additional evidence or testimony:

1. The Hearings Body shall grant the request by taking one of the following actions:
 - a. Continue the hearing for at least 7 days to a date, time and place certain. The Hearings Body shall allow persons to present and rebut new evidence and testimony at the continued hearing. If new written evidence is submitted at the continued hearing, any person may request the record be left open 7 days to submit additional written evidence or testimony in response to the new written evidence. The request must be made prior to the close of the continued hearing; or
 - b. Leave the record open for additional written evidence or testimony for at least 7 days.
2. Whenever the record is left open under subsection 1 above, and new evidence is submitted during the opened period, any participant in the hearing may file a written request for an opportunity to respond to the new evidence. The written request must be filed with the Planning Director on behalf of the Hearings Body within 7 days after the record closes. The record shall thereupon reopen for at least 7 additional days, during which time any person may submit new written evidence and testimony and raise new issues which relate to the new evidence, testimony or criteria that was submitted during the previous open period. If the Planning Director determines the written request is timely, the Director shall provide

appropriate notice to the participants stating the record has been reopened and specify the new date the record will close. All new written evidence and testimony, or statements regarding new issues, shall be delivered to the Planning Director within the reopened period for placement in the record. It shall not be necessary for the Hearings Body to reconvene or to take formal action on a request to submit additional evidence or testimony when action to leave the record open is required pursuant to these rules. Under these circumstances, authority of the Hearings Body to reopen the record and to specify the length of time it shall remain open is delegated to the Planning Director.

3. Beyond the mandatory requirements of subsections 1 and 2 immediately above, the Hearings Body is authorized to grant any other continuance, or leave the record open, subject to whatever reasonable guidelines and time limits it deems necessary or helpful to accomplish its fact finding and deliberating duties.
4. Unless waived, the applicant shall be entitled at least 7 days after the record finally closes to submit final written arguments in support of the application. The final arguments shall be considered part of the record, but shall not include any new evidence.
5. The time required by continuances or extensions under this subsection shall not toll the 120 day time limit specified in ORS 215.428 unless the continuance or extension is requested or agreed to by the applicant.
6. For the purpose of these rules, the following definitions apply:
 - a. “Argument” means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. “Argument” does not include facts.
 - b. “Evidence” means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Section 2. Affirmation

Except as specifically amended by the provisions of this ordinance, the Rural Land Development Code (Ord. 94-4) is hereby affirmed.

Section 3. Effective Date

First reading by the Board of County Commissioners this 15th day of September, 1999.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 29th day of September, 1999, This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COMMISSIONERS



Jim Brock, Chair

Harold L. Haugen - Absent

Harold L. Haugen, Vice-Chair



Frank Iverson, Commissioner

ATTEST:



Georgette Brown, County Clerk



Recording Secretary

APPROVED AS TO FORM:



Steven E. Rich, Legal Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR JOSEPHINE COUNTY**

ORDINANCE NO. 99-8

AN ORDINANCE AMENDING THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN FOR JOSEPHINE COUNTY (ORD. 81-11) TO REPEAL AND REPLACE GOAL 11, REGARDING THE AMENDING, UPDATING AND MAINTAINING OF THE COMPREHENSIVE PLAN, AND TO AMEND THE RURAL LAND DEVELOPMENT CODE, ARTICLES 47, 48 and 49 TO CONFORM.

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called plan) at Goal 11, Policies 2 and 3, and the Rural Land Development Code (hereinafter called code) at Article 49, the Rural Planning Commission conducted a public hearing regarding the amendments as set forth herein, after notice by publication and mailing as therein required; and

WHEREAS, in accordance with the procedures of the plan and code, the Board of County Commissioners also conducted a public hearing to consider the recommendation of the planning commission, after providing the required notice by publication and mailing; and

WHEREAS, the County is required by Oregon Revised Statutes, Chapter 197, and Oregon Administrative Rules, Division 660-19, to make periodic revisions to its plan and code to address changes in circumstances and law; and

WHEREAS, the County is now obligated pursuant to an approved periodic review work program, dated January 10, 1995, as subsequently revised, under the heading of Task #5, to revise Goal 11 of its Comprehensive Plan Goals and Policies, regarding the maintenance, amendment and updating of the Comprehensive Plan;

NOW, THEREFORE, based on the foregoing authority and procedures, the Board of County Commissioners for Josephine County, Oregon, hereby takes the following legislative action to amend the plan and code in the following respects:

Section 1. Repeal

The existing language contained in Goal 11 of the Josephine County Comprehensive Plan's Goals and Policies is hereby repealed in its entirety.

Section 2. Adoption of New Goal 11

The following language is hereby adopted as Goal 11 of the Josephine County Comprehensive Plan:

GOAL 11: THE COMPREHENSIVE PLAN SHALL BE MAINTAINED, AMENDED AND UPDATED AS NECESSARY

OVERVIEW:

The comprehensive plan contains the general goals and policies, maps, inventories, functional plans and implementing ordinances that are required to guide the future development of Josephine County. As such, the plan is intended to be responsive to changes in the circumstances of the county and the desires of its citizens. Goal 11 shall provide the rules and procedures for maintaining, amending and updating the various components of the plan.

POLICIES:

1. **PLAN AMENDMENT PROCEDURES.** It is anticipated the comprehensive plan will need to be amended from time to time to address changes in circumstances, to include new or different information, or to revise incorrect or incomplete information contained in previous efforts, subject to the following basic procedures:
 - A. Applications to amend the text or maps of the comprehensive plan may be initiated by the Board, the Planning Commission, the Planning Director, interested agencies or individuals.
 - B. All applications shall be submitted on forms provided by the Planning Director and shall be accompanied by required application fees; however, requests initiated by the Board, the Planning Commission or the Planning Director shall not require fees.
 - C. At a minimum the application shall:
 - [1] Identify the specific policy, inventory, map, plan or ordinance sought to be changed;
 - [2] Explain why the change is being requested (change in circumstances, new or different information, revise incorrect or incomplete information contained in previous efforts, etc.);
 - [3] Include the exact language required to accomplish the proposed change in the text; or, in the case of a map amendment, include a scaled zoning map precisely identifying the area and designations to be changed;
 - [4] Include a list of all state and local goals, together with a written explanation stating why the goals do or do not apply, and if the applicant believes one or more of the goals apply, how the proposed application is

consistent with the requirements of the applicable goal or goals. The Planning Director or Review Body may specify different state and county goals as applicable to the application.

[5] In the event the proposed change relates to an inventory, data base, plan or ordinance, the application shall include the scientific and technical data, reports or other evidence prepared by an expert in that field necessary to support the change. It shall be the function of the review body to determine, based upon substantial evidence in the record, whether the particular training and experience of a witness qualifies the witness to testify as an expert. Specifically:

[a] More detailed soil data may be utilized to define classifications or characteristics of soils contained in the county's data base, provided the data is credible and attested by a certified soil scientist; and

[b] In the case of a change to a Goal 5 inventory, the application shall be accompanied by evidence demonstrating compliance with OAR 660-23, as amended, which may include one or more Economic, Social, Environmental and Energy (ESEE) analyses.

[6] In the event the proposed change relates to a map amendment, the application shall contain detailed evidence and other documentation showing how the request meets the criteria contained in Policy 2, and if applicable, Policy 3, of this Goal.

D. Applications to amend any element of the comprehensive plan shall be reviewed and decided as set forth in this subsection.

[1] REVIEW AUTHORITY OF THE PLANNING COMMISSION. The Planning Commission shall review all applications to amend any element of the comprehensive plan. Planning Commission reviews shall be subject to the following rules:

[a] The Planning Commission shall make the final decision on applications to amend any element of the comprehensive plan unless the applications involve an exception to statewide planning goals or involve lands designated as agricultural or forest lands under a statewide planning goal.

[b] The final decision shall be in the form of written findings that explain the standards and criteria considered relevant to the decision, state the facts relied upon in rendering the decision and

explain the justification for the decision based on the applicable standards and criteria, and shall be accompanied by a recommended ordinance.

- [c] Final decisions of the Planning Commission may be appealed on the record to the Board as provided in Article 33 of the Rural Land Development Code.
 - [d] Applications involving exceptions or agricultural or forest lands shall be reviewed by the Planning Commission in a public hearing. At the conclusion of the hearing the Planning Commission shall deliberate and make a recommended decision to the Board.
 - [e] All Planning Commission hearings shall conform to the notice and hearing rules as set forth in Chapter 3 of the Rural Land Development Code.
 - [f] Final authority of the Planning Commission to act upon plan amendments is for appeal purposes only, and does not include the authority to implement changes by ordinance.
- [2] REVIEW AUTHORITY OF THE BOARD. The Board's authority to review actions by the Planning Commission to adopt, amend or repeal any part of the comprehensive plan shall be subject to the following rules:
- [a] Where the Planning Commission makes a recommended decision to the Board pursuant to subsection D[1][d] above, the Board shall conduct a full *de novo* hearing regarding the application. The Board's hearing shall conform to the notice and hearing rules as set forth in Chapter 3 of the Rural Land Development Code, and any other applicable state law or rule.
 - [b] This policy shall not prevent or limit the Board's authority to initiate a hearing to review any Planning Commission action regarding the comprehensive plan pursuant to provisions of the Rural Land Development Code.
 - [c] The Board shall have sole authority to implement changes to the county's comprehensive plan by ordinance.

2. **MAP AMENDMENT CRITERIA.** Applications to amend a comprehensive plan and/or zone maps shall comply with all of the following criteria and procedures:
- A. Amendments to a plan and zone map shall demonstrate compliance with all applicable statewide and county goals and policies.
 - B. Requests involving changes for lands from a resource designation to a non-resource designation shall either comply with statewide exception criteria contained in Oregon Revised Statutes 197.732, and as implemented in Oregon Administrative Rules, Chapter 660, Division 4, or demonstrate the land is non-resource pursuant to the criteria contained in Policy 3 below.
 - C. Requests involving changes to the plan and/or zone maps shall demonstrate the land has adequate carrying capacity to support the densities and types of uses allowed by the proposed plan and zone designations. The adequacy of carrying capacity, at a minimum, shall be evaluated using the criteria listed below. The criteria are to be considered together to determine whether the geography of the land is suited to support the kind of development associated with the proposed designations. With the exception of criterion [1] below, the application of any one criterion is not intended to be determinative of carrying capacity alone, unless the Review Body finds the importance of a specific benefit or detriment associated with the criterion overrides the consideration of other criteria. Nevertheless, in order to determine the adequacy of carrying capacity, the analysis must consider and address all of the listed criteria in relationship to one another. Sites may be altered to achieve adequate carrying capacity, but as alterations become more extensive, technical or difficult to perform or maintain, the greater the burden of proof shall be on the applicant to demonstrate compliance with the following criteria:
 - [1] The proposed density and types of uses can be supported by the facility, service and other applicable development standards contained in the Rural Land Development Code or contained in other applicable federal, state and local rules and regulations governing such densities and types of uses.
 - [2] Other physical characteristics of the land and surrounding area make the land suitable for the proposed density and types of uses, to include consideration of existing or potential hazards (flood, wildfire, erosion), the degree of slopes, the presence of wetlands, geologic formations, mineral deposits and any other similar natural or man-made conditions or circumstances;

- [3] The land in its natural state accommodates the proposed uses and densities, or special alterations or mitigation plans can make the land achieve the carrying capacity described under items [1] and [2] above;
- [4] Development pursuant to the proposed uses or densities will not significantly increase the risk from hazards to the residents of the development, the area or the general public;
- [5] Features of the development will not result in future maintenance costs to the public for the infrastructure needed to serve the development and the area that are atypically higher than expenses for other developments in the same plan and zone designations (examples of infrastructure include streets, bridges, storm drain facilities, erosion and sediment control facilities, and other similar public infrastructure facilities); and
- [6] Special circumstances exist at or near the site that justify increased risks, expensive or complex mitigation plans, or higher infrastructure costs to the public from the development. This criterion can be used to consider specific community needs that have arisen within the area since the existing zoning was implemented at the site. Examples of circumstances which might support the application of this criterion are changes in demographics; the location or discovery of unique natural resources; significant changes in infrastructure that are intended to support and encourage the kinds of development associated with the request; the development of rural communities; and any other circumstance that establishes a special need or benefit to the community that justifies increased risks and costs. This criterion shall not be used to modify the requirements of criterion [1] above.

D. The density and types of uses authorized by the proposed plan and zoning designations are appropriate based on the requirements of subsection [1] or [2] below:

- [1] The change in designations at the location is consistent with the character of the surrounding area. Consistency shall be demonstrated by a detailed review of the relationship between the area covered by the proposed change in designations and the surrounding area, subject to the following rules.
 - [a] The detailed review shall describe the similarities or dissimilarities between the area of proposed change and the

surrounding area based upon parcel size and ownership patterns,¹ zoning, existing or authorized land uses and structures, public facilities and services, and natural or man-made features.²

[b] The detailed review shall include a written statement explaining the rationale used to include or exclude areas from study, and be supported by zoning maps, aerial photographs, contour maps, and any other public or private records, statistics or other documents necessary or helpful to establish the character of the area and show how the change will be consistent.

[2] Demonstrate how the introduction of inconsistent density or uses into an area is justified. This demonstration may be based upon changes in the area resulting from rezonings, new residential, commercial, industrial or resource development, the introduction or improvement of public facilities and services, changes in demographics, changes in plan inventories, and other similar circumstances. The application shall show how the proposed change in designations, in the context of the foregoing circumstances, implements applicable state and/or county goals and policies. The more the change introduces inconsistent densities and uses into an area, the greater the burden on the applicant to justify the basis for the change.

E. Requests involving changes to the plan and/or zone maps within established exception areas shall demonstrate the change complies with the criteria contained in Oregon Administrative Rule 660-004-0018 governing plan and zone changes within exception areas.

3. **NON-RESOURCE LAND CRITERIA.** Authorized lots or parcels (but not portions thereof) which have been zoned Woodlot Resource or Farm Resource may be

¹ Evidence regarding changes in parcel size and ownership patterns shall, at a minimum, consider the circumstances of the parcelization and ownership patterns lawfully existing within the area of study. Review of parcelization patterns shall not only include the number and size of the parcels, but the relationship of the parcels to the total acreage within the study area, together with the potential for additional parcelization pursuant to existing zoning. In order for parcels to be counted in a parcelization analysis, the parcels must be authorized lots or parcels as defined by §11.030.183 of the Rural Land Development Code.

² Natural or man-made features may include watercourses, wetlands, watersheds, ridges, valleys, roads, rights-of-way, easements, political or service boundaries and other similar features. The study must identify and explain how these features operate to join or disjoin the area being changed from surrounding lands.

designated as non-resource when the application demonstrates compliance with the following criteria and rules:

A. The land within the lot or parcel is non-farm land because:

- [1] The predominant (greater than 50%) soil or soils are rated Class V or above in the *Soil Survey of Josephine County*, as adopted or amended in the plan data base (soils having both an irrigated and non-irrigated class ratings will be rated based on whether irrigation rights are or are not perfected at the time the application is filed); and
- [2] The land is otherwise unsuitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices; and
- [3] The land is not required to buffer urban growth areas from commercial agricultural operations; and
- [4] The land is not necessary to permit farm practices or forest operations to continue or occur on adjacent or nearby resource zoned lands, subject to the rules and procedures as set forth in subsection C below.

B. The land within the lot or parcel is non-forest land because

- [1] It is not included within the following definition of forest land:

A lot or parcel is considered forest land when the predominant (more than 50%) soil or soils on the parcel have an internal rate of return of 3.50 or higher (if a single forest-rated soil is present), or composite internal rate of return of 3.50 or higher (if multiple forest-rated soils are present).

For the purpose of this criterion, any evaluation of the internal rates of return for forest soils shall be made pursuant to the document entitled, *Using The Internal Rate Of Return To Rate Forest Soils For Applications In Land Use Planning (1985)*, by Lawrence F. Brown, as amended; or

- [2] If a determination cannot be made using the internal rate of return system as described in subsection B[1] above, the land is shown to be unsuitable for commercial forest uses based upon a combination of proofs, to include (but not limited to) the site index or cubic foot

calculations, the testimony of expert witnesses, information contained in scientific studies or reports from public and private sources, historic market data for the relevant timber economy, and any other substantive testimony or evidence regarding the commercial productivity of the subject land, which taken together demonstrate the land is not protected by Statewide Goal 4; and

- [3] The land is not necessary to permit farm practices or forest operations to continue or occur on adjacent or nearby resource zoned lands, subject to the rules and procedures as set forth in subsection C below.³

C. Land is necessary to permit farm practices or forest operations on adjacent or nearby lands when the land within the lot or parcel provides a special land use benefit, the continuance of which is necessary for the adjacent or nearby practice or operation to continue or occur. The following rules shall apply when evaluating this criterion:

- [1] Land use benefits shall include access, water supplies, wind breaks, impact buffering, the minimization of land use conflicts, the preservation and protection of soil, air, water, watershed, and vegetation amenities; and the retention of normally accepted wildfire fighting strategies for adjacent or nearby commercial forest uses.
- [2] A land use benefit shall be considered necessary for normal farm practices and forest operations when loss of the benefit will interfere with accepted farm practices or forest operations by significantly impeding or significantly increasing the cost of the practices or operations.
- [3] The application shall include a review of the relationship between the lot or parcel under consideration and surrounding farm practices and forest operations. The review shall list and describe existing or potential farm practices and forest operations on adjacent or nearby lands, as well as

³ Only lands zoned in the Woodlot Resource zone may qualify as non-forest lands (see paragraph 3 above). Lands zoned in the Forest Commercial zone are not eligible for this option. The basis for this distinction lies in the county's ability to ascertain the commercial viability of forest lands based upon the Internal Rate of Return (IRR) system, as it has been applied within the acknowledged plan. The IRR system, in conjunction with the county's further ability to ascertain other locational factors, demonstrates that Woodlot Resource zoned lands have qualified commercial forest value and are generally situated in proximity to other non-commercial forest or non-resource lands. The county is able to make this finding based upon the GIS mapping and analysis contained in the report, *Locational Factors Affecting Woodlot Resource Lands*, by Michael Snider (March 22, 1999). This publication is made a part of the comprehensive plan by this reference.

the general geography and potential land uses on the subject property, and then provide an analysis of how the uses permitted by the proposed non-resource designations may or may not significantly impede or significantly increase the cost of accepted farm practices or forest operations. The review may be based upon data or information from some or all of the following sources: private organizations (commercial timber producers, forestry consultants, woodlot associations, etc.) public agencies that collect and interpret farm practice or forest operation data, such as county offices (Departments of Planning, Assessor and Forestry) state agencies (Departments of Forestry, Agriculture, Revenue and the Oregon State Extension Service), federal agencies (Department of Agriculture/Forest Service, the Bureau of Land Management, the Natural Resources Conservation Service and the Farm Service Agency), and other similar public entities.

[4] In the event a farm or forest operator within the review area contends in the record that the map changes could significantly impede or increase the cost of specific practices or operations, and this contention is based upon records, data and other information in the operator's possession, but unavailable to participants in the hearing from public sources, the review body is authorized to require the operator to submit the supporting records, data and other information into the record for examination by the review body and other participants.

[5] A lot or parcel shall not be considered necessary to permit farm practices or forest operations on adjacent or nearby lands if the necessary benefit can be preserved through the imposition of special restrictions or conditions on the use of the subject property which reasonably assure continuation of the benefit.

[6] As a condition upon the approval of all plan and map changes from resource to non-resource designations, the property owner shall be required to execute and record in the county deed records a *Conflict Preference Covenant*, which recognizes the rights of adjacent and nearby resource land owners to conduct normal farm practices and forest operations. The covenant shall provide that all land use conflicts between non-resource uses on the subject property and adjacent or nearby resource operations will be resolved in favor of accepted farm and forest practices and operations.

D. The land is not other forested lands that maintain soil, air, water and fish and wildlife resources.

- E. If the proposed plan designation is Rural Residential, the lot or parcel must be shown to be entirely outside of the critical habitat area (i.e., above 2500' or designated as impacted) on the official 1985 Deer Winter Range map, as adopted or amended.
 - F. When a request for a plan map amendment qualifies because the land is non-resource pursuant to the criteria contained in this policy, the zoning may be changed to one of the following zones only: Limited Development, Serpentine or Rural Residential with a minimum parcel size of 5 acres or larger. All such applications must also demonstrate compliance with the map amendment procedures and criteria as set forth in Policies 1 and 2.
4. **APPLICABILITY OF POLICIES.** The specific procedures and criteria contained in the foregoing policies shall immediately apply to and govern all new applications to amend, maintain or update any of the various components of the comprehensive plan.⁴ Any and all conflicting provisions or criteria contained in the Rural Land Development Code (RLDC) are repealed and amended by the adoption of the foregoing policies.
 5. **MEANING OF THE TERM "SIGNIFICANT."** For the purposes of implementing the provisions of the foregoing policies, the term "significant" (in its various forms) shall mean "serious." The term is intended to guide the review body in the evaluation of the adverse effects certain land use activities may have on other land use activities or on other land use considerations made applicable by these policies or other state or local goals, rules or laws. Effects are adverse when they can be accurately described or measured, and they result in serious conflicts with other land use activities or considerations. The review body shall judge the use of the term significant based on what a reasonable person would consider serious given the facts and circumstances being considered.

Section 3. Amend Articles 47, 48 and 49 of the Rural Land Development Code

The Rural Land Development Code is hereby amended to conform to the requirements of Section 2 of this ordinance.

Section 4. Affirmation

Except as specifically amended by the provisions of this ordinance, the Josephine County Comprehensive Plan (Ord. 81-11), as lawfully amended, is hereby affirmed.

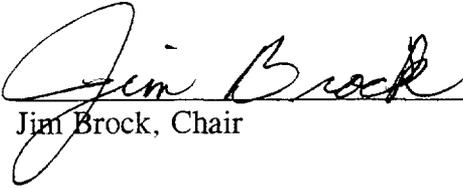
⁴ Applicants with applications pending at the time these policies become applicable may elect to apply the rules, procedures and criteria contained in this goal.

Section 5. Effective Date

First reading by the Board of County Commissioners this 8th day of December, 1999.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 29th day of December, 1999, This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

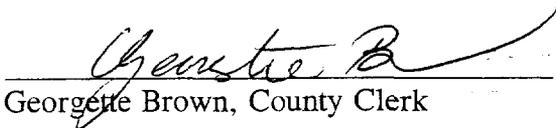
JOSEPHINE COUNTY BOARD OF COMMISSIONERS


Jim Brock, Chair

Harold L. Haugen - Opposed
Harold L. Haugen, Vice-Chair


Frank Iverson, Commissioner

ATTEST:


Georgette Brown, County Clerk


Recording Secretary

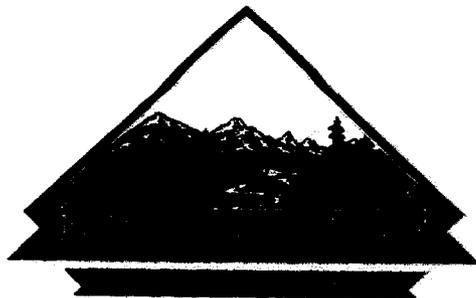
APPROVED AS TO FORM:


Steven E. Rich, Legal Counsel

**LOCATIONAL FACTORS
AFFECTING
WOODLOT RESOURCE
ZONED LANDS
IN
JOSEPHINE COUNTY, OREGON**

By

**Michael Snider
Assistant Planning Director**



March 22, 1999

BACKGROUND:

Pursuant to its 1995 periodic review program agreement, Josephine County is undertaking the task of clarifying and expanding the criteria to be used for identifying non-resource lands. The purpose is to provide decision-makers, planning staff, land owners and other participants with specific criteria that may be applied to applications for changing plan and zone designations from resource zones to non-resource zones.

As an integral part of the county's earlier zoning work with forest lands, a unique soil rating system was developed to determine the commercial capabilities for soils identified by the Natural Resources Conservation Service as forest soils. The soil rating system is generally referred to as the Internal Rate of Return, or IRR system, and the technical and theoretical components of this system are contained in the publication, *Using Internal Rate of Return to Rate Forest soils for Application in Land Use Planning in Josephine County, Oregon*, by Lawrence F. Brown (January 24, 1985). The IRR system relies extensively upon data contained in NRCS's incipient work, *The Soil Survey of Josephine County, Oregon*.

In the work leading up to LCDC's acknowledgment of the county's comprehensive plan and zoning maps for forest lands, the *Soil Survey* was first used to identify lots or parcels that contained important forest soils. The IRR system then provided the county with the ability to rate forest soils in ascending order of commercial value. This ability, in conjunction with other locational factors,¹ gave the county a dependable basis for distinguishing forest land values.

In 1985, the county's acknowledged plan zoned a total of 796,351 acres as protected Goal 4 lands. Of this total, the vast majority was in public ownership, comprising 627,021 acres. This left a total of 169,329 acres in private ownership. These amounts were divided up between the Forest Commercial and Woodlot Resource zones as follows:

PUBLIC LANDS		PRIVATE LANDS	
FC	WR	FC	WR
619,946	7,075.23	108,194	61,135

¹ Goal 10, Policy 1, of the *Josephine County Goals and Policies of the Comprehensive Plan*, provides the criteria for determining whether forest lands should be zoned for primary forest uses (Forest Commercial Zone) or secondary forest uses (Woodlot Resource Zone). These criteria evaluate factors regarding past management histories, parcel size, the nature of access, government versus private ownership, the IRR value for soils, and the existence of similar or divergent characteristics on nearby lands. A copy of Goal 10, Policy 1, is attached to this report as Exhibit A.

Almost 15 years later, these holdings remain remarkably stable. In 1985 a total of 728,141 acres of Forest Commercial zoned land was acknowledged. Today the amount is 725,076 acres. In 1985, a total of 68,160 acres of Woodlot Resource zoned land was acknowledged. Today the amount is 61,151 acres.²

Using these figures, while keeping in mind the much greater reliability of today's GIS analysis, there has been about a 7,000 acre decrease in Woodlot Resource zoned lands. This represents an average reduction of about 500 acres of WR land per year over the last 14 years, or about a 10% downward change in inventory. Against this comparison, the Planning Director tabulated and analyzed the number of applications for zone changes based on Goal 11, Policy 5, non-resource land criteria, over a five year period ending in 1996. This study revealed a total of 22 applications involving 830 acres. This represents an average change of about 165 acres per year, involving an average of 37 acres per application. All of these applications involved private ownerships in the WR zone. This information is charted below:

YEAR	APPLICATIONS	ACRES CHANGED
1992	5	200
1993	5	255
1994	4	131
1995	5	130
1996	3	114
TOTALS	22	830

The 1985 inventory placed 7,075 acres of WR in public ownership. Today, GIS places this figure at 13,615, or a 6,539 acre increase. This strongly suggests that a significant portion of the 7,000 acre drop in private WR zoned lands between 1985 and 1999 was the result of better record keeping, when misidentified private ownership acres were corrected to the public side of the ledger.³

² When comparing totals from 1985 to 1999, it is important to keep in mind that the verification of data is considerably more accurate now, given the ability of GIS systems to cross-reference multiple data bases. This makes today's figures much more reliable. Even so, the figures are surprisingly consistent. The zoning data from the 1985 mainframe computer system is attached as Exhibit B.

³ The Planning Director can represent without qualification that no post-acknowledgment Goal 11-5 applications involving publicly owned lands were processed by the county. This means that any change in the amounts of publicly held WR zoned lands resulted strictly from data corrections. A comparison between the 1985 and 1992 mainframe records supports the idea that the county's record

The differences in statistics may be explained in several ways. One way is that the 1985 figures overstated the actual acres for both privately and publicly owned WR zoned lands. This idea finds support in the trend shown in the Planning Director's 5 year study period. If the rate of change shown in this study is extrapolated for the 14 year period, a total of 2,310 acres was lost by quasi-judicial land use applications. Another explanation is to say that the drop in privately owned WR lands was accounted for in significant part by subsequent adjustments for misidentified ownerships. And still another possibility is to say the rate of change slowed down dramatically around 1992. The truth probably involves some mix of all of these explanations.⁴

All of this leads to some important conclusions. First, the FC zone has been conspicuously stable for almost 15 years. Even without allowances for data conflicts, the change from 1985 (728,141) to 1999 (725,076) is 3,065 acres, or a .0042 decrease. The lack of landowner applications to rezone FC lands over the last 14 years is a good indication the county did well in identifying and zoning its prime forest lands.

Second, while the WR numbers have moved around more, the change is not worrisome. Using the Planning Director's study for the years 1992—1996, the conversion of WR zoned lands is quite modest. In 1992, per the mainframe computer report (Exhibit C), there existed 60,408 acres in the WR zone. In the following five years the county changed 830 acres of this land. This computes to be less than 1.37% loss in acres over five years. This indicates the county's overall ability to identify and zone WR land is also dependable.

Another perspective to keep in mind is that only a small part of the county's Goal 4, forest land inventory has been subject to conversion to non-resource land over the last 14 years. Almost every application has involved WR zoned land. And of these, all have been privately owned. Using 1999 GIS figures, there are a total of 786,227

keeping was evolving. In 1985 the mainframe records showed a total of 68,248 acres of WR. In 1992 this amount was 60,408. Private ownership dropped from 61,135 to 49,858, while public ownership rose from 7,075 to 10,549.

⁴ The Planning Director thinks the 1985 numbers are too high. A comparison of the county's present GIS numbers with the 1992 mainframe records supports this conclusion. The 1992 mainframe identified a total of 60,408 acres of WR zoned lands in the county. This is certainly much closer to the current GIS figure of 61,151, but inexplicably shows a 743 acre *increase* in WR zoned lands between 1992 and 1996. This is simply not possible, since the county neither legislatively added lands to the WR zone, or processed any applications from landowners to do so. Also, if we compare the 1992 figure (60,408) with the 1985 figure (68,160), then we have a 7,752 acre decrease in the 7 years, or 1,107 acre per year loss of WR zoned lands. Based on sure recollection, there is no way this amount of land was changed between 1985 and 1992. All of this supports the conclusion that the 1985 figures are overstated. The 1992 mainframe printout showing FC and WR acreage is attached as Exhibit C.

acres of forest zoned lands. Of this amount, 47,536 acres are in private ownership. This means, as a practical matter, only 6% of the county's total forest inventory is available for conversion.⁵

LOCATIONAL ISSUES:

From this analysis, the Planning Director concludes the county's forest zoning is accurate and future adjustments for non-resource land under Goal 11-5 will be minor. This conclusion is further buttressed by consideration of locational factors that affect privately owned WR lands. This is accomplished by a series of informational inquiries using GIS resources:

INQUIRY #1

What is the number of parcels and total acreage of WR in private ownership? **[2,147 parcels; 47,536 acres]**

Comment: Because applications to rezone non-resource lands have involved the WR zone almost exclusively, this inquiry will provide an accurate indication of the amount of total land affected by the county's non-resource land criteria.

INQUIRY #2

What is the number of parcels and total acreage of WR in private ownership with any soils below 3.50 IRR? **[1,150 parcels; 33, 170 acres]**

Comment: The IRR system is a critical component for prioritizing the commercial value of forest soils, and is a fundamental tool the county used in determining FC, WR and Residential zoning. The 3.50 number is the threshold the IRR system establishes for sorting commercial soil values from non-commercial ones. This inquiry identifies the amount of land that *might be* available for designation as non-resource land because any amount of soil under 3.50 is present.

⁵ In keeping with this clear trend, the county's proposed amendments to Goal 11-5, will limit the conversion of forest land to non-resource land to applications involving WR zoned lands.

INQUIRY #3

What is the number of parcels and total acreage of WR in private ownership with any soils below 3.50 IRR and all of the parcel below 2500' elevation? **[831 parcels; 21, 635 acres]**

Comment: The 2500' elevation line correlates highly with residential development. Above 2500' soil suitability for non-resource uses diminishes dramatically in terms of steep slopes, poor soils for septic systems and domestic groundwater supplies, and erosion hazard. WR above this elevation are generally unsuitable for non-resource zoning because of these characteristics alone.

INQUIRY #4

What is the number of parcels and total acreage of WR in private ownership with any soils below 3.50 IRR and all of the parcel below 2500' elevation and parcels with any A - C soils? **[444 parcels; 12,785 acres]**

Comment: The *Soil Survey for Josephine County, Oregon* ascribes the letters A through F for various soils, and each letter represents a range of slopes. The A - C soils cover the range of 7-12% slopes; D - F soils cover up 20% and above. This inquiry is meant to sort the soils based on the degree of slopes generally connected with non-resource development. Because the inquiry sorts based on the presence of *any* of these soils, the numbers are inclusive rather than exclusive.

INQUIRY #5

What is the number of parcels and total acreage of WR in private ownership with any soils below 3.50 IRR and all of the parcel below 2500' elevation and parcels with any A - C soils and only those parcels between 10 and 80 acres in size? **[318 parcels; 9,595 acres]**

Comment: The average parcel size for privately owned WR is 22 acres; the average size for Goal-11 applications between 1992 and 1996, was 37 acres;

80 acres is the minimum parcel size for forest zoned lands; below 10 acres, commercial forest potential is clearly limited. Smaller parcels are considered less likely to have commercial forest value, and therefore be better candidates for non-resource zoning. The Planning Director originally proposed doing this sort for parcels between 10 - 40 acres, but the range was increased at the direction of the Board of County Commissioners. The smaller range would have produced less parcels and less acreage.

INQUIRY #6

What is the number of parcels and total acreage of WR in private ownership with any soils below 3.50 IRR and all of the parcel below 2500' elevation and parcels with any A - C soils and forest rated soils only? [**155 parcels; 3527 acres**] (*10 -80 acre limitation from Inquiry #5 not included in this inquiry*).

Comment: This inquiry provides a further sort based on the presence of soils with an IRR rating. These parcels are the ones that would be available for rezoning if the IRR system is limited to rating only those parcels entirely composed of rated soils. This inquiry has relevance only if the county chooses an option not to amend its current Goal 11-5 process.

INQUIRY #7

What is the number of parcels and total acreage zoned RR-5 above 2500 feet? [**738 parcels; 4,843 acres**]

INQUIRY #8

What is the number of parcels and total acreage zoned RR-5 in the county? [**9,456 parcels; 48,648 acres**]

Comment: The last two inquiries probe the relationship between RR-5 zoned lands and the 2500' elevation. This was done to provide assistance in evaluating the potential for Goal 11-5 changes to WR at higher elevations. The point is to show that lands above 2500' are historically not the places where non-resource development and zoning has occurred. The maps also illustrate how the 2500' elevation provides

a practical barrier between RR-5/WR zoned lands and FC zoned lands. A map showing RR-5 zoned lands in relationship to 2500' elevation was also created.

INQUIRY #9

What are the locations of the FC and RR-5 zones in relationship to the WR?

Comment: The Planning Director wanted to know more about the relationship between WR lands and FC lands, on one side, and RR-5 on the other. It is the supposition that the WR zone acts as a buffer or transitional zone between non-resource land and commercial Goal 4 lands. If this assumption is true, then one would expect to find greater non-resource land opportunities in the WR zone where the two areas interface. In addition, one would also expect less critical points of conflicts between forest uses and WR conversions, than if the changes occurred in prime commercial forest areas (FC zone).

Copies of all of the maps are attached in the order of the inquires listed above.

LOCATIONAL ANALYSIS:

The main purpose of this GIS analysis is to be able to view the location of WR zoned lands in relationship to other factors that are used to differentiate resource forest lands from non-resource lands in transitional areas. In evaluating this data there are important caveats. One point is that the sorting for inquiries #2 (soils below 3.50 IRR) and #4 (soils with A - C slopes) include all parcels with *any* of these conditions present, even though the overall conditions may not support a Goal 11-5 plan amendment (*that is, other non-qualifying soils or slopes are present which override qualifying ones*). This means the number of parcels and total acreage will necessarily be inflated.

Another caveat relates to Inquiry #6 (forested rated soils only). This inquiry basically restates inquiry #5, but adds one important limitation. It limits the inquiry to parcels that have *forest rated soils only*. This is meant to further delineate those WR parcels with the least likelihood for qualification under the Goal 11-5 criteria in the areas of interface between forest and residential areas. Again, remember these parcels are the ones that contain *any* A - C soils. The number of actual candidates for a Goal 11-5 plan amendment will be less than the number shown.

The purpose for the additional inquiries about RR-5 zoned lands above 2500' elevation is to give the analysis a connection between the factors favorable for residential development and the elevation at which conflict potential accelerates for commercial forest uses, wildlife habitat and watershed issues. The assumption here is that higher elevations come with carrying capacity problems that make the prospect of Goal 11-5 applications remote.

