SUBDIVISION ORDINANCE

JOSEPHINE COUNTY

THE QUALITY OF TOMORROW
BEGINS WITH WHAT WE DO TODAY

AMENDED
JANUARY 8, 1991

ORDINANCE 90-1

CHAPTER 1

GENERAL PROVISIONS

Section 1.01 Title.

This Ordinance shall be known as the Josephine County Subdivision and Land Development Ordinance.

Section 1.02 Purpose.

The purpose of these regulations is to protect the public health, safety, welfare and convenience and to provide for conformity to the Comprehensive Plan for Josephine County. This Ordinance provides for the proper width and arrangement of streets, ways and thoroughfares and their proper relation to the topography of the site and to existing or planned streets, ways or thoroughfares. This Ordinance also provides for public utilities and facilities, for adequate open space for light and air, for recreation, for the proper division of land, and for the development of property to appropriate densities.

Section 1.03 Interpretation.

The provisions of this Ordinance shall be liberally construed to effectuate the purposes set forth above. These provisions are declared to be minimum requirements fulfilling such objectives and where conditions herein imposed are less restrictive than comparative conditions imposed by any other provision of this Ordinance, by provision of any other local ordinance, resolution or regulation, or by provision of State Law of State Administrative regulation then the more restrictive shall govern.

Section 1.04 Severability.

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

Section 1.05 Editorial Revision.

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

Section 1.06 Definitions.

As used in this Ordinance the masculine gender includes the feminine and neuter gender and the singular includes the plural. The

following words and phrases, unless the context otherwise requires, shall mean:

1. Abutter An individual, firm, association, syndicate, corporation or other legal entity having an interest in property bordering directly on a public road or approved private road.

2. Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

3. Block. An area of land within a subdivision which may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

4. Board. The Board of County Commissioners of Josephine County.

5. Building line. A line indicating the limit beyond which buildings or structures may not be erected.

6. Commission. The Planning Commission of the County or other legal body having jurisdiction, including where applicable the County Zoning Commission, Planning Director, or other body with legal jurisdiction.

7. Comprehensive Plan. The Plan adopted by the Board of County Commissioners for the guidance of growth and development of the County, which is prepared and adopted in conformance with ORS Chapter 215 and ORS Chapter 197.

8. County Road or Street. A public way which has been accepted by the Board of County Commissioners by dedication or deed or grant of right-of-way.

9. County Maintained Road or Street. A road or street and appurtenances which has been accepted for County maintenance by order of the Board of County Commissioners under the authority of ORS 368.705, or any other provisions of law.

10. Cul-de-sac. The vehicle turnaround portion of a dead end road.

11. Curb Line. The line separating the roadway from the planting strip or footway.

12. Design. The design of any street or alley alignment, grade or width, or the alignment or width of easements and right-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

13. Developer. A subdivider, or partitioner, or if not creating a subdivision or partition, a person who as a result of such subdivision or partition purposes to, or does develop the land, whether it be for public or private purposes.

14. Director. The Planning Director for Josephine County or his or her designate that is acting on behalf of the Director.

15. Driveway. A way of access for a vehicle to serve a limited number of users from a public road or street, which is usually of narrow width and often in private ownership or subject to restricted public use.

16. Driveway Approach. A vehicle access constructed to standards adopted by the Board of County Commissioners from a public right-of-way to property which abuts a public street.

17. Easement. A grant of the right to use the property of another for a specific purpose; may be either appurtenant or in gross.

18. Final Plat. A map and other writings prepared in conformance with an approved tentative plan for a subdivision, partition or lot line adjustment which is recorded with the County Clerk to complete the process for dividing land or adjusting property lines.

19. Flaglot. A unit of land created by a subdivision or partition and which includes a narrow projection to a public road, and which projection is commonly known as the "flagpole".

20. Flagpole. An area used primarily for access to reach the main body of a lot.

21. Half Street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been, or could later be, provided in another subdivision.

22. Improvements.

    a. On-site Improvements: Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, streets and irrigation systems located within the boundary lines of the lot or parcel to be subdivided or partitioned.

    b. Adjacent Off-site Improvements: Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, and irrigation systems located outside of and adjacent to any boundary line of the lot or parcel to be subdivided or partitioned.

    c. Off-site Improvements: Public or private facilities, including but not limited to sanitary sewer systems, water systems, storm drainage systems, and irrigation systems located outside of and not adjacent to any boundary line of the lot or parcel to be subdivided or partitioned.

23. Lot. A unit of land that is created by a subdivision of land.

24. Major Partition. A partition which includes the creation of a road or a street.

25. Marginal Access Street. A minor street parallel and adjacent to a major arterial street, providing access to abutting properties, but protected from through traffic.

26. Map. A diagram, drawing, or other writing that depicts the arrangement of lots or parcels.

27. Metes and Bounds. A description of a tract of land by a sequence of courses having a direction of travel around the perimeter of the tract, said courses being fixed by adjoiners, monuments, direction, distance, or all four.

28. Minor Partition. A partition in which all parcels have access by an existing public road or street, and which does not include the creation of a road or street.

29. Mortgage Lot. A parcel or lot created to provide security for the purchase price of that parcel or lot or improvement thereon and which does not involve transfer of legal title and possession.

30. Official Map. The map or maps upon which locations are located in detail and with exactness, so as to furnish the basis for property acquisition or building restrictions.

31. Owner. An individual, firm, association, syndicate, partnership, or corporation having any proprietary interest in land sought to be subdivided or partitioned under these regulations and other applicable law.

32. Parcel. A unit of land that is created by a partitioning of land, intended for lease, transfer of ownership, or development.

33. Partition. Either an act of partitioning land or an area or, tract of land partitioned as defined in this section.

34. Partition Land.

To divide land into two or three parcels of land within a calendar year, but does not include:

a. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots:

b. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or

c. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

35. Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition, or lot line adjustment.

36. Pedestrian Way. A right-of-way for pedestrian traffic.

37. Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and includes any trustee, receiver, assignee, or other similar representative thereof.

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

39. Planned Development. A self contained development, often with a mixture of building types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

40. Plat. A final map including a subdivision plat, replat, or partition plat.

41. Private Road. The entire width between the boundary lines of every way which provides for restricted use for the purpose of vehicular and pedestrian traffic, and which does not provide for the continuous unrestricted rights of the public in general to travel across.

42. Public Road. The entire width between the boundary lines of every way which provides for unrestricted and continuous public use for the purpose of vehicular and pedestrian traffic and the placement of utilities, and includes the terms "street", "highway", "drive", "lane", "place", "avenue", or other similar designation.

43. Reserve Strip. A parcel of land dedicated to the public or deeded to the County as road right-of-way that is generally one foot wide and identifies where a future widening or extension of a road is anticipated. Control of the right to cross a reserve strip for access to parcels or lots rests with the County Commissioners.

44. Replat. A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision.

44. Right-of-way. The area between boundary lines of a street or road.

45. Road or Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of lands, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

46. Roadway. The portion or portions of street right-of-way developed for vehicular traffic.

47. Rural Roads. Any county road outside of an urban growth boundary.

a. Major Collector - A rural road providing service between traffic generators and larger towns or with routes of higher classification, as designated on the Functional Highway Classification maps of Josephine County as periodically revised.

b. Minor Collector - Rural roads spaced at intervals consistent with population density to collect and distribute traffic from/to local rural roads and bring all developed areas within a reasonable distance of a collector system as designated on the Functional Highway Classification Maps of Josephine County as periodically revised.

c. Local - A rural road providing access between residential roads and road systems of higher order or providing alternate cross linkage between roads of higher order but not serving as a collector.

d. Residential - A rural road providing direct access to abutting land and access to local rural roads or higher order road systems. The number of lots be served shall be 60 or less.

e. Limited Residential - A rural road providing direct access to abutting land and access to local rural roads or roads of higher order. This is a road intended exclusively for access to abutting property where the number of lots is permanently restricted because one end terminates in a cul-de-sac without a street plug. In areas where the topography is gently rising, less than 15% side slopes, the number of lots served shall be 10 or less and the length is

not to exceed 1300 feet. In areas where the terrain is steeper, more than 15% side slopes, the number of lots served shall not exceed 20 lots and the length shall not exceed 2600 feet.

f. Restricted Residential. A rural road providing direct access to abutting land and access to local rural roads of a higher order. This is a road intended to serve a maximum of five (5) lots.

48. Sale or Sell. Every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

49. Series Partition. A series of partitions resulting in the creation of four or more parcels over a period of more than one calendar year.

50. Sidewalk. A pedestrian walkway with permanent surfacing.

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

52. Street Plug. A parcel of land dedicated to the public or deeded to the County as road right-of-way to be used in the future for a public road, over which the control of and right to access across rests with the Board of County Commissioners at their discretion, consistent with these regulations.

53. Subdivide. To effect a subdivision, as applied to this Ordinance.

54. Subdivider. Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

55. Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year

56. Subdivision. Means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

57. Subdivision Plat. A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

58. Tentative Plan. A map and other writings submitted for review and approval for a subdivision, partition or lot line adjustment.

59. Urban Street. Any county road inside of an urban growth boundary.

a. Collector - An urban street providing land access, service and traffic circulation within residential neighborhoods distributing trips to and from arterials through the area to local streets, as designated on the Functional Highway Classification Maps of Josephine County, as periodically revised.

b. Local - An urban street providing direct access to abutting land and access to a higher order road system in Urban Street area.

c. Minor Residential Street - A dead-end cul-de-sac street, not practical to extend, not longer than 500 feet and limited to serve no more than 20 dwelling units.

d. Limited Minor Residential - A dead-end cul-de-sac street, not practical to extend, not longer than 250 feet and limited to serve no more than 10 dwelling units.

e. Permanent Private Road - A dead-end road that is limited to serve a maximum of four lots or parcels and limited to serve a maximum of four dwelling units. Such road is not necessary nor capable to be a part of a larger road system.

f. Temporary Private Road - A dead-end road that will be a part of a larger neighborhood road system but is immediately to provide access to a maximum of four lots or parcels and a maximum of four dwellings.

60. Way. A strip of land, whether public or private, providing access to some or all adjoining land ownerships.

Section 1.07 Compliance.

No land within the unincorporated territory of Josephine County shall be subdivided or partitioned, except as provided in this Ordinance, and no plat hall be filed or recorded until submitted to and approved by the Commission and Board of County Commissioners.

CHAPTER 2

BASIC PROVISIONS AND DESIGN STANDARDS

BASIC PROVISIONS - LAND DIVISIONS

Section 2.01 Conformity to the Comprehensive Plan and Official Map.

The subdivision or partition shall conform to, and be in harmony with, the Josephine County Comprehensive Plan Text and Comprehensive Plan Map of that portion of the County within which the subdivision or partition lies, and shall provide right-of-way dedication in conformance with an official map, adopted for the County or any urbanizing area within the County.

Section 2.02 Minimum Standards.

The requirements and standards set forth in this chapter are the minimum ones to which a subdivision or partition must conform before approval by the Commission, except as provided in Chapter 7 and Section 9.06 of this Ordinance.

Section 2.03 Subdivision or Road Name.

The name of any subdivision shall not be the same as, similar to, or pronounced the same as the name of any other subdivision within the County, unless the subdivision is contiguous to a subdivision with the same name which was platted by the same developer or the party files and records the consent of the party that platted the contiguous subdivision bearing that name. Adjacent plats shall continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed.

The name of any proposed road shall not duplicate or be so similar as to be confused with the name of any existing road within the County.

Section 2.04 Blocks.

The length, widths, and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access, circulation, control and safety of street traffic and limitations and opportunities of topography.

Section 2.05 Exclusion of Property.

All property held under contiguous ownership at the beginning of the calendar year, other than existing platted lots or authorized lots, shall be considered as one unit for subdividing or partitioning purposes. A developer may exclude, subject to the

standards of this section, a portion of the contiguous property from the subdivision or partition for purposes of preparation of the tentative plan. Such exclusion, however, will be calculated as a lot or parcel for the purpose of determining whether the proposed development constitutes a subdivision or a partition. No exclusion shall be permitted unless the following conditions exist:

1. The area to be excluded from the tentative plan is greater than one (1) acre in size.

2. The excluded area is being reserved for future development and will not be immediately developed, or has already been developed.

3. The excluded area will not be provided access by the creation of any new street or road in the subdivision or major partition.

Section 2.06 Lot Standards.

1. All proposed lots or parcels in a subdivision or partition shall not be divided in size less than the minimum requirements, except that lots or parcels containing less than the minimum requirements, may be approved provided that (a) not more than 20 per cent of the lots up to a maximum of five (5) such deficient lots or parcels are created from an original tract; and (b) the area deficiency is contained within the public road right-of-way. The County Environmental Health Department shall recommend lots in excess of zoning regulations when deemed necessary to protect health and safety.

2. Each lot shall not be greater than four times deeper than it is wide, exclusive of the "pole" of a flaglot.

3. Flaglots:

   a. It shall be the policy of the county to encourage the construction of public roads to provide safe and identifiable access to properties. Flaglots shall not be approved unless, in the judgment of the County, it can be shown that the creation of a road is not practical because of extra-ordinary physical limitations for construction or relative isolation of a few parcels. In no case shall flaglots be approved where the extension of a public road is shown on an official map and the extension will provide necessary access.

      The following requirements shall apply to flaglots:

      i. The "flagpole" shall maintain a width of at least twenty-five (25) feet or twenty (20) feet as

required by any applicable zoning ordinance as minimum access at the point of abutment to a public road and throughout its length.

ii. The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without construction of a structure or fill and culvert capable of providing access for emergency vehicles. The Planning Director may require certification from a registered engineer that the structure or fill and culvert has been constructed to support emergency vehicles.

iii. The "flagpole" may alter course or direction provided that the change in direction will not result in confusing the address on the public road with the location of the building site for mail delivery or access by emergency vehicles; and provided that a driveway can be constructed wholly within the "flagpole" with a turn that does not exceed a 50 foot radius.

iv. The grade of the flagpole shall be such that an unsurfaced driveway shall not exceed a grade of 12 per cent or a driveway surfaced with asphaltic concrete or Portland Cement shall not exceed a maximum grade of 18 per cent. The Planning Director may require grading and construction in accordance with these standards as a part of final approval of any lot or parcel. Or, when practical difficulties preclude immediate construction, the approved final map shall have a note to the effect that driveway construction shall meet the construction standards contained herein and be recorded with the County Clerk.

v. The "flagpole" shall not exceed in length twice the width of the lot or twice the length of the lot, whichever dimension is the lesser.

vi. Not more than one flaglot shall be created in the same subdivision or partition and it shall not abut any other flaglot.

b. The Planning Director may permit flaglotting, outside the Grants Pass Urban Growth Boundary, contrary to subsections (3)(a)(v.) and (vi) above where the proposed development will: represent an efficient use of land; a public road is impractical to construct; and the proposal will not endanger the public health, safety or welfare.

4. The Planning Director shall refer any proposed partition to the Planning Commission for their decision at a public hearing where in the Director's opinion the partition would create future development problems or would endanger public health, safety or welfare.

Section 2.07 Parcels Split by the Urban Growth Boundary.

When a parcel proposed for division lies partly within and partly outside an Urban Growth Boundary, only that portion of said parcel which lies within the Urban Growth Boundary shall be subject to the applicable urbanizing area standards.

Section 2.08 Urbanizing Area Levels of Division - Definitions.

1. Urban Level. Urban level is defined as any division of land within the Grants Pass Urban Area.

2. Rural Level. Rural level is defined as any division of land outside the Grants Pass Urban Growth Boundary or within the Cave Junction Urbanizing Area that are subject to County zoning district standards.

Section 2.09 Street Creation Within a Subdivision

The creation of a street within a subdivision or partition shall be in full compliance with the platting regulations contained in this ordinance and applicable State regulations, except as provided for in Section 2.39

Section 2.10 Creation of Streets Outside a Subdivision or Partition

The provision of right-of-way for creation of streets outside of a subdivision or a partition where such streets are not shown on an adopted Transportation Plan shall be in conformance with the County Road Standards, except, however, the Planning Commission may approve the creation of a street by deed without full compliance with platting regulations provided any of the following conditions exist:

1. The establishment of the street is initiated by the Board of County Commissioners and is declared essential for the general traffic circulation.

2. The street is to provide access to parcels that were created prior to the enactment of this Ordinance.

3. The street is necessary to provide access intervening between a proposed subdivision and public road.

However, in all cases, the creation of a street shall be consistent with the elements of the Comprehensive Plan, not disrupt the stability of the land use pattern in the area, and promote and conserve the public health, safety, and welfare.

Section 2.11 Submission of Proposed Deed.

In those cases where approval of a street is to be without full compliance with regulations applicable to subdivisions and is not exempted from partitioning requirements per section 2.39, a copy of the proposed deed shall be submitted to the Planning Director at least thirty (30) days prior to the Commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the design standards of these regulations, may be approved with such conditions as are necessary to preserve these standards. Requirements for the creation of a street by deed must include engineering data, plan and profile as required in Section 4.03 and construction of the street to appropriate standards applicable to the creation of a street by dedication in a subdivision or major partition.

Section 2.12 Easements.

Easements for public facilities, public or private utilities, slopes, drainage, etc. shall be dedicated wherever necessary. The Planning Commission may require the developer to acquire and dedicate easements on adjoining property when necessary to protect the public health, safety and general welfare.

BASIC PROVISIONS AND DESIGN STANDARDS-SERVICES AND FACILITIES

General

Section 2.13 Urbanizing Area (Grants Pass) Levels of Service.

Applicants for land divisions within the Grants Pass Urbanizing Area shall provide public sanitary sewer systems, municipal or public water supply systems or demonstrate adequate groundwater, urban standard streets, storm drainage facilities, irrigation facilities and fire protection, all as specified in this ordinance. Unless specifically excepted by other applicable sections of this Ordinance, urban level developers shall perform actual construction of all on-site, adjacent off-site and off-site improvements as determined by the County to be necessary to provide for the health safety and welfare of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical, as determined by the County, to meet the standards established in the county's Master Facilities Plans.

Section 2.14 Relation to Adjoining Street System.

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

Section 2.15 Future Extension of Streets.

Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, the Commission may require that streets be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions, the control of which shall rest with the Board of County Commissioners according to their sole discretion.

Section 2.16 Half Streets.

Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with the requirements of this Ordinance and when possible to require the dedication construction of the other half when the adjoining property is subdivided.

Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated and constructed within such subdivision. Reserve strips and street plugs may be required to ensure the objectives of obtaining full-width streets.

Section 2.17 Alignment at Intersections.

As far as practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction .

Section 2.18 Street Abutting Subdivisions and Partitions.

Transportation. At a minimum, applicants for land divisions shall provide streets, of the appropriate standards as specified herein, connecting directly to an existing publicly maintained street. Where the right-of-way of an existing street, which directly abuts any land division, does not meet the appropriate rural or urban standard, the applicant shall dedicate the right-of-way required to meet such standard. Sections of existing streets within the Urban Area not meeting urban standards which directly abut an urban or rural land division shall be constructed half-width to the appropriate urban standard by the developer. At County discretion, street improvements shall be constructed to an equivalent dollar amount of said half-width urban standard. Design standards for urban streets and rural roads are provided in Table I and Table II on the following pages.

Section 2.19 Improvement Standards.

Street and road improvements shall be consistent with standards and specifications adopted by the Board of County Commissioners. Improvements shall be made by the developer prior to submission of the final plat or final map or by an agreement to improve roadways which shall be executed as provided in Section 5.06 of this Ordinance. Roads proposed for construction will be categorized by location:

ROAD STANDARDS

TABLE I
RURAL ROAD STANDARDS

RURAL ROAD STANDARDS

	LIMITED RESIDENTIAL	RESIDENTIAL	LOCAL	MINOR COLLECTORS	MAJOR COLLECTORS
Design Speed Minimum	20 mph	20 mph	30 mph	45 mph	50 mph
Recommended	25 mph	25 mph	35 mph	50 mph	55 mph
Lane Width Minimum	11 feet	11 feet	11 feet	12 feet	12 feet
Recommended	---	---	12 feet	12 feet	12 feet
Surface Type	oil mat	oil mat	oil mat-AC	oil-mat-AC	AC
Degree of Curve Maximum	57 degree	57 degree	40 degree	10 degree	8 d re
Recommended	40 degree	40 degree	30 degree	8 degree	6 degre
Stop Sight Distance					
Minimum	150 feet	150 feet	200 feet	315 feet	350 feet
Recommended	175 feet	175 feet	275 feet	350 feet	415 feet
Grade Maximum	15%	15%	12%	10%	8%
Shoulder Width	---	2 feet	4 feet	6 feet	8 feet
Shoulder Surface	gravel	gravel	oil mat AC	oil-mat AC	AC
Structure Width	28 feet	30 feet	32 feet	36 feet	40 feet
Vertical Clearance	16½ feet	16½ feet	16½ feet	16½ feet	16½ feet
Load Design (Structure)	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-4
Applicable Specifications	O.S.H.D.	O.S.H.D.	O.S.H.D.	O.S.H.D.	O.S.H.D.
R/W Width Minimum	50 feet	50 feet	60 feet	60 feet	60 feet

TABLE I

Nota: "Grades in excess of 8% shall be allowed on soils with erosion and/or drainage problems only if precautions are taken to insure protection of the soil.

TABLE II

URBAN STREET STANDARDS

Page 1

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

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

TABLE II CONT'D

URBAN STREET STANDARDS

Page 2

Design Features	Residential	Minor Residential	Hillside[2]	Limited Minor Residential	Private[4]
Right of Way Width	50 ft	50 ft	40 ft[3]	35 ft[3]	20 ft[3,6]
Number of Travel Lanes	2	2	2	2	2
Travel Lane Width	12 ft	12 ft	12 ft-14 ft	12 ft	10 ft
Minimum Curb to Curb Width	36 ft	30 ft	24 ft-28 ft	24 ft	20 ft (no curbs)
Median Left Turn Lane Width	N/A	N/A	N/A	N/A	N/A
Cul-de-sacs					
R/W Radius	45 ft	45 ft	45 ft	45 ft	45 ft[7]
Curb Radius	38 ft	38 ft	38 ft	38 ft	38 ft
Surface Type	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.
Design Speed					
Minimum	30 mph	25 mph	15 mph	25 mph	15 mph
Recommended	N/A	N/A	N/A	N/A	N/A
Horizontal Curves					
Maximum	57°	57°	57°	57°	57°
Recommended	40°	N/A	N/A	N/A	N/A
Stopping Sight Distance (Wet, level pavement)	200 ft	150 ft	75 ft	150 ft	75 ft
Grade-Maximum	15%	15%	15%	15%	15%
Intersection Gradients (Within 100 ft of intersection)	10%	10%	10%	10%	10%
Vertical Clearance-Minimum	16 1/2 ft	16 1/2 ft	16 1/2 ft	16 1/2 ft	16 1/2 ft
Load Design	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 15-44 (min.)
On-Street Parking	Allow	one side only	Restricted	Not Permitted[5]	Not Permitted[5]
Sidewalk-Width	5 ft	5 ft one side only	5 ft one side only	N/A	N/A
Bikeway[1] Width	N/A	N/A	N/A	N/A	N/A
Applicable Specifications	APWA	APWA	APWA	APWA	APWA

1. If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.
2. Hillside street standards shall apply only to non-collector residential streets serving a limited residential area where potential development would not necessitate upgrading or widening the paved surface.
3. Not including slope easements where required.
4. Limited to serve a maximum of 4 lots and 4 dwelling units without potential for further development or extension to serve other property.
5. Additional off-street parking is required.
6. Private, not public.
7. or as otherwise approved by the County.

Section 2.20 Bicycle Lanes.

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

Section 2.21 Alleys.

The minimum width of alleys, when provided in residential blocks, shall be 20 feet. Alleys shall be provided in commercial and industrial districts and shall not be less than 20 feet in width.

Section 2.22 Cul-de-sacs.

Dead-end (cul-de-sac) streets shall terminate in a turnaround with a minimum property line radius to the turnaround or provide building restrictions for fire prevention purposes.

Section 2.23 Street Intersections.

1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at 90 degrees cannot be secured by reasons of physical conditions of the site, and angular intersection of not less than 60 degrees may be permitted.

2. Right-of-way lines at street intersections shall be rounded with an arc parallel to the curb or shoulder arc.

3. Collector and arterial intersections shall have roadway curb or road shoulder radii of not less than 25 feet; all other street intersections shall have roadway curb radii of not less than 20 feet.

Section 2.24 Standard Drive Approaches.

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

Section 2.25 Sidewalks.

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

1. Where special pedestrian ways are constructed within the subdivision that provide suitable alternative pedestrian routes.

2. Where hillside design variance is allowed as part of tentative plan approval.

Section 2.26 Street Lighting in Urban Areas.

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

Section 2.27 Restricted Residential Roads.

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

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

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

1. That the agreements for maintenance and improvement shall be enforceable by any abutter or the County on its own motion.

2. That the property owners abutting the road, their successors or assigns, shall maintain the road, either equally or in accordance with a special formula, such as, but not limited to, in proportion to frontage or acreage.

The agreement required by this section shall be recorded in the public records of Josephine County prior to the transfer of lots or parcels served by a road created in compliance with this section. Restoration of the road shall be accomplished whenever deterioration results in exposure of the sub-grade, failure of the foundation, erosion of ditches or road shoulders, or blockage of culverts. The agreement shall further specify that if the road includes a structure, the structure shall be continually maintained at the loading standard to which it was constructed, and the structure shall be inspected at a minimum of every ten

years by a registered professional engineer. This agreement shall not apply to any County road created prior to the passage of this Section, nor shall any maintenance agreement be binding on any lot or parcel, lawfully created and existing prior to the creation of a new road, that abuts a new road unless included in the maintenance agreement by voluntary action of the property owner.

The applicant may request that a gravel surface be constructed in lieu of the required oil mat surface. The Planning Commission has the authority to approve this request if all the following conditions exist:

1. The road cannot be extended to serve more than a total of five lots including the lots requested in the current application.

2. The road shall be located on soils that are not erosive in nature to the extent that the road could substantially deteriorate under normal traffic conditions.

3. The parcels to be served are relatively isolated from an existing oil mat or County Road.

4. The application of an oil mat surface would not be practical because of extraordinary circumstances that would cause a substantial hardship.

5. The creation of the road would lead to an orderly and efficient use of the land on the subject property and surrounding properties.

TABLE III — RESTRICTED RESIDENTIAL ROAD STANDARDS

	MAXIMUM FIVE LOTS OR PARCELS	POTENTIAL FOR MORE THAN 5 LOTS OR PARCELS
Design Speed Minimum	10 mph	20 mph
Recommended	20 mph	25 mph
Lane Width Minimum	11 feet*	11 feet surfacing
Recommended	------	-------
Surface Type	oil mat	oil mat
Degree of Curve Maximum	50 foot radius	57 degree
Recommended	100 foot radius	40 degrees
Stop Sight Distance		
Minimum	75 feet	150 feet
Recommended	150 feet	175 feet
Grade Maximum	18%	15%
Shoulder Width	1 foot	0 foot
Shoulder Surface	Gravel	Gravel
Structure Width	12 feet	28 feet
Vertical Clearance	16½ feet	16½ feet
Load Design (Structure)	------	-------
Applicable Specifications	------	-------
R/W Width Minimum	25 feet	50 feet
Top Course	3/4-0 Crushed Rock, 3 inches	3/4-0 Crushed Rock 3 inches
Base Course	1½-0 Crushed Rock or Shale, 3 inches	1½-0 Crushed Rock or Shale, 3 inches

*Turnouts shall be provided intervisible or 800 feet, constructed 50 feet in length plus 25 foot tapers on each end.

Note: Grades in excess of 8% shall be allowed on soils with erosion and/or drainage problems only if precautions are taken to insure protection of the soil.

SEWAGE

Section 2.28 Sewage Disposal Improvements.

Sewage disposal improvements for each lot or parcel shall be in compliance with the requirements of the County Health Department, Department of Environmental Quality, and sanitary sewer district (if the proposed development is within the district boundaries or is proposed or conditioned for annexation of a district), and any other applicable laws. All urbanizing area subdivisions and partitions shall be provided with public sanitary sewer systems connected to existing area-wide public systems.

Section 2.29 Exceptions to Public Sanitary Sewer in Urbanizing Area (Grants Pass.

Notwithstanding Section 2.29, Minor partitions for lots equal to or greater than one acre in size and for one single-family dwelling per parcel, where the public sewer is not within 300 feet for a 2-lot partition, and 600 feet for a 3-lot partition shall be exempt from connection to a sanitary sewer. Only one such minor partition of this original parent parcel shall be permitted under this exception. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the proposed use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.

WATER SYSTEMS:

Section 2.30 Groundwater Source.

All water systems that will use a groundwater source, permanent or temporary, shall comply with any Josephine County Ordinance regarding groundwater quantity and quality.

Section 2.31 Water Systems in Urbanizing Area (Grants Pass).

1. All land divisions shall be provided with a municipal water system, or may be provided with a public water supply system as defined by the Oregon State Health Division, if such development is not within:

    a. 300 feet of an adequate capacity municipal water line for all subdivisions or major partitions; or

    b. 100 feet of an adequate capacity municipal water line for all minor partitions.

2. Exception to Public Water Supply System Requirement.

    A public water supply system (as defined in OAR 333-61-020) is not required when all the following conditions exist:

a. The division proposes a total of three or less parcels, and a public water supply system is not otherwise required pursuant to a recorded development plan for the property.

b. The property is or will be developed with a single-family dwelling or duplex on each parcel.

c. Any dwelling will be supplied with water from a well on the subject property.

d. The requirements of any Josephine County ordinance regarding groundwater quantity or quality have been met.

3. Transfer of Water System. When a new public water system (as defined in OAR 333-61-020) is proposed, or when an extension or enlargement of an existing public water system (as defined in OAR 333-61-020) is proposed for an urban level development as defined by Section 2.09(1) of this ordinance, the land use application approval shall contain a condition requiring the owners, including heirs, successors and assigns, to connect to the municipal water system whenever the development becomes contiguous to the municipal water system, and at that time, to turn over the public water system, without cost and free of all liens and encumbrances, to the owners of the municipal water system. The transfer of ownership of the public water system shall include all physical assets such as water mains, valves, meters and hydrants, as well as easements and right-of-ways, and shall exclude water sources, storage tanks, well pumps and their related appurtenances, unless expressly provided for other wise and agreed to by the owners in the conditions of the application approval.

4. Water System Design. All future Water systems for a subdivision or major partition, whether municipal, public, or an extension to or of an existing system, shall be designed and installed to City standards and applicable Oregon State Health Division regulations regarding materials, workmanship and guarantee provisions of the City and shall be designed to connect to an area-wide municipal water system at such time when it is available. Proposed municipal or public water systems shall be approved by the City Engineer and, where required, an authorized State representative, with costs of City review and City inspection to be borne by the developer.

5. Water System Design for Fire FLow Capabilities. All municipal water systems shall be designed to carry and produce fire flows required at full site development in accordance with the requirements of the City of Grants Pass. All public water distribution systems shall be designed to carry fire flows as required by City Ordinances.

6. At such time that a substandard road is improved to urban standards and a water system has been exempted per subsection 2 above, a water system shall be designed and installed to the standards of the City of Grants Pass. If a municipal water source is not available, then a public water source to Oregon State Health Division Standards shall be provided.

Section 2.32 Water Systems in Other Urbanizing Areas.

Except for the Grants Pass Urban Growth Area, all subdivisions and partitions located within urbanizing areas which are served by public sewers shall be provided with a public water system to the lot line of each lot within the subdivision or partition. Such system shall be designed for meeting domestic needs and may be required to be designed for meeting fire fighting capacity. Such systems shall be installed prior to approval of the final plat or the developer shall complete an assurance agreement as provided in Section 5.06 of this Ordinance. Such assurance may include agreements to annex; incorporation of a water district, private water cooperative, or development of a service utility; posting of a bond or contributions of funds in sufficient amount to mitigate the burden created by the subdivision on public water supplies, which bond shall be held or which funds shall be placed in trust for the benefit of the subdivision; or any other assurance which in the opinion of the Planning Commission satisfies the intent of this Section. Pipe sizes and design standards for any system shall be specified by the City, special district, or cooperative that will eventually serve the proposed subdivision or partition. In any area where a future public water supply source has not been identified, design standards shall be specified by the County Public Works Department in consultation with the authority which will eventually serve the proposed subdivision or partition. Design approval shall take into account provision for extension beyond the subdivision to adequately grid the appropriate water system plan.

STORM DRAINAGE:

Section 2.33 Storm Drainage Facilities.

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

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

2. Drainage for the individual lots of the proposed subdivision or partition and the proposed subdivision as a whole shall be accomplished in such a manner so as to prevent the excessive flow of water across property lines, sidewalks, and other public right-of-ways.

3. Where land in a subdivision or partition, in the opinion of the County Engineer, is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Commission shall require the developer to provide for adequate unrestricted drainage.

4. Provision for drainage shall be shown on a drainage plan for both within and adjacent to the subdivision or partition. The plan shall show easements and any improvements to be constructed.

5. Public improvements shall be approved by the Commission as adequate for the drainage needs of the area. Where necessary in the judgment of the Commission for protection of such needs, the Commission may condition the tentative plan approval on the conveying of ownership of such drainage easement for drainage purposes to the County.

AGRICULTURAL IRRIGATION:

Section 2.34 Irrigation.

If lands to be subdivided or partitioned include rights for irrigation, provision shall be made for the continuation of those rights by indication of an easement to allow the delivery of irrigation water and maintenance of irrigation facilities to each lot or parcel in the subdivision to partition in which the historic application of water has been made. Where urbanizing area divisions affect facilities of the Grants Pass Irrigation District, the owners of such division shall be responsible for maintaining continuity of the District's system. The owner of the division shall either buy out of the District or provide each lot within the subdivision or partition with irrigation water, all in accordance with District requirements. Also, the owner or developer shall buy out of the district any publicly dedicated or deeded right-or-way.

UTILITIES:

Section 2.35 Utility Improvements.

All utilities shall be placed underground. In addition, utilities shall be placed underground to the lot line of each lot during the construction of any new street or road that: will be maintained by the County; has the potential to be maintained by the County; or is maintained by abutting owners through a

recorded agreement required as a part of an approved land division. The developer shall make necessary arrangements with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television shall be placed underground.

Section 2.36 Guarantees to Construct Required Improvements:

Waiver of Remonstrance Regarding Public Facilities.

Applicants for land divisions shall sign a written waiver of their right to remonstrate or otherwise legally oppose the installation of public facilities, including but not limited to streets and storm drainage systems, sanitary sewer systems and water supply systems, where such facilities are or may be proposed to serve the applicants property as part of any local improvement (assessment) district, developer installed improvement project or a local government improvement project of any type. This Section shall not, however, prohibit the applicant, developer, or owner from expressing his or her personal views regarding the installation of a public facility.

Section 2.37 Modification of Required Improvements

The Hearings Officer has the authority to modify the improvements required by Sections in this chapter. This authority may only be used in those cases where:

1. The full requirement would cause an undue or unnecessary hardship; and

2. The authorization will not be detrimental to the purposes of this Section.

The Hearings Officer shall consider such a modification at a public hearing and in his decision shall consider such information as is necessary to demonstrate that the modification is in compliance with the criteria.

The decision of the Hearings Officer may be appealed in the manner as set forth in Section 9.14.

Section 2.38 Creation of Streets Shown on the Transportation Plan

Streets shown on the Adopted Master Transportation Plans are created at the time of adoption of said Plans. Therefore partitions that only include the dedication and/or improvement of streets shown on the Transportation Plans do not require the filing of a Major Partition. Improvements and engineering data necessary for the completion of such

roads shall be submitted as reasonably requested by the County Engineer. The review and approval of documents shall be performed by the Planning Director and County Engineer to assure compliance with Street Improvements Standards. Decisions made by the Planning Director and County Engineer may be appealed to the Planning Commission.

Section 2.39 Future Development Plan

1. Whenever property is proposed to be divided and there is potential for additional divisions based on Zoning Ordinance specifications, a development plan shall be required. Such plan shall depict a possible development of the entire property to zone density that represents an efficient land use pattern and shows how the development would be part of an overall development of the neighborhood. The detail of the future development plan shall include:

   A. The location of streets specified in the Master Transportation Plan.

   B. Proposed road right-of-ways;

   C. Access points and street plugs necessary for creation of a neighborhood street network;

   D. Lot sizes and layout;

   E. Proximity to existing public facilities and extension of public facilities both on-site and off-site;

   F. Compatibility with adopted public facilities plans.

2. The development plan may call for the present dedication by the property owner of streets needed to serve the parent and surrounding parcels which are beyond those called for in the Master Transportation Plan. It may also provide for future street standards and locations without requiring present dedication. In all cases, however, the plan shall specify the specific kind of access required for the immediate development, as well as what kind of access or street development will be required for future development of the balance of the property, as well as surrounding parcels.

3. As part of a future development plan, access to lots or parcels may be restricted to common driveways with shared maintenance responsibilities or street plugs. If access is limited to a street plug, such access shall be developed to private road standards as shown

on Table II, and the following shall apply and be so noted on the recorded map:

> "Permission to cross street plugs is conditionally granted by Josephine County to the present and future owners of the subject property, reserving to the County, at its discretion, the right to terminate access across the street plug at such time as alternative access, in the judgment of the County, is available to the parcel or parcels, as agreed upon in the development plan. The County reserves the right to control access across all right-of-ways which are designated as street plugs. The County shall not be responsible for maintenance of any kind within the right-of-ways, until such time as a road is constructed to County maintained standards and accepted by the Board of County Commissioners."

4. A representation of the future development plan shall be made a part of the recorded map for any approved subdivision or partition. A restriction shall be placed on the recorded map stating that the present owner and subsequent heirs, successors and assigns may be limited to the extent that future development shall be in conformance with the development plan, as well as any subsequent revisions to county land use ordinances. Additionally, the restriction shall state that all owners and their heirs, successors and assigns of any parcel which shows on the original map shall pay for their proportionate share of, be served by, and connect to any street or public facility constructed to serve their parcel during the completion of any portion of the development plan. In the case of municipal water, however, connection shall be required or not required in accordance with the regulations of the jurisdiction providing the water.

5. If the proposed division will not constitute an efficient use of land or will cause significant future development problems, the approving authority shall deny the request. The decision may be appealed to the Planning Commission.

6. The terms and conditions of the development plan agreement can be subsequently modified by mutual agreement between the owner/developer (or subsequent owner/developer) and the county.

Section 2.40 Major Partition Required

Whenever a partition creates a new public road, a private street or street plug which is dedicated as part of the partitioning process, the request shall be processed as a Major Partition. Additional right-of-way dedication for existing streets shall not be required to be processed as a Major Partition.

Approval of Major Partition applications which only involve the creation of a permanent private road shall be the responsibility of the Planning Director, and a public hearing before the Planning Commission shall not be required except as set forth in subsection (4) below. The procedure to process such Major Partitions shall be as follows:

1. A request may be initiated by filing an application with the Planning Director. The application shall be accompanied by a tentative plan prepared in accordance with Chapter 4 of this Ordinance and Section 2.40. A non-refundable fee, to be set by Ordinance, shall accompany each application.

2. The Planning Director shall review the application. If the request meets the purpose and criteria for a Major Partition, he may approve the request setting forth his reasons and conclusions in written form as an Administrative Order.

3. The Planning Director shall notify property owners within 250 feet of the request and such additional interested persons deemed necessary, to solicit their comments. If no objection is received within ten (10) days of such solicitations, the Director may approve the Tentative Plan setting forth any conditions necessary to insure compliance with ordinance standards and compliance with the applicable elements of the Comprehensive Plan.

4. If an objection is received and in the opinion of the Planning Director it raises a substantive issue based on relevant ordinance criteria, or would have a significant impact on property or persons in the area, the matter shall be referred to the Planning Commission.

Section 2.41 Private Roads (Permanent)

While it is generally not the policy of Josephine County to approve private roads for access to property, a private road

may be approved subject to the following conditions and circumstances:

1. The property is located within the Grants Pass Urban Growth Boundary.

2. The private road is limited to serve a maximum of four lots or parcels and one or more of the lots to be served by the private street do not have potential for additional divisions consistent with this ordinance.

3. The private road shall be limited to serve only 4 dwelling units.

4. Right of way over the property or properties is not reasonably needed for a neighborhood street plan to serve surrounding lands.

5. The private road shall be constructed and maintained to the standards prescribed in Table II for Urban Street Standards.

6. The maintenance of the private road shall be the responsibility of owners of the adjoining parcels. An agreement shall be executed and recorded to the effect that:

   > The property owners, their heirs, successors and assigns shall maintain the road either equally or in accordance with a prorated formula that is set forth in the recorded agreement. The agreement shall also provide for reimbursement of litigation related expenses and attorney fees in the event suit is required by any party against the other(s) to enforce obligations to pay for maintenance costs.

7. One additional off-street parking space per each lot created shall be required to provide for guest parking.

8. All improvements required for the construction of private streets and utilities shall be completed prior to the final approval, and no security shall be accepted for the required improvements. In the case of a subdivision, however, where security is posted for construction of an urban street and the urban street serves the private street, security may be posted for the private street as well, and construction may extend beyond final plat approval.

9. Repairs of public utilities located within private streets may be completed by such utility crews as necessary. The restoring the roadway with respect to

such repairs is limited. The following limitation shall be placed as a note on the Final Map:

"Where public utilities are located in a utility easement which is also within the limits of the private road, the agency having jurisdiction over any such utility may accomplish necessary reconstruction, repair or maintenance of the utility and shall only be responsible to restore the open trenched portion of the private road with like materials matching existing thickness using a reasonable standard of care."

10. The private road cannot feasibly be extended to provide access to lots adjoining the subject property.

Section 2.42 Private Roads (Temporary)

A private road may be used in conjunction with a plan to provide temporary access to properties as part of a plan for phased street development, subject to the following conditions and circumstances:

1. The property is located within the Grants Pass Urban Growth Boundary.

2. The private road is limited to serve a maximum of four lots or parcels and one or more of the lots to be served by the private street do have potential for additional divisions consistent with this ordinance.

3. Right of way over the property or properties is reasonably needed for a neighborhood street plan to serve surrounding lands.

4. The private road shall be limited to serve 4 dwelling units.

5. The private road shall be constructed and maintained to the standards prescribed in Table II for Urban Street Standards.

6. The maintenance of the private road shall be the responsibility of owners of the adjoining parcels. An agreement shall be executed and recorded to the effect that:

   The property owners, their heirs, successors and assigns shall maintain the road either equally or in accordance with a prorated formula that is set forth in the recorded agreement. The agreement shall also provide for reimbursement of litigation related expenses and attorney fees in the event suit

is required by any party against the other(s) to enforce obligations to pay for maintenance costs.

7. One additional off-street parking space per each lot created shall be required to provide for guest parking.

8. All improvements required for the construction of private streets and utilities shall be completed prior to the final approval, and no security shall be accepted for the required improvements. In the case of a subdivision, however, where security is posted for construction of an urban street and the urban street serves the private street, security may be posted for the private street as well, and construction may extend beyond final plat approval.

9. Repairs of public utilities located within private streets may be completed by such utility crews as necessary. The restoring the roadway with respect to such repairs is limited. The following limitation shall be placed as a note on the Final Map:

   "Where public utilities are located in a utility easement which is also within the limits of the private road, the agency having jurisdiction over any such utility may accomplish necessary reconstruction, repair or maintenance of the utility and shall only be responsible to restore the open trenched portion of the private road with like materials matching existing thickness using a reasonable standard of care."

10. The private road can feasibly be extended to provide access to lots adjoining the subject property.

Section 2.43 Additional Off Street Parking Required

Whenever there is no parking allowed along the improved roadway(curbside parking), there shall be an improved parking bay constructed for public parking with one parking space for each potential dwelling unit.

Section 2.44 Statement of Water Rights

All persons offering for filing an approved plan, plat, or replat of subdivisions or partitions for a parcel of land outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision or partition the statement of water right and a copy of the plan, plat, or replat must be submitted to the Oregon Water Resources Department. A copy of the acknowledgement from the Water Resources Department must be submitted with the plan, plat, or replat to the county recording officer.

Section 2.45 Erosion and Sediment Control

1. Prior to approval of facility construction plans for a land use action that would require any grading or filling on slopes that are 15% or greater or soils that are erosive in nature as mapped by the Soil Conservation Service except when authorized or regulated by the State Forest Practices Rules, an Erosion and Sediment Control Plan shall be submitted to and approved by the County.The Erosion and Sediment Control Plan shall prevent or substantially mitigate possible hazards to life, property or the natural environment.

2. An operation plan shall be submitted prior to any grading or filling on slopes 15% or greater or on erosive soils. Such plan shall provide the following information:

a. A statement of the land capabilities of the property on which the grading, filling or clearing is to be performed, including soil series name, slope, gradients, run-off potential, soil depth, erosion potential and natural drainage.

b. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, together with elevations, dimensions, location and extent of proposed grading, together with a map showing the drainage area and the proposed method of run-off disposal.

c. A list of equipment and methods to be employed in processing and disposing of soil and other material that is removed from the site, including the location of disposal sites.

d. Plans of final ground cover, landscaping, and erosion and drainage controls and requirements for stable cut and fill slopes, based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Soil Conservation Service, U.S.D.A. publication Soil Interpretations for Oregon shall be used.

CHAPTER 3

MONUMENTATION

Section 3.01 Monumentation

All subdivision, partition, and lot line adjustment plats designating land within Josephine County shall, unless excepted in Section 6.07 or 8.067, be surveyed and all monuments erected shall comply with ORS 92 with the addition of the following:

1. A traverse of the boundaries of the tract and all lots and blocks must close with a mathematical closure of one to ten thousand.

2. The initial point of all subdivision plats, shall be marked with a monument, either of concrete or galvanized iron pipe. If concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently imbedded in the concrete. If galvanized iron pipe is used, it shall not be less than two inches in diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision or condominium. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

3. In subdivision plats,The intersections, points of curves and points of tangents or the point of intersection of the curve if the point is within the pavement area of the road, of the centerlines of all public streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods. If concrete is used it shall be as described in subsection (2) of this section. If galvanized iron pipe is used it shall not be less than 3/4 inch inside diameter and thirty inches long. If iron or steel rods are used they shall not be less than 5/8 of an inch in diameter and thirty inches long. In addition all P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driven twenty-eight (28) inches into the ground, when possible, set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

4. All lot or parcel corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in least dimension and two feet long or iron or steel rods not less than 5/8 inch in least dimension and not less than 24 inches long. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

5. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot.

6. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision, partition or lot line adjustment plat, whichever is greater.

~~6~~7. All monuments for the exterior boundaries of a subdivision, shall be marked and such monuments shall be referenced on the plat before the plat is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat or final map if the registered professional land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in ORS 92.070 (2) and if the person subdividing the land furnishes to the County a bond, cash deposit or other security as required by the County guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in ORS 92.065.

8. All monuments on the exterior boundary and all parcel corner monuments of partitions and lot line adjustments shall be placed before the partition or lot line adjustment is offered for recording.

9. If the interior corners of a subdivision are to be monumented on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in the subdivision plat shall furnish to the County Surveyor, prior to the approval of the subdivision plat by the County Surveyor, a bond, cash deposit or other security, as required at the option of the County, in an amount equal to 120 per cent of the estimated cost of performing the work for the interior monumentation.

10. The County Surveyor may require that the setting of the interior corners of the subdivision be delayed, according to the provisions of this section, if the installation of street and utility improvements has not been completed, or if other conditions or circumstances justify the delay.

11. The person subdividing the lands described in subsection (9) of this section shall pay the surveyor for performing the interior monumentation work and notify the County Surveyor of the payment. The County Surveyor, within three months after the notice, shall release the bond or other required security or return the cash deposit upon finding that the payment has been made. Upon written request from the person subdividing the land, the governing body may pay the surveyor from moneys within a cash deposit held by it for that purpose and return the excess of the cash deposit, if any, to the person who made the deposit. If the subdivider has not paid the surveyor within 30 days of the final approval of the interior monumentation, the County may pay the surveyor from moneys held in a cash deposit, if any, or require payment to be made from other security.

12. In the event of the death, disability or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon failure or refusal of the surveyor to set the monuments, the County Surveyor shall cause the monumentation to be completed and referenced for recording as provided in ORS 92.070. If another surveyor completes the interior monumentation, the surveyor completing the interior monumentation shall place the surveyor's seal and signature on the original subdivision plat and any true and exact copies filed in accordance with ORS 92.120 (2). Payment of the fees for completing said monumentation shall be made by the subdivider within 30 days of the completion of such work. In the event that the subdivider fails to pay such fees within 30 days, the bond, cash deposit or other security may be used to pay such fees; and when such cash or other securities are inadequate to cover the cost incurred by the County Surveyor, the balance due will constitute a lien on any lots in the subdivision that are still in the ownership of the subdivider when recorded pursuant to ORS 93.600 to 93.800.

Section 3.02 <u>Surveyor Affidavit</u>.

1. Except as otherwise provided in this section, all subdivision, partition and lot line adjustment plats, designating the location of land within Josephine County, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he marked a proper monument as provided in ORS 92.060 indicating the initial point of such survey, and giving the dimensions and kind of monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks or parcels are laid out.

2. If the person subdividing or partitioning any land has complied with Section 3.01(9) and Section 5.06 of this Ordinance, the surveyor may prepare the plat for recording with only the exterior monuments referenced thereon as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before the specified date in accordance with ORS 92.060, noting those monuments to be set on or before said specified date on the plat as approved by the Planning Commission.

3. After the interior corners for a subdivision have been monumented as provided in an affidavit submitted under subsection (2) of this section, the surveyor performing the work shall:

   a. Within five days after completion of the work, notify the person subdividing the land involved and the County Surveyor; and

   b. Upon approval of the work under ORS 92.100 by the County Surveyor, submit an affidavit for recording stating that the subdivision plat has been correctly surveyed and marked with proper monuments at the interior corners of the subdivisions as noted on the original subdivision plat. Any monument that cannot be set shall be separately noted and a reference monument shall be set. The affidavit shall be approved by the County Surveyor before recording. The surveyor who prepared the affidavit shall cause the affidavit to be recorded in the office of the County Recorder. The County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor. The County Surveyor shall note the monuments set and the recorder's information on the original subdivision and any true and exact copies filed in accordance with ORS 92.120.

4. The County recording officer, upon receipt of a plat copy filed pursuant to subsection 3 of this section, shall record such copy and endorse the recording reference for such copy upon the plat of the subdivision previously recorded. The recording reference for such plat copy shall operate as reference to the interior monuments referenced on such copy and shall constitute constructive notice of such monument references for all purposes as though such monuments had been referenced on the plat of the subdivision as previously recorded.

Section 3.03 Surveyor Approval.

Prior to review of a final plat of a subdivision, partition or lot line adjustment the plat must be submitted to and approved

by the County Surveyor. The County Surveyor shall check the subdivision, partition or lot line adjustment site and the plat and shall determine that the plat complies with the provisions of ORS 92.050 and with the provisions of this Ordinance. The County Surveyor may direct such changes to be made on the plat or at the site as are necessary to satisfy the requirements of ORS 92.050 or this Ordinance. The subdivider shall pay the following fees to the County Surveyor:

$100.00 plus $5.00 for each lot or parcel.

CHAPTER 4

TENTATIVE PLAN

Section 4.01 Submission of Tentative Plan.

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

Section 4.02 Vicinity Sketch.

A vicinity sketch shall accompany or be drawn upon each print of the tentative plan at a scale such as 400 feet equals an inch, suitable for reproduction by xerography showing all existing and adjacent subdivisions, streets, tract lines of acreage parcels, together with the names of the recorded owners of parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing or proposed public road. It shall show how streets and alleys in neighboring subdivisions or undeveloped property will be located to produce the most advantageous development of the entire neighborhood area.

Section 4.03 Plan Review.

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

Section 4.04 Information Required on the Tentative Plan.

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

1. The proposed name of the subdivision.

2. North point, scale, date of application, and bases of bearing.

3. Names and addresses of the owner or owners, and any participating engineer, surveyor, land planner or landscape architect.

4. The tract designation or other description according to the real estate records of the Josephine County Assessor.

5. The boundary lines (accurate in scale) of the tract to be subdivided.

6. A topographic map with contour intervals, based on the overall difference in elevation in the proposed subdivision as listed in the following chart:

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

7. The location, width and names of streets or public ways within the tentative plan along with existing buildings, railroad right-of-ways and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.

8. Approximate location of existing sewers, water mains, drainage structures, irrigation and mining ditches, fire hydrants, culverts or underground utilities and improvements within the tract or immediately adjacent thereto, including existing structures.

9. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.

10. The name of new streets, and approximate grades of all streets proposed or existing in the subdivision or major partition, and the approximate widths and locations of any proposed easements for drainage, sewerage, and public utilities.

11. Typical cross-sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

12. Approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses and natural drainages.

13. Proposed lots or parcels, approximate dimensions and square footage or acreage designation, and lot numbers.

14. Appropriate information clearly stating the map is a tentative plan.

15. Proposed source of water supply, if any; and, if not a municipal source, estimated volume to be available, together with data regarding the proposed location and type of all storage facilities.

16. If a domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.

17. The proposed method of sewage disposal.

    a. If to be served by a community sewer system, information regarding the location of lines and the feasibility of collection. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.

    b. If to be served by a community collection and storage system, data regarding the location of all proposed lines, holding tanks, storage facilities, and pumping facilities. Information will also be provided regarding the proposed removal and disposal of the sewage, the location of the dumping facility, eventual treatment, and the method of transport.

    c. If to be served by subsurface sewage disposal, a suitability statement from a soil scientist regarding the suitability of the soils for subsurface disposal.

18. Information on the source of other public utilities.

19. Proposed deed restrictions, if any.

20. If located within the boundaries of an irrigation district, the irrigation district involved and appropriate easements.

21. The location of any environmental hazard, such as areas unsuitable for building purposes, or land subject to mass movement, erosion, or similar natural phenomena; and, if the subdivision or major partition is located within a flood prone area, base flood elevation data and the location of flood prone area, including the regulatory floodway, if any.

22. Comprehensive Plan and Zoning designation

Section 4.05 Rejection of Plan.

Whenever a tentative plan is found to lack required information, the developer shall be notified of all such omitted information and directed to place such information on the tentative plan. If the tentative plan does not contain the required information on the fourth submittal by the developer, the Planning Director may require additional filing fees equal to the original filing fee. The decision of the Director may be appealed as set forth in Section 8.05 of the Ordinance.

Section 4.06 Approval of Plan.

Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. Tentative approval shall expire and become null and void eighteen months after the date of an approval letter unless the final plat or map is submitted within that period of time in accordance with this Ordinance. Tentative approval shall be given only by signed order and not by notation upon the tentative plan. Findings of fact and the final order shall be signed by the Commission or Planning Director as appropriate or their delegate. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat or final map. The Planning Commission or Planning Director may require only such changes in the plat or map as are necessary for compliance with the approved tentative plan (except minor conditions imposed during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances adopted by the Board of County Commissioners). Approval is subject to appeal, and until the appeal period expires, improvements to the property are at the developer's risk.

Section 4.07 Conditions of Approval.

As conditions of approval for the tentative plan, the Planning Commission or Planning Director may require such additional information or development as necessary for the full utilization of resources, environmental protection, consumer protection, and protection of adjacent properties or other requirements deemed appropriate for the protection of public health, safety, welfare and convenience. Such conditions may include, but shall not be limited to, the provision of domestic water on each or some of the lots, paving of streets or ways, construction of sidewalks or pedestrian paths, control of erosion, and extension of streets to existing maintained roads. The Planning Commission or Planning Director may require the dedication of lands for public parks, school sites, or other purposes. The Commission or Director may also require off-site improvements to be completed by the developer when necessary to mitigate impacts resulting from the development, according to standards or procedures established by the Commission, Director or Board of County Commissioners.

Section 4.08 Road Plans.

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

1. A plan and profile on Federal Aid sheets showing the following:

    a. Width of the proposed dedication throughout the length of the proposal.

    b. Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.

    c. Ground line and grade line profile on the centerline of the proposed street or road.

    d. Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent.

    e. Earthwork distribution (only when the developer proposes to bond or provide other financial guarantee for construction of roads for approval of the subdivision plat).

    f. Location and material type for waste or borrow areas.

    g. Typical road section(s).

h. Drainage and culvert design and location, and typical ditch section.

2. Cross Sections:

a. Shall be platted on rolls of ten (10) on standard cross-section paper.

Computed cross-section printouts may be submitted in lieu of platted cross-sections.

b. Shall show proposed widened cuts or fill if these are needed for material balance.

3. Sheets and drawing showing the following:

a. Traverse data including the coordinates of the boundary of the subdivision or major partitions and ties to section corners and donation land claim corners, and showing the error of closure, if any.

b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

Section 4.09 Sewer and Utility Plans.

1. Sewer plans meeting requirements of the Josephine County service districts in which the subdivision is located and approval of the Oregon State Department of Environmental Quality shall be submitted to the County Engineer after approval of the tentative plan but prior to construction of the sanitary sewers.

2. Provisions for road construction and installation of utilities and scheduling of work will be provided by the developer prior to construction.

Section 4.10 Water Plan.

1. After approval of the tentative plan, the developer shall submit to the County Engineer and County Health Department, water system plans meeting requirements of the Oregon State Health Division.

2. If required by the Commission or Director, water systems shall be designed to provide fire flow capacity meeting standards established by the State Fire Marshall.

Section 4.11 Modification.

The Planning Commission or Director may modify or alter its action on a previously approved tentative plan subject to compliance with all the following:

a. A request for modification shall be submitted by the developer in writing setting forth the specific modification requested and the facts to justify the modification; and

b. The request shall clearly indicate that the modification is reasonably necessary and will not significantly alter the previous action of the Commission or Director.

The Planning Commission's or Director's action on a request for modification of a tentative plan may be appealed in the same manner as the original tentative plan as set forth in Section 9.14. However, in no event shall such appeals be construed as extending the time limit for recording a Final Plat.

CHAPTER 5

FINAL PLAT

SECTION 5.01 Submission of the Final Plat.

Within eighteen months of the date of the Planning Commission or Planning Director approval of the tentative plan for a subdivision or major partition, or within twelve months of the Planning Commission or Planning Director approval of the tentative plan for a minor partition or lot line adjustment, the developer shall submit a final plat in conformance with the approved tentative plan to the Planning Director and the County Surveyor. Failure to submit a plat for the Planning Director's review within eighteen (18) months for a subdivision or major partition unless extended per Section 5.11, or twelve (12) months for a minor partition or lot line adjustment will nullify Planning Commission or Planning Director approval of the tentative plan. In order to proceed with a subdivision, partition or lot line adjustment after the expiration of approval, the subdivider must resubmit a tentative plan in the same manner as a new tentative plan.

SECTION 5.02 Submission Procedure.

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

Section 5.03 Plat Specifications.

The final plat for a subdivision, partition or lot line adjustment, to include dedications of streets or roads or public parks and squares and other writings made a part of such subdivision, partition or lot line adjustment offered for record, shall be made in permanent black india ink or silver halide permanent photocopy, upon 4 mil or thicker mylar or equivalent material, approved by the County Surveyor, that is 18 inches by 24 inches in size with the left two inches left without any writings so it may have a binding edge. The strength and permanency shall be so that the original drawing will be a permanent record as kept in the office of the County Clerk. The

plat shall be of a scale that is acceptable to the County Surveyor. The lettering of the approvals, any dedications, the affidavit and all other information shall be of such a size or type as will be clearly legible, and no part shall come nearer any edge of the sheet than one inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon three or more sheets. The final plat shall also be accompanied by an exact duplicate of the final plat, suitable for making prints, and eleven prints.

Section 5.04 Information Required.

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

1. The date, north point, scale, name of the subdivision and indicate the map is a "Final Plat".

2. Legal description of the tract boundaries.

3. Name of the owner or owners, subdivider, and engineer or surveyor.

4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

   b. Adjoining corners of adjoining subdivisions.

   c. City boundary lines when crossing or adjacent to the subdivision.

   d. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

5. The exact location and width of streets and easements intercepting the boundary of the tract.

6. Tract, block, and lot or parcel boundary lines and street right-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Approximate high water lines for any creek, lake or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with bases of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

7. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on a curvature which are being dedicated, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

8. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication.

9. Lot or parcel numbers beginning with the number "1" and numbered consecutively in each block.

10. The area of each lot or parcel which is one acre or larger to the nearest hundredth of an acre. If less than one acre, the area to the nearest square foot.

11. Block numbers beginning with the number "1" or the letter "A" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in any addition to the subdivision of the same name shall be a continuation of the numbering in the original subdivision.

12. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots or parcels intended for sale.

13. The following certificates which may be combined where appropriate:

    a. A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the plat or final map.

    b. A certificate signed and acknowledged as above, dedicating all lots for land shown on the final map or final plat intended for the exclusive use of the owners in the subdivision or partition, their licensees, visitors, tenants, and servants.

    c. A certificate conforming to ORS 92.060 and 92.070 with the seal of and signed by the engineer or surveyor responsible for the survey and final plat or final map.

    d. A certificate or transfer deed signed by all parties having any proprietary interest in the land, dedicating to the public all streets and roads without any reservation or restriction other than reversionary rights upon vacation of any street or road and easement for public utilities.

e. Other certifications now or hereafter required by law.

Section 5.05 Additional Information Required.

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

1. A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

2. A copy of any deed restrictions applicable to the subdivision or partition.

3. A copy of any dedication requiring separate documents.

4. A list of all taxes and assessments on the tract which have become a lien on the tract.

5. Sheets and drawings showing the following:

   a. Traverse data including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure, if any.

   b. The computation of distances, angles, and courses shown on the plat.

   c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and street highway stationing.

6. A certificate by the County Engineer that the developer has complied with the improvement requirements of Sections 2.14, 2.19, 2.20, 2.21, 2.25, 2.26, 2.27, 2.28, 2.29, 2.32, 2.33, 2.34, 2.35, 2.36, and 3.01 or a guarantee consistent with the requirements of Section 2.37 has been submitted and approved which is available to the County in sufficient amount to assure completion of all required improvements and monumentation.

7. One of the following provisions regarding water shall be received and accepted by the County prior to the approval of the plat:

   a. A certification by a municipally-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat;

b. A bond, contract, or other assurance by the subdivider to the County that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line on each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any reasonable change in such amount as determined necessary by the County;

c. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report.

Section 5.06 Guarantees to Construct Required Improvements.

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in Section 2.14 the Board of County Commissioners may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. Such a guarantee will be made in writing specifying the exact terms of the items to be completed.

The guarantee shall take the form of an agreement between the land owner or developer and Josephine County, setting terms and conditions, with the public interest protected by tangible negotiable assets which can be any or a combination of, but not limited to, bond, cash, negotiable securities, assignment of savings, or letter of credit.

Basic elements of the agreement shall be as follows:

1. That Josephine County is named as the beneficiary.

2. That the time period be named for construction of on-site improvements necessary for functioning of the development (to be a maximum of two years), and that the time period for construction of adjacent off-site improvements (or off-site improvements which may be postponed for concurrent, adjacent, local needs) be at the discretion of the Board of County Commissioners.

3. The amount of the guarantee be set for each element of the agreement, [i.e. on-site, adjacent off-site, and off-site for basic service (i.e. public sanitary sewer system, water, roads or streets, storm drainage and utilities)]. The amount of the guarantee is to be calculated on the basis of a public awarded contract including the elements of a construction contract, engineering and surveying cost, financing and administration charges and contingencies.

4. The basis for calculating the amount of the guarantee be described by reference to a specific engineering plan or standard for the County with an estimate of cost prepared by a licensed engineer and approved by the County Engineer.

5. If the subdivider fails to carry out provisions of the agreement or the county has unreimbursed costs or expenses resulting from such failure, the County may call on the guarantee for reimbursement; if the amount of the guarantee exceeds the cost and expense incurred by the county, the county shall release the remainder; and if the amount of the guarantee is less than the cost and expense incurred by the county, the subdivider shall be liable to the County for the difference.

Any such guarantee shall be reviewed administratively by County staff to ensure that the guarantee has been prepared in a proper form; however, final authority for approval rests with the Board of County Commissioners.

Section 5.07 Approval of the Final Plat.

The Planning Director , after proper review and consideration, may approve the final plat by indicating his approval there on the original. The final plat will then be circulated by the developer to other agencies for their review and approval. Signatures of the the County Surveyor, the Assessor, an agent of any irrigation district in which the land is located, an agent of the Department of Environmental Quality, State of Oregon, the Board of County Commissioners and other officials as required by law shall be placed on the final plat of record as proof of final approval. For partitions and lot line adjustments where no survey is required, only the signatures of the Planning Director and County Surveyor are required. Upon securing all other necessary signatures and payment of all fees, ad valorem taxes, special assessments or other charges required by law, the final plat shall be submitted to the Board of County Commissioners for approval and signing within ninety (90) days of the Planning Director's approval. The final plat or map shall not be approved by the Board of Commissioners until the Board is satisfied that all applicable state and local regulations and conditions have been satisfied. If the plat is not submitted to the Board within ninety (90) days of the Planning Director's approval, the approval of the Planning Director shall be null and void.

Section 5.08 Rejection of the Final Plat.

After reviewing the final plat or final map, the Planning Director may reject the document by providing the subdivider with a summary of the reasons for taking such action. This rejection shall be in the form of specification of elements of tentative plan approval that have not been completed in a satisfactory manner. The developer must resubmit a revised plat or map

correcting all the deficiencies specified by the Planning Director in order to receive Director approval.

Section 5.09 Filing.

After obtaining all required approvals and signatures the developer shall file the plat or map within thirty (30) days with the County Clerk. Failure to file the document within 30 days will require resubmission of the tentative plan to the Board of County Commissioners. Immediately after approval of a final plat, a subdivider shall file a report with the real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. In addition, a copy of the survey shall be filed with the County Surveyor.

Section 5.10 Dedication.

Approval of a final plat or map by the Board of Commissioners shall not be deemed to constitute or effect an acceptance for maintenance by the County of the dedication of any street or other proposed public way or area shown on the plat, unless agreed to by a separate order of the Board of Commissioners.

Section 5.11 Time Extension for Subdivisions and Major Partitions.

The Planning Director has the authority to extend the period in which to file a final plat for a subdivision or Partition up to one additional year. The applicant must submit a request for such an extension prior to the expiration date of the approval of the tentative plan. The time extension shall only be authorized in such cases where the Director finds that the extension is necessary to complete conditions of approval and that no changes in ordinances or circumstances would cause the original approval to be affected.

CHAPTER 6

MINOR PARTITIONS

Section 6.01 Application and Review Procedure.

Whenever tracts are to be minor partitioned for building development, now or in the future, a tentative map for the proposed partition and five copies shall be submitted to the County Planning Director, who shall act as an agent of the Planning Commission. The application shall be accompanied by a non-refundable fee in an amount to be established by the Board of County Commissioners. The Planning Director or his assistants shall determine that the partition is a minor partition, that the map contains all required information, and that the proposed partition conforms to the Josephine County Zoning Ordinance. At such time as the Planning Director or his assistants determine that the request meets all such requirements, the applicant shall be directed to prepare a final plat in conformance with Chapters 3 and 5 of this Ordinance and file a final partition plat with the County Clerk and a copy with the County Surveyor.

Section 6.02 Information Required on Tentative Map.

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

1. North point, scale, and date.

2. Names and addresses of the owner and/or partitioner.

3. The tract designation or other description according to the real estate records of the Josephine County Assessor.

4. The location, width and names of streets or public ways adjacent to the subject property along with railroad right-of-ways and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.

5. Parcel boundary lines and dimensions (accurate in scale), and parcel numbers.

6. The approximate area of each parcel.

7. Identification that the map is a partition.

8. The name and address of any participating engineer, surveyor, or land use planner.

9. The location and size of drainage lines, sewer lines, water lines, culverts, underground utilities, and utility easements; and the approximate location of utility poles and existing buildings or structures together with distances in feet from existing structures to existing parcel lines and new parcel lines created by the proposed partition. This information shall be provided for all partitions in all zones. In addition, the Director may require such information whenever such information is necessary to determine compliance with County Ordinances.

10. If the partition is located within a flood hazard area, base flood elevation data and the location of the flood hazard area, including the regulatory floodway, if any. Any such flood hazard shall be shaded on the map.

11. Location, width and direction of flow of natural drainages and water courses, irrigation ditches, and mining ditches.

12. The location of any environmental hazard, such as areas unsuitable for building purposes, or land subject to mass movement, erosion or similar natural phenomena.

13. Comprehensive Plan and Zoning designations.

Section 6.03 Rejection of Plan.

If the Planning Director determines that the proposed partition does not conform to all applicable local and state regulations , the proposal would constitute a problem for further development in the area, the design of the partition would be detrimental to public health, safety of welfare, or that the map does not contain all required information, he shall reject the plan map, and shall provide the developer with a list of his reasons.

Section 6.04 Conformance with Approved Map Required.

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

Section 6.05 Compliance.

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

1. Compliance with the County Zoning Ordinance.

2. Compliance with the Comprehensive Plan for Josephine County.

3. Conformance with the Official Street Map or other potential street extensions.

4. Compliance with all applicable rules, regulations, ordinances and policies of the County.

5. All lots created shall conform to the lot standards for subdivisions and major partitions in Section 2.06, 2.07, 2.19, 2.20, and 2.23 of this Ordinance.

Section 6.06 Filing Minor Partition Map Requirements.

The partition plat map shall become null and void if not filed with the County Clerk pursuant to ORS Section 92.120 within thirty (30) days of approval by the Planning Director.

Section 6.07 Survey.

When a Minor Land Partition creates one or more parcels 10.00 acres or smaller, the partition shall be surveyed in accordance with the requirements for the setting of monuments as contained in Chapter 3 of this Ordinance and applicable State Laws. Minor Partitions where all parcels are greator than 10.00 acres shall be exempt from the requirement to survey the land in accordance with Chapter 3 of this Ordinance. This exemption does not waive the requirement that a final plat be prepared by a licensed surveyor.

Section 6.08 Fees.

The developer or agent shall pay fees at the time of application pursuant to the County's fees. (Found in the Board of County Commissioners' "Fee Ordinance".)

Section 6.09 Approval of Plan

Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat map. Tentative approval shall expire and become null and void twelve months after the date of an approval letter unless the final plat is submitted within that period of time in accordance with this Ordinance. Tentative approval shall be given only by signed order and not by notation upon the tentative plan. Findings of fact and the final order shall be signed by the Planning Director as appropriate or his delegate. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat. The Planning Director may require only such changes in the plat or map as are necessary for compliance with the approved tentative plan (except minor conditions imposed during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and

Storm Sewer Design Standards, and other design standards contained in ordinances adopted by the Board of County Commissioners). Approval is subject to appeal, and until the appeal period expires, improvements to the property are at the developer's risk.

Section 6.10 Conditions of Approval

As conditions of approval for the tentative plan, the Planning Director may require such additional information or development as necessary for the full utilization of resources, environmental protection, consumer protection, and protection of adjacent properties or other requirements deemed appropriate for the protection of public health, safety, welfare and convenience. Such conditions may include, but shall not be limited to, the provision of domestic water on each or some of the lots, paving of streets or ways, construction of sidewalks or pedestrian paths, control of erosion, and extension of streets to existing maintained roads. The Planning Commission or Planning Director may require the dedication of lands for public parks, school sites, or other purposes. The Commission or Director may also require off-site improvements to be completed by the developer when necessary to substantially mitigate impacts resulting from the development, according to standards or procedures established by the Commission, Director or Board of County Commissioners.

Section 6.11 County Surveyors Approval

All partitions shall be reviewed by the County Surveyor. The Surveyor shall check the partition plat and make such computations and other determinations as necessary to show that the partition plat complies with the this ordinance and other applicable laws as they relate to survey requirements and legal descriptions of the parcels. At such time as the County Surveyor finds that the partition plat complies with applicable laws, he shall approve the plat by placing his signature on the plat. A fee for the review of the plat shall be in conformance with the adopted fee schedule for such reviews.

CHAPTER 7

PLANNED DEVELOPMENT

Section 7.01 Purpose.

The purpose of "planned development" is to permit the application of new technology and greater freedom of design in land developments than may be possible under a strict interpretation of the provisions of this Ordinance. The adoption of a planned development in combination with an existing zone is designed to permit a greater flexibility in development of land; encourage a variety in the development pattern; encourage mixed uses in a total area which could not otherwise be efficiently and aesthetically developed as an integrated whole; encourage developers to use a creative approach in land development; conserve natural land features; facilitate a desirable aesthetic use of open space; encourage public and private common open spaces; and allow flexibility and variety in the location of improvements on lots with diversity of the use of land. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan for the area.

Section 7.02 Standards.

The following standards are requirements which shall govern the application of a planned development in an area in which it is permitted in accordance with the Zoning Ordinance.

1. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards of the zone in which the planned development is proposed.

2. Deleted

3. The density of dwelling units shall not exceed that normally allowed by the zoning district in which the proposed development is located. This provision is not to be confused with the ability of a developer to increase the density of dwelling units within a given area of the planned development through the retention of open space while maintaining the density ratio of acres per dwelling.

4. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests will be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon.

5. A draft or outline of the articles of incorporation or a draft of the by-laws of any such association shall be reviewed by the County Legal Counsel. Said association shall be formed and continued for the purpose of maintaining such common areas and structures. The vote of the majority of members shall prevail except in the case of termination of said organization with twenty (20) years of beginning as provided by the articles of formation. The Planning Commission shall not approve any planned development unless the developer has adequately provided for the permanent maintenance of open space and payment of taxes through an association.

6. In any development which is primarily designed for or occupied by dwellings, a electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.

7. The Planning Commission may require easements necessary for orderly extension of public utilities to future adjacent developments.

8. The tract or tracts of land included in a proposed planned development must be in one ownership or control, or subject of a joint application by all persons possessing recorded interest in the title to the tract.

9. Areas of semi-public uses within the planned development may be included as open space in calculating the allowable density for residential projects.

10. The development program shall assure that unique or scenic natural features of the land are preserved and that landscaping is provided for common use areas when appropriate.

11. Performance bonds may be required to insure that a planned development proposal is completed as submitted consistent with the development schedule agreed upon by the developer and the Commission.

12. The planned development shall not be used as a vehicle for a developer to avoid the normal requirements of this Ordinance.

Section 7.03 Development Improvement Prohibited Pending Compliance.

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

1. Full compliance with all provisions of this Ordinance including execution and filing of all documents required herein.

2. Full compliance with the conditions imposed by the Planning Commission or by the Josephine County Zoning Ordinance.

3. Full compliance with the approved tentative plan.

Section 7.04 Procedure and Information Required on Tentative Plan.

1. An applicant shall submit fifteen (15) copies of a tentative plan to the Planning Director. The tentative plan shall include the following information:

   a. Proposed land uses, approximate building locations, type of construction, if known, and housing unit densities.

   b. Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc.

   c. Proposed open space uses, showing proposed landscaped areas.

   d. Proposed grading and drainage pattern.

   e. Proposed method of water supply, sewage disposal, and electrical facilities.

   f. Relation of the proposed development to the surrounding area and the Comprehensive Plan.

2. Prior to discussion of the plan at the Planning Commission meeting, copies shall be submitted by the Planning Director to the County Health Department and the County Public Works Department, Site Plan Committee and any other agency that would have a direct interest in the development for study and comment.

3. The Planning Commission shall consider the tentative development plan at a meeting at which time the findings and recommendations of the Health Department, Public Works Department, Site Plan Committee and other agencies shall also be considered. In considering the plan, the Commission shall seek to determine that:

   a. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.

b. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, and the area around the development can be planned to be in substantial harmony with the proposed plan.

c. The plan can be completed within a reasonable period of time.

d. The streets are adequate to support the anticipated traffic and the development will not overload streets outside the planned area.

e. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

f. The development will not have an adverse effect on the overall community welfare.

4. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this Section. If the Commission finds to the contrary, they may deny or table the application or return the plan to the applicant for revision.

5. In addition to the requirements of this chapter, the Commission may attach conditions it finds are necessary to carry out the purposes of this regulation. These conditions may include, but are not limited to the following:

a. Increasing the required setbacks.

b. Limiting the height of buildings.

c. Controlling the location and number of vehicular access points.

d. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.

e. Increasing the number of parking spaces and improving design standards for parking areas.

f. Limiting the number, size, location, and lighting of signs.

g. Designating sites for open space and recreational development, and, in general, improving landscaping requirements.

h. Requiring additional view obscuring screening or fencing.

i. The Planning Commission may make requirements benefiting other factors relevant to the health, safety, and welfare of the community directly affected by the development.

Section 7.05 Conditions of Sewage Disposal.

If the method of sewage disposal is to be by subsurface septic treatment, the developer shall provide the Planning Commission with a statement of approval of proposed subsurface sewage disposal from an authorized representative of the Department of Environmental Quality or from the County Sanitarian for each lot to be sold. If subsurface disposal is inadequate or not in the interest of public welfare, the Commission may require as a condition of approval that a community collection system or community sewer system be installed.

