

County Administration Workshop: June 29, 2017

9:00 a.m. – Board Conference Room

Attending: Commissioners Simon G. Hare and Daniel E. DeYoung; (Lily N. Morgan was unavailable); Wendy Watkins, Recorder

Chair Simon G. Hare called the meeting to order at 9:00 a.m.

1. LEGAL COUNSEL

A. Order No. 2017-030; In the Matter of Sale of County Real Property by Sheriff's Sale

Michael Watson, Real Property Specialist, advised twelve properties were left over from the last auction and has added thirteen new properties to be sold at the next auction scheduled on August 8, 2017 at 2:00 p.m. in the Anne Basker Auditorium. *Staff was directed to place the item under Administrative Actions on next week's Weekly Business Session Agenda.*

B. Draft 2 - Ordinance No. 2017-001; An Ordinance Amending the Josephine County Rural Land Development Code (Ordinance 94-4, As Originally Adopted and Subsequently Amended) to Implement Certain Changes Relating to New Definitions; Creating and Adding New Sections 72.060.C and 72.060.D Clarifying Accessory Structure Standards; 73.030C Prescribing Composition of Walls, Fences and Screens; 83.020.C Setting Limits for Grade and Fill, and Amending the Text of 75.060.E to Restrict Exterior Lighting

Julie Schmelzer, Community Development Director, mentioned there is another draft to this ordinance and passed out **Draft 3 – Ordinance No. 2017-001 (Exhibit 1)** and reviewed it with the Board. The first reading for this ordinance is scheduled for July 19, 2017.

2. DEPARTMENT BUSINESS

A. Human Resources

1) Discussion on Recruitment

Item was tabled.

2) Request for Job Description Addition

JJ Scofield, Human Resources Director, discussed the new Deputy Director position in Public Health. He said he has taken the directors positon and removed some of the aspects and the Deputy Director will act as director in the absence of the director. *Staff was directed to place the item on the Consent Calendar on next week's Weekly Business Session Agenda.*

Mr. Scofield discussed renaming the Building and Operations Maintenance department to Facilities Services and the Board agreed. *Staff was directed to place the item on the Consent Calendar on next week's Weekly Business Session Agenda.*

B. PUBLIC WORKS**1) Agreement to Guarantee Future Dedication of Right-of-Way and Street Plug Crossing Permit – Arroyo Drive** *(One original Agreement returned to Public Works to be recorded)*

Eric Heesacker, Transportation Planning, discussed this street plug was deeded to the county in 1966 for use in the future to extend the road or connect through to another road. The applicant has requested permission to cross the street plug to access his property.

Commissioner DeYoung made a motion to approve Agreement to Guarantee Future Dedication of Right-of-Way and Street Plug Crossing Permit – Arroyo Drive, seconded by Commissioner Hare. Upon roll call vote, motion passed 2-0; Commissioner DeYoung – yes and Commissioner Hare – yes.

3. QUARTERLY DEPARTMENT UPDATES**A. Forestry**

Dave Streeter, Forestry Manager, gave a brief update on the positive things that are happening in his department.

4. FINANCE REPORT and BUSINESS UPDATE

Arthur O'Hare, Finance Director, mentioned the Public Works review and he would like to finalize the report and would like feedback from the Board on that matter.

5. OTHER BUSINESS *(ORS 192.640(1) “. . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.”)*

None heard.

6. BOARD BUSINESS**A. Planning Application Process**

Commissioner Hare suggested Public Works and Community Development work together on adopting draft standards due to the proposed standards being somewhat challenging to provide expert direction with each and every land use application.

B. Matters from Commissioners

None heard.

Meeting adjourned at 11:02 a.m.

