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AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION MAP, ORDINANCE NO. 85-1.

WHEREAS, the Board of County Commissioners adopted a Zoning Designation Map designating certain lands for certain uses, Ordinance No. 85-1; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interest of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the land would not be taxed by the change in the Comprehensive Plan and Zoning designations; and

WHEREAS, the applicant has met the burden of proof that the request meets the criteria for a change of zone as set forth in the implementation section of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the request is reasonable and in the interest of the public and is consistent with the land use allocation policies of the County.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendment

The Zoning Map shall be amended to show a WR (Woodlot Resource -2- acres minimum) designation for property described as 37-6-10, Tax Lot 100.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted.

SECTION 3: Effective Date

First reading by the board of County Commissioners this 14th day of January, 1987.
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading, this 28th day of January, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Chairman

ATTEST:

Georgette Brown, County Clerk

Harlene S. Perkins, Recording Secretary

APPROVED AS TO FORM:

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO. 87-2

AN ORDINANCE AMENDING JOSEPHINE COUNTY COMPREHENSIVE PLAN,
ORDINANCE 81-11.

WHEREAS, Goal 11 of the Josephine county goals and Policies states that "the Comprehensive Plan shall be maintained, amended and updated as necessary"; and

Whereas, Policy 1 under Goal 11 authorizes the Planning Director to adjust Comprehensive Plan designations and/or zoning districts with the affirmation of the county Commissioners when the adjustment is to correct a cartographic error or a misapplication of map designation criteria; and

WHEREAS, such authority shall expire one year after acknowledgment of the Josephine County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners referred to the Planning Commission the matter of removing or extending the time limit for correcting cartographic errors and misapplication of map designation criteria for their deliberation and recommendation; and

WHEREAS, the Planning Commission recommended that the time period for consideration of mapping errors with regard to post-acknowledgment be continued for a non-renewable period of 6 months and that the Board of County Commissioners put the public on notice that this is the final opportunity to have consideration for mapping errors under this program.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains that the time limit for the correction of cartographic errors and misapplications of map designations be extended to June 30, 1988.

SECTION 1: Affirmation

Except as otherwise provided herein, Josephine County Ordinance Number 81-11 is hereby affirmed as originally adopted and thereafter amended.

SECTION 2: Effective Date

First reading by the Board of County Commissioners this 14th, day of January, 1987.
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 28th day of January, 1987. This ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures]

William F. Ford, Vice Chairman

Harold L. Haugen, Commissioners

ATTEST:

Georgette Brown, County Clerk

[Signature]

Recording Secretary

APPROVED AS TO FORM:

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

ORDINANCE NO. 87-2-E

AN ORDINANCE AMENDING JOSEPHINE COUNTY COMPREHENSIVE PLAN, ORDNANCE 81-11 AND DECLARING AN EMERGENCY.

WHEREAS, Goal 11 of the Josephine county goals and Policies states that "the Comprehensive Plan shall be maintained, amended and updated as necessary"; and

WHEREAS, Policy 1 under Goal 11 authorizes the Planning Director to adjust Comprehensive Plan designations and/or zoning districts with the affirmation of the county Commissioners when the adjustment is to correct a cartographic error or a misapplication of map designation criteria; and

WHEREAS, such authority shall expire one year after acknowledgment of the Josephine County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners referred to the Planning Commission the matter of removing or extending the time limit for correcting cartographic errors and misapplication of map designation criteria for their deliberation and recommendation; and

WHEREAS, the Planning Commission recommended that the time period for consideration of mapping errors with regard to post-acknowledgment be continued for a non-renewable period of 6 months and that the Board of County Commissioners put the public on notice that this is the final opportunity to have consideration for mapping errors under this program.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains that the time limit for the correction of cartographic errors and misapplications of map designations be extended to June 30, 1987.

SECTION 1: Affirmation

Except as otherwise provided herein, Josephine County Ordinance Number 81-11 is hereby affirmed as originally adopted and thereafter amended.

SECTION 2: Effective Date

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 14th day of January, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS
Bruce M. McGregor, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen, Commissioner

ATTEST:
Georgette Brown, County Clerk
Harlene L. Daniels, Recording Secretary

APPROVED AS TO FORM:
James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

ORDINANCE NO. 87-3-E

AN ORDINANCE AMENDING BY REFERENCE CHAPTERS 2 AND 5 OF THE
JOSEPHINE COUNTY SUBDIVISION ORDINANCE NO. 78-4 AS AMENDED;
AMENDING BY REFERENCE SECTION 128 OF THE URBAN AREA ZONING
ORDINANCE NO. 81-25 AS AMENDED; REPEALING ORDINANCE 83-20 AND
DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted
Josephine County Ordinance 83-20 to provide reasonable
requirements for development within the Grants Pass Urbanizing
Area; and

WHEREