

## PROPOSED TEXT AMENDMENTS

Summer 2018

(Strikethrough means a proposed deletion; underline means a proposed addition. No strikethrough or underline reflects current and remaining text.)

### I. TABLE OF CONTENTS/INDEX

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Delete 43.040 – ANNUAL REVIEW

Create 51.100 – CLUSTER SUBDIVISIONS; 51.105 – BASE DEVELOPMENT YIELD AND DENSITY MANAGEMENT; 51.110 – CLUSTER SUBDIVISION STANDARDS; 51.115 - OWNERSHIP AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITIES

Amend 71.020 – ROAD EASEMENTS AND FLAG LOTS

Amend ARTICLE 98 – CAMPING, CAMPGROUNDS, RV PARKS, LODGES & RETREAT CENTERS

Create 98.050 – CAMPING ON PRIVATE LAND AND CAMPING DURING CONSTRUCTION

Create ARTICLE 99 – NON-TRADITIONAL SHELTER; 99.010 – PURPOSE; 99.020 – STANDARDS FOR DEVELOPMENT

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Boarding house: RR (61.020.K) RC (62.020.B.2) EF/FR (64.040.X) S (67.020.S) LD (68.020.P) CR (101.220.C)

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Temporary Storage MH: ~~RR (61.040.C)~~ ~~S (67.040.C)~~ ~~LD (68.040.C)~~ ~~CR (101.150.C)~~ EF/FR (64.050.C), RI (63.020.C.13)

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## II. DEFINITIONS

### ARTICLE 11 – DEFINITIONS

~~ACCESSORY LIVING QUARTERS. Habitable structures accessory to a dwelling, without kitchen. Not to be used as an independent or rental dwelling; occupants are dependent upon the main dwelling for kitchen use. No more than two (2) per parcel, 600 square foot maximum each, unless approved as a Bed & Breakfast Inn. Not to be attached to any other accessory structure. Held to accessory structure square foot maximums of Article 72. Allowed in conjunction with a legal residence.~~

ADEQUATE ACCESS. For site plan review purposes, the term shall mean one of the following:

- A. The development fronts on a county road or state highway with a valid access permit, or where such access has been approved as a private road easement; or
- B. The development is served by a special access road under the control of the United States Bureau of Land Management, the United States Forest Service or the Oregon Department of Forestry with a valid long-term access use permit; or
- C. The development is served by a road decreed by a court to be a public usage road; or
- ~~D. The development is served by a written and recorded easement which contains no language excluding commercial or industrial traffic, and the proposed activity is a home occupation business or resource use involving farm, forest, mining, or aggregate.~~

~~BOARDING HOUSE. A dwelling, or part thereof, other than a hotel, motel, or multiple family dwelling, where lodging, with or without meals, is provided for compensation.~~ A place in which lodging, with or without meals, is offered for compensation to guests that stay on site in excess of thirty days, that provides 4 or fewer rooms for rent, offers a common kitchen, is the owner's personal residence, and is occupied by the owner at the time of rental. Often times housekeeping services, including laundry service, is provided. For permit purposes, a Boarding House is the same as a Single Family Dwelling.

CAMPING. The placement of a temporary shelter used as, or designed to be used for sleeping purposes, on a parcel not to exceed 120 days in any 12-month period; in a Resource zone said camping shall not exceed thirty days in a 12-month period. Examples of shelters used for camping include tents, trailers, recreational vehicles, yurts, tarpaulins, bed rolls, and sleeping bags. Items intended for transport or storage purposes, such as buses, truck bodies and storage bins, shall not be used for camping purposes. For purposes of this code, the temporary use of a camping unit, located in the rear yard of a lot occupied by a single family dwelling, owned and utilized for not more than 120 days in any one calendar year, by residents of the single family dwelling on the lot, shall not be deemed camping.

CAMPING PARTY. Any individual or camping family or group provided that such individual, family, or group is engaging in camping.

CAMPING UNIT. Any single temporary shelter, except sleeping bags, bed rolls, and hammocks, used for camping by a camping party. Camping units are not to be used as single family dwellings or dwelling purposes.

~~CAMPING ON PROPERTY. Camping on a parcel without service connections for a period of four (4) months in any twelve (12) month period will not be considered a permanent residence.~~

CLUSTER OR CLUSTERING. A site-planning technique that concentrates buildings and/or lots in specific areas on a lot, parcel or tract of land to allow the remaining land to be used for recreation, agriculture, open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings and/or lots may include, but shall not be limited to, density regulations, shared access points, and maximum lot size requirements, with the resultant open space being devoted by deed restriction for one or more limited uses.

CONTIGUOUS PARCELS. Two (2) or more parcels that have at least one (1) point in common ownership or which are intended by legal description to abut or adjoin by at least one (1) point in common ownership.

DATE OF ISSUANCE. The date a Development Permit is signed by the Director. Also known as the effective date.

FARM STAYS. Overnight accommodations, which provide at least one meal per day, offered for compensation which are provided in the original farm house that offers on-site farm experiences to its guests. Commonly referred to as a 'Guest Ranch'. Must be a qualifying farm.

FLOOR AREA. The sum of the gross area of all floors of a building, measured from the outside walls, excluding attic space less than 7 feet of headroom, or basement space with less than 6 feet of headroom. The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, except that the floor area of a dwelling does not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, unenclosed breezeways, and unenclosed porches or terraces. (See also Primary Floor Area).

FOOTPRINT. A single horizontal plane bounded by the exterior walls of a building and any appurtenances thereto.

~~GUEST HOUSE. An auxiliary residence constructed on property located in the Rural Residential, Serpentine and Limited Development zones when the following conditions are met: the parcel on which the guest house is placed is at least 2.5 acres in size; the guest house is no more than 500 square feet in size; is attached to or within 50' of the main residence; and is serviced by the same domestic water system, sewage disposal system (as allowed by the Department of Environmental Quality) and utility meters as the main residence. The limitation on the placement of the guest house within 50' of the main residence may be increased by a variance (Article 44), but the other conditions shall not be varied. A guest house may be site constructed or consist of a manufactured dwelling. Only one guest house per legal parcel shall be allowed.~~

HOSTEL. Any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental use of the facilities and which are operated, managed, or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under 26 USC Sec. 501.

PRIVATE ROAD EASEMENT. A privately owned roadway, described by deed as being at least 30 feet in width, serving a maximum of four adjacent lots, including the lot which fronts on the public road, not

publicly dedicated or maintained by the county, but meets access for service and emergency vehicle standards. Private road easements shall not be approved if emergency personnel object to slope, distance, or other factor that could jeopardize safety and/or emergency access to the site.

RETREAT CENTER. An establishment on a lot or parcel exceeding five acres that provides a place for a period of withdrawal for prayer, meditation, study, and/or instruction. Such establishments shall be distinguished from public and private schools by their emphasis on holistic experiences that typically include on-site lodging and meal preparation.

SUBDIVISION, CLUSTER. A development option that offers a density bonus for residential development in exchange for the permanent designation of open, natural or agricultural areas. Specifically a residential development that concentrates buildings and/or lots on a part or parts of the site to allow the remaining land to be used for open space, recreation, protection of environmental features, agriculture or other purposes, where the density regulations are applied to the project as a whole instead of to individual lots. Also referred to as 'Conservation Subdivision'. Different from a Planned Unit Development in that bonus options are available.

TINY HOME. A stick built structure designed to be a single family dwelling, is on wheels, and regulated the same as a recreational vehicle. Different from a small home, which is not on wheels, and is affixed to a permanent foundation.

TOURIST HOME. A house offered to one party for compensation to overnight travelers. Commonly referred to as a 'Vacation Cottage'.

TRANSITIONAL HOUSING. A stick-built shelter intended to provide temporary shelter for veterans, homeless individuals and families, or those transitioning to or from homelessness. Examples of such use is a large home with separate locked entrances, sleeping quarters, private restrooms, where all rooms share a common kitchen. Another example is multiple small housing units, without individual kitchens, all sharing a common kitchen. Often times the latter are accompanied by a common workshop, laundry room, garden, or common room where social services can be provided.

TRANSITIONAL HOUSING CAMP. A campground established solely to provide for transitional housing accommodations in accordance with ORS 446.265 and this code. Examples of such a camp is one that provides for 'tiny homes' on wheels, or recreational vehicles and fifth wheels. Tent camping is not allowed.

TRANSITIONAL HOUSING SHELTER. A structure that contains no more than three walls and a roof for protection of people seeking overnight shelter. The structure may be used as the primary shelter for people, or, shelter tents that are providing shelter to humans. Said structure is often referred to as 'open sided barracks'.