EXHIBITS:

Exhibit 1 – Draft 3 – Ordinance No. 2017-001

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

ORDINANCE No. 2017-001

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY RURAL LAND DEVELOPMENT CODE (ORDINANCE 94-4, AS ORIGINALLY ADOPTED AND SUBSEQUENTLY AMENDED) TO IMPLEMENT CERTAIN CHANGES RELATING TO NEW DEFINITIONS: CREATING AND ADDING NEW SECTIONS 72.060.C AND 72.060.D CLARIFYING ACCESSORY STRUCTURE STANDARDS; 73.030.C PRESCRIBING COMPOSITION OF WALLS, FENCES AND SCREENS; 77.010 AND 77.020 LIGHTING; 83.020.C SETTING LIMITS FOR GRADE AND FILL; AMENDING THE TEXT OF 72.020.A STRUCTURES; 73.030.A.2 AND 73.030.B.2 FENCES; AND 75.060.E RESTRICTING EXTERIOR LIGHTING

WHEREAS, on June 8, 2016, the Josephine County Board of Commissioners, by Resolution No. 2016-042, authorized the Community Development Director (Planning Director) to initiate an application for review of proposed text amendments that provide for the regulation of marijuana production in Rural Residential zones, which shall include, but not be limited to, setback and fence height requirements; and

WHEREAS, the Josephine County Rural Planning Commission held a public hearing on October 31, 2016, to consider the proposed text amendments and deliberated the proposal on November 7, 2016, at which time a recommendation of 'no recommendation' was forwarded to the Board of Commissioners; and

WHEREAS, the Josephine County Board of Commissioners held public hearings on January 30, 2017, and on February 6, 2017; and

WHEREAS, the Josephine County Board of Commissioners, having reviewed the record and listened to testimony regarding the foregoing amendments find the text amendments advance the policies and purposes of the Josephine County Comprehensive Plan.

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County ordains the following as amendments to the text of the Rural Land Development Code.

SECTION 1: TEXT AMENDMENTS

1. Add the following definitions to Article 11.030 of the Rural Land Development Code:

FENCE. A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

FENCE, SIGHT-OBSCURING. A fence, the entire length of which is more than 50% opaque and individual elements or sections of the fence are more than 50% opaque.

2. Amend Section 72.020 (STRUCTURE HEIGHT AND SETBACK REQUIREMENTS) of the Josephine County Rural Land Development Code, by amending 72.020.A as follows:

ARTICLE 72 - HEIGHT, SETBACKS & ACCESSORY STRUCTURES

72.020 - STRUCTURE HEIGHT AND SETBACK REQUIREMENTS

- A. The following minimum requirements shall be applied to all permitted, administrative, conditional, and accessory structures allowed by this code unless specified otherwise. Fences which meet the height requirements set forth in Article 73 (Fences, Walls & Screens), utility poles, flagpoles, or irrigation system components are not considered structures in any location and Development Permits are not required. All requirements are specified in feet: *(Table follows)*

3. Add the following new sections 72.060.C and 72.060.D to the text of the Josephine County Rural Land Development Code:

ARTICLE 72 - HEIGHT, SETBACKS & ACCESSORY STRUCTURES

72.060 - ACCESSORY STRUCTURE STANDARDS

- C. In the RR1 and RR2.5 zones, and for lots zoned RR5 that are less than 2.5 acres in size, the cumulative footprint of all buildings on the lot shall not exceed 50% of the lot area.
- D. Lighting. No indoor lighting used in or by an indoor marijuana growing area, or indoor marijuana-processing facility, shall be visible from dwellings on adjacent properties, nor cast light onto adjacent properties nor upward into the night sky, between dusk and dawn.

4. Amend Section 73.030 (PERMITTED FENCES, WALLS & HEDGES) of the Josephine County Rural Land Development Code, by amending 73.030.A.2 and 73.030.B.2, as follows, and by adding the following new section 73.030.C to the text of the Josephine County Rural Land Development Code:

ARTICLE 73 - FENCES, WALLS & SCREENS

73.030 - PERMITTED FENCES, WALLS & HEDGES

- A. In any residential zone a retaining wall not over 4 feet in height as measured from the bottom of the footing, and a sight obscuring fence or wall, not to exceed 7 feet in height, may be located or maintained in any interior yard except where the requirements of the vision clearance area, pursuant to Section 73.020, apply:
1. Sight-obscuring fences or walls may be placed on property lines.

2. Fences ~~which are not sight-obscuring~~ may be placed on property lines.
- B. In any commercial or industrial zone, a retaining wall not over 4 feet in height as measured from the bottom of the footing, and a sight obscuring fences or walls not to exceed 7 feet in height, may be located or maintained in any interior yard except where the requirements of the vision clearance area, pursuant to Section 73.020, apply:
1. Sight-obscuring fences or walls may be placed in front yards provided such fences or walls do not exceed 3 1/2 feet in height.
 2. Fences ~~which are not sight-obscuring~~ may be placed on property lines.

C. Composition.

1. Permanent or temporary sight-obscuring fences shall not be constructed of temporary or portable materials such as, but not limited to, root balls, hay bales, junk, appliances, inoperable vehicles or equipment, plastic sheeting, or tarps.
 2. If a vegetative screen is allowed by state law and this code, the vegetative screening shall be planted so that when fully grown the canopy is retained solely on the lot with the marijuana production area. The vegetative screening, when mature, must be capable of screening mature marijuana plants/crops within three years of the planting of the vegetative screen. The screen shall be maintained to provide a live, vegetative screen, of the height required by state law and this code.
 3. Shade cloth used for shading of plants is allowed for a temporary period not to exceed three consecutive months, and the shade cloth must be removed at the end of the growing season.
5. Amend Section 75.060.E (PARKING AREA IMPROVEMENTS) of the Josephine County Rural Land Development Code, by deleting 75.060.E, and replacing it with the following:

ARTICLE 75 - OFF-STREET PARKING

75.060 - PARKING AREA IMPROVEMENTS

- ~~E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be shielded or so arranged as to reflect the light away from any abutting or adjacent residential zone.~~
- E. All exterior lighting, including light emitted from security systems, shall be shielded or use a hood and lens that cast light downward so as to ensure no light is

cast onto adjacent properties nor upward into the night sky. If the lighting mechanism does not utilize a hood or lens, lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.

6. Add the following new article 77 and sections 77.010.A and 77.020.A to the text of the Josephine County Rural Land Development Code:

ARTICLE 77 - LIGHTING

77.010 - OUTDOOR LIGHTING

- A. All exterior lighting, including light emitted from security systems, shall be shielded or use a hood and lens that cast light downward so as to ensure no light is cast onto adjacent properties nor upward into the night sky. If the lighting mechanism does not utilize a hood or lens, lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.

77.020 - INDOOR LIGHTING

- A. No indoor lighting used in or by an indoor marijuana growing area, or indoor marijuana-processing facility, shall be visible from dwellings on adjacent properties, nor cast light onto adjacent properties nor upward into the night sky, between dusk and dawn.

7. Add the following new section 83.020.C to the text of the Josephine County Rural Land Development Code:

ARTICLE 83 - EROSION CONTROL & STORM DRAIN FACILITIES

83.020 - APPLICATION OF STANDARDS

- C. Regardless of slope, for all land uses in the unincorporated areas of Josephine County,
1. Instances where fill is brought on site, or stockpiled, and said fill is in excess of 10 cubic yards, provisions shall be made to make sure runoff from that fill is maintained at the site. Best management practices to help control runoff shall be implemented, such as but not limited to, straw bales or erosion control fabric.

2. There shall be no filling or grading on slopes in excess of 15% without a storm water management plan signed by a registered, professional engineer, to prevent or mitigate runoff onto adjacent properties or waters of the state.
3. Berms, unless specified otherwise by code or condition, shall be setback from the property line, as measured from the base of the berm, a minimum distance equal to or greater than the required setback for a structure. Earthen berms shall be stabilized with ground cover.

SECTION 2: AFFIRMATION

Except as specifically amended by the provisions of this ordinance, the Josephine County Rural Land Development Code (Ordinance 94-4), as previously adopted or amended, is hereby affirmed.

SECTION 3: EFFECTIVE DATE

First reading by the Board of County Commissioners this 19th day of July, 2017.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading, this 2nd day of August, 2017. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY BOARD OF COMMISSIONERS

Simon G. Hare, Chair

Lily N. Morgan, Vice-Chair

Daniel E. DeYoung, Commissioner

ATTEST:

Recording Secretary

APPROVED AS TO FORM:



M. Wally Hicks, Legal Counsel