Statistically, there are 9,456 parcels containing 46,648 acres of RR-5 zoned lands in the county. Out of these numbers, 738 parcels containing 4,843 acres lie *in any part* above the 2500' line. Map #7 shows the location of these parcels in relationship to the 2500' line. The most significant locations shown on the map are noted:

- ▶ West end of Takilma
- ▶ Upper reaches of Lone Mountain Road west of O'Brien
- ▶ Hayes Hill just north of Selma
- ▶ Kubli Road near the Josephine/Jackson boundary
- ▶ Upper end of Board Shanty Road
- ▶ Upper end of Greens Creek Road
- ▶ Green Tree Loop/Picket Creek Road
- ▶ Coyote Creek Road south of Wolf Creek

It is critical to know that the residential development and zoning at all of these locations exist only because these areas were already developed when zoning was implemented in the 1970's. These are not places where new development—*Goal 11-5 or otherwise*—has occurred in the last 15 years. Development limitations, such as poor access, difficult terrain, limited groundwater supplies and high-rated forest soils, exist at many of these locations.

CONCLUSIONS:

The GIS maps attached to this report as appendixes 1 through 9 provide a visual demonstration of many of the important locational factors that are relevant to the Goal 11 criteria for map amendments. In evaluating non-resource lands for quasi-judicial map amendments the new Goal 11 needs to be understood as an integrated analysis. This means Goal 4 forest issues under the new Policy 3 cannot be considered apart from the more stringent criteria related to carrying capacity (Policy 2.C) and consistency with the character of the area (Policy 2.D). The Planning Director believes the intertwining of Policies 2 and 3 will assure the features captured in the GIS maps are brought to bear on individual applications.

An important starting point for the GIS analysis is the understanding that almost all quasi-judicial map amendments using non-resource land criteria involve privately owned WR zoned lands. This is important because private ownerships of WR from land use patterns that are drastically different from public holdings, especially in the FC zone. With this in mind, the GIS maps and associated data support the following important conclusions regarding the appropriateness of the county's non-forest criteria in the new Goal 11, Policy 3.B:

1. Privately owned WR is principally located along major county road systems, usually co-mingled with Rural Residentially zoned lands (Maps #1 and #8). This tends to limit the potential for intrusion of non-resource map amendments into areas of large commercial forest holdings.
2. Privately owned WR comprises 6% of the forest zoned lands (compare Maps #1 and #8). The non-resource land option will therefore be available to a very limited portion of the county's forest lands.
3. The average parcel size for privately owned WR is 22 acres. This indicates these properties are generally too small to support intensive commercial forest management practices.
4. The locational features of WR zoned lands are much more akin to Rural Residential lands than Forest Commercial lands (Map #8). This means the areas for potential conversion to non-resource zoning are less likely to cause significantly new or different conflicts with FC lands.
5. Consideration of locational factors regarding high IRR values (Map #2); elevation (Map #3); slopes (Map #4); parcel sizes (Map #5); and forest rated soils only (Map #6), significantly reduce or limit the amount of WR that is suitable for non-resource zoning. After sorting the data associated with privately owned WR using these locational factors, the total acreage suitable for non-resource zoning was reduced from 47,536 acres to 9,595 acres. The reduced figure represents 1.2% of the county's forest land inventory. This shows that the opportunities for down-zoning WR lands are substantially limited. Consequently, the risk for significant increase in conflict with high-value commercial forest lands is also extremely limited.
6. Elevation is a significant locational element, perhaps the most important. Non-resource land located at higher elevations is much more likely to conflict with commercial forest uses. This feature was explored using the 2500' elevation contour. This choice is justified for several reasons. First,

the 2500' elevation contour is connected to deer winter range habitat regulations, a forest use. Second, the geography of Josephine County is dominated by long narrow valleys with slopes steeply angling into mountains. The 2500' contour exhibits this geography well, and gives a reasonable break-off point where non-resource or low value resource lands transition into commercial forests. Map #3 shows this dynamic as it affects privately owned WR. Maps #7 and #9 show this feature as it relates to Rural Residential and Woodlot Resource zoned lands. Map #8 shows the location of FC lands in relationship to WR lands. The important point is that privately owned WR lands (and RR lands, too) lie almost exclusively below the 2500' elevation, while FC lands are generally above. This feature also significantly diminishes the opportunity for conflict between non-resource and low-value resource lands with high-value commercial forest lands.

SUMMARY:

The foregoing analysis demonstrates important points regarding the county's criteria for identifying non-resource lands. One point is that the county's original zoning remains appropriate. The right lands went into the right zones. Forest Commercial zoned lands are reliably commercial lands. Woodlot Resource lands are reliably secondary lands, with a mix of low and non-resource characteristics. A good part of this reliability is attributable to how well the IRR system functioned in the original zoning efforts. This reliability carries over into the new Goal 11, Policy 3, especially when other criteria related to carrying capacity are also applied.

The GIS data and maps allow the county to stand back and take a comprehensive view of zoning patterns in relationship to the county's geography. This view shows that WR lands are more closely associated with RR lands than FC lands. They are principally located along valley foothills in the vicinity of major roads, streams and existing non-resource development. For this reason WR lands, like RR lands, are functionally segregated from the county's vast holdings of FC lands.

These features all help to assure the new non-resource land criteria will start with favorable land use patterns. This provides a reliable starting point for evaluating and minimizing conflicts between non-resource zone changes and commercial forest uses.

GOAL 10: TO DEPICT A LAND USE PATTERN TO GUIDE FUTURE USES, TO IMPLEMENT THE DESIRES OF THE COUNTY AND TO MEET THE REQUIREMENTS OF THE STATE OF OREGON

OVERVIEW:

It is in the best interest of the citizens of the County to have a stable land use pattern. A Comprehensive Plan Map is an acceptable method to show existing and desired land use patterns for the Planning Period.

POLICIES:

1. The Comprehensive Plan Map shall be used as a guide and shall show the land use in Josephine County. The general land use categories and their implementing zones are as follows:
 - A. Forest (F). The forested lands including the lands for the full range of forest uses. Because of the economic importance of the timber economy to Josephine County, forest lands as described in Goal 2, Policy 7 shall be conserved through the use of two forest zones. Either the FC or WR zone will be applied to forest areas where a majority of the following criteria under either 1 or 2 are applicable:
 1. Lands with the following characteristics shall be zoned Forest Commercial (FC-80):
 - a. parcels of land primarily managed for commercial forestry;
 - b. parcels generally 40 acres or larger with soils which have a CIRR (Composite Internal Rate of Return) of 4.00 or above;
 - c. parcels accessed primarily by roads constructed for servicing commercially managed forest lands;
 - d. parcels with soils which have a CIRR below 4.00 but are surrounded by parcels described in a, b, and c above;
 - e. government parcels 40 acres or larger and outside impacted wildlife habitat areas.
 2. Lands with the following characteristics shall be zoned Woodlot Resource (WR):
 - a. parcels of land generally not managed, or incapable of being managed, for commercial forestry;
 - b. parcels generally smaller than 40 acres with a CIRR between 3.5 and 3.9.
 - c. parcels with a CIRR below 3.5 which, by definition, as described by Goal 2, Policy 7, are forest lands;
 - d. parcels provided with facilities and roads intended primarily for servicing rural noncommercially managed forest lands;
 - e. parcels with soils which have CIRR of 4.00 or above but are surrounded by parcels described in a-d above.

**MAINFRAME
COMPUTER
ZONING PRINTOUTS
FOR
1985 & 1992**

JOSEPHINE COUNTY
PLANNING DEPT.

LAND USE MANAGEMENT REPORTING
ACRES -999,999.99

DATE 06/11/85
R-0110 PAGE 1

COMP PLAN	ZONE	< < < IMPROVED	PUBLIC UNIMPROVED	> > > TOTAL	< < < IMPROVED	PRIVATE UNIMPROVED	> > > TOTAL	O V E R A L L TOTAL
						43.65	43.65	43.65
	***					2	2	2
						43.65	43.65	43.65
						2	2	2
AGG	AR		39.01	39.01	218.13	548.05	766.18	805.19
			7	7	25	43	68	75
AGG	***		39.01	39.01	218.13	548.05	766.18	805.19
			7	7	25	43	68	75
BP	BP				21.34	7.77	29.11	29.11
					57	23	80	80
BP	M1		22.54	22.54	128.10	73.98	202.08	224.62
			7	7	66	30	96	103
BP	***		22.54	22.54	149.44	81.75	231.19	253.73
			7	7	123	53	176	183
CBD	CBD				21.58	8.53	30.11	30.11
					167	26	193	193
CBD	***				21.58	8.53	30.11	30.11
					167	26	193	193
CIT	CIT				.49		.49	.49
					1		1	1
CIT	***				.49		.49	.49
					1		1	1
COM	RC		.50	.50	134.08	65.91	199.99	200.49
			2	2	73	28	101	103
COM	TC		9.04	9.04	255.28	83.52	338.80	347.84
			4	4	70	38	108	112
COM	***		9.54	9.54	389.36	149.43	538.79	548.33
			6	6	143	66	209	215
EF	EF	41.18	935.40	976.58	16,519.05	7,863.07	24,382.12	25,358.70
		3	60	63	643	401	1044	1107
EF	***	41.18	935.40	976.58	16,519.05	7,863.07	24,382.12	25,358.70
		3	60	63	643	401	1044	1107

COMP PLAN	ZONE	< IMPROVED	< UNIMPROVED	PUBLIC UNIMPROVED	> TOTAL	< IMPROVED	< UNIMPROVED	PRIVATE UNIMPROVED	> TOTAL	> TOTAL	OVERALL TOTAL
FOR	FC	19,009.65	11	600,937.30	619,946.95	19,417.00	462	88,777.22	108,194.22	1396	728,141.17
FOR	***	19,009.65	11	600,937.30	619,946.95	19,417.00	462	88,777.22	108,194.22	1396	728,141.17
				912	923			934			2319

FR	FR			140.64	140.64	4,201.23	274	2,502.70	6,703.93	481	6,844.57
FR	***			140.64	140.64	4,201.23	274	2,502.70	6,703.93	481	6,844.57
				20	20			207			501
				20	20	274		207			501

GC	C3			10.32	10.32	159.30	174	60.76	220.06	225	230.38
GC	C4			11	11	9.02	6	5.96	14.98	11	14.98
GC	C5			57.89	57.89	210.91	164	46.37	257.28	11	268.39
GC	GC			10	10	253.11	150	186.64	403.75	669	890.44
GC	***			1	1	632.34	251	113.6	745.94	1136	859.54
				22	22	863		251	1114		1365

HR	R3			80.13	80.13	346.59	256	132.97	479.56	358	559.69
HR	***			17	17	346.59	102	132.97	479.56	375	559.69
				17	17	256		102	358		375

HRR	R4					22.52	29	3.67	26.19	31	26.19
HRR	***					22.52	29	3.67	26.19	31	26.19
						29		2	31		31

I	I			5.19	5.19	121.89	36	27.18	149.07	63	149.07
I	*2			2	2	116.83	17	48.53	165.36	33	170.55
I	***			2	2	238.72	53	75.71	314.43	94	319.62
				2	2	121.89	41	27.18	149.07	63	149.07

IND	IP			148.45	148.45	96.39		56.54	152.93		301.38
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EXHIBIT **C2**

JOSEPHINE COUNTY
PLANNING DEPT.

LAND USE MANAGEMENT
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EXHIBIT

COMP PLAN	ZONE	IMPROVED	UNIMPROVED	TOTAL	IMPROVED	UNIMPROVED	TOTAL	IMPROVED	UNIMPROVED	TOTAL	IMPROVED	UNIMPROVED	TOTAL
IND	R1	1	10	11	22	20	42	47.11	20	47.11	20	20	47.11
			19.38	19.38	276.33	372.49	648.82	23.79	6	23.79	6	6	23.79
			10	10	72	65	137	20.72	9	20.72	9	9	20.72
IND	***	1	167.83	167.83	372.72	429.03	801.75	70.90	26	70.90	26	26	70.90
			20	20	94	85	179	2036	513	2002	2036	2036	2036
LR	R10		.27	.27	225.39	157.30	382.69	467	469	936	469	469	936
			2	2	341	126	467	320.28	178	187	187	187	187
LR	R12		9.11	9.11	199.40	120.88	320.28	1357	1380	2737	1380	1380	2737
			9	9	118	60	178	2,180.19	513	2,693.19	513	513	2,693.19
LR	R18		78.86	78.86	1,044.85	432.37	1,477.22	2036	2036	4072	2036	2036	4072
			23	23	1030	327	1357	2036	2036	4072	2036	2036	4072
LR	***		88.24	88.24	1,469.64	710.55	2,180.19	2036	2036	4072	2036	2036	4072
			34	34	1489	513	2002	2036	2036	4072	2036	2036	4072
MR	R16				.21		.21			.21			.21
					1		1			1			1
MR	R2		.49	.49	376.86	82.95	459.81	427	439	866	427	439	866
			1	1	362	65	427	460.02	428	888	428	428	888
MR	***		.49	.49	377.07	82.95	460.02	428	440	908	428	440	908
			1	1	363	65	428	428	440	868	428	440	868
NC	C2				.40		.40			.40			.40
					1		1			1			1
NC	NC				2.84	.31	3.15			3.15			3.15
					9	3	12			12			12
NC	***				3.24	.31	3.55			3.55			3.55
					10	3	13			13			13
RCC	RCC		15.16	15.16	180.38	161.13	341.51	239	248	589	239	248	589
			9	9	117	122	239	89.41	125.78	214.19	89.41	125.78	214.19
RCC	RPI		36.37	36.37	54.76	15	69	55	64	119	55	64	119
			9	9	40	15	55	430.92	482.45	862.37	430.92	482.45	913.37
RCC	***		51.53	51.53	235.14	195.78	430.92	482.45	482.45	964.90	482.45	482.45	964.90

EXHIBIT

B

B-3

JOSEPHINE COUNTY
PLANNING DEPT.