YURT. A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. Yurts are not to be used for dwelling purposes.

### **III. PERMITS**

#### **ARTICLE 41 – ADMINISTRATION OF PERMITS**

**41.020 – DEVELOPMENT PERMITS**

- C. Emergency Permitting. Any legal habitable structure destroyed by a natural disaster needs to secure a Minor Development Permit, at no cost, for replacement or repair, provided the Director or designee inspects the structure to document the condition of the structure and verify it was destroyed by the natural disaster. If said permit is not issued within 48 hours of application, said permit shall be considered granted. Said replacement structure shall not exceed the footprint or floor area of the original structure prior to destruction. In no case shall an illegal structure be allowed to be reconstructed under this provision.

**ARTICLE 43 — TEMPORARY USE PERMITS****43.010 - PURPOSE**

The purpose of the Temporary Use Permit is to provide for certain uses not otherwise allowed by this code in order to meet special non-permanent needs of the residents of the county. Impacts from temporary uses shall be limited in duration, subject to special standards of approval and review and revocation procedures to assure compatibility with the intent and purpose of the various zoning districts in which they are allowed.

**43.020 - REVIEW PROCEDURE**

Applications for Temporary Uses shall be reviewed using Ministerial Review procedures as set forth in Article 22.030 of this code.

**43.030 - PERMITTED TEMPORARY USES**

Temporary uses shall be allowed subject to the following standards:

- A. **Medical Hardship Dwelling/Accessory Dwelling Unit.** The Director is authorized to permit a second dwelling only on an authorized lot or parcel when it is needed to assist in the care for a dependent person by a care provider or to meet the county's housing needs, as determined in the county's Emergency Housing Declaration of 2017, Resolution no. 2017-053. A Medical Hardship Dwelling/Accessory Dwelling Unit shall be allowed subject to the following terms and standards:

**1. TERMS.**

- a. A "dependent person" shall mean any person who suffers from a mental or physical disability so that assistance is needed to establish a noninstitutional residence.
- b. A "care provider" shall mean any person or persons who agree to assist a dependent person in residential living. The care provider may be the owner, a renter or the applicant for the second dwelling. If the care provider or applicant is someone other than the owner, the owner must also be a party to the application.

- c. An “accessory dwelling unit” shall mean a temporary single family structure, which is ancillary to the legal primary dwelling on the lot or parcel, and has an induction cooking surface, and, no wiring for or installation of a conventional oven. The intent of the accessory dwelling unit is to provide incidental in size, non-transient housing. ‘Tiny Homes’, on wheels, are not considered accessory dwelling units. Air BnB’s are not considered accessory dwelling units because they do meet a long term housing need.
- d. An “accessory dwelling unit, attached” shall mean a portion of the primary dwelling structure dedicated to, or converted for, use as an accessory single family dwelling. Such attached housing is either in the primary dwelling, shares a common wall with the dwelling and has an independent entry way, or, attached to the main residence by an enclosed passageway.
- e. An “accessory dwelling unit, detached” shall mean a free-standing ancillary single family dwelling structure either built on site or stick built elsewhere and moved to its location on a lot or parcel. Camping units, buses, or other once licensed vehicles are not considered detached accessory dwelling units.

## 2. STANDARDS.

- a. ~~The dependent person and care provider need not be related by blood or other legal relationship.~~
- b. ~~The dwelling must be placed upon the property under a placement or building permit from the Department of Building and Safety, and shall consist of one of the following:~~
  - ~~{1} a manufactured dwelling; or~~
  - ~~{2} a recreation vehicle; or~~
  - ~~{3} an existing site built structure that will be converted into a dwelling by the addition of kitchen and/or laundry facilities upon approval as a medical hardship dwelling.~~
- c. ~~The Director shall require a statement from a medical doctor certifying the dependent person suffers from a mental or physical disability, and that this condition otherwise requires dependent care in a hospital, nursing home, care home or facility, by a live-in nurse or companion, or some other comparable circumstance. The statement shall be submitted on forms supplied by the Director.~~
- d. ~~The medical hardship dwelling must be connected to the same subsurface sewage disposal system as the one used by the existing dwelling, provided such connection is permitted by the regulations of the Department of Environmental Quality. Any connection must be made under permit from~~

~~DEQ.~~

- ~~e. The dependent person's care shall be provided principally by the care provider. The care provider may employ or arrange for services from others during occasional periods of absence or incapacity.~~
- ~~f. The medical hardship dwelling shall be placed within close proximity to the existing dwelling.~~
- ~~g. As a condition of the issuance of a medical hardship dwelling permit under subsections A.2.b above, the applicant shall sign and record a deed restriction agreeing to the removal and/or conversion of the dwelling as specified in subsection i. below, to include consent for the Director or his agent to inspect the property to confirm compliance.~~
- ~~h. The Temporary Use Permit for a medical hardship dwelling shall terminate 90 days after the care giving relationship between the dependent person and the care provider ceases for any reason, or 90 days after the property owner fails to renew the permit as required by Section 43.040.~~
- ~~i. The property owner shall apply to the Director for a Verification of Compliance with the removal or conversion requirements of this subsection within 90 days from the date of termination. Failure to apply for a Verification of Compliance shall be considered a violation of this code. Verification of Compliance shall include an inspection of the property and/or the hardship structure by a planning official to verify the existence of one or more of the following circumstances:~~
- ~~{1} The hardship dwelling has been removed from the property; or~~
- ~~{2} The hardship dwelling has been converted to an authorized use, subject to the following rules:~~
- ~~[a] A recreational vehicle may not be converted for use as a guest house or accessory structure;~~
- ~~[b] A manufactured dwelling or converted accessory structure is approved for use as a guest house as defined in Section 11.030 of this code; or~~
- ~~[c] A manufactured dwelling or converted accessory structure may be remodeled to qualify as some other authorized accessory structure by removal of the kitchen facilities. In determining the extent of remodeling needed to remove the kitchen facilities, the Director shall apply the factors listed in Section 11.030 of this code.~~
- ~~b. Upon verification as provided in subsection i. above, the Director shall~~

~~issue a notarized Certificate of Compliance verifying the property and structures comply with the requirements of this code. The property owner may record the Certificate of Compliance in the deed records.~~

Accessory dwelling units located in an UGB, shall follow the rules adopted by the city to which the UGB is located, if such rules exist. In the absence of an UGB, or city rules, the following shall apply:

- a. Accessory dwelling units may be permitted in the Rural Residential, Community Residential, Exclusive Farm & Farm Resource, Forest Commercial & Woodlot Resource, Limited Development, and Serpentine zoning districts.
- b. Accessory dwelling units are subject to the accessory building size limitations specified in Section 72.060.
- c. Accessory dwelling units can only be permitted if it can be demonstrated they will be served by a potable water source and by an existing or new private on-site sanitary waste disposal system or public sewer. Portable toilets are not permitted.
- d. Accessory dwelling units shall meet Oregon Specialty Codes.
- e. Accessory dwelling units shall not be rented on a transient or short term basis. A deed restriction shall be required to ensure the unit will not be rented for a period of less than thirty consecutive days to any one party.
- f. The area within 50 feet surrounding the accessory dwelling unit on all sides shall be kept free and clear of junk, waste, or flammable material. *(In accordance with Article 76, Fuel Breaks)*
- g. Number of Units.
  - [1] A maximum of one accessory dwelling unit is allowed per lot or parcel.
  - [2] An accessory dwelling unit is not allowed if it would result in being the third or more dwelling unit, or third or more unit with sleeping accommodations, on the lot or parcel.
- h. Size.
  - [1] Detached accessory dwelling units shall not exceed 50% of the floor area of the first floor of the principal single family dwelling on the lot or parcel, and in no case shall exceed 600 square feet.



- [2] Attached accessory dwelling units shall not exceed 50% of the floor area of the principal single family dwelling structure to which it is a part of.
- i. Setbacks.
- [1] Accessory dwelling units shall meet the same setbacks as required for a new dwelling in the zoning district in which it is located.
- [2] Detached accessory dwelling units shall be located within 100 feet of the primary single family dwelling. *(In accordance with Article 76, Fuel Breaks)* If the applicant is able to provide a new fuel break for the structure, in accordance with Article 76, the unit may be allowed within 150 feet of the primary dwelling.
- [3] No portion of an existing building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.
- j. No new road access shall be allowed to serve the accessory dwelling unit.
- k. All development shall comply with the other applicable regulations outlined in the RLDC.
- l. Permit required. All accessory dwelling units must initially be processed as a medical hardship/temporary use per Section 43.020 of this code. After initial review, a development permit is required to authorize development. For accessory dwelling units erected in the Rural Residential, Community Residential, or Serpentine zones, a development permit shall be required using ministerial review procedures. In the Exclusive Farm & Farm Resource zones said dwelling units shall be processed in accordance with Section 64.070 of this code. For those accessory dwelling units erected in the Woodlot Resource zone, accessory dwelling units shall be processed in accordance with Sections 65.070 and 65.080.

**C. Temporary Storage of Unoccupied Manufacturing Dwelling.** A manufactured dwelling may be stored on a parcel already developed with a dwelling subject to the following standards:

1. The storage is for a period of time less than ~~6 months~~ 60 days;
2. The permit is issued to the property owner only;
3. The manufactured dwelling is not occupied or connected to any utility service, including a sewage disposal system;

4. The manufactured dwelling is placed on the property in a way that meets all setback requirements. In addition, the Director is authorized to specify the siting of the manufactured dwelling to screen it from view of adjoining properties; and
5. The Director may renew a Development Permit for the storage of a manufactured dwelling for one additional ~~6-month~~60 day period only. This time period may not be further extended by a variance or permit.

#### ~~43.040 – ANNUAL RENEWAL~~

~~Unless specified in the Article otherwise, all temporary use permits shall be reviewed annually by the Director. A decision to renew a temporary use permit shall be processed using Ministerial Review procedures as set forth in Article 22 of this code. Annual renewals shall be governed by the following standards:~~

- A. ~~Annual renewals shall occur as close as practical to one calendar year from the date of suance of the permit, but the Director is authorized to collect and process renewals in groups or by calendar quarters, as may be convenient.~~
- B. ~~An application for renewal of a medical hardship dwelling, at a minimum, must be accompanied by the prescribed fee, a renewal statement from a medical doctor certifying continuance of the incapacity, and a written acknowledgment from the Department of Environmental Quality stating the dwelling continues to be served by an authorized sewage disposal system.~~

#### IV. CLUSTER SUBDIVISIONS

##### 51.100 – CLUSTER SUBDIVISIONS

Cluster subdivisions shall follow the same platting procedures outlined in Article 51, except as herein provided. Section 51.105 regulates the number of lots that can be created on any given parcel of land through a practice called ‘Density Management’. However, in some cases, the number of lots can be increased when the development is designed as a ‘Cluster Subdivision’. Cluster subdivisions promote open space and contiguous lots. Lots in a cluster subdivision shall only be used for dwelling purposes and shall not be used for non-federally approved farm uses, said farm use not to exceed 10,000 sq. ft.; home occupations; or other commercial purpose. Cluster subdivisions are more suitable in areas where public sewer and water is not available. Density management and cluster subdivisions shall only be applicable in the following zoning districts:

1. Rural Residential 1
2. Rural Residential 2.5
3. Rural Residential 5
4. Serpentine
5. Limited Development

6. Community Residential 27. Community Residential 5**51.105 - BASE DEVELOPMENT YIELD AND DENSITY MANAGEMENT**

- A. Base Development Yield. The base development yield shall establish the maximum number of lots, which may be created in a given residential cluster subdivision, intended for existing and future residential dwelling units.
1. Rounding Rule for Calculations. The following rounding rule shall be applied to all calculations of standards and requirements in this section unless otherwise specifically provided herein:
- a. For acreages, fractional values of five (5) or greater shall be rounded up to the nearest whole unit, fractional values of four (4) or less shall be rounded down to the nearest whole unit.
- b. For base development yield, fractional values shall be rounded down to the nearest whole unit.
2. For the purpose of computing the base development yield, the number of lots for residential dwelling units on a parcel to be subdivided shall be determined in accordance with the following:
- a. The base development yield shall be determined by dividing the acreage of the original tract by the maximum residential density permitted in the zoning district where the original tract is located.
- b. The base development yield shall be determined by dividing the acreage of the original tract by the maximum residential density, exclusive of road right-of-ways, as follows:
- i. Rural Residential 1: 2 acres
- ii. Rural Residential 2.5: 2.5 acres
- iii. Rural Residential 5: 5 acres
- iv. Serpentine: 5 acres
- v. Limited Development: 20 acres
- vi. Community Residential 2: 2 acres
- vii. Community Residential 5: 5 acres

3. Where the original tract contains multiple differing maximum residential densities, the base development yield shall be determined by calculating the density for each portion individually with said base development yield applied to its portion.

4. The base development yield may be increased in accordance with 51.105.B, Cluster Subdivision Density Bonuses.

B. Cluster Subdivision Density Bonuses.

1. Cluster subdivision density bonuses shall apply exclusively to those subdivisions developed in accordance with Sec. 51.100, Cluster Subdivisions.

a. Where all lots of the subdivision are not located on prime farmland, a density bonus of two (2) points shall be granted.

b. For subdivisions where a portion thereof lies in a floodplain, and no portion of the lots in the subdivision are not located in a floodplain, density bonus of two (2) points shall be granted.

c. For subdivisions where a portion thereof is on a slope greater than 15%, and no portion of the lots in the subdivision are on a slope greater than 15%, density bonus of two (2) points shall be granted.

d. For subdivisions where a portion thereof has granitic soils, and no portion of the lots in the subdivision have granitic soils, density bonus of two (2) points shall be granted.

e. Where a deed restriction is provided on each lot requiring the installation of shared sanitary sewage and water facilities for all the lots together within the subdivision, a density bonus of four (4) points shall be granted.

f. Where a new, residential road servicing all lots of the subdivision is included on the plat, a density bonus of four (4) points shall be granted.

g. Where the open space is contiguous to other deeded open space, a density bonus of four (4) points shall be granted.

2. Every four (4) points earned with the density bonuses listed in Sec. 51.105.B.1. shall equal one (1) additional lot (density bonus) to the base development yield.

3. The number of density bonus lots included on a plat shall not exceed the number of non-bonus lots on said plat.

**51.110 – CLUSTER SUBDIVISION STANDARDS.**

A. Applicability. A cluster subdivision is a residential land division creating four (4) or more lots in a calendar year from the parent parcel.

B. Size and Open Space.

1. No more than fifty (50) percent of the gross acreage of the subdivision shall be dedicated to lots. The remaining acreage shall be owned and maintained as open space in accordance with Sec. 51.115, Ownership and Maintenance of Open Space and Common Facilities.

C. Siting Standards.

1. The clustering parcels shall be contiguous to one other.
2. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and recreational trails and other public spaces.
3. Lots in a cluster subdivision shall be sited to achieve the following goals to the best extent practicable:
  - a. Minimize impact to prime farmland and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
  - b. Prevent negative impacts to groundwater.
  - c. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
  - d. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
  - e. Protect scenic views.
  - f. Prevent negative downstream impacts due to runoff by using adequate on-site stormwater management practices.
  - g. Allow adequate width and lot area to accommodate one single family dwelling of at least 1200 square feet, free-standing garage, drainfield, and replacement drainfield.

D. Open Space Design.

1. The open space required in Sec. 51.110.B. may be individually owned by the owner of the parent parcel. The minimum open space required in Sec. 51.110.B. shall be owned and maintained under one of the alternatives listed in Sec. 51.115, Ownership of Open Space and Common Facilities, as approved by the Director.
  - a. The open space shall be accessible to the residents of the development except if the open space is individually owned by the owner of the parent parcel.
  - b. The open space may also be available to the general public providing the proper approvals are received by the land owners and/or association.
  - c. The required open space shall be undivided and restricted in perpetuity from future development and maintained as specified in 51.115.C, Maintenance Plan. The final plat shall carry language indicating the open space shall not be further subdivided or developed with non-farm, or habitable structures.

2. The following uses or structures may be located within the open space area and shall be counted toward the overall open space percentage required in Sec. 51.110.B.
  - a. Parking areas for public access to the open space.
  - b. Privately held buildings or structures provided they are accessory to the use of the open space. Privately held agricultural buildings and structures associated with the continued agricultural use of the parent parcel shall be allowed on the open space provided they are setback a minimum of thirty (30) feet from any cluster subdivision lot line.
  - c. Shared septic systems and shared potable water systems.
3. Public road right-of-ways shall not count towards the minimum open space required in Sec. 51.110.B.
4. The portion of open space designated to provide plant and/or animal habitat shall be kept as intact as possible. Any trails shall be designed to avoid fragmenting such areas.
5. The areas of the open space designed for recreational uses such as, but not limited to, trails, play fields, or community gardens should be designed in a manner, acceptable to the Director that avoids damaging the historic or archaeological integrity of the site.

#### **51.115 - OWNERSHIP AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITIES**

- A. Applicability. The provisions of this section shall apply only to Cluster Subdivisions.
- B. Ownership and Alternatives. If the designated open space is not owned and managed by the owner of the parent parcel, the designated open space and common facilities shall be owned and managed by one (1) or more of the following combinations:
  1. Homeowners' Association. If the open space is proposed to be owned by a homeowners' association, the instrument shall indicate that membership in the association is mandatory for all purchasers of homes in the development and their successors. It shall also include the homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenant, conditions and restriction of the homeowners association. Such instrument shall be submitted for approval as part of the information required for the plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions shall contain the following information:
    - a. The legal description of the common land.
    - b. A description of the common facilities.
    - c. The restrictions placed upon the use and enjoyment of the lands or facilities.
    - d. Persons or entities entitled to enforce the restriction.

- e. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
  - f. A mechanism for resolving dispute among the owners or association members.
  - g. The conditions and timing of the transfer of ownership and control of land or facilities to the association.
  - h. Any other covenants, restrictions and conditions the developer deems appropriate.
2. Non-Profit Conservation Organization. If the open space is to be held by a nonprofit conservation organization, the organization shall be acceptable to the Director. The conveyance to the non-profit conservation organization shall contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance. Such instrument shall be submitted for approval as part of the information required for the plat.
3. Public Dedication of Open Space. The county or other governing jurisdiction may accept the dedication of fee title or dedication of a conservation easement to the open space. Such instrument shall be submitted for approval to the accepting jurisdictional authority as part of the information required for the plat. The designated jurisdictional authority may accept the open space provided:
- a. The open space is accessible to the public.
  - b. The designated jurisdictional authority agrees to and has access to maintain the open space.

C. Maintenance Plan.

Every cluster subdivision, where applicable, shall include a plan that provides evidence of a means to properly manage the open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any stormwater facilities. Such instrument shall be submitted for approval as part of the information required for the plat.

- 1. The maintenance plan shall be designed to accomplish all the following:
  - a. Designate the ownership of the open space and common facilities in accordance with Sec. 51.115, Ownership of Open Space and Common Facilities.
  - b. Establish necessary regular and periodic operation and maintenance responsibilities.
  - c. If agricultural uses abut the land division at the time of recording, the subdivider shall create a buffer strip in the land division immediately adjoining said agricultural uses which strip shall be a minimum of thirty (30) feet in width and which shall be devoted to open space land uses only.

- d. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- e. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The stewardship plan shall include a narrative describing:
  - i. Existing conditions including all natural, cultural, historic and scenic elements in the landscape.
  - ii. The proposed end state for each common element and the measures proposed to achieve the end state.
  - iii. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring historic features and habitats.
  - iv. The operations needed to maintain the stability of the conservation or agricultural resources, including mowing schedules, weed control, planting schedules, clearing and clean up. At the Director's discretion, the applicant may be required to escrow sufficient funds for the operation and maintenance costs of common facilities for one year.
  - v. In the event that the organization established to own and maintain the open space and common facilities, or any other successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules and regulations, the enforcement of said plan shall be considered a civil matter and the county shall not be a party to said enforcement of the maintenance plan.

## V. AMEND INDIVIDUAL ZONES

(RR)

### ARTICLE 61 - RURAL RESIDENTIAL ZONES

#### 61.010 - PURPOSE

The purpose of this zone is to preserve the rural character of Josephine County while providing areas for rural residential living. This zone provides a classification for lands already committed to residential development, or for lands which have been excepted from the statewide planning goals on agriculture and forest lands. Densities established by this zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.

#### 61.020 - PERMITTED USES

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22). All uses shall also meet the applicable development standards listed in Section 61.060 of this Article. In all cases, a Development Permit (Article 41) is required as final permit approval.



- A. Accessory buildings, including private garage or carport, ~~guest house~~, greenhouse, stable, barn, pen, coop, or other similar buildings normally required in connection with a use specified in Section 61.020 and subject to the provisions of Sections 61.060 and 72.060
- B. Agriculture, farming and farm use as defined in Section 11.030, subject to the standards provided in Section 61.060, and also subject to the further limitations that all products must be produced on the property and commercial feed lots are prohibited
- C. Family day care dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status
- D. Farm and forest products stands limited to products produced on the land
- E. Forest management, production and harvesting of timber resources, as defined in Section 11.030
- F. Public road and highway construction and reconstruction projects, to include temporary detours and temporary maintenance and material yards during projects, and permanent weigh stations and rest areas (road and highway projects may include the placement of utility facilities)
- G. Residential care home
- H. Residential care facility
- I. Single-family dwelling or manufactured dwelling
- J. Single-family dwelling for a farm worker and the farm worker's immediate family
- K. Boarding house

#### **61.030 – CONDITIONAL USE**

- V. Transitional housing per Section 99.020.A

#### **61.040 – TEMPORARY USE**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), subject to temporary use requirements (Article 43). All uses shall meet the applicable development standards listed in Section 61.060. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

- A. Mass gathering
- B. Medical hardship dwelling/accessory dwelling unit ~~(one additional dwelling only)~~
- C. ~~Temporary storage of an unoccupied manufactured dwelling~~

(RC)

### **ARTICLE 62 - RURAL COMMERCIAL ZONE**

#### **62.010 – PURPOSE**

The purpose of the Rural Commercial zone is to provide for small-scale commercial uses that are intended to serve nearby residents and the traveling public in a way that remains rural in character.

#### **62.020 – PERMITTED USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless criteria-based Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 62.050. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

##### A. Commercial – Recreation

1. Automobile, go-carts or motorcycle race track
2. Guide service
3. Marina
4. Miniature golf course
5. Swimming pool
6. Theater
7. Workout facility

##### B. Commercial - Traveler Accommodations

1. Bed and breakfast inns
2. Boarding house
3. Campground, retreat center, and conference ground
4. Destination resort
5. Lodge
6. Existing motel
7. Recreational Resort
8. Recreational vehicle park
9. Hostel
10. Tourist home

#### **62.030 - CONDITIONAL USES**

The following uses, with accessory uses, shall be permitted using Quasi-Judicial Review Procedures (Article 22), subject to the requirements for Conditional Uses (Article 45) and Site Plan Review (Article 42). Uses shall also meet the applicable development standards listed in Section 62.250. In all cases, a Development Permit (Article 41) shall be required as the final permit approval.

- A. Sewage treatment plants
- B. Water treatment plants, water reservoirs
- C. Transient housing shelter per Section 99.020.C

(RI)

## **ARTICLE 63 - RURAL INDUSTRIAL ZONE**

### **63.010 - PURPOSE**

The Rural Industrial zone is intended to provide appropriate areas for the development of small scale industrial uses which, by their nature, are essential to a balanced economic base in the county and do not require full urban services. This zone is generally intended to be applied in areas that can provide the limited services necessary or in areas already committed to industrial use.

### **63.020 - PERMITTED USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless criteria-based Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 63.050. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

#### **A. Industrial – Institutional**

1. Airport and related aviation uses, including hanger and maintenance facilities
2. Animal shelter
3. Commercial power generating facility
4. Freight, train, bus or taxi terminals
5. Public and semi-public building, such as police or fire station, ambulance service, emergency medical facility, library, museum, post office, community building
6. Utility structure and yard
7. Recycling center, resource recovery facility, sewage disposal plant, pumping or treatment facility, water storage reservoir, sewage transfer site, waste transfer center, subject in parts to Article 86

#### **B. Industrial – Sale and/or Service**

1. Automobile, truck and heavy equipment sales, parts and accessory stores
2. Automobile and truck service stations
3. Equipment sales, service, rental or repair

4. General laboratories and research facilities
5. Heavy equipment and farm implement sales and repair
6. Lockers, ice houses and cold storage facilities
7. Photographic film processing, photo engraving, photocopying establishments
8. Plumbing and sheet metal shops
9. Printing, lithographing, blueprinting or publishing and distribution facilities
10. Saw shops, including sales and repair
11. Scientific research or experimental development of products
12. Taxidermy
13. Tire store, repair and recapping
14. Upholstery, automobile and furniture
15. Veterinary clinic and hospital

**C. Industrial – Repair, Assembly and Manufacturing**

1. Automotive, truck and heavy equipment garages and repair, including paint and body shops, towing services and impound yard
2. Cement and asphalt batching, rock processing and crushing
3. Compounding, processing, packaging or treatment of products
4. Foundry
5. Manufacture of textiles, cloth, or fiber products
6. Manufacture, assembly or repair of products
7. Metal reduction, milling, and refining
8. Metal fabrication, welding and repair
9. Printing, photocopying, publishing, binding
10. Processing or packaging of food or drink products
11. Smelting
12. Wood products manufacturing, including secondary and tertiary processing
13. Temporary storage of unoccupied manufactured dwelling

**E. Industrial – Support Services**

1. Administrative, educational and other related activities and facilities in conjunction with an authorized rural industrial use
2. Building maintenance service
3. Caretaker or night watchman (quarters or manufactured dwelling); the unit must be related to the business, and the manufactured dwelling must be removed when the business ceases to operate; the resident must be an employee of the business, rent must not be charged and employee status must be documented
4. Commercial parking lot
5. Restaurant, lounge, food stand, coffee kiosk, food catering
6. Tavern
7. Transient housing shelter per Section 99.020.C

(EF/FR)

#### **64.030 - PERMITTED USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22). All uses shall also meet the applicable development standards listed in Section 64.095 of this Article. In all cases, a Development Permit (Article 41) is required as final permit approval.

A. Accessory buildings, including private garage or carport, personal use shop, personal storage building, boat landings and docks for personal use or other similar building, ~~but not including a guest house~~

#### **64.035 – PERMITTED USES SUBJECT TO STANDARDS ONLY**

Q. Farm use laborer housing subject to Section 99.020.D

#### **64.040 – CONDITIONAL USES**

- T. Private parks, playgrounds, hunting and fishing preserves, ~~and~~ campgrounds, and transitional housing camps subject to the following requirements:
1. New developments shall not be authorized on property which is high-value farmland as defined in Section 11.030, but existing facilities may be maintained, enhanced or expanded subject to other requirements of law;
  2. Private campgrounds may provide yurts for overnight camping, but no more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; the yurt shall be located on the ground or on a wood floor with no permanent foundation; and, for this rule, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance;

3. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is taken pursuant to Oregon Administrative Rules, Chapter 660, Division 004;
  4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
  5. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
  6. Campgrounds and transitional housing camps authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations, and overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period;
  7. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.
  8. Transitional housing camps are further regulated by Section 99.020.B
- U. Parks and playgrounds (a public park may be established consistent with the provisions of ORS 195.120, and include only the uses specified under Oregon Administrative Rule 660-034-0035 or 0040)
- V. Road and highway facilities (improvement only), affecting facilities such as maintenance yards, weight stations and rest areas, where additional right of way is required but not resulting in the creation of new land parcels
- W. Road, highway and other transportation facilities and improvements not allowed under Sections 64.030 may be established subject to the adoption of an exception to Goal 3 and to any other applicable statewide planning goal with which the facility or improvement does not comply
- X. ~~Room and board arrangements for a maximum of five unrelated persons in existing residences~~  
Boarding house

#### **64.050 - TEMPORARY USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), subject to Temporary Use requirements (Article 43). All uses shall meet the applicable development standards listed in Section 64.095. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

- A. Medical hardship dwelling/accessory dwelling unit (~~one additional dwelling only~~), when the landowner signs and records a waiver of claim for relief or cause of action as provided for in Section 64.060.B
- B. Outdoor mass gathering involving less than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period
- C. Temporary storage of unoccupied manufactured dwelling

(FC/WR)

#### **65.050 - TEMPORARY USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), subject to Temporary Use requirements (Article 43). All uses shall meet the applicable development standards listed in Section 61.040. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

- A. Medical hardship dwelling/accessory dwelling unit (~~one additional dwelling only~~), subject to a written conflict statement or contract as specified in Section 65.060.D below.
- B. Outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period

#### **65.060 - GENERAL CRITERIA FOR CONDITIONAL USES & NEW DWELLINGS**

In addition to the criteria for conditional uses contained in Article 45 of this code, all conditional uses in the Forest Zones shall be reviewed against the following additional requirements:

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- C. For private parks and campgrounds, reservoirs and water impoundments, home occupations, medical hardship dwellings/accessory dwelling units, and fishing accommodations for private use, a written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(S)

#### **67.020 - PERMITTED USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 67.050. In all cases except farm and forest uses, a Development Permit shall be required as the final permit approval (Article 41).

- A. Cement and asphalt batching, rock processing and crushing
- B. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources
- C. Family day care dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status
- D. Farm use
- E. Forest management
- F. Log scaling and log storage
- G. Public road and highway construction and reconstruction projects, to include temporary detours and temporary maintenance and material yards during projects, and permanent weigh stations and rest areas (road and highway projects may include the placement of utility facilities)
- H. Recycling centers subject to Article 86
- I. Residential care facility
- J. Residential care home
- K. Resource recovery facilities subject to Article 86
- L. Sewage disposal plants, pumping or treatment facilities, water storage reservoirs and other similar public facilities
- M. Sewage transfer sites subject to Article 86
- N. Signs subject to Article 74
- O. Single-family dwelling or manufactured dwelling
- P. Temporary facilities for the primary processing of forest products produced on the property, including portable mills, portable chippers and portable processors
- Q. Utility or communication facilities necessary for public services, including transmission facilities and receiving towers
- R. Waste transfer centers subject to Article 86



S. Boarding house

T. Farm use laborer housing subject to Section 99.020.D

U. Transitional housing per Section 99.020.A

#### **67.030 – CONDITIONAL USES**

The following uses, with accessory uses, shall be authorized using Quasi-Judicial Review Procedures (Article 22), subject to the requirements for Conditional Uses (Article 45) and Site Plan Review (Article 42). All uses shall also meet the applicable development standards listed in Section 67.050 of this Article. A Development Permit shall be required as the final permit approval (Article 41).

- A. Destination resort
- B. Fire attack landing strips for airplanes and helicopter pads, emergency protection facilities, fire towers, public work yards, and temporary logging labor camps
- C. Home occupations subject to the requirements of Article 92
- D. Hunting and fishing preserves, archery, rifle, and pistol target ranges
- E. Open, non-commercial storage of up to 4 motor vehicles, from which parts have not been removed, when such vehicles are currently unlicensed or when such stored vehicles are owned by an individual other than the resident or owner of the property
- F. Recreation sites, including parks, campgrounds, retreat centers and conference grounds
- G. Research and interpretive facilities related to the preservation of unique natural conditions or communities and the conservation and management of wildlife resources
- H. Transitional housing camp subject to Section 99.020.B

#### **67.040 - TEMPORARY USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), subject to Temporary Use requirements (Article 43). All uses shall meet the applicable development standards listed in Section 67.050. In all cases, a Development Permit shall be required as final permit approval (Article 41).

- A. Mass gathering
- B. Medical hardship dwelling/accessory dwelling unit ~~(one additional dwelling only)~~
- C. ~~Temporary storage of an unoccupied manufactured dwelling~~

(LD)

#### **68.010 - PURPOSE**

The purpose of this zone is to allow the full range of outdoor recreational activities. The lands included in the Limited Development Zone are not commonly classified as commercial forest lands, agricultural lands, or rural residential lands, although, depending upon ownership and management objectives, such lands have historically been used for all these purposes. This chapter is designed to provide for the beneficial use of land for outdoor recreation activities in Josephine County.

#### **68.020 - PERMITTED USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 68.050. In all cases except farm and forest uses, a Development Permit shall be required as the final permit approval (Article 41).

- A. Family Day Care Dwelling for fewer than 13 children, including children of the care provider, regardless of full-time or part-time status
- B. Farm use
- C. Forest Management
- D. Forest Products Processing (temporary facilities for the primary processing of forest products produced on the property, including portable mills, portable chippers and portable processors)
- E. Hunting and fishing preserves, archery, rifle, and pistol target ranges
- F. Log scaling and log storage
- G. Public road and highway construction and reconstruction projects, to include temporary detours and temporary maintenance and material yards during projects, and permanent weigh stations and rest areas (road and highway projects may include the placement of utility facilities)
- H. Recreation sites, including parks, campgrounds, and conference grounds
- I. Research and interpretive facilities related to the preservation of unique natural conditions or communities and the conservation and management of wildlife resources
- J. Residential Care Facility
- K. Residential Care Home
- L. Signs subject to Article 74
- M. Single-family dwelling or manufactured dwelling

- N. Utility or communication facilities necessary for public services, including transmission facilities and receiving towers
- O. Transitional housing per Section 99.020.A
- P. Boarding house

#### **68.030 - CONDITIONAL USES**

The following uses, with accessory uses, shall be authorized using Quasi-Judicial Review Procedures (Article 22), subject to the requirements for Conditional Uses (Article 45) and Site Plan Review (Article 42). All uses shall also meet the applicable development standards listed in Section 61.060 of this Article. A Development Permit shall be required as the final permit approval (Article 41).

- A. Cement and asphalt batching, rock processing and crushing
- B. Destination Resort
- C. Fire attack landing strips for airplanes and helicopter pads, emergency protection facilities, fire towers, public work yards, and temporary logging labor camps
- D. Home Occupations subject to Article 92
- E. Lodges, Retreat Centers and Conference Grounds
- F. Mining and processing of aggregate and other mineral resources or other subsurface resources (to include the exploration thereof), and the development of geothermal resources
- G. Racetrack
- H. Recreational Resort
- I. Shooting Range or Gun Club
- J. Storage of motor vehicles that is open (the vehicles must be unlicensed and from which parts have not been removed, and the storage cannot be for commercial purposes; storage is limited to a maximum of 4 motor vehicles)
- K. Transitional housing camp per Section 99.020.B

#### **68.040 - TEMPORARY USES**

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), subject to Temporary Use requirements (Article 43). All uses shall meet the applicable development standards listed in Section 68.050. In all cases, a Development Permit shall be required as final permit approval (Article 41).

- A. Mass gathering
- B. Medical Hardship dwelling/accessory dwelling unit
- C. ~~Temporary storage of an unoccupied manufactured dwelling~~

(CR)

#### **101.120 – PERMITTED USES**

The following uses, with accessory uses and structures, shall be permitted using Ministerial Review Procedures (Article 22). All uses shall also meet the applicable development standards listed in Section 101.170 of this Article. In all cases, a Development Permit (Article 41) is required as final permit approval.

- A. One single-family dwelling per authorized lot, to include non-commercial accessory structures, developments and uses normally occurring with dwellings, subject to the following:
  - 1. Accessory structures, developments and uses may be used for business purposes only when authorized by a home occupation permit (Article 92) or exempted from the definition of home occupation (Section 11.030); and
  - 2. ~~Guest houses, as defined in Section 11.030 of this code, shall not be allowed.~~
- B. Farm and/or forest uses, to include product stands, when all of the products are produced and used or sold on the property, but shall be subordinate to all other permitted and conditional uses listed in this zone. See also Section 101.160 regarding the keeping of animals.
- C. Family day care provider operating from a single-family dwelling and caring for fewer than 13 children, including children of the care provider, regardless of full-time or parttime status.
- D. One residential care home or facility per authorized lot.
- E. Boarding house

#### **101.150 – TEMPORARY USES**

The following uses, with accessory uses and structures, shall be permitted using Ministerial Review Procedures (Article 22), subject to temporary use requirements (Article 43). All uses shall meet the applicable development standards listed in Section 101.170. In all cases, a Development Permit (Article 41) shall be required as final permit approval.

- A. Mass gatherings
- B. Medical hardship dwelling/accessory dwelling unit ~~(one additional dwelling only)~~
- C. ~~Temporary storage of an unoccupied manufactured dwelling~~

## VI. LOTS AND EASEMENTS

### ARTICLE 71 - LOT SIZE & SHAPE

#### 71.010 - LOT SIZE & SHAPE

- A. All proposed lots or parcels in a subdivision, partition, replat or property line adjustment shall not be divided to a size less than the minimum requirements for the zone the lot or parcel is located in, unless part of an approved Cluster Subdivision. Lots or parcels containing less than the minimum lot size requirements may be approved provided that:
1. Not more than 20 percent of the lots, up to a maximum of five (5) deficient lots or parcels, are created from an original tract; and
  2. The area deficiency is contained within the public road right-of-way; and
  3. The applicant provides a written statement from the Department of Environmental Quality stating that the smaller lots do not constitute a public health, safety, and welfare hazard.
- B. Each lot shall not be greater than four times deeper than it is wide, exclusive of the "pole" of a flaglot.
- C. When a public road right-of-way, rail right-of-way, river classified as a Wild and Scenic River, or Class 1 Stream bi-sects a lawfully established lot or parcel which is not located in a resource zone, said parcel shall be deemed two conforming parcels, provided each parcel is large enough to accommodate a dwelling that meets all setbacks, driveway, parking area, well, on site sanitary waste disposal system and replacement field.

#### 71.020 – ROAD EASEMENTS AND FLAG LOTS

- A. It shall be the policy of the county to ~~encourage~~ allow the construction of public roads to provide safe and identifiable access to properties. If not practicable to front on a public road, lots shall be allowed to be accessed via a private road easement, provided not more than four lots are accessed via said road easement. Flaglots shall not be approved unless, it can be shown that:
1. The creation of a road or road easement is not practical because of extra-ordinary physical limitations of the parcel for construction;
  2. It will represent an efficient use of land;
  3. It will not endanger the public health, safety, or welfare;
  4. 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.

- B. The following requirements shall apply to flaglots:
1. The "flagpole" shall maintain a width of at least 25 feet as minimum access at the point of abutment to a public road and throughout its length;
  2. 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 review body may require certification from a registered engineer that the structure or fill and culvert has been constructed to support emergency vehicles;
  3. The "flagpole" may alter course or direction as long as the view of the location and the address of the structure or use will not be confusing for mail delivery or emergency vehicle access; and provided that a driveway can be constructed wholly within the "flagpole" with a turn that does not exceed a 50 foot radius;
  4. The grade of the flagpole shall not exceed a grade of 12% for an unsurfaced driveway or a maximum grade of 18% for a driveway surfaced with asphaltic concrete or Portland Cement:
    - a. The review body may require grading and construction which meets these standards as a part of final approval of any land division; or
    - b. When immediate construction of the driveway is not possible because of practical difficulties, the final map shall note the work has not been completed, and driveway construction shall become part of the performance agreement filed with the final plat.
  5. 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;
  6. Not more than one flaglot shall be created in the same subdivision or partition and it shall not abut any other flaglot.
- C. The review body may permit flaglotting, contrary to Sections 71.020.B.1, 5 & 6, where the proposed development meets the criteria set out in 71.020.A.

## **ARTICLE 72 - HEIGHTS, SETBACKS & ACCESSORY STRUCTURES**

### **72.020 - STRUCTURE HEIGHT & SETBACK REQUIREMENTS**

E. In all zones except the commercial and industrial zones, all buildings shall be setback at least 60 feet from the centerline of any public street, road, ~~or~~ right-of-way which is surveyed and established, and, 30 feet from the described edge of private road easement. The review body may vary this standards where necessary for corner lots.

## **ARTICLE 81 - ACCESS STANDARDS**

**81.010 - PURPOSE**

The purpose of these standards is to ensure safe ingress and egress to and from properties; to minimize street congestion and traffic hazards, to protect the future operation of transportation facilities, to provide safe and convenient access to businesses, public services, and places of public assembly; and to make vehicular circulation more compatible with surrounding land uses.

**81.020 - ACCESS STANDARDS**

- A. Every lot or parcel created by a new land division shall abut a maintained county road or street for at least 25 feet, ~~or~~ shall abut a state highway where the Oregon Department of Transportation has issued an access permit to each lot or parcel, or be served by a private road easement with a recorded maintenance agreement. Lots or parcels that do not abut such a road, highway, or private road easement, may be approved by the review body when the following conditions exist:
1. When a parcel of land is an isolated ownership, where not more than 2 lots can be developed from the original parcel or from adjoining lands, and where access is by easement which has been created prior to June 29, 1973, the existence of an easement to the property line shall be deemed to continue to the proposed parcel;
  2. When a parcel of land receives access by a public usage road declared by a court of competent jurisdiction or by a non-maintained county road, and where the review body finds that acceptance of such road for partitioning purposes is in the public interest, any partitioning using those roads shall be conditioned upon the dedication of additional right-of-way and improvement as required by the review body.
- B. No partitioning or subdivision of land shall be authorized using any special purpose roads, including ways of necessity, special access roads under the permit control of the Secretaries of Agriculture or the Interior, timber access roads, or other roads in which the rights of the public for access may be restricted.

**81.030 - GENERAL ROADWAY DESIGN CRITERIA & STANDARDS**

The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public safety, and to the proposed use of the land to be served by the street. Private road easements shall be designed and maintained to ensure proper access of emergency vehicles.

**81.070 - EASEMENTS**

Easements for public facilities, public or private utilities, slopes, drainage, etc., shall be dedicated wherever necessary. The review body may require the developer to acquire and dedicate easements on adjoining property when necessary to protect the public health, safety, and general welfare. Private road easements shall be described by deed and shall not serve more than four lots.

**VII. EROSION CONTROL AND RUNOFF****ARTICLE 83 – EROSION CONTROL & STORM DRAIN FACILITIES****83.010 - PURPOSE**

The standards and criteria for erosion and sediment control provide for the design of projects so as to minimize the harmful effects of stormwater runoff and the resultant inundation and erosion from projects, and to protect neighboring downstream and downslope properties from erosion and sediment impacts.

**83.020 - APPLICATION OF STANDARDS**

- A. These standards shall apply to any land division or land use application including development and construction which would require any grading or filling on slopes that are 15% or greater or soils that are granitic in composition as mapped by the Natural Resource Conservation Service except when authorized or regulated by the Oregon Forest Practices Act.
- B. An erosion and sediment control plan to prevent or mitigate possible hazards to life, property, or the natural environment shall be required.

**83.030 - PLAN REQUIREMENTS**

- A. Except as identified in C. and D. below, aAn operation plan shall be submitted prior to any grading or filling on slopes 15% or greater, or on granitic soils in which the area disturbed exceeds 600 square feet, or on non-granitic soils when fill is brought on site or relocated on site in excess of 5, 000 cubic yards.
- B. The plan shall be prepared by a registered civil engineer, and shall provide the following information:
  - 1. 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;
  - 2. An accurate plot plan showing the exterior boundaries of the property on which the modification is to be performed, including the following:
    - a. Flow lines of surface waters onto and off of the site;
    - b. Existing and proposed contours at 2 foot intervals;
    - c. Location, amount, and extent of cuts, fills, or contouring;
    - d. Existing and proposed drainage ways;
    - e. Building corner and street elevations for existing and proposed improvements;



- f. Existing and proposed retaining walls;
  - g. The location and design of facilities for storage or conveyance of surface water runoff;
  - h. Estimates of existing and proposed runoff on the site. 3. The plan shall include an evaluation of the effects of projected runoff on adjacent properties and existing drainageways;
4. 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;
  5. The plan shall include information detailing the final ground cover, landscaping, erosion and drainage controls, and requirements for stable cut and fill slopes which will be based on detailed stability analysis. For the purposes of determining appropriate soil losses, the Natural Resource Conservation Service's publication, Soil Interpretations for Oregon, shall be used.
- C. On granitic soils with less than a 3% grade, a signed waiver from a registered engineer or licensed surveyor shall be allowed in lieu of the above required plan, provided said waiver documents no water or sediment will leave the property or enter a waterway.
- A. In all cases where an operation plan is not required, the landowner shall ensure Oregon Department of Environmental Quality construction best management practices are in place to minimize runoff onto adjacent properties and waterways.

#### **83.040 - EROSION & SEDIMENT CONTROL PLAN REVIEW**

The erosion and sediment control plan shall be submitted as part of the land division or land use application and shall be reviewed as part of the application. The review body or the County Engineer where roads may be effected, shall review the plan and may recommend the installation or construction of improvements necessary to mitigate the impacts of the potential erosion and runoff. Be advised the Oregon Department of Environmental Quality requires a permit for construction activities with one acre or more of disturbed soil or that are part of a larger common plan of development or sale and discharge to surface waters.

### **VIII. HOME OCCUPATIONS/FARM STAYS**

#### **92.110 Special Standards for the Operation of Bed & Breakfast Inns and Farm Stays**

- A. A bed and breakfast inn operating from a residentially developed property, or a farm stay, will be reviewed as a Type III Home Occupation and shall be operated according to the following standards:
  1. The inn or farm stay must be located in a residence ~~or accessory living quarters~~.

2. The operator of the inn or farm stay must live on the premises and continue to use part of the main dwelling as a residence.
3. Outward modification of the structure shall be made only if such changes are compatible with the character of the neighborhood and the intent of the zone, and in all cases, the changes shall maintain the residential character of the structure.
4. The inn shall be limited to a maximum of ten (10) individual guests and five ( 5) bedrooms; the farm stay limited to four bedrooms.
5. The inn or farm stay shall be compatible with the neighborhood in terms of access and the proximity to structures and the operation shall be screened from view from adjoining lots or parcels.
6. One (1) on- premise sign not to exceed 12 square feet and setback 10 feet from property lines.
7. Exterior illumination of the sign shall be limited so that the illumination will not adversely impact the residential character of the area.
8. One (1) on-site parking space for each sleeping room shall be provided in addition to the two (2) on- site parking spaces required for the dwelling.
9. The inn or farm stay shall meet all applicable county and state water, sewage, and licensing requirements. The applicant shall submit evidence from the appropriate agency that the applicant has contacted them and meets, or can comply with agency requirements.

#### **IX. CAMPING/RETREAT CENTERS**

#### **ARTICLE 98 – CAMPING, CAMPGROUNDS, RV PARKS, & LODGES & RETREAT CENTERS**

##### **98.010 – PURPOSE**

The purpose of this Article is to set the standards for camping, the development of campgrounds, recreational vehicle parks, lodges, retreat centers and conference grounds. It is recognized that each of the proposed uses may entail intensive development which may include permanent structures. The level of detail required will be determined by the intensity of development.

##### **98.020 - SITING STANDARDS**

Campgrounds, recreational vehicle parks, lodges, retreat centers and conference grounds shall demonstrate the development meets all of the following special siting requirements:

- A. The development shall not be located within or adjacent to any area identified in the Comprehensive Plan for Josephine County as a natural area or potential research natural area where the development would result in damage or overuse of the natural area;

- B. The development shall not be located in or adjacent to an area of known valuable mineral deposits where the development would restrict development of the mineral resource, unless the area has been withdrawn from mineral entry;
- C. The development site is not suited for continued resource management, and that the proposed development is compatible with adjacent resource uses;
- D. The development meets the public recreation needs and tourism needs identified by the Josephine County Comprehensive Plan;
- E. The development abuts a maintained state or county road. The proposal may abut a federal road where the applicant has proof of a long-term access agreement for the proposed use from the appropriate federal agency.

#### **98.030 - APPLICATION REQUIREMENTS**

- A. The application for a campground, recreational vehicle park, lodge, retreat center or conference ground shall meet the requirements set out in the underlying zone.
- B. The application for a campground, recreational vehicle park, lodge, retreat center or conference ground shall be processed according to the requirements set out in the underlying zone.
- C. The application for a campground, recreational vehicle park, lodge, retreat center or conference ground shall include an application for site plan review pursuant to Article 42.
- D. Campgrounds. Camping shall be permitted in approved campgrounds without issuance of a Development Permit.

#### **98.050 – CAMPING ON PRIVATE PROPERTY AND CAMPING DURING CONSTRUCTION**

A. Camping on Lot, No Permit. Camping on a lot by one camping party, including the landowner or by one camping party with the landowner's permission, shall be allowed without issuance of a Development Permit, subject to the following:

1. Sanitation. Sanitary waste disposal shall be provided by either connection to an approved on-site waste disposal system; self-contained holding tank with disposal at an approved sanitary dump station; or, a portable toilet with disposal at an approved sanitary dump station.
2. Setbacks. The camping unit shall setback at least twice the normal distance from property lines, roads, and water as required for a single family dwelling for the zoning district in which the camping unit is placed.
3. Camping Stay. Camping shall not exceed 30 days nor more than 120 days in a non-resource zone.

4. Removal and Storage. After a camping stay, the camping unit(s) shall be removed from the lot or parcel, or, placed in storage by either being stored indoors, or, having all power turned off, water lines drained, holding tank emptied, and the unit locked and parked in a side or rear yard and within 20' of a building on the parcel it is located. Absent such storage provisions, the unit shall be deemed 'camping'.

B. Construction. Camping on a lot during construction of a single family dwelling unit shall be allowed, subject to the following:

1. Construction Permit. A Development Permit for a single family dwelling has been secured, and a slab, crawl space, or foundation for the single family dwelling unit has been installed and inspected.
2. Camping Permit. A Minor Development Permit has been secured for a 'Temporary Dwelling During Construction' which authorizes such camping.
3. Sanitation. An approved on-site waste disposal system, designed to accommodate the single family dwelling, has been installed on the property, prior to the placement, and/or use of the camping unit, and shall serve as a means of sanitary waste disposal for the users of the camping unit.
4. Duration. The camping activity shall cease upon the issuance of a Certificate of Occupancy for the single family dwelling, and, the camping unit either be removed from the property or placed in storage per the provisions of this ordinance. In no case shall the camping unit be utilized during construction in excess of nine months. A Certificate of Occupancy is also required to verify the cessation of the temporary dwelling during construction.
5. Renewal Permits. Renewal permits shall only be issued when substantial progress toward completion of the single family dwelling unit is demonstrated during the previous nine months. Only one said renewal permit shall be issued.

## **X. TRANSIENT SHELTER**

### **ARTICLE 99 – NON-TRADITIONAL SHELTER**

#### **99.010 – PURPOSE**

The purpose of this Article is to meet the demand for the affordable, transitional shelter of persons.

#### **99.020 – STANDARDS FOR DEVELOPMENT**

A. Transitional Housing.

1. Transitional Housing shall be considered a single family dwelling, and, shall be the only single family dwelling on the lot or parcel.

2. No temporary uses shall be allowed on the lot or parcel where the Transitional Housing is located.
  3. Transitional Housing is allowed in non-resource zoning districts that allow single family dwellings as a permitted use processed using ministerial review procedures. However, such use shall only be approved after Site Plan Review.
  4. Transitional Housing may be provided by a private party or a non-profit organization.
  5. The property owner or a property manager shall reside on site.
  6. If the Transitional Housing consists of separate small structures which share a common kitchen, each individual structure shall not exceed 300 sq. ft. Individual Transitional Housing structures shall each contain at least a bathroom and a bedroom. If individual bathrooms do not have a shower, one shall be provided on site.
  7. Transitional Housing shall provide for one parking space per every two bedrooms. No on-street parking shall be allowed.
  8. Lighting and landscaping requirements apply.
  9. Individual storage structures are not permitted; storage shall be a common storage structure.
  10. The area within 50 feet surrounding the Transitional Housing shall be kept free and clear of junk, waste, or flammable material. (In accordance with Article 76, Fuel Breaks)
  11. It shall be the responsibility of the property owner to determine the length of stay.
- B. Transitional Housing Camp.
1. Transitional Housing Camps may be allowed in zoning districts that allow recreation parks or campgrounds.
  2. Transitional Housing Camps may be provided by a private party or a non-profit organization.
  3. The property owner or a property manager shall reside on site.
  4. The Transitional Housing Camp shall meet all state guidelines for a campground.
  5. The units in a Transitional Housing Camp shall be limited to camping vehicles such as recreational vehicles, fifth wheels, motor homes, storage boxes (aka 'Conex') converted

for temporary habitation, 'park models', 'tiny homes' on wheels not to exceed 250 square feet in area, and stick built structures at least 201 square feet in area but not to exceed 250 sq. ft. in area built in compliance with the 2017 Oregon Transitional Housing Standard. Tents and yurts are prohibited in a Transitional Housing Camp. Units shall be separated within the park by construction type. If utilizing a mixture thereof, all stick built structures, park models, and tiny homes on wheels, whether built on site or elsewhere, shall be located in a portion of the camp that is separate from the camping vehicles.

6. Setbacks.
    - a. All areas designated for overnight accommodations shall be setback at least 100 feet from all side and rear residentially zoned property lines.
    - b. All areas designated for overnight accommodations shall be setback 60 feet from a road right-of-way.
  7. Transitional Housing Camps shall provide, at a minimum, restrooms (M, F, Family) which are connected to public sewer or an approved on-site waste disposal system, a potable drinking water source, information on bus routes, social services available, and emergency contact information for both operator and law enforcement. Portable toilets are prohibited.
  8. Transitional Housing Camps shall carry proof of insurance on-site.
  9. There can be incidental retail sales on the property the purpose of which is to sell solely to the occupants of the camp. Alcoholic beverages and cannabis products may not be sold on site.
  10. There shall be no soliciting.
  11. Religious and social services may be provided.
  12. The use of illegal drugs on the property shall be cause to revoke the authorizing permit.
  13. Transitional Housing Camps shall only be permitted using the Conditional Use Permit process, with hearing.
  14. It shall be the responsibility of the owner to determine the length of stay.
- C. Transitional Housing Shelter.
1. Transitional Housing Shelters are allowed in the Rural Commercial and Rural Industrial zoning districts.

2. Transitional Housing Shelters may be provided by a private party or a non-profit organization.
3. The property owner or a property manager shall be on site during the hours of availability.
4. Hours of availability shall not exceed 16 consecutive hours.
5. One caretaker quarters structure for the owner or property manager(s) is allowed by permit, using the ministerial review process, provided the Transitional Housing Shelter has been established, but prior to operation.
6. Maximum capacity shall not exceed a ratio of one manager to every twenty persons.
7. Transitional Housing Shelters shall only be allowed if such shelter is located within one mile of a bus stop.
8. The area providing shelter shall be fenced and a gate provided. When closed for shelter, the gate shall be locked to prevent access.
9. If dogs are allowed, the Transitional Housing Shelter shall provide a separate fenced area for dogs.
10. The area within 50 feet surrounding the Transitional Housing Shelter shall be kept free and clear of junk, waste, or flammable material.
11. All waste shall be contained and disposed of properly. Unmanaged waste shall be grounds to revoke the authorizing permit.
12. Setbacks.
  - a. All areas designated for shelter shall be setback at least 50 feet from the property line of adjacent lots with commercial or industrial uses. If the adjacent use is residential, the designated area shall be setback 200 feet from the common property line.
  - b. All areas designated for shelter shall be setback 60 feet from a road right-of-way.
13. All areas designated for shelter shall be visible from a public right-of-way.
14. All areas designated for shelter shall be screened from view from adjacent lots.

15. Transitional Housing Shelters shall provide for one parking space per every anticipated six guests. No on-street parking shall be allowed.
  16. Lighting and landscaping requirements apply.
  17. Transitional Housing Shelters shall provide, at a minimum, restrooms (M, F, Family), a potable drinking water source, information on bus routes, social services available, and emergency contact information for both operator and law enforcement. Portable restrooms, provided there is a shower, are permitted and shall meet the same minimum setbacks as the shelter area. Restrooms need DEQ approval.
  18. Transitional Housing Shelters shall carry proof of insurance on-site.
  19. There shall be no soliciting.
  20. Religious and social services may be provided.
  21. Transitional Housing Shelters are not intended to be permanent housing and the use by the same individual or family therefore is limited to a maximum stay of 30 days per shelter.
  22. Individual storage structures are not permitted; storage, if provided, shall be a common storage structure.
  23. A security plan shall be submitted to, and approved by, the Department. Said plan shall be placed on file with the Sheriff's Office, and maintained by the land owner or assigned property manager. The security plan shall include, at a minimum, the land owner and operator's contact information and security provisions to protect occupants, protection from sexual assault, and how to address animal control.
  24. The use of illegal drugs on the property shall be cause to revoke the authorizing permit.
  25. Transitional Housing Shelters shall only be permitted using the Conditional Use Permit process, with hearing.
- D. Farm Use Laborer Housing
1. Farm use laborer housing shall only be allowed in association with agricultural uses on lands located in the resource zones where only one dwelling already exists on site, and, said dwelling is occupied by the owner or operator of the farm.
  2. Where farm use laborer housing is located, there shall be no temporary uses.



3. Farm use laborer housing shall only be used to house people engaged in the actual farming of the land on which the housing structure is located.
4. No more than one farm use laborer housing structure shall exist on the lot or parcel with the primary dwelling.
5. No 'guard shack' or other laborer shelter shall be on site.
6. The placement and/or use of recreational vehicles or other camping units is prohibited.
7. Farm use laborer housing shall only provide restrooms, accommodations for sleeping and relaxation purposes, and one office area.
8. If shelter for sleeping purposes is provided, a restroom, with shower, shall be provided on site. Portable bathrooms and showers are not allowed.
9. No kitchen or area equipped or used for kitchen purposes shall be provided outside the primary dwelling. Exterior barbeque accommodations are allowed. Refrigeration shall be housed in the primary dwelling.
10. There shall be no guns within the laborer housing structure or illegal use of narcotics.
11. Total number of dogs on site shall not exceed the number allowed in this code (see definition for KENNEL).
12. With the exception of vehicles, there shall be no outside storage of laborer possessions; personal storage must be contained within the farm use laborer structure.
13. A parking lot shall be provided for laborer vehicles, and shall meet design and lighting standards contained within this code for a commercial business.
14. The land owner is required to monitor non-farm noise to ensure occupants are not disturbing neighboring properties.
15. Said farm use laborer housing structure shall be located within 100 feet of the primary single family dwelling. (In accordance with Article 76, Fuel Breaks)
16. The area shall be kept free and clear of garbage and shall not result in a nuisance.
17. The property shall be licensed by the OLCC or ODA.
18. The farm use laborer structure shall be authorized by a Development Permit in accordance with the review procedures for farm or forest dwellings.