Section 7.06 Conditions of Environmental Safety.

The developer shall inform the Planning Commission of all known environmental hazards such as mud slides, areas subject to floodwater inundation, area subject to mass earth movement, erosive soils, areas unsuited subject to similar environmental hazards. If the Commission finds that it is necessary and prudent for the protection of public safety and welfare to restrict such hazardous areas, the Commission may require as a condition of approval that such lands be dedicated to uses that minimize the aggravation of such hazards.

Section 7.07 Public Hearing Optional with Governing Body.

No public hearing, in addition to the hearing conducted by the Urban Area Planning Commission, need be held by the governing body on a Planned Unit Development if no zoning amendment is required; provided, however, that a hearing may be held by the governing body when it deems such hearing to be necessary in the public interest. Such hearing, if required, shall be held as set forth in Section 136.04 of the Urban Area Zoning Ordinance.

Section 7.08 Standards for Approval.

In granting approval for Planned Unit Developments the Commission shall be guided by the following:

1. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that construction shall begin within twelve (12) months of the conclusion of any necessary action by the governing body, or within such longer period of time as may be established by the Planning Commission.

2. The proposal conforms with the Comprehensive Plan in terms of location and general development standards.

3. The project will accrue benefits to general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.

4. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way improvements.

5. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.

6. No Planned Unit Development shall be approved in any zoning district if the housing density of the proposed development will result in an intensity of land use greater than permitted in the zoning district.

Section 7.09 Planning Commission Action.

The Planning Commission shall act upon the application within ninety (90) days of the initial Planning Commission hearing on the application, excluding such time as may be required to complete any necessary zoning amendments. In taking action, the Commission may approve, approve with conditions, or deny an application as submitted. Any Planned Unit Development as authorized shall be subject to all conditions imposed, and shall be accepted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder shall lapse and become void unless, within twelve (12) months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved and the development has begun and diligently pursued. the Planning Commission may further impose other conditions limiting the time within which the development, or portions thereof, must be completed. The decision of the Planning Commission shall be final unless appealed to the appropriate governing body.

Section 7.10 Violation of Conditions.

The Planning Commission, on its own motion, may revoke any Planned Unit Development approval for noncompliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the Planned unity Development Approval.

Section 7.11 Road Plans and Engineering Data.

After approval of the tentative plan by the Planning Commission, but prior to construction of any road or utility within a planned development, the developer shall submit to the County Engineer the following information:

1. A plan and profile on Federal Aid sheets showing the following:

   a. Widths of the proposed dedication through the length of the proposal.

   b. Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangent.

   c. Ground line and grade line profile on the centerline of the proposed street or road.

   d. Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent.

   e. Earthwork distribution (only when the developer proposed to bond or provide other financial guarantee) for construction of roads following approval of the planned development.

   f. Locations and material type for waste or borrow areas.

   g. Typical road section(s).

   h. Location of drainages, culvert design, and typical ditch section.

2. Cross Section:

   a. Shall be platted on rolls of ten (10) on standard cross section paper. Computer cross section printouts may be submitted in lieu of platted cross sections.

   b. Shall show proposed widened cuts or fill if these are needed for material balance.

3. Sheets and drawing showing the following:

   a. Traverse data including the coordinates of the boundary of the planned development and ties to section corners and donation land claim corners, and showing the error of closure, if any.

   b. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.

4. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction.

5. The stages for development of private and public facilities planned.

6. Plans and profiles of proposed sanitary and/or stormwater sewers, with grades, pipe sizes and location of manholes indicated, meeting the requirements of any service district and the Department of Environmental Quality.

7. Plans and profiles of any proposed water distribution system showing pipes and the location of any valves, fire hydrants, or storage facilities, meeting the requirements of the Oregon Health Division.

8. Specifications for the construction of all proposed sewer and water lines and other utilities.

9. Grading plans and specifications as required by the County Engineer for areas other than streets and ways.

Section 7.12 Information Required on the Final Plat.

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

1. The date, scale, north point, legend, controlling topography such as bluffs, creeks, and other bodies of water and existing cultural features such as highways.

2. Legal description of the tract boundaries.

3. Name of the owner or owners, subdivider, and engineer or surveyor.

4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field of book or map as follows:

   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

   b. Adjoining corners of adjoining subdivisions.

   c. City boundary lines when crossing or adjacent to the subdivision.

   d. Other monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Ordinance.

5. The exact location, width, and name of streets and easements intercepting the boundary of the tract.

6. Tract, block and lot or parcel boundary lines and street right-of-way.

7. Points of curvature, and tangent bearings. Approximate high water lines for any creek, lake, or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

8. The width of the portion of streets being dedicated to the public or to the use of property owners and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the centerline dimensions, the radius and central angle shall be indicated.

9. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication.

10. Lot numbers beginning with the number "1" and numbered consecutively in each block.

11. Land Use:

    a. All areas proposed to be dedicated [illegible] reserved for interior circulation, public parks, pla[illegible]unds, school sites, public buildings and otherwise dedicated or reserved to the public.

    b. Open space that is to be maintained and controlled by the owners of the property and their successors in interest available for the recreational and leisure use of the occupants and uses of the planned unit development.

12. Circulation:

    a. Location of any special engineering features needed to facilitate or ensure the safety or circulation pattern.

    b. Location and dimensions of pedestrian walkways, malls, and foot and horse trails that will be dedicated as part of the development.

13. Parking and Loading:

a. Location, arrangement, number and dimension of automobile garages, parking spaces and the widths of aisles, bays, and angle of parking when interests in spaces are transferred with units of the development.

b. Location, arrangement, and dimensions of truckloading spaces and docks for commercial or industrial development.

14. The following certificates which may be combined where appropriate:

a. A certificate signed and acknowledged by all parties having any recorded title interest or vested interest in the land, consenting to the preparation and recording of the plat.

b. A certificate signed and acknowledged as above, dedicating all lots for land shown on the final plat intended for the exclusive use of the owners in subdivision, their licensees, visitors, tenants, and servants.

c. A certificate conforming to ORS 92.060 and 92.070 with the seal of, and signed by, the engineer or surveyor responsible for the survey and final plat or final map.

d. A certificate signed by all parties having any recorded title interest or vested interest in the land dedicating to the public all streets and roads without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easement for public utilities.

Section 7.13 Development Program.

In addition to the final plat, a Development Program shall contain the following information and supplemental reports where appropriate:

1. The location of all plantings, fences, and existing trees and vegetation areas to be retained in the development.

2. The location of all buildings to be constructed in conjunction with the development, and the location of all existing buildings to be retained.

3. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

4. Table showing the overall density of the proposed residential development and showing density by dwelling types.

5. Drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the public including agreements by property associations, dedicatory deeds or reservations of public open spaces.

Section 7.14 Plat Specifications.

The final plat submitted to the Planning Director shall be in black India ink on good quality material, as specified by the County Surveyor, suitable for reproduction and binding 18" x 24; in size, together with five prints from the tracing. No part of the drawing shall be nearer to the edge of the sheet than one inch. The final plat shall be accompanied also by an exact duplicate of the final plat, either drawn in black India ink or duplicate of the final plat, either drawn in black India ink or photographically reproduced on good quality medium suitable for making prints.

Section 7.15 Approval of the Final Plat and Development Program.

1. The Planning Director, Legal Counsel, Engineering Supervisor, and County Surveyor shall review the final plat and development program and shall determine that the provisions are in compliance with the Ordinance and the tentative plan, approved by the Planning Commission and the Board of County Commissioners.

2. The Planning Commission, after proper review and consideration, may approve the final plat and development program by indicating its approval thereon the original. The final plat will then be circulated by the developer to other agencies for their review and approval. Signatures of the Planning Commission Chairman, the Surveyor, the Assessor, an agent of the Department of Environmental Quality, State of Oregon, and other officials as required by law shall be placed on the final plat or record as proof of final approval. Upon securing all other necessary signatures and payment of all fees, ad valorem taxes, special assessments or other charges required by law, the final plat or map shall be submitted to the Board of Commissioners until the Board is satisfied that all applicable state and local regulations and conditions have been satisfied.

Section 7.16 Rejection of the Final Plat.

After reviewing the final plat and development program, the Planning Commission may reject the documents by providing the

subdivider with a summary of reasons for taking such action. This rejection shall be in the form of specification of elements in the plat or development program which do not meet required standards or conditions of tentative plan approval. the developer must resubmit a revised plat or program correcting all the deficiencies specified by the Planning Commission in order to receive Commission approval.

Section 7.17 Filing.

After obtaining all required approval and signatures, the developer shall file the plat and development program within thirty (30) days with the County Clerk. Immediately after approval of a final plat, a subdivider shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. In addition, a copy of the survey shall be filed with the County Surveyor.

Section 7.18 Dedication.

Approval of a final plat or map by the Board of Commissioners shall not be deemed to constitute or effect an acceptance for maintenance by the County of the dedication of any street or other proposed public way or area shown on the plat, unless agreed to by an order of the Board of Commissioners.

CHAPTER 8

LOT LINE ADJUSTMENTS

Section 8.01 Lot Line Adjustments.

Whenever a common boundary between two lots or parcels is adjusted by the relocation of such common boundary, a tentative plan map shall be submitted to the County Planning Director. The Planning Director or his assistants shall determine that the adjustment does not create an additional parcel, the adjustment conforms to the Josephine County Zoning Ordinance and all required information is contained on the map. The map shall be prepared in the manner set forth in Section 5.02 of this Ordinance. At such time as the Planning Director finds that the adjustment does or will conform to the requirements of this ordinance and other applicable ordinances, he shall direct the applicant to prepare a final plat of the adjustment in conformance with Chapters 3 and 5 of this Ordinance.

Section 8.02 Size Reduction Prohibited.

In the instance when one or both of the lots or parcels being adjusted is smaller than the minimum lot size for the zone in which lots or parcels are located, neither of the lots or parcels may be reduced to an area less than the original smallest lot or parcel. Further, if there is one parcel that is smaller than the minimum lot size required in the zone before the adjustment, only one parcel smaller than the minimum lot size required in the zone is allowed after the adjustment.

Section 8.03 Adjustment of Platted Lots.

Not withstanding other applicable provisions of this ordinance no adjustment of platted lots shall be approved that may violate any recorded condition, covenant or restrictions.

Section 8.04 Rejection of Plan.

If the Planning Director determines that the proposed adjustment does not conform to the Zoning Ordinance, is not an adjustment, or that the map does not contain all required information, he shall reject the plan map and shall provide the developer with a list of his reasons.

Section 8.05 Filing Lot Line Adjustment Map Requirement.

The lot line adjustment map shall become null and void if it is not filed with the County Clerk by the applicant within thirty (30) days of its approval.

Section 8.06 Conformance with Approved Map Required.

No person, agent, or corporation shall adjust or sell any parcel located in any lot line adjustment except according to the provisions of an accepted lot line adjustment plan map. If any change is made to the adjustment, inconsistent with the accepted adjustment map, the Director may rescind acceptance of the adjustment.

Section 8.07 Survey Requirements.

When a Lot Line adjustment involves one or more parcels 10.00 acres or smaller, the lot line adjustment shall be surveyed in accordance with the requirements for the setting of monuments as contained in Chapter 3 of this Ordinance and applicable State Laws. Lot Line Adjustments where all parcels are greator than 10.00 acres shall be exempt from the requirement to survey the land in accordance with Chapter 3 of this Ordinance. This exemption does not waive the requirement that a final plat be prepared by a licensed surveyor.

Section 8.09 Approval of Plan

Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat map. Tentative approval shall expire and become null and void twelve months after the date of an approval letter unless the final plat is submitted within that period of time in accordance with this Ordinance. Tentative approval shall be given only by signed order and not by notation upon the tentative plan. Findings of fact and the final order shall be signed by the Planning Director or his delegate. Approval of the tentative plan shall be binding upon the developer and Josephine County for the purpose of the preparation of the final plat. The Planning Director may require only such changes in the plat or map as are necessary for compliance with the approved tentative plan (except minor conditions imposed during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances adopted by the Board of County Commissioners). Approval is subject to appeal, and until the appeal period expires, improvements to the property are at the developer's risk.

Section 8.10 Conditions of Approval

As a condition of approval for the tentative plan, the Planning Director may require such additional information or development as necessary for the full utilization of resources, environmental protection, consumer protection, and protection of adjacent

properties or other requirements deemed appropriate for the protection of public health, safety, welfare and convenience. Such conditions may include, but shall not be limited to, the provision of domestic water on each or some of the lots, paving of streets or ways, construction of sidewalks or pedestrian paths, control of erosion, and extension of streets to existing maintained roads. The Planning Commission or Planning Director may require the dedication of lands for public parks, school sites, or other purposes. The Commission or Director may also require off-site improvements to be completed by the developer when necessary to substantially mitigate impacts resulting from the development, according to standards or procedures established by the Commission, Director or Board of County Commissioners.

Section 8.11 <u>County Surveyors Approval Required.</u>

All lot line adjustments shall be reviewed by the County Surveyor. The Surveyor shall check the lot line adjustment plat and make such computations and other determinations as necessary to show that the plat complies with the this ordinance and other applicable laws as they relate to survey requirements and legal descriptions of the parcels. At such time as the County Surveyor finds that the lot line adjustment plat complies with applicable laws, he shall approve the plat by placing his signature on the plat. A fee for the review of the plat shall be in conformance with the adopted fee schedule for such reviews.

ADMINISTRATION

Section 9.01 Administration and Authority.

Except where otherwise specifically provided in this Ordinance, the administration of duties imposed and authority granted under this Ordinance shall be delegated by the Board of Commissioners to the Commission as constituted by, and acting pursuant to, the Josephine County Land Use Hearing Rules and other applicable Oregon statutes and regulations.

Section 9.02 Meetings and Hearings.

In the administration of this Ordinance, the Planning Commission and the Board of Commissioners shall meet and transact business at the time and under the regulations and rules as provided by the Land Use Hearing Rules and other applicable statutes and regulations.

Section 9.03 Planning Director.

In the administration of this Ordinance, the Planning Director shall have the power and duty to administer and interpret the provisions of this Ordinance, together with such additional duties and authority relating exclusively to the administration of this Ordinance as may be provided therein or required of him by the Planning Commission or the Board of Commissioners.

Section 9.04 Liaison Officer.

The Planning Director, or an assistant of the Planning Director, shall serve as a Subdivision Liaison Officer. The Subdivision Liaison Officer shall be responsible for coordinating the review of tentative plans. The Subdivision Liaison Officer shall ensure that the developer secures all necessary permits from applicable review agencies and that the development is coordinated with affected utilities. The Subdivision Liaison Officer shall secure comments from reviewing agencies and utilities for the consideration of the Planning Commission. In addition, the Subdivision Liaison Officer shall assist developers in obtaining and interpreting applicable zoning and land development regulations, provided, however, that in no event shall any representation, assurance, or conclusions rendered by the Subdivision Liaison Officer be construed as an expression of final authority or final determination on any matter relative to the subject application, and the applicant shall not be entitled to rely thereon in lieu of independent professional advice or formal application and hearing as provided herein.

Section 9.05 Appeal of Planning Director's Decision.

A person may appeal from a decision of the Planning Director or his assistants to the Planning Commission. Written notice of the appeal must be filed with the Planning Director within fifteen (15) calendar days after the decision or requirement is made. The petition of appeal shall state the nature of the decision or requirement, the grounds for appeal, and otherwise comply with the Land Use Hearing Rules.

Section 9.06 Modifications in Case of Large Scale Commercial or Industrial Development.

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a large scale shopping center or large industrial area development providing the modifications are not detrimental to public health, safety and welfare; and, providing that the Planning Commission determines there is provision for adequate public services and improvements for circulation, recreation, light, air, and service needs of the developed tract. The Commission shall consider the development's relation to adjacent areas and may require such covenants or other legal provisions as will assure conformity to and achievement of the Comprehensive Plan.

Section 9.07 Variance Application.

When necessary, the Planning Commission may authorize variances to the requirements of these regulations. Application for a variance shall be made by a petition of the developer, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative plan of the subdivision or partition.

Section 9.08 Planning Commission Action on Variance.

1. In granting necessary variances, the Planning Commission shall secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. Such conditions as are necessary for this purpose shall be specified in granting the variance.

2. In granting any variance under the provisions of this section, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated.

3. In order for the property referred to in the petition to come within the provision of this section, it shall be necessary that the Planning Commission shall find substantial compliance with the following standards:

a. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

b. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

c. The authorization of the variance shall not be materially detrimental to the purposes of this regulation, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objective of any county development pattern or policy.

d. The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship and the hardship is not self-imposed.

Section 9.09 Amendments to the Ordinance.

Amendments to this Ordinance may be initiated as follows:

1. By Resolution of the Board of Commissioners referring a proposed amendment to the Planning Commission for its consideration, report and recommendation.

2. By proposal of the Commission, or

3. By petition filed with the Planning Director upon forms prescribed by the Commission and bearing the signatures of at least 200 registered voters of the County.

4. By proposal of the Planning Director or County Legal Counsel.

Section 9.10 Additional Information on Amendments.

Any petition for amendment to this Ordinance shall be accompanied by all additional information or material which petitioners want the Planning Commission to consider. Before the hearing is held, the Commission may request the petitioners to supplement their petition with such additional or explanatory materials as the Commission shall consider appropriate or proper to an understanding of the amendment proposed by petitioners.

Section 9.11 Planning Commission Hearing on Amendments.

Proposals, resolutions and petitions for amendment to this Ordinance shall be held informally and may be adjourned from time to time as the Commission considers necessary or convenient. The Commission shall provide co-petitioners, if any, an opportunity to be heard at the opening and closing of the hearing. The Commission may apportion time between the proponents and opponents of the amendment proposed. The Commission may hear such other persons as to them may seem appropriate or convenient. The Commission shall provide the County Legal Counsel an opportunity to review and report upon the legal effect of proposed amendatory language.

Section 9.12 Commission Recommendation on Amendments.

After the hearing, the Planning Commission shall recommend that the proposed amendment be rejected, modified or adopted. The Planning Director shall reduce to writing the Commission's recommendation together with a brief statement of the facts and reasons upon which such recommendation is based. The Planning Director shall forward the same to the Board of Commissioners.

Section 9.13 Action by Board of Commissioners on Amendments.

Upon receipt of the Planning Commission report, the Board of Commissioners shall take such action as it feels appropriate.

Section 9.14 Appeal of Commission Decisions.

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

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

2. The Board of County Commissioners, following the filing of said appeal, shall schedule a review as provided in the Land Use Hearing Rules for Josephine County.

3. Standing for appeal shall be determined by applicable law and policy of the Board of County Commissioners.

4. The appellants shall pay fees for appeal upon submission of any petition for appeal.

Section 9.15 Penalty.

Any person, firm, corporation, or other entity who violates any provision of this Ordinance shall be punished upon conviction by a fine of not less than $50.00 nor more than $500.00 or imprisonment in the County Jail for not less than 25 days nor more than 50 days, or both, as provided in ORS 92.990(1).

Section 9.16 Civil Relief.

When any real property is or is proposed to be used, transferred, sold or disposed of in violation of this Ordinance, the Board of County Commissioners, County Legal Counsel, the District Attorney or any person whose interest in real property is or may be affected by the violation, may in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer, negotiation or agreement.

OCT 1990

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 90-1

AN ORDINANCE PROVIDING FOR THE SUBDIVISION AND PARTITIONING OF LAND IN JOSEPHINE COUNTY, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND PROVIDING PROCEDURES FOR ENFORCEMENT.

WHEREAS, the Board of County Commissioners held a public hearing on September 19, 1990 to consider, under the requirements of the Oregon Revised Statutes, Chapter 92, the standards and procedures for dividing land; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the standards and procedures for dividing land, and made a recommendation to the Board; and

WHEREAS, the Board of Commissioners held a public hearing and heard testimony and received evidence from the Josephine County Staff, and any interested persons, concluded that the standards and procedures before them 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: REPEALER

Josephine County Ordinance No. 78-4, as amended is hereby repealed.

SECTION 2: SUBDIVISION ORDINANCE

The Josephine County Subdivision Ordinance is ordained as shown as Exhibit A, attached.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 19th day of September, 1990.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 10th day of October, 1990. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chair

Barbara A. Humberd, Vice Chair

ATTEST:

Georgette Brown, County Clerk

Theresa L. Green
Recording Secretary

APPROVED AS TO FORM: (10/9/90)

James H. Boldt, Legal Counsel

EXHIBIT "A"

JOSEPHINE COUNTY LAND USE HEARING RULES

Section 1. SCOPE OF RULES

These Rules shall govern the conduct of all quasi-judicial Land Use Hearings before the Board of County Commissioners, or designate Land Use Hearing Body in which legal rights, duties or privileges of specific parties are determined. Such hearings include all Comprehensive Plan changes, zone changes, subdivision approvals, conditional uses, non-conforming uses, and any other hearings as provided in appropriate ordinances. All other Land Use matters coming before the Hearings Officer, Planning Commission or Board of County Commissioners for hearing shall be governed by all of these Rules.

Section 2. DEFINITIONS

As used herein,

"Applicant" shall mean the property owner, (or contract-purchaser, his or her attorney, or representative holding a valid Power of Attorney) requesting approval of a proposed land use action by a Hearing Body;

"Board" shall mean the Josephine County Board of County Commissioners;

"Commission" shall mean the Josephine County Planning Commission;

"Hearing" means a quasi-judicial proceeding to hear an application before the Hearing Body.

"Hearing Body" shall mean that entity which has jurisdiction over a particular hearing. A majority of the members of the hearings body, present at a hearing, shall constitute a quorum and shall function as the hearings body for purposes of this ordinance;

"Hearings Officer" shall mean the Josephine County Land Use Hearings Officer;

"Opponent" shall mean the individual or group opposing the Applicant's request, their attorney or qualified representative;

"Presiding Officer" shall mean the chairman of the Hearing Body;

"Proponent" shall mean said applicant or his attorney;

Section 3. REQUESTS FOR HEARING

1. A hearing as provided herein shall be initiated in the following manner:

   a. Upon adoption of a motion by the Planning Commission or Board.

   b. By application of the Applicant.

   c. By the Planning Director.

2. Action for a hearing initiated by an Applicant shall be in writing and filed with the Planning Director, on forms furnished by the Planning Director to include an Applicants Statement of Understanding, prepared by the Applicant, and shall contain such information as is required by the Josephine County Zoning Regulations, Subdivision Ordinance, Flood Ordinance, and other applicable Ordinances, and such additional information as the Director deems necessary to inform the Commission or Board as to the nature of the action applied for.

3. With respect to request for Land Use Hearings to be initiated by the Applicant, the Applicant may meet and confer with the Planning Director or his authorized representative in an informal conference prior to completing his or her application. At that time, views may be exchanged as to the requisites for formal application, feasibility of approval, and any and all other matters relative to the application. However, in no event shall any representation or conclusion rendered at such conference by the Planning Director or his authorized representative be construed as an expression of final authority, or a final policy determination with respect to the application, and the Applicant shall not be entitled to rely thereon in lieu of formal Application and Hearing as provided herein.

Section 4. NATURE OF HEARING

1. Land Use Hearings conducted pursuant to these Rules are quasi-judicial administrative determinations and shall be conducted accordingly. All Applicants are entitled to Notice of Hearing, to an opportunity to be heard, to present and rebut evidence before an impartial hearings body, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

2. Hearings held pursuant to these Rules are "Proceedings" as contemplated by ORS 9.320, and therefore Applicants shall appear in person or through their attorney (or authorized representative as stated in the DEFINITIONS.)

Section 5. PRESIDING OFFICER

1. The Hearing Body shall designate one of its Members to preside over the proceedings. The Presiding Officer so designated shall have the authority to:

   a. Regulate the course and decorum of the meetings.

   b. Dispose of procedural requests or similar matters.

   c. Rule on offers of proof and relevancy of evidence.

   d. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination and rebuttal testimony.

   e. Question any person appearing, and allow other members to question such person.

   f. Waive, at his or her discretion, the application of any Rule herein where the circumstances of the Hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his substantial rights as provided herein or otherwise by law.

   g. Take such other actions as authorized by the Board or Commission to appropriately conduct the Hearing.

2. All procedural decisions of the Presiding Officer shall be those of the Hearing Body unless the Presiding Officer is overruled by a majority vote of the members of the Hearing Body.

Section 6. CONDUCT OF PARTICIPANTS

Proceedings shall at all times be orderly and respectful. No person shall be heard until he or she states their name and address for the record. The Presiding Officer may terminate the Hearing when necessary or refuse to recognize anyone who:

1. Is disorderly, or abusive, and disruptive.

2. Takes part in or encourages audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the Hearing.

3. Testifies without first receiving recognition from the Presiding Officer and stating his or her full name and residential address.

4. Presents irrelevant, immaterial, or repetitious evidence.

Section 7. BURDEN OF PROOF

The burden of proof shall be upon the Applicant. The degree of proof required shall vary depending upon the nature of the request and its impact upon the community. The greater the change or the greater the impact of the proposal on an area, or the greater the departure from the present land use patterns, the greater is the burden upon the Applicant. The Applicant shall address all the Criteria that applies to the request. The criteria shall be listed in the Planning Department's Staff Report. For purposes of an appeal, the burden of proof shall be upon the Appellant.

Section 8. NATURE OF PROOF

1. The decision of the Hearing Body shall be based upon substantial evidence presented by the Applicant and supported by the record. The applicant shall address the required criteria and present evidence as appropriate to his specific proposal. The greater the change requested, the more evidence may be required to sustain the burden of proof. The Hearing Body shall deem the following criteria relevant and material considerations in reaching their decision:

    a. Conformance with the Josephine County Comprehensive Plan to include its Goals and Policies.

    b. Conformance with applicable State Laws, Rules and Regulations pertaining to land use and the specific proposal, including the applicable Administrative Rules in OAR 660 and guidelines contained in the Statewide Planning Goals.

    c. Conformance with the County Zoning Regulations, Subdivision Regulations, Building Code, Health Code and similar enactments as they relate to the specific proposal.

    d. Additional statements should be made by the Applicant with regard to the preservation of and current status of the character of the area involved, its peculiar suitability for particular uses, the conservation of property values, and the current direction of building development. The applicant may present rebuttal evidence to the information in the Planning Director's report, as appropriate, to meet the requirements of Section 7.

    e. Whether or not a mistake has been made in the original Comprehensive Plan designation.

    f. Whether or not a change of circumstances has occurred such that the existing condition within the vicinity of the proposal no longer conforms to the intent of the Comprehensive Plan, or applicable ordinances.

Section 9. DISCLOSURE RULE

Pre-Hearing/Ex parte Contact

1. Members of the Hearing Body shall avoid significant ex parte and pre-hearing contacts with interested parties to the proposal so that their deliberations and recommendations can be based on the evidence presented at the time of the public hearing. Any such contacts shall be revealed at the commencement of the hearing.

   a. If the contacts have not significantly impaired the member's impartiality or ability to vote on the matter, the member shall so state and may participate.

   b. If the contacts have significantly impaired the member's impartiality and ability to vote on the matter, he or she shall so state and therefore abstain from voting on the matter. The member may be counted for purposes of forming a quorum.

2. Parties to the request may challenge the impartiality of a member of the hearings body based on ex parte contact. The disqualification of a challenged member shall be at the discretion of the hearings body. A majority vote of the members not challenged is necessary to disqualify a member, except however, that if the number of members not challenged would not constitute a quorum (a majority of the entire membership of the body), then the challenged members will also vote on whether to disqualify other challenged members; and in no event, however, may a member participate in a vote on whether to disqualify herself or himself.

3. Contact with County staff does not constitute ex parte contact.

Conflict of Interest

4. In addition to the aforementioned ex parte and pre-hearing contacts, no member of the hearing body shall participate in any vote on a proposal when:

   a. The member (or spouse, brother, sister, child, parent, father-in-law, mother-in-law, or any business in which the Member has a financial interest, or any business which the Member is negotiating for) has a direct or substantial financial interest in the proposal.

   b. The Member has an interest in property within the area entitled to receive notice of the public hearing, and such interest acts to significantly impair such member's impartiality. (Notice requirements as per Section 11.)

c. The Member has a relationship with the applicant such that the Member is unable to be reasonably impartial in reaching a decision.

d. For any other reason under State Law or otherwise where the Member has determined that he or she cannot participate in the Hearing and decision in an impartial manner.

e. No official or employee of the County who has a financial interest or other private interest in the proposal shall participate in discussion with or give an official opinion on the proposal without first declaring for the record the nature and extent of such conflict of interest.

Section 10. CHALLENGE FOR BIAS, PREJUDICE, OR PERSONAL INTEREST

Any Applicant or Opponent of a proposal to be heard by the Hearing Body may challenge the qualification of any Member to participate in such hearing and decision. Such challenge shall be in writing, stating the facts upon which the challenging party relies as to the Member's disqualification, or other facts from which the party alleges that the Member should not participate in, and render a decision in, the matter. The challenge must be submitted, with the exception of good cause shown, to the Planning Director not less than 48 hours preceding the time set for public hearing. The Director shall attempt to notify the person whose qualifications are challenged before the hearing. The challenged persons shall have an opportunity at the hearing to respond to the challenge orally and in writing. The challenge and any response shall be incorporated into the record of the hearing.

Section 11. NOTICE REQUIREMENTS

1. Notice of the hearing to property owners in the area of the request shall contain the following information:

   a. Nature of the application and the proposed use or uses which could be authorized.

   b. The applicable criteria from the Comprehensive Plan, Ordinances, and State Goals.

   c. A description of the subject property, reasonably calculated to give notice as to its actual location.

   d. The date, time and location of the hearing.

   e. Statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue.

f. Name of a local government representative to contact and the telephone number where additional information may be obtained.

g. Statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

h. Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

i. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

2. Where the application is made for a change of zone classification, the Planning Director shall have the discretion to include within the Notice of Hearing, that the Hearing Body may consider a more restrictive zone classification other than that for which the Application is made.

3. Notices shall be sent by first class mail at least twenty (20) days prior to the initial hearing, to the following persons:

a. The Applicant.

b. To all property owners, or contract purchasers of record, as shown on the most recent property tax assessment role where such property is located:

1. Within 100 feet of the property which is the subject of the notice where the property is wholly or in part within an urban growth boundary;

2. Within 250 feet of the property which is the subject of the notice where the property is outside an urban growth boundary and not within a farm or forest zone.

3. Within 500 feet of the property which is the subject of the notice where the property is within a farm or forest zone.

4. In all cases a minimum of 20 property owners or contract purchasers shall be given notice in order to assure that the people most affected by the proposed action shall have constructive notice of the hearing

c. Legal Notice of hearing shall also be given by publication in a newspaper of general circulation in the area affected, published at least ten (10) days prior to the date of the hearing when the hearing is for a change to the Comprehensive Plan or any implementing ordinances.

d. The hearing may be continued from time to time as necessary to gather additional information on the Application, and no additional Notice need be given unless so ordered by the Hearing Body. If the proposal is tabled without setting a date and time to continue the consideration of the request, additional Notice as originally required herein shall be necessary.

e. Cost of Notice shall be included in the Application fee.

Section 12. PARTIES

All persons speaking at the hearing shall identify themselves as: (a) a witness only, (b) a party, or (c) a County Official. Each person appearing as a party (including anyone representing an organization) shall state what facts support that person's interests (or the interest of the organization represented by the person) in the outcome of the hearing, and any other facts thought to bear on such person's (or organization's) status as a party. The Presiding Officer will promptly rule on whether that person will be treated as a party or not. Unless overruled by the Hearing Body, the ruling of the Presiding Officer on this point shall be the ruling of the Hearing Body.

After party status has been determined, anyone challenging the ruling shall be heard immediately and the Presiding Officer (or the Hearing Body) may change its decision on party status.

A person (or organization) will be recognized as a party when such person:

a. Appears at the hearing, either orally or in writing, and

b. either

1. was entitled as of right to notice and hearing prior to the decision, or

2. would be adversely affected by the decision of the Hearing Body.

In addition to the above requirements, a person appealing to the Board of Commissioners must have timely and properly filed a notice of appeal.(See Section 17 (2))

"Adversely affected" means that a land use decision would or does impinge upon a person's (or organization's) use and enjoyment of her or his (or its) property or otherwise detracts from interests

personal to such person (or organization). Examples of adverse effects would be noise, odors, increased traffic, or potential flooding.

Section 13. RULES OF EVIDENCE

1. All evidence offered and not properly objected to may be received unless otherwise excluded by the Hearing Body. Evidence received at the hearing shall be of the quality that reasonable persons may conduct their everyday affairs in reliance upon such evidence.

2. All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public at the time notice required in subsection 11 of this ordinance is provided.

3. All evidence received by the Hearing Body shall be made a part of the record of this case and except for matters stipulated to and except for matters judicially noticeable, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference (if the document so incorporated is a public record not exempt from inspection).

4. Cross-examination shall be at the discretion of the Hearing Body. Any such cross-examination question shall be directed to the Chair who will determine if the cross-examination will benefit the Hearing Body. If the Chair determines that the question is a benefit to help in the decision, the Chair will ask the question to the party or witness appropriate to answer. In all cases, cross-examination shall be conducted in a non-inflamatory manner. The Chair may terminate cross-examination if it becomes disruptive to the hearing.

5. Judicial notice (recognizing a fact to be true without proof or evidence and will be noted as such) may be taken of judicially cognizable facts and general or scientific facts may be noticed within the experience, technical competence, or specialized knowledge of the Member. Opportunity will be given for rebuttal of these facts.

6. No decision shall be rendered except upon consideration of the whole record, or such portions thereof as may be cited by the hearings body, and as supported by and in accordance with reliable, probative, and substantial evidence.

7. The Presiding Officer may place all persons submitting testimony under Oath or Affirmation prior to accepting testimony.

8. The Hearing Body at its discretion may be represented by the County Legal Counsel.

Section 14. ORDER OF PROCEDURE

The Presiding Officer shall conduct the Hearing in an orderly fashion, within the guidelines set forth herein. However, the technical rules of parliamentary law shall be avoided in order that the Hearing procedure is as clear and simple as possible.

1. Commencement. The Presiding Officer shall announce the nature and purpose of the Hearing, summarize the Rules for the conduct of the Hearing, identify the name of each Applicant, and describe the general nature of each proposal.

2. Quorum. The Presiding Officer shall establish a quorum for purposes of a voting majority consisting of a majority of the members of the Hearing Body. If a member of the Hearing Body must leave prior to the close of the particular proposal at hand, losing the quorum, the Presiding Officer shall so state, and shall continue the Hearing for purposes of taking evidence and testimony. The members shall not vote upon the proposal until the absent member has reviewed the evidence and testimony taken. The vote upon the proposal shall be scheduled as soon as possible, and Notice shall be given as prescribed in Section 11.

3. Objection to Jurisdiction. The Presiding Officer shall inquire of the audience whether or not there are any objections to the jurisdiction of the Hearing Body to hear the matter. Objections, if any, shall be noted in the record, and the matter shall proceed or shall terminate at the discretion of the Hearing Body.

4. Abstentions. The Presiding Officer shall inquire of the Hearing Body whether any Member thereof wishes to abstain from participation in the Hearing on that proposal. Any Member so abstaining shall identify the reasons for the record and shall not thereafter participate in the discussion of or vote on the proposal. Any member whose participation has been challenged by the allegation of bias, prejudice, conflict of interest, or pre-judgment or who has been subject to significant ex parte or pre-hearing contacts with proponents or opponents, may make a statement relating thereto or in explanation thereof, for the record, and shall announce his or her decision whether to participate in the Hearing as set forth in Section 9.

5. Criteria. The Presiding Officer shall request the Planning Director or a Member of his staff to present the criteria under which the request shall be reviewed.

6. Planning Director's Report. The Presiding Officer shall request the Planning Director or a Member of his staff to report and indicate the action required to be taken.

7. Proponent's Case - The Presiding Officer shall allow the Applicant to present his evidence in support of his Application. Each Proponent may be limited to ten (10) minutes for introductory comments and argument, including closing argument, or other such time limit that may be reasonable as determined by the Hearing Body, in which to present such evidence. Proponent shall be allowed to produce witnesses on his behalf. Each such witness may be limited to five (5) minutes, or other such time limit that may be reasonable as determined by the Hearing Body, in which to present his testimony. Members of the audience in favor of the proposal shall thereafter be allowed to present their views, subject to reasonable time limitations. Proponent shall be allowed to cross-examine the Planning Director and his staff regarding the Planning Director's report, and conclusions thereon, provided such cross-examination is done in an orderly manner.

8. Opponent's Case - The Presiding Officer shall allow Opponents to present evidence in opposition to the proposal. Each Opponent may be limited to five (5) minutes for introductory comments and argument, including closing argument, or other such time limit that may be reasonable as determined otherwise by the Hearing Body, in which to present his opposition. Opponents shall be allowed to cross-examine the Planning Staff, Proponent, or any of his or her witnesses by addressing questions to the Presiding Officer. Opponents shall be allowed to produce witnesses on their behalf.

9. Rebuttal. The Presiding Officer shall allow the Applicant to cross-examine the Opponent by addressing questions to the presiding officer, and otherwise rebut any new matters presented by the Opponents or their witnesses. The Hearing Body may allow the Opponent to offer surrebuttal to the applicant's rebuttal if:

   a. the applicant has provided new arguments in the rebuttal, and

   b. the Opponent has specific responses to the new arguments.

10. Additional Evidence or Documents. If the applicant places additional evidence or documents into the record, any party to the hearing or staff may request that the hearing be continued in order to review the additional evidence or documents. Such a continuance shall be granted in accordance with applicable State Law.

11. Summation - Discussion. The Presiding Officer shall allow the Opponent and Proponent to summarize their arguments, each taking five (5) minutes to complete their summation. Thereupon, the Members of the Hearing Body shall be allowed to openly discuss the proposal and further question any party

appearing for or against the proposal as necessary or the Planning Staff. The Presiding Officer shall allow for a final summary by Planning Staff to review the applicable criteria, evidence submitted and staff recommendation.

12. Close of Hearing. The Presiding Officer shall officially close the public hearing when he or she is certain that all of the evidence has been obtained, and all questions have been answered by the Proponent, Opponent, and the Planning Staff. If there should be a need to discuss the proposal with any person who is not a member of the Hearing Body, the Presiding Officer shall re-open the public hearing for that purpose. Upon satisfaction of the situation, and opportunity for rebuttal by the Opponent and Proponent, the Presiding Officer shall again close the public hearing.

Section 15. FINAL DECISION.

1. At the close of the Public Hearing, the Hearing Body may:

   a. approve the Application as submitted;

   b. deny the Application;

   c. approve the Application with certain conditions as it deems appropriate;

   d. table the proposal; or

   e. continue the Application for further study or deliberations to a date and time certain.

2. The final decision of the Hearing Body shall include its Reasons and Conclusions in support thereof, and the Findings of Fact, and Decision, which shall become part of the final Record of the proceeding. For purposes of the record, each Member shall be polled separately, and at which time each Member shall state his or her decision.

3. The decision of the Hearing Body shall not become final until after the Findings of Fact, Reasons and Conclusions, and Decision are approved and signed.

Section 16. RECORD OF PROCEEDINGS.

1. The Clerk of the Hearing Body or a designee of the Presiding Officer shall be present at each formal hearing and shall provide that the proceedings will be electronically or stenographically recorded. It shall not be necessary to transcribe the proceedings unless required for appeal, review, or unless otherwise ordered by the Board or Commission.

2. All exhibits received in evidence shall be marked or otherwise made readily available and identifiable for purposes of review. Unless evidence is capable of being offered and incorporated into the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the Hearing Body until the period for appeal has expired, at which time same shall be filed with the permanent record of the case.

3. Except for the limited exceptions provided by ORS Chapter 192 as amended by Chapter 794, Oregon Laws 1983, all records of the Hearing Body shall be available for inspection by any person so requesting. Copies of the record or parts thereof shall be available at cost to the person requesting the copy.

4. The Findings of Fact, Minutes, and evidence of each meeting shall become a part of the permanent file with County records. The sound recordings of each meeting shall be kept for one year, at which time they shall be destroyed. Copies made of any of the sound recordings of any hearing shall be at the cost of the requestor.

5. Findings of Fact are to be compiled for each Hearing. Responsibility for preparation of this document shall be determined by the Hearing Body at the close of each Hearing.

Section 17. <u>APPEALS</u>

1. A decision by the Planning Director may be appealed to the Hearings Officer or Commission, as determined by the Planning Director, by an aggrieved party by filing an appeal with the Planning Director within 10 calendar days after written notice is given or mailed to the individual on the matter. The matter at issue will be the determination of appropriateness of the Director's interpretation of the requirements of the Ordinance. Notice is deemed given when:

   a. mailed to the last known address of the aggrieved party, or

   b. personally served on the aggrieved party.

2. A decision of the above-stated Hearing Body may be appealed to the Board by an aggrieved party within 10 calendar days from the date of the written decision by filing a formal Petition for Appeal on forms provided by the Planning Director for that purpose, and paying the appropriate fee. Notice of Hearing and a Hearing shall be conducted as provided in Section 11.

3. An "aggrieved" party for purposes of an appeal to the Board shall mean a party with standing to appeal under ORS 215.422(1)(a). A decision on party status (standing) may be

the subject of, or part of, an appeal to the Board of Commissioners, which will decide any such question presented and render the final County decision on whether a person (or organization) is a recognized party, for purposes of appeal from the Board of Commissioners.

4. Failure of an issue to be raised at a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue.

5. In addition to this, the Board may on its own motion, order review of any Hearing Body's final action. Said review shall be governed as nearly as practical by these Rules.

6. The Petition for Appeal shall contain the following information:

   a. A reference to the application sought to be reviewed.

   b. A statement of the interest of the petitioner to determine party status.

   c. The specific grounds relied upon in the Petition for Appeal.

   d. The date of the decision of the initial action.

7. The Petition for Appeal shall be accompanied by the required fee plus a deposit to cover the estimated cost of the transcript as specified by the Planning Director, if one is ordered or needed. Within ten (10) calendar days of the notice of completion of the transcript, the party seeking review shall transmit to the Director the balance due of the required transcript fee. Failure to do so shall be declared a jurisdictional defect and the appeal shall be dismissed. Any excess deposit shall be returned to the depositing party.

8. Notice of hearing shall be given to the parties to the case as prescribed in Section 11.

9. The effect of an appeal to the Hearings Officer, Planning Commission or the Board on a decision shall be to stay and suspend the decision appealed.

10. The hearing for review of the initial decision shall be confined only to the record of that proceeding, which record shall include:

    a. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceedings and received or considered by the initial Decision Maker as evidence.

b. All materials submitted by the Planning Staff concerning the initial application.

c. If a transcript is required by the appellant, he or she shall bear the cost of its preparation.

d. If a transcript is not made, then an audio recording(if made) of the hearing.

e. The Findings of Fact of the initial Hearing, and the Petition for Review.

11. The parties shall be permitted to present their oral or written arguments as to all matters within that record, but no new matters or evidence shall be allowed.

12. The Hearing Body may affirm, reverse, or amend the decision under appeal, and may impose reasonable conditions as may be necessary to carry out the decision. The Board may also remand the matter to the initial decision maker for additional information. In doing so the Board, may comment on items needing additional review.

13. The Board shall make written Findings and Conclusions as part of its written Decision. This document will constitute the official decision of the Board for appeal and other purposes.

    The Board of Commissioners may, but is not required to, cause to be prepared, and signed, supplemental or replacement Findings and Conclusions, after the original Findings and Conclusions are prepared and signed. When such supplemental or replacement Findings and Conclusions are prepared and signed, this document will constitute the official decision of the Board of Commissioners for appeal and other purposes (in lieu of the original Findings and Conclusions).

Section 18. <u>REMANDS - LAND USE BOARD OF APPEAL</u>.

In all cases, a copy of the opinion on remand shall be filed with the Planning Director to be included in the permanent file.

Section 19. <u>PARTICIPATION IN LAND USE BOARD OF APPEAL (LUBA)</u>

The County shall not normally participate in appeals filed with the Land Use Board of Appeals (LUBA). The response to an appeal shall be left to the party whose interests are,or may be, affected by a modification, reversal, or remand upon appeal. Only in those cases that represent a significant issue to the entire county or establish a precedent that may be detrimental to county interests, will the County consider participating in a response.

Section 20. REHEARING.

Once a matter has been heard by the Board upon a Petition for Appeal as provided herein, the matter may be heard before it again, in a rehearing, if an aggrieved party so requests, only if the matter was remanded to the County from a higher court or tribunal.

Section 21. PUBLICATION OF RULES.

These Rules shall be recorded with the County Clerk, and shall be available to the public at all Hearings.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 90-4-E

AN ORDINANCE ADOPTING LAND USE HEARING RULES FOR THE CONDUCT OF HEARINGS RELATED TO LAND USE MATTERS AND DECLARING AN EMERGENCY.

WHEREAS, decisions of the Oregon Supreme Court mandate the adoption of Rules for the conduct of certain hearings relating to land use matters; and

WHEREAS, the Oregon Revised Statutes Section 215.412 grants the County Governing Bodies the express authority to promulgate said Rules as aforementioned; and

WHEREAS, Chapter 761, Oregon Laws 1989 mandates certain changes in the conduct of hearings relating to land use matters; and

WHEREAS, the Board deems it desirable and in the public interest to adopt said changes and other changes that clarify hearing procedures;

NOW THEREFORE THE BOARD OF COUNTY COMMISSIONERS of Josephine County, Oregon, ordain that the following Rules, as set forth in Exhibit "A" attached hereto and expressly made a part hereof, and entitled "Land Use Hearing Rules", are hereby adopted for the conduct of hearings relating to land use as provided therein.

IT IS FURTHER ORDAINED by the Board of County Commissioners of Josephine County, Oregon, that the Land Use Hearing Rules adopted on February 27, 1985, by Ordinance 85-3 and any subsequent amendments, by the Board of County Commissioners be repealed in its entirety.

SECTION 1: <u>Effective Date</u>

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 17th day of October, 1990.

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Rebecca L. Brown, Chair

Barbara A. Humberd, Vice Chair

ATTEST:

Georgette Brown, County Clerk

Theresa L. Green
Recording Secretary

APPROVED AS TO FORM: (10/10/90)

James H. Boldt, Legal Counsel