

Josephine County 2004 Ordinances

#	Date Signed	Date Effective	Description
2004-001 <u>REPEALED 12/15/04</u>	4/7/04	7/8/04	An ordinance amending the Comprehensive Plan of Josephine County from Residential to Commercial and amending the Zoning Map of Josephine County from Rural Residential - 1 Acre to Rural Commercial for property identified as Assessor's Map 36-5-21-DB, Tax Lot 3300 . Property owner: John Snook.
2004-002	9/1/04	11/30/04	An ordinance amending the Comprehensive Plan of Josephine County from Industrial to Residential and amending the Zoning Map of Josephine County from Rural Industrial to Rural Residential (5-Acre Minimum) for 8.55 acres of property identified as Assessor's Map 38-05-14, Tax Lot 800 . Property Owner: Jennifer Davis.
2004-004	9/22/04	12/21/04	An ordinance amending the Comprehensive Plan of Josephine County to adopt a new Transportation System Plan superceding the Transportation System Plan adopted by Resolution No. 83-25 and amending the Josephine County Rural Land Development Code to adopt related text amendments.
2004-005	11/3/04	2/2/05	An ordinance amending the Goals & Policies of the Comprehensive Plan for Josephine County to add Goal 12 (Unincorporated Communities); to adopt Addendum "A" to Goal 12 (Merlin/North Valley Unincorporated Community Goals & Policies); to amend the Josephine County Rural Land Development Code to add Chapter 10 (Unincorporated Communities) and Articles 100 through 101.4 (Merlin/North Valley zones & development standards); to amend the Josephine County Zoning Map to (1) adopt the Merlin/North Valley Rural Community Boundary, and (2) change the zoning designations & standards for residential, commercial and industrial lands within the boundary to conform to the changes specified in land development code; and, to adopt the Merlin/North Valley Rural Community Plan findings of fact, dated May 2004.
2004-006	1/5/05	4/5/05	An ordinance amending the Josephine County Rural Land Development Code to adopt and implement a new Chapter 5 - Land Division Regulations, Section 11.030 - Definitions, and Article 81 - Access Standards.
2004-007	12/15/04	3/15/05	<u>Repeal of Ordinance 2004-001</u> amending the Comprehensive Plan of Josephine County from Residential to Commercial and amending the zoning map of Josephine County from Rural Residential - 1 Acre to Rural Commercial for property identified as Assessor's Map 36-5-21DB, Tax Lot 3300 . Property owner: John Snook.

Repealed 12/15/04

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

ORDINANCE NO. 2004-001

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM RESIDENTIAL TO COMMERCIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL RESIDENTIAL (1-ACRE MINIMUM) TO RURAL COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T36, R5, SECTION 21-DB, TAX LOT 3300. THE PROPERTY OWNER IS JOHN SNOOK.

WHEREAS, the Board of County Commissioners held public hearings on January 7 and 21, 2004 to consider the request pursuant to certain criteria contained within the Josephine County Comprehensive Plan at Goal 11, Policies 1 and 2 (Ordinance 81-11 As Amended); and

WHEREAS, the Josephine County Planning Commission at an earlier occasion held a public hearing to consider the above identified Comprehensive Plan and Zone Change request, and thereupon made a recommendation for approval to the Board; and

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

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

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Residential to Commercial for property identified as Assessor's Map Township 36, Range 5, Section 21-DB, Tax Lot 3300.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Residential - 1 acre to Rural Commercial for property identified as Assessor's Map Township 36, Range 5, Section 21-DB, Tax Lot 3300.

SECTION 3: Affirmation

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

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 17th day of March, 2004.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 7th day of APRIL, 2004. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

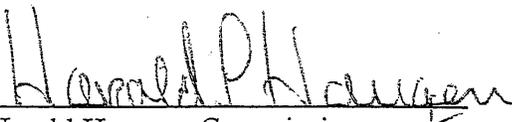
JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS



Jim Riddle, Chair

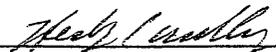


Jim Brock, Vice Chair



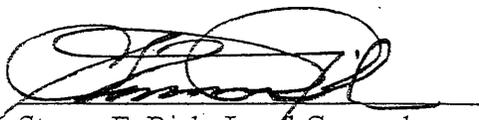
Harold Haugen, Commissioner

ATTEST:



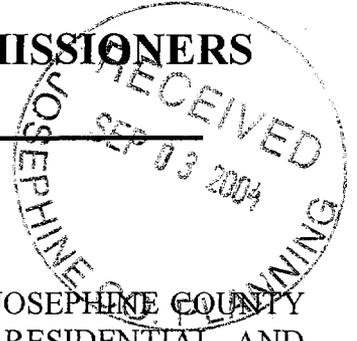
Recording Secretary

APPROVED AS TO FORM:



Steven E. Rich, Legal Counsel

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



ORDINANCE NO. 2004-002

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED), FROM INDUSTRIAL TO RESIDENTIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY (ORDINANCE 85-1 AS AMENDED), FROM RURAL INDUSTRIAL TO RURAL RESIDENTIAL (5 - ACRE MINIMUM) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP T38, R5 , SECTION 14, TAX LOT 800. THE PROPERTY OWNER IS JENNIFER DAVIS.

WHEREAS, the Josephine County Planning Commission held public hearings on April 12 and June 21, 2004 to consider the request pursuant to certain criteria contained within the Josephine County Comprehensive Plan at Goal 11, Policies 1 and 2 (Ordinance 81-11 As Amended); and

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

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

SECTION 1: Comprehensive Plan Amendment

The Josephine County Comprehensive Plan is hereby amended from Industrial to Residential for property identified as Assessor's Map Township 38, Range 5, Section 14, Tax Lot 900.

SECTION 2: Zoning Change

The Josephine County Zoning Map is hereby amended from Rural Industrial to Rural Residential - 5 acre for property identified as Assessor's Map Township 38, Range 5, Section 14, Tax Lot 900.

SECTION 3: Affirmation

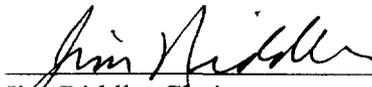
Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

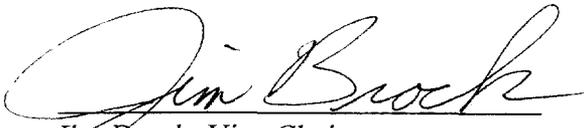
First reading by the Board of County Commissioners this 18th day of August, 2004.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 1st day of September, 2004. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

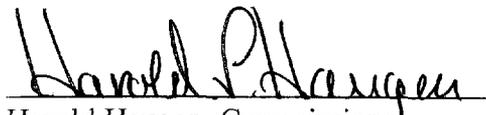
JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS



Jim Riddle, Chair

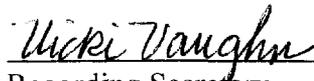


Jim Brock, Vice Chair



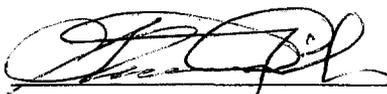
Harold Haugen, Commissioner

ATTEST:



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. 2004 - 004

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY (ORDINANCE 81-11 AS AMENDED) TO ADOPT A NEW TRANSPORTATION SYSTEM PLAN SUPERCEDING THE TRANSPORTATION SYSTEM PLAN ADOPTED BY RESOLUTION NO. 83-25, AND AMENDING THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD 94-4 AS ORIGINALLY ADOPTED AND SUBSEQUENTLY AMENDED) TO ADOPT RELATED TEXT AMENDMENTS.

WHEREAS, the Oregon Transportation Plan was ordered by the State Legislature and approved by the State Transportation Commission in 1992; and,

WHEREAS, the Transportation Planning Rule (TPR) as specified in the Oregon Administrative Rules (OAR) 660, Division 12, requires each local government to develop and adopt a long range (twenty year) Transportation System Plan (TSP) which establishes a system of facilities and services to meet local transportation needs, serves as an element in the County Comprehensive Plan and is consistent with the Oregon Transportation Plan; and,

Whereas, the Transportation Growth Management Program, a joint program administered by the Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT), made a grant available to Josephine County for the completion of the Josephine County TSP; and,

WHEREAS, Josephine County entered into an Intergovernmental Agreement with the State of Oregon acting through ODOT obligating Josephine County to develop a TSP and specifying the conditions of the partnership between the County and ODOT regarding the development of the TSP; and,

WHEREAS, a Public Involvement Program was implemented in the development of the Josephine County TSP. Two committees were formed: the Technical Advisory Committee (TAC), a committee consisting of State, County and City transportation and planning officials, transportation providers, and key stakeholders, and a Citizens Advisory Committee (CAC), consisting of representatives from the school districts, public safety agencies and organizations, business associations, environmental groups and other stakeholders, are key to ensuring that all concerns are considered in the development of the TSP; and,

WHEREAS, OAR 660-12-045 requires that each local government amend its land use regulations to implement the TSP; and,

WHEREAS, the Josephine County Planning Commission at a public hearing on Monday, February 9, 2004, gave consideration to the above identified Comprehensive Plan Amendment and

related Text Amendments, and made a recommendation for approval to the Board; and

WHEREAS, the Board of Commissioners held a public hearing on Wednesday, June 23, 2004, under the criteria of the Josephine County Comprehensive Plan (Ordinance 81-11 as amended), heard testimony, received evidence from the Josephine County Public Works and Planning staff, the applicant and any remonstrators, and concluded that the new TSP and related Text Amendments to the Josephine County Rural Land Development Code did comply with the requirements of Josephine County and State Law pertaining to such matters.

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

SECTION 1: Comprehensive Plan Amendment

The Board of County Commissioners of Josephine County Oregon, hereby adopts the document entitled *Josephine County Rural Transportation System Plan* prepared by Parametrix, Inc., dated June 2004, as the new TSP superceding the current TSP adopted by Resolution No. 83-25 for the rural areas of Josephine County to include the recommendations for roadway and traffic safety as appropriate for Josephine County. The original and copies of the TSP are kept in the Josephine County Public Works office and are incorporated into this ordinance by reference.

SECTION 2: Text Amendments

The Josephine County Rural Land Development Code is hereby amended as follows:

ITEM #1 — TRANSPORTATION RELATED PROJECTS

The following underlined language shall be inserted alphabetically as a permitted use in the Rural Residential (Article 61.020); Rural Commercial (Article 62.020); Tourist Commercial (Article 62.120.D); Rural Commercial Center (Article 62.220.C); Light Industrial (Article 63.020); Rural Industrial (Article 63.120); Aggregate Resource (66.020); Mineral & Aggregate Resource (Article 66.120); Serpentine (Article 67.020) and Limited Development (Article 68.020) zones:

Public road and highway construction and reconstruction projects, to include temporary detours and temporary maintenance and material yards during projects, and permanent weigh stations and rest areas. Road and highway projects may include the placement of utility facilities

ITEM #2 — PROTECTING FUTURE OPERATIONS

Insert the following underlined language into the purpose section (81.010) of Article 81 (Access Standards), as follows:

The purpose of these standards is to ensure safe ingress and egress to and from properties, to minimize street congestion and

traffic hazards, to protect the future operation of transportation facilities, to provide safe and convenient access to businesses, public services, and places of public assembly, and, to make vehicular circulation more compatible with surrounding land uses.

ITEM #3 — COORDINATED REVIEW OF LAND USE DECISIONS

Insert the following underlined language into Chapter 4 (Application Procedures), Article 40 (Basic Provisions), Section 40.030 (General Procedures), as follows:

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.
- F. Applications for land uses that might affect transportation facilities, corridors or sites under ownership or maintenance of other jurisdictions will also be reviewed by the corresponding jurisdiction.

ITEM #4 — CONDITIONS OF APPROVAL

The following underlined language shall be inserted into the following articles:

Article 42.050 *Site Review Standards and Criteria* (to be added to the end of subsection B.4)

Article 45.030, *Conditional Use Review Standards and Criteria* (to be added to the end of subsection B.4)

Article 51.050, *Subdivision Review Criteria* (as a new subsection C, with renumbering)

Article 52.050, *Land Partition Review Criteria* (as a new subsection C, with renumbering)

Article 53.050, *Replat Review Criteria* (as a new subsection C, with renumbering)

Pursuant to a requirement contained in the county's Transportation Systems Plan, or any other official document containing county road standards, the review body may control the location and number of vehicular access points, establish new streets, increase right-of way and road width, require curbs, sidewalks and traffic circulation features.

ITEM #5 — NOTIFICATION TO PUBLIC AGENCIES PROVIDING TRANSPORTATION FACILITIES AND SERVICES

Add the following underlined language in Article 32 (Public Notice), Section 32.030 (Mailed Notice), at subsection A.1.b[10]:

Public agencies providing transportation facilities or services, metropolitan planning organizations and the Oregon Department of Transportation if the proposed land use action will affect the agency's transportation facilities.

ITEM #6 — OFF-SITE IMPROVEMENTS FOR PEDESTRIAN AND BICYCLE IMPROVEMENTS

Add the following underlined language in Chapter 8 (Public Facility Standards), Article 81 (Access Standards), at Section 81.150 (Bicycle Lanes) as follows:

The review body may require the installation of separate bicycle lanes within arterial and collector streets and/or separate bicycle paths, if necessary to extend an existing or planned system of bicycle routes, shown on the adopted bicycle route plan, or if a need is otherwise indicated. Such paths shall meet the standards of the state of Oregon.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 81-11 and the Josephine County Rural Land Development Code 94-4 are hereby affirmed as originally adopted, and heretofore amended.

SECTION 4: Effective Date

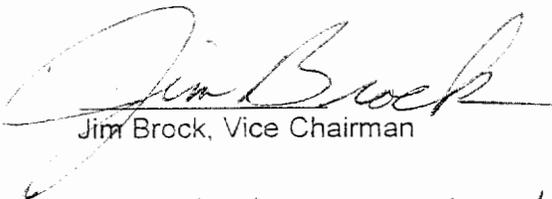
First reading by the Board of County Commissioners this 8th day of Sept., 2004.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 22nd day of September 2004.

This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

 9-22-04
Jim Riddle, Chairman

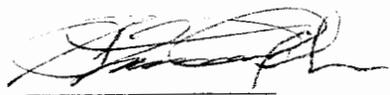
 9-22-04
Jim Brock, Vice Chairman

 - absent 9-22-04
Harold L. Haugen, Commissioner

ATTEST:


~~Robert Weber, Public Works Director~~
Recording Clerk

APPROVED AS TO FORM:


Steven E. Rich, Legal Counsel

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

**ORDINANCE NO. 2004-005
(Merlin/North Valley Unincorporated Community Plan)**

AN ORDINANCE AMENDING THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN FOR JOSEPHINE COUNTY (ORD. 81-11) TO ADD GOAL 12 (UNINCORPORATED COMMUNITIES); TO ADOPT ADDENDUM "A" TO GOAL 12 (MERLIN/NORTH VALLEY UNINCORPORATED COMMUNITY GOALS AND POLICIES); TO AMEND THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORD. 94-4) TO ADD CHAPTER 10 (UNINCORPORATED COMMUNITIES) AND ARTICLES 100 THROUGH 101.4 (MERLIN/NORTH VALLEY ZONES & DEVELOPMENT STANDARDS); TO AMEND THE JOSEPHINE COUNTY ZONING MAP (ORD. 85-1) TO (1) ADOPT THE MERLIN/NORTH VALLEY RURAL COMMUNITY BOUNDARY, AND (2) CHANGE THE ZONING DESIGNATIONS AND STANDARDS FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL LANDS WITHIN THE BOUNDARY TO CONFORM TO THE CHANGES SPECIFIED IN LAND DEVELOPMENT CODE; AND, TO ADOPT THE MERLIN/NORTH VALLEY RURAL COMMUNITY PLAN FINDINGS OF FACT, DATED MAY 2004.

WHEREAS, in accordance with the procedures of the Josephine County Comprehensive Plan (hereinafter called plan) at Goal 11, Policies 1 and 2, 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 decision of the Planning Commission has now become final for local appeal purposes; 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.a. to submit the proposed unincorporated community plan, map and code revisions to the Oregon Department of Land Conservation and Development for review and acknowledgment; and

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. Adoption

The following attached documents are hereby adopted and implemented into Josephine County's Comprehensive Plan Goals and Policies, Plan and Zone Maps, and Rural Land Development Code, resulting in the following actions:

- [1] The Josephine County Goals and Policies are amended to include a new Goal 12 for the establishment of unincorporated communities at such time and under such circumstances as it is needed and desirous to do so (Exhibit A); and
- [2] Three Goals and Policies for the Merlin/North Valley Unincorporated Community to Goal 12 as Addendum A, to include by reference two documents entitled, *Merlin/North Valley Water Master Plan (April 2001)* and *Merlin/North Valley Wastewater Facilities Plan (June 2001)* (Exhibit B); and
- [3] New Chapter 10 (*Unincorporated Communities*) within the Rural Land Development Code, including new Articles 100 (*Basic Provisions*), and 100.1 through 100.4 (*Merlin North/Valley Unincorporated Community*) (Exhibit C); and
- [4] The Merlin/North Valley Rural Community Boundary Map, to include the rezoning of individual properties within the boundary to conform to the applicable Rural Land Development Code zone designations (Exhibit D); and
- [5] The Merlin/North Valley Rural Community Plan Findings of Fact, dated May 2004 (Exhibit E).

Section 3. Affirmation

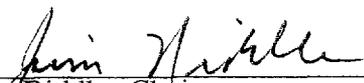
Except as specifically amended by the provisions of this ordinance, Josephine County Ordinances 81-11 (Comprehensive Plan), 85-1 (Zoning Maps) and 94-4 (Rural Land Development Code) are hereby affirmed.

Section 4. Effective Date

First reading by the Board of County Commissioners this 20th day of October, 2004.

Second reading and adoption by the Board of County Commissioners at least thirteen days from the first reading on this 3RD day of NOVEMBER, 2004. This ordinance shall take effect ninety days after its adoption by the Board of County Commissioners.

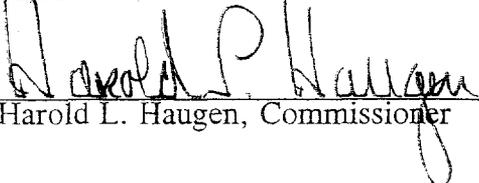
JOSEPHINE COUNTY BOARD OF COMMISSIONERS



 Jim Riddle, Chair

Absent

 Jim Brock, Vice-Chair

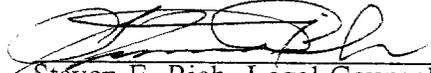


 Harold L. Haugen, Commissioner

ATTEST:


Recording Secretary

APPROVED AS TO FORM:


Steven E. Rich, Legal Counsel