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EXHIBIT

B-4

COMP PLAN	ZONE	IMPROVED	PUBLIC UNIMPROVED	TOTAL	IMPROVED	PRIVATE UNIMPROVED	TOTAL	OVERALL TOTAL
RR	302			18	157	137	294	312
RR	RR1	75.97	75.97	150.94	793	640.12	2,144.83	2,220.80
		25	25	50	361	1154	1179	1179
RR	RR2	338.44	338.44	676.88	4,486.35	2,758.86	7,245.21	7,583.65
		69	69	138	1293	840	2133	2202
RR	RR5	12.51	1,111.80	1,124.31	29,229.84	20,122.13	49,351.97	50,476.28
		8	176	184	6682	4110	10792	10976
RR	***	12.51	1,526.21	1,538.72	35,232.20	23,526.11	58,758.31	60,297.03
		8	270	278	8770	5312	14082	14360
S	SR				13.47	.10	13.57	13.57
S	***				9	1	10	10
					13.47	.10	13.57	13.57
SER	S	6,697.26	109,121.65	115,818.91	3,848.33	8,338.17	12,186.50	128,005.41
		3	103	106	136	213	349	455
SER	***	6,697.26	109,121.65	115,818.91	3,848.33	8,338.17	12,186.50	128,005.41
		3	103	106	136	213	349	455
UA	C		145.48	145.48	583.69	506.91	1,090.60	1,236.08
			10	10	153	99	252	262
UA	***		145.48	145.48	583.69	506.91	1,090.60	1,236.08
			10	10	153	99	252	262
WL	WQR				31.49		31.49	31.49
WL	WR	360.73	6,714.50	7,075.23	21,441.58	39,693.98	61,135.56	68,210.79
		2	172	174	938	1477	2415	2589
WL	***	360.73	6,714.50	7,075.23	21,441.58	39,693.98	61,135.56	68,210.79
		2	172	174	938	1477	2415	2589

EXHIBIT R-4

JOSEPHINE COUNTY
PLANNING DEPT.

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COMP PLAN	ZONE	< < < IMPROVED	PUBLIC UNIMPROVED	> > > TOTAL	< < < IMPROVED	PRIVATE UNIMPROVED	> > > TOTAL	OVERALL TOTAL
***	***	26,121.82 29	720,074.96 1691	746,196.78 1720	105,821.22 15179	173,878.00 10042	279,699.22 25221	1,025,896.00 26941

COMP PLAN	ZONE	IMPROVED	PUBLIC UNIMPROVED	TOTAL	ACRES	IMPROVED	PRIVATE UNIMPROVED	TOTAL	OVERALL TOTAL
AG	EF	42.22	1,181.17	1,223.39	17,303.52	8,179.35	25,482.87	26,706.26	1105
AG	FR	4	64	68	4,279.25	359	1037	1105	6,684.92
		10.50	147.17	157.67		2,248.00	6,527.25		352
		1	16	17	191	144	335		1457
AG	***	52.72	1,328.34	1,381.06	21,582.77	10,427.35	32,010.12	33,391.18	
		5	80	85	869	503	1372		
AR	AR		220.91	220.91	469.78	862.79	1,332.57	1,553.48	
AR	***		220.91	220.91	27	45	72	79	
					469.78	862.79	1,332.57	1,553.48	
					27	45	72	79	
BP	M1				30.09	14.32	44.41	44.41	
BP	***				9	5	14	14	
					30.09	14.32	44.41	44.41	
					9	5	14	14	
C	RC		.50	.50	135.26	49.39	184.65	185.15	
C	RCC	2	8	10	85	24	109	111	
C	TC	10	8.69	18.69	211.48	169.51	380.99	389.68	
C	***	10	9.23	19.23	162	126	288	298	
		6	6	12	261.64	83.21	344.85	354.08	
		18	18.42	36.42	75	42	117	123	
		18	18	36	608.38	302.11	910.49	928.91	
		18	18	36	322	192	514	532	
CBD	CBD	.26	.55	.81	26.97	8.83	35.80	36.61	
CBD	***	2	3	5	169	19	188	193	
		.26	.55	.81	26.97	8.83	35.80	36.61	
		2	3	5	169	19	188	193	
F	FC	3,894.96	644,227.25	648,122.21	23,934.51	92,765.74	116,700.25	764,822.46	
F	WR	12	875	887	532	923	1455	2342	
F	***	12	10,549.42	10,549.42	20,962.78	28,895.98	49,858.76	60,408.18	
		12	205	205	1006	1163	2169	2374	
		12	3,894.96	654,776.67	44,897.29	121,661.72	166,559.01	825,230.64	
		12	1080	1092	1538	2086	3624	4716	

GBP 19.30 7.66 26.96

COMP PLAN	ZONE	IMPROVED	PUBLIC UNIMPROVED	TOTAL	IMPROVED	PRIVATE UNIMPROVED	TOTAL	OVERALL TOTAL
GBP	***				49	30	79	79
					19.30	7.66	26.96	26.96
					49	30	79	79

GC	C3				12.26	1.69	13.95	13.95
					11	2	13	13
GC	C5	5.50	5.50	11	5.70	6.77	12.47	17.97
		1	1	2	4	3	7	8
GC	***	5.50	5.50	11	17.96	8.46	26.42	31.92
		1	1	2	15	5	20	21

GGC	C4				247.74	54.60	302.34	308.17
					530	114	644	657
GGC	GC	2.65	3.18	5.83	247.74	55.91	303.65	309.48
		5	8	13	530	115	645	658

GHR	R3				4.73	.24	4.97	4.97
					1	1	2	2
GHR	***				4.73	.24	4.97	4.97
					1	1	2	2

G1	I				98.76	28.82	127.58	138.44
					33	26	59	61
G1	***	10.86	10.86	21.72	98.76	28.82	127.58	138.44
		2	2	4	33	26	59	61

GIP	L1				34.30	10.53	44.83	44.83
					14	6	20	20
GIP	***				34.30	10.53	44.83	44.83
					14	6	20	20

GLR	R18				9.66		9.66	9.66
					43		43	43
GLR	***				9.66		9.66	9.66
					43		43	43

COMP ZONE IMPROVED UNIMPROVED P U B L I C IMPROVED UNIMPROVED P R I V A T E IMPROVED UNIMPROVED TOTAL OVERALL TOTAL

GMR R2 0.75 3 0.75 3 0.75 3 0.75 3 0.75 3 0.75 3

GNC NC 2.94 9 2.94 9 0.31 3 0.31 3 3.25 12 3.25 12 3.25 12

GNC *** 2.94 9 2.94 9 0.31 3 0.31 3 3.25 12 3.25 12 3.25 12

HR R2 1.24 1 1.24 1 24.06 14 24.06 14 118.21 125 118.21 125 173.60 133

HR R3 44.95 4 44.95 4 94.15 11 94.15 11 24.06 14 24.06 14 119.45 134

HR *** 44.95 4 44.95 4 94.15 11 94.15 11 24.06 14 24.06 14 119.45 134

HRR R4 5.54 26 5.54 26 5.54 26 5.54 26 5.54 26 5.54 26 5.54 26

HRR *** 5.54 26 5.54 26 5.54 26 5.54 26 5.54 26 5.54 26 5.54 26

I LI 213.55 2 213.55 2 83.55 31 83.55 31 65.22 24 65.22 24 148.77 55 148.77 55 362.32 76

I RI 27.62 15 27.62 15 614.91 95 614.91 95 522.91 84 522.91 84 1,137.82 179 1,137.82 179 1,165.44 194

I *** 241.17 34 241.17 34 698.46 126 698.46 126 588.13 108 588.13 108 1,286.59 234 1,286.59 234 1,527.76 270

IN M2 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1

IN *** 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1 0.20 1

LR R10 34.67 37 34.67 37 5.71 8 5.71 8 40.38 45 40.38 45 40.38 45

LR R12 10.75 1 10.75 1 6.68 35 6.68 35 17.96 11 17.96 11 24.64 46 24.64 46 35.39 47

LR R18 16.63 1 16.63 1 10.38 35 10.38 35 27.01 1 27.01 1 136.38 77 136.38 77 213.78 134 213.78 134 240.79 147

JOSEPHINE COUNTY
PLANNING DEPT.

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COMP PLAN	ZONE	IMPROVED	PUBLIC UNIMPROVED	TOTAL	IMPROVED	PRIVATE UNIMPROVED	TOTAL	OVERALL TOTAL
LR	***	2 16.63	4 21.13	6 37.76	210 177.73	82 101.07	292 278.80	298 316.56
MR	R16				282	101	383	390
MR	R2				1	8.20	1	1
MR	***				68.38 77 68.59 78	24 8.20 24	101 76.79 102	101 76.79 102
NC	C2				.40		.40	.40
NC	***				1		1	.40
R	RR1	9.61	103.86	113.47	1,759.11	557.67	2,316.78	2,430.25
R	RR2	1	33	34	1030	327	1357	1391
R	RR5	39.70	194.01	233.71	5,752.94	2,106.91	7,859.85	8,016.12
R	WR	14	56	70	1,154.65	649	2,286	2342
R	***	175	175	350	34,610.56	19,562.15	54,172.71	55,367.06
R	***	49.31	1,452.52	1,501.83	7701	3504	11205	11394
S	S	15	264	279	9.99	22,188.99	64,321.59	9.99
S	***	200.00	123,541.42	123,741.42	42,132.60	4480	14849	65,823.42
S	***	1	98	99	10369			15128
S	***	200.00	123,541.42	123,741.42	3,508.73	210	358	136,543.75
S	***	1	98	99	148	210	358	457
S	***	1	98	99	3,508.73	210	358	136,543.75
***	***	4,261.48	781,631.11	785,892.59	114,738.86	165,593.30	280,332.16	1,066,224.75
***	***	48	1604	1652	14773	7974	22747	24399

EXI .DIT C-4

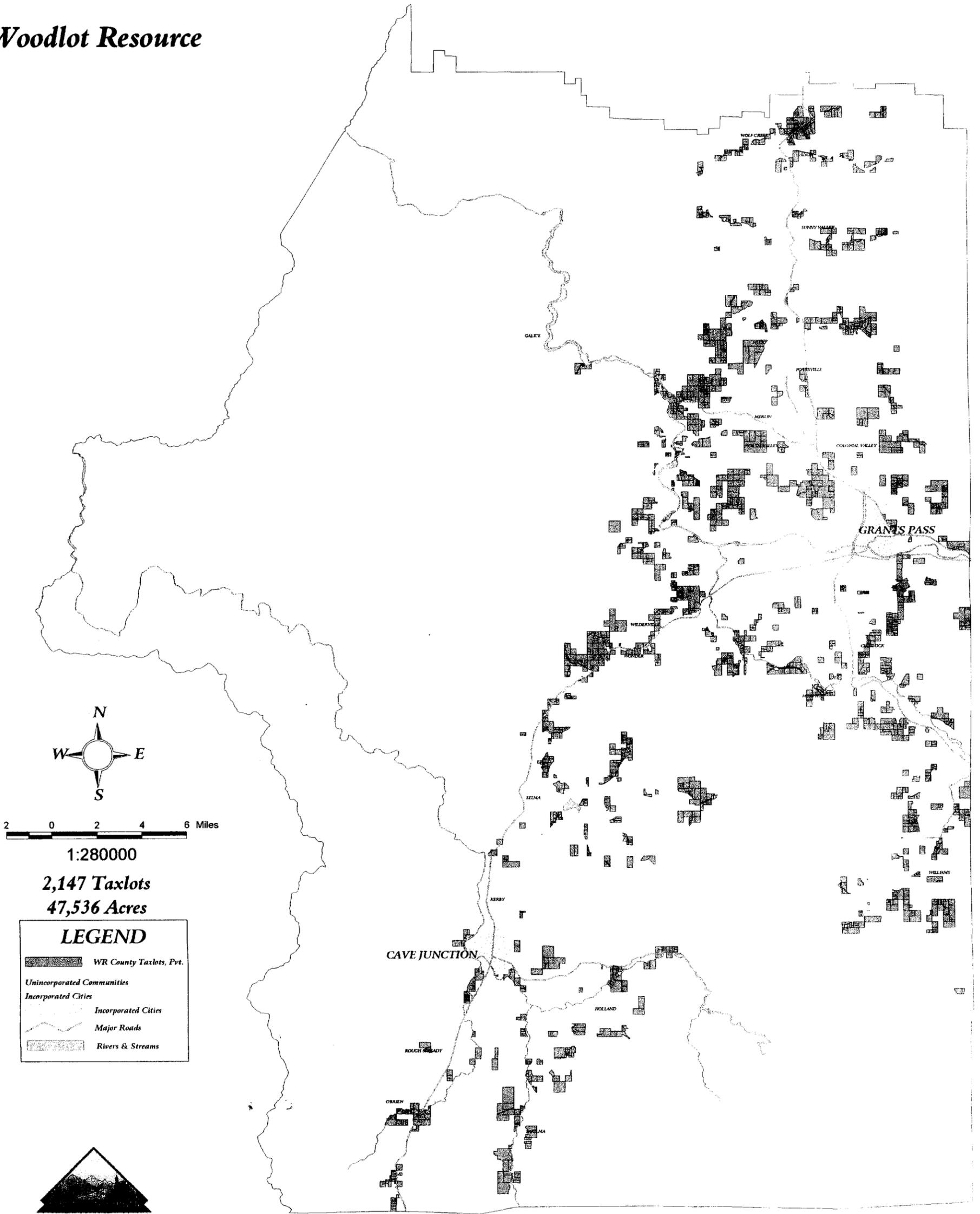
MAP

APPENDIXES

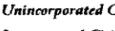
Private Property with:

Josephine County, Oregon

Woodlot Resource



LEGEND

-  WR County Taxlots, Pvt.
-  Unincorporated Communities
-  Incorporated Cities
-  Major Roads
-  Rivers & Streams



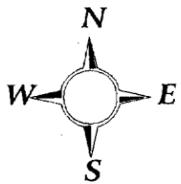
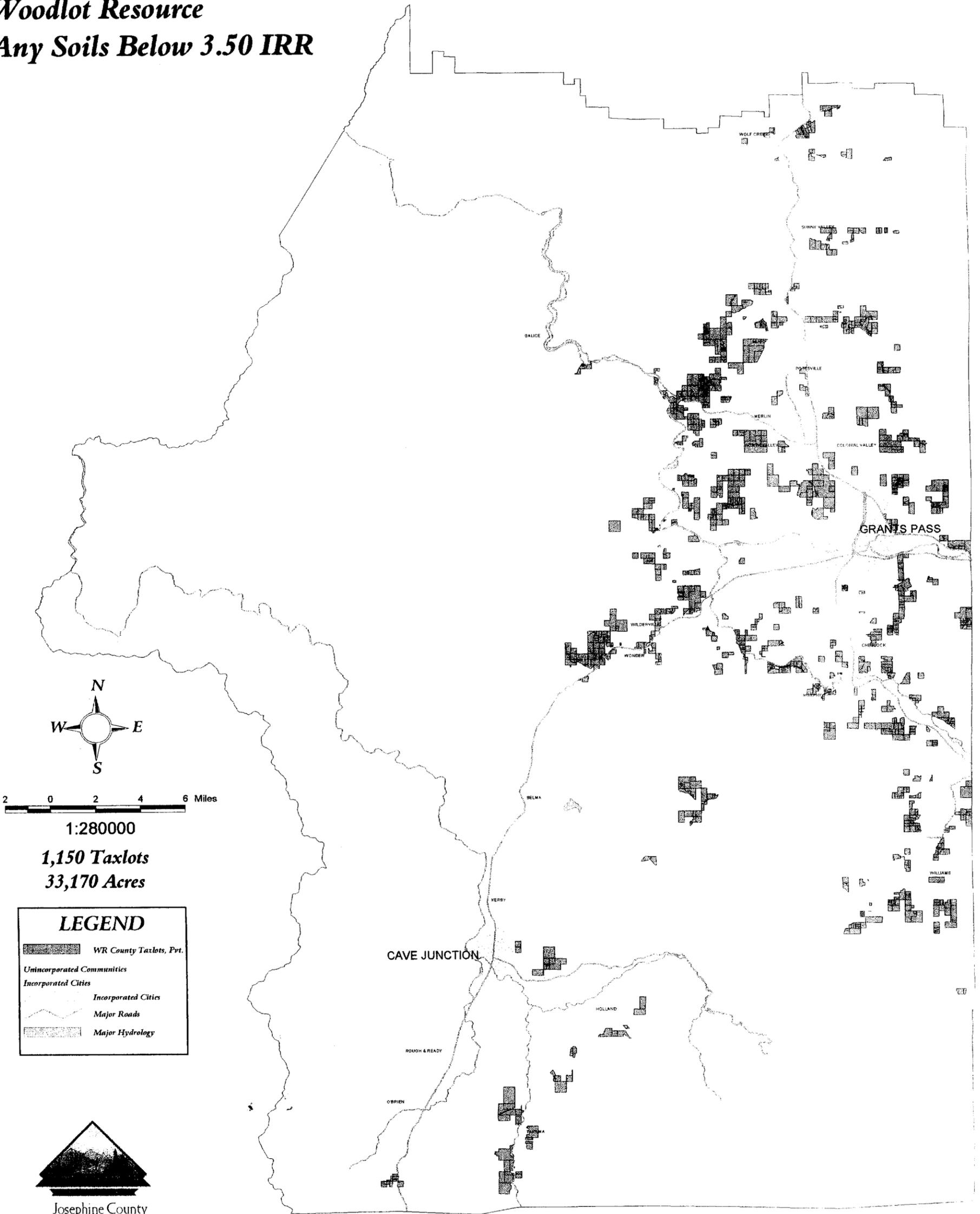
Josephine County
Planning,
GIS Division

Private Property with:

Josephine County, Oregon

Woodlot Resource

Any Soils Below 3.50 IRR

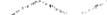


2 0 2 4 6 Miles

1:280000

1,150 Taxlots
33,170 Acres

LEGEND

-  WR County Taxlots, Pvt.
- Unincorporated Communities**
- Incorporated Cities**
-  Incorporated Cities
-  Major Roads
-  Major Hydrology

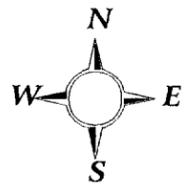
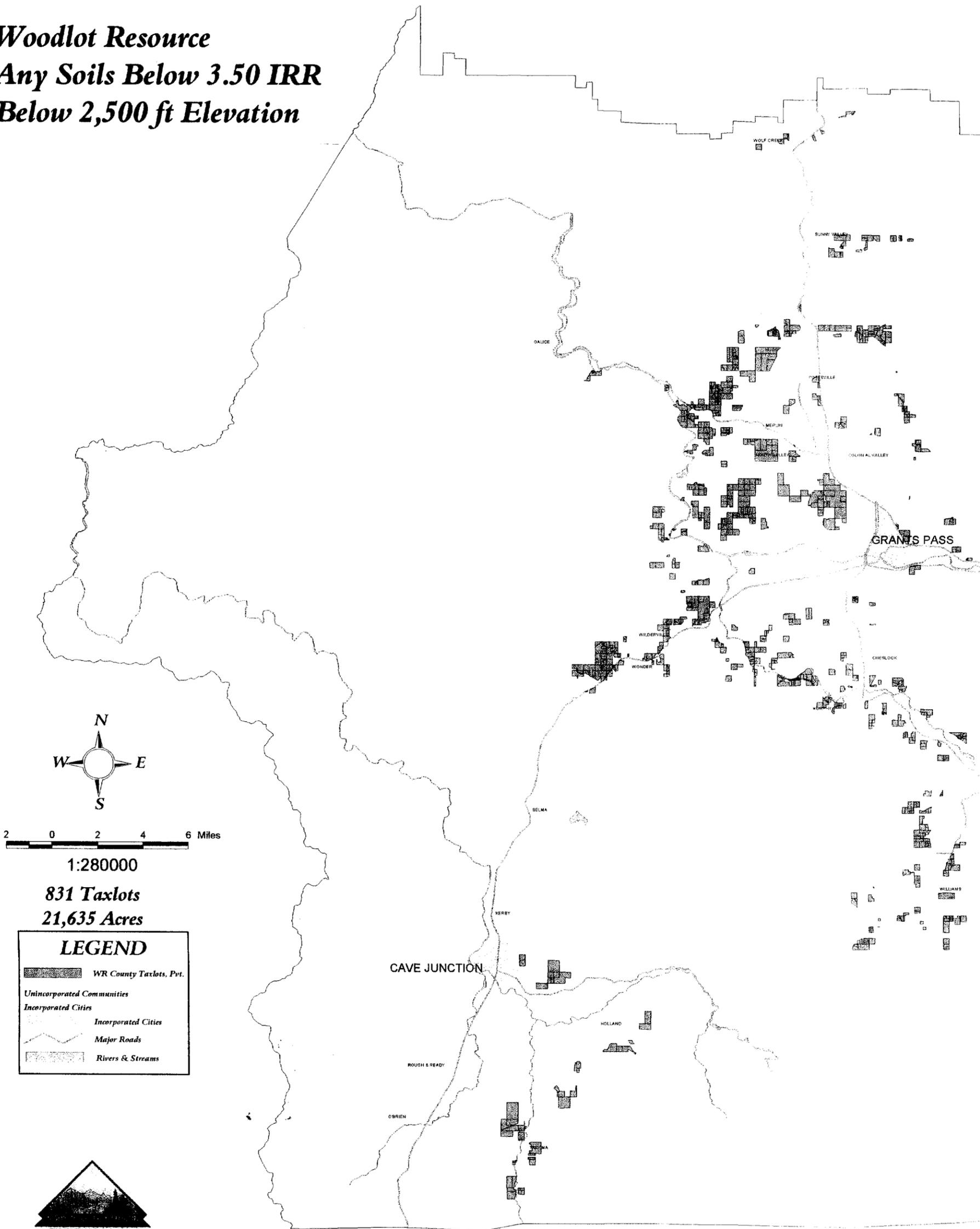


Josephine County
Planning,
GIS Division

Private Property with:

Josephine County, Oregon

**Woodlot Resource
Any Soils Below 3.50 IRR
Below 2,500 ft Elevation**

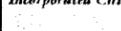


2 0 2 4 6 Miles

1:280000

**831 Taxlots
21,635 Acres**

LEGEND

-  WR County Taxlots, Pvt.
- Unincorporated Communities
- Incorporated Cities
-  Incorporated Cities
-  Major Roads
-  Rivers & Streams

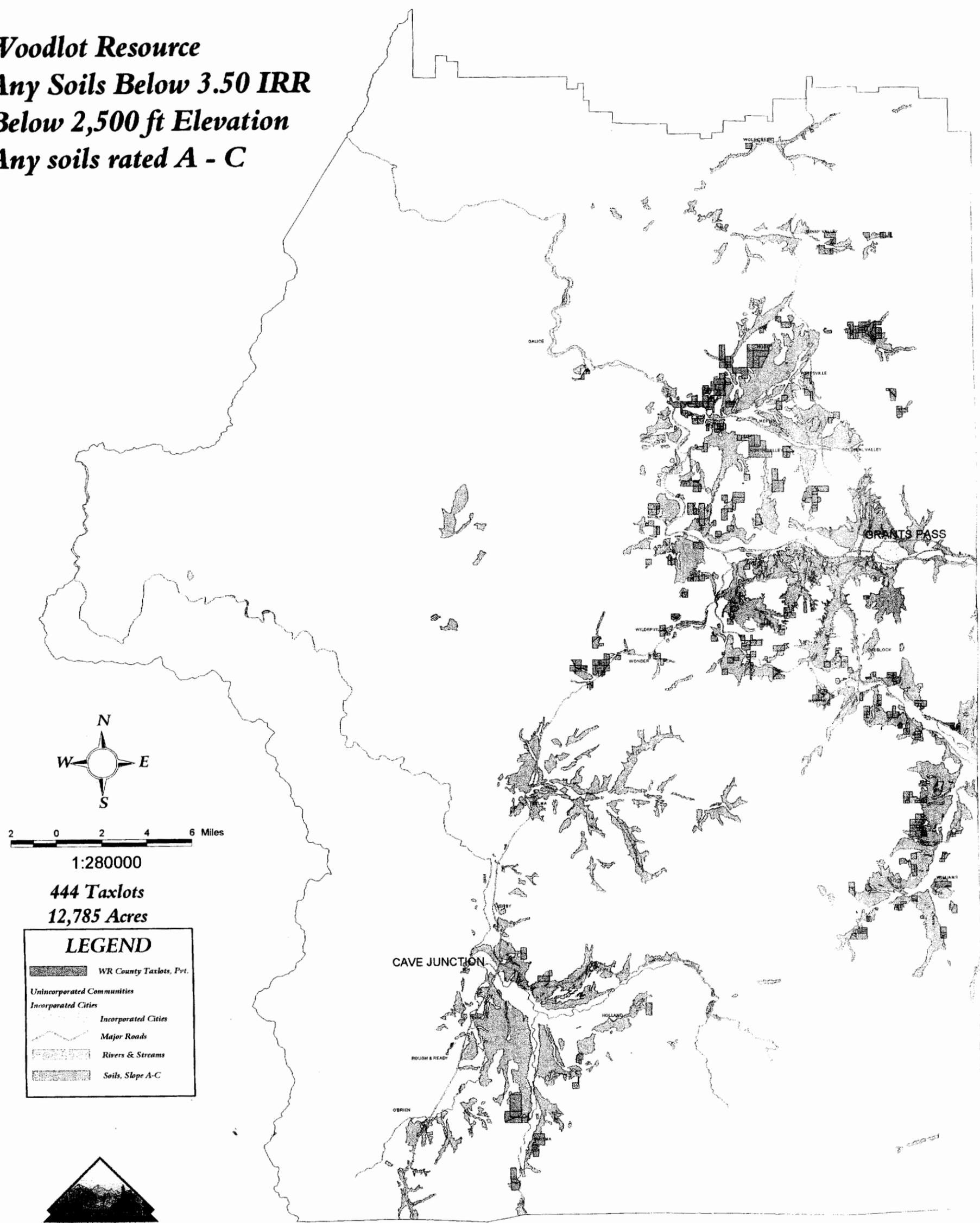


Josephine County
Planning,
GIS Division

Josephine County, Oregon

Private Property with:

- Woodlot Resource**
- Any Soils Below 3.50 IRR**
- Below 2,500 ft Elevation**
- Any soils rated A - C**



2 0 2 4 6 Miles

1:280000

444 Taxlots
12,785 Acres

LEGEND

- WR County Taxlots, Pvt.
- Unincorporated Communities**
- Incorporated Cities**
- Incorporated Cities
- Major Roads
- Rivers & Streams
- Soils, Slope A-C

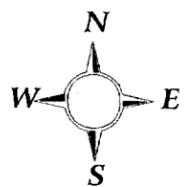
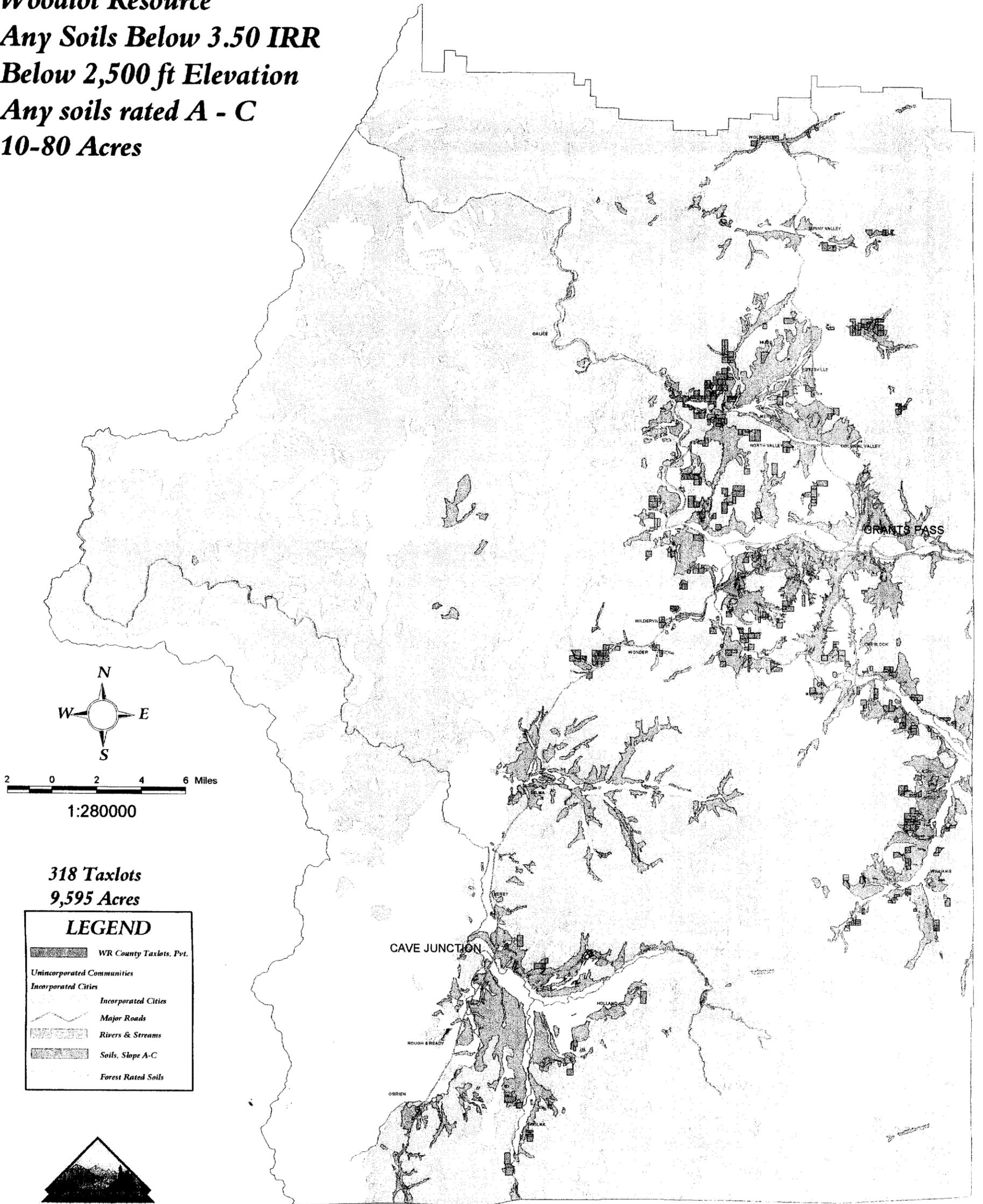


Josephine County
Planning,
GIS Division

Private Property with:

Josephine County, Oregon

Woodlot Resource
Any Soils Below 3.50 IRR
Below 2,500 ft Elevation
Any soils rated A - C
10-80 Acres



2 0 2 4 6 Miles
1:280000

318 Taxlots
9,595 Acres

LEGEND

- WR County Taxlots, Pvt.
- Unincorporated Communities
- Incorporated Cities
- Incorporated Cities
- Major Roads
- Rivers & Streams
- Soils, Slope A-C
- Forest Rated Soils

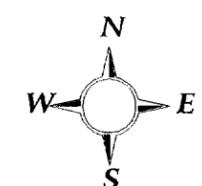
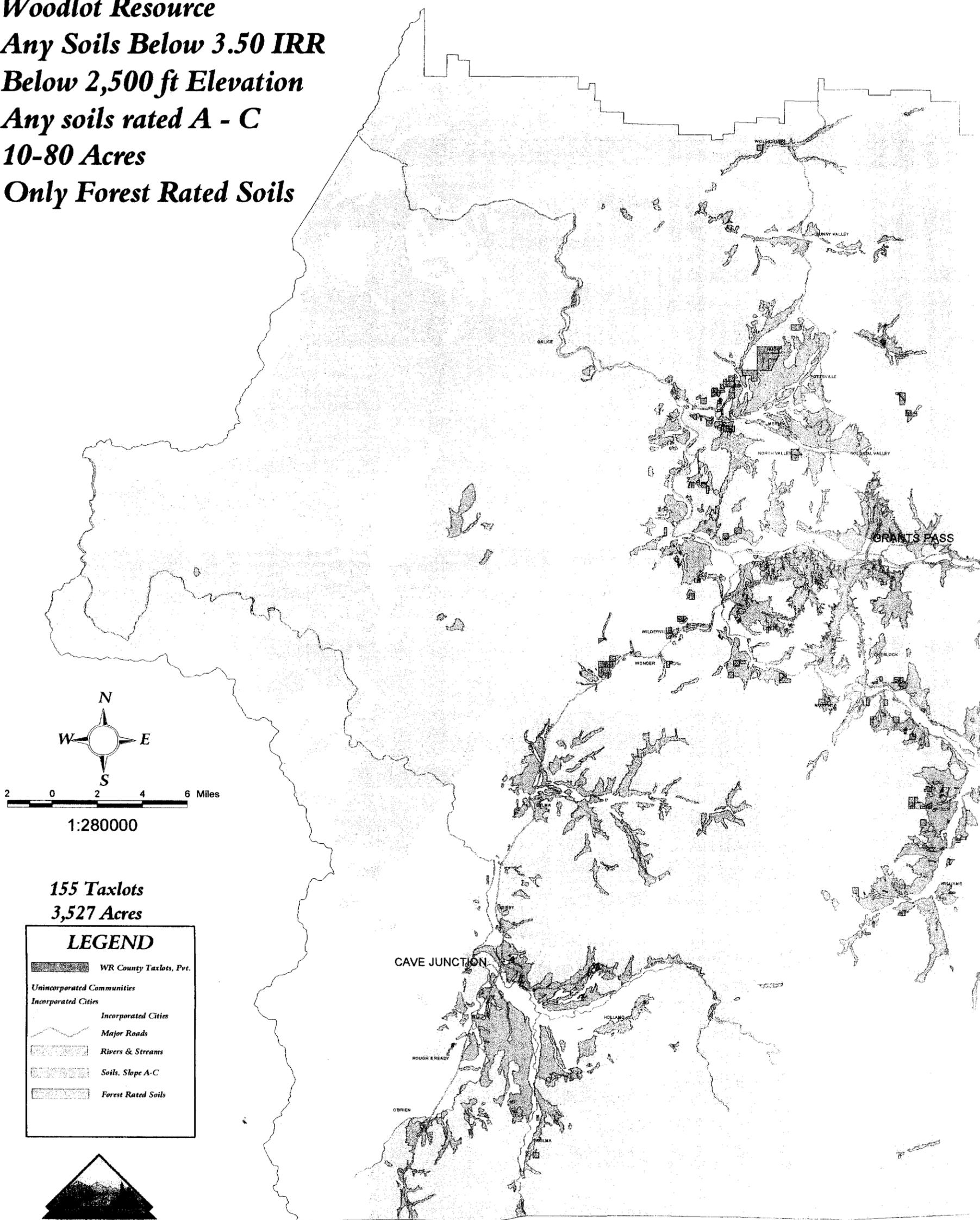


Josephine County
Planning,
GIS Division

Private Property with:

Josephine County, Oregon

- Woodlot Resource**
- Any Soils Below 3.50 IRR**
- Below 2,500 ft Elevation**
- Any soils rated A - C**
- 10-80 Acres**
- Only Forest Rated Soils**



2 0 2 4 6 Miles
1:280000

155 Taxlots
3,527 Acres

LEGEND

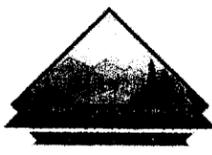
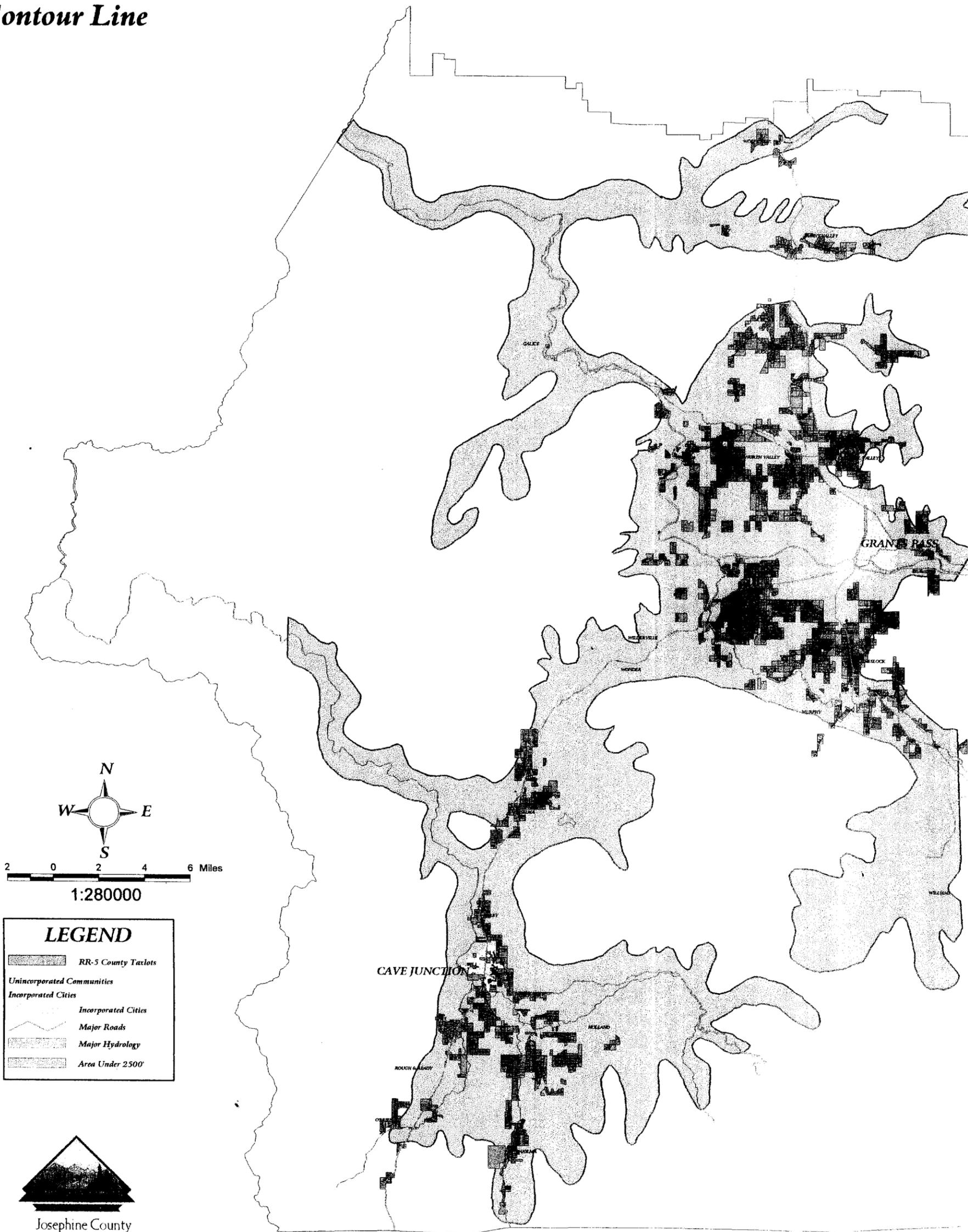
- WR County Taxlots, Pvt.
- Unincorporated Communities
- Incorporated Cities
- Incorporated Cities
- Major Roads
- Rivers & Streams
- Soils, Slope A-C
- Forest Rated Soils



Josephine County
Planning,
GIS Division

RR-5 Lands in Relationship to 2500' Contour Line

Josephine County, Oregon

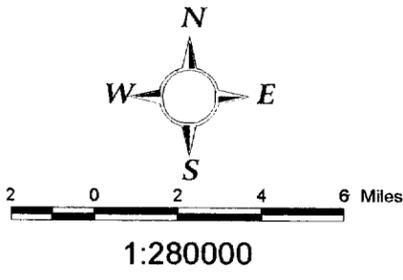
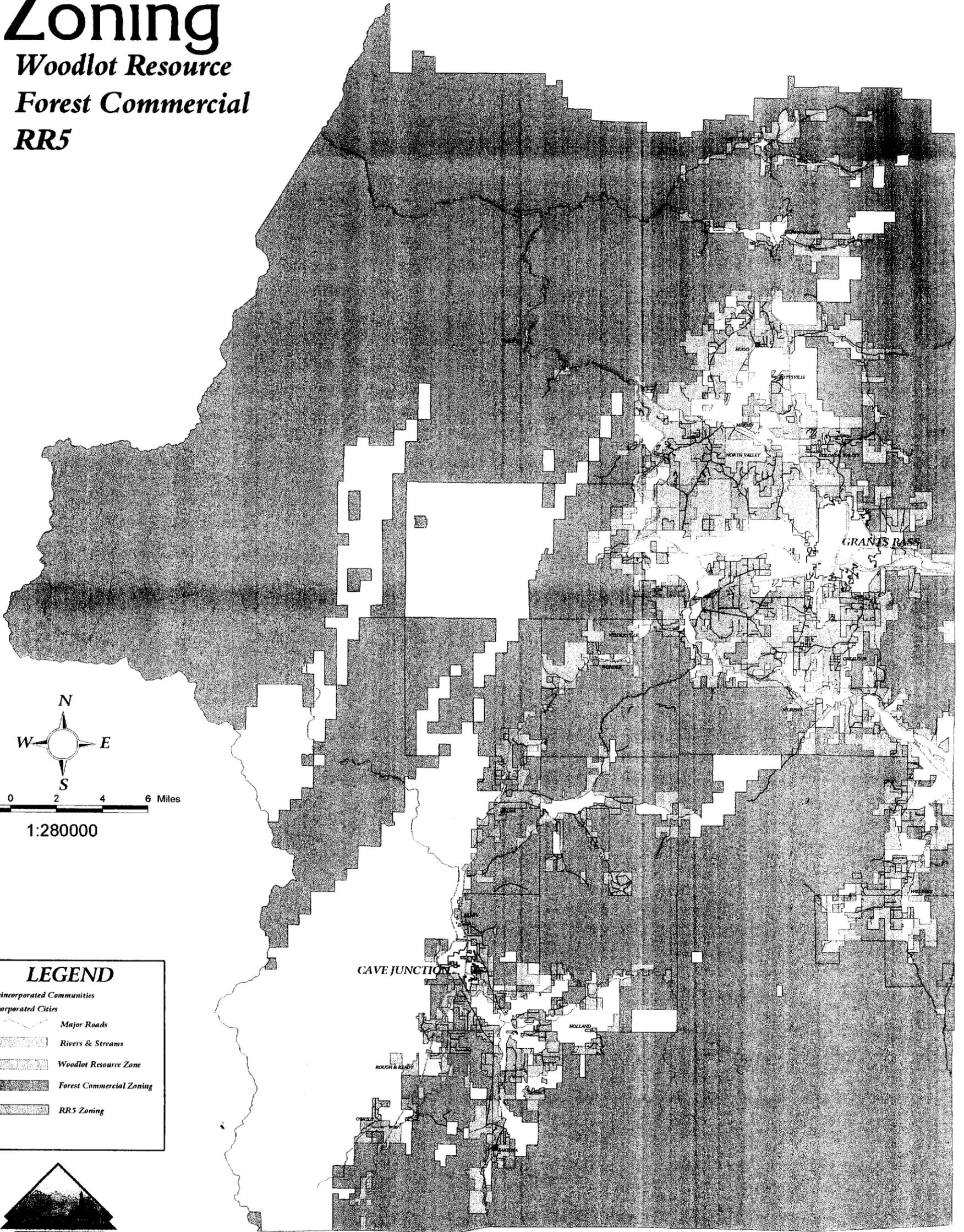


Josephine County
Planning,
GIS Division

Josephine County, Oregon

Zoning

*Woodlot Resource
Forest Commercial
RR5*



LEGEND

Unincorporated Communities
 Incorporated Cities

Major Roads

Rivers & Streams

Woodlot Resource Zone

Forest Commercial Zoning

RR5 Zoning



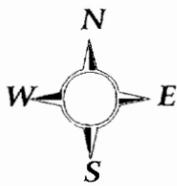
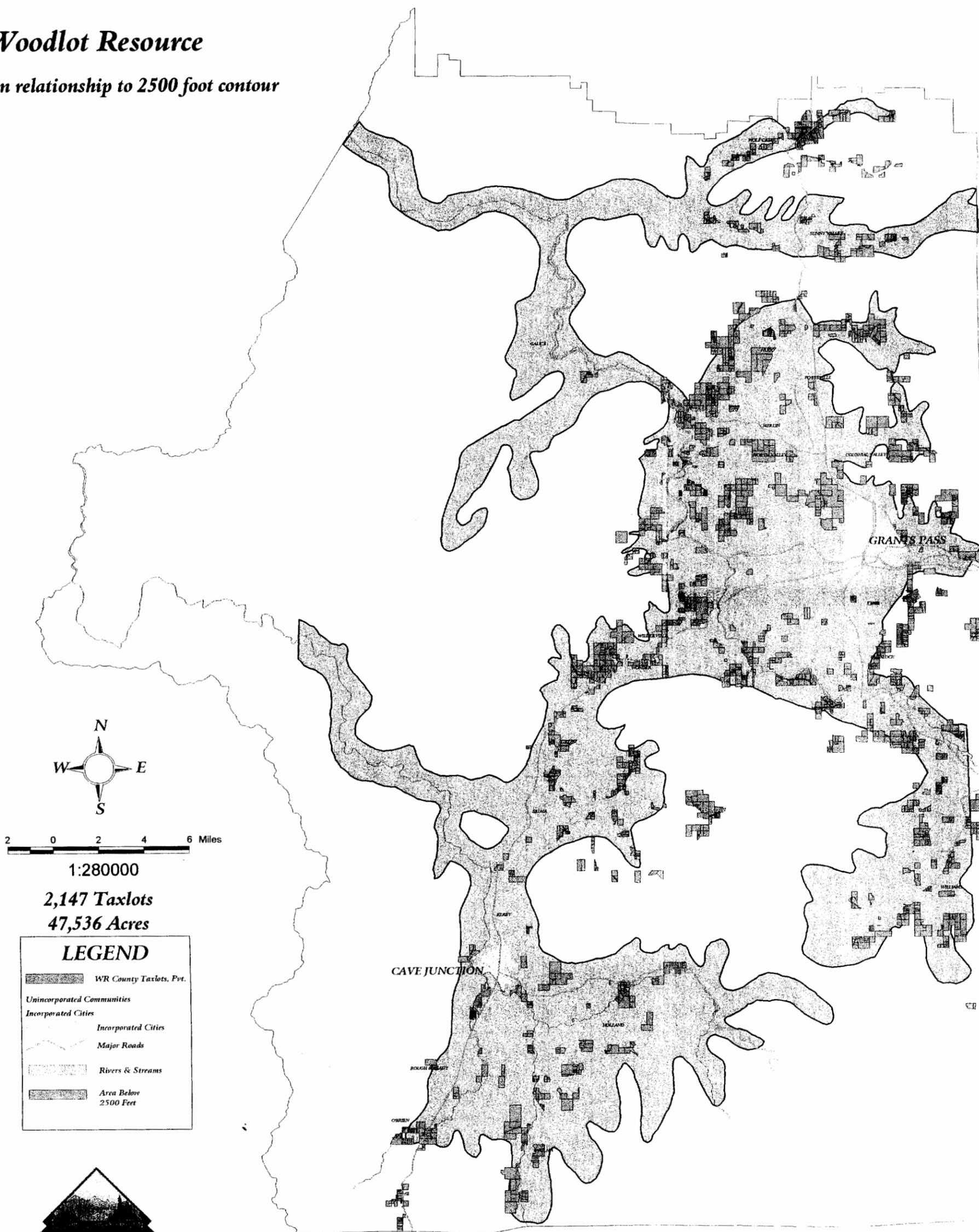
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Private Property with:

Josephine County, Oregon

Woodlot Resource

In relationship to 2500 foot contour



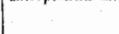
2 0 2 4 6 Miles

1:280000

2,147 Taxlots

47,536 Acres

LEGEND

-  WR County Taxlots, Pvt.
- Unincorporated Communities
- Incorporated Cities
-  Incorporated Cities
-  Major Roads
-  Rivers & Streams
-  Area Below 2500 Feet



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GIS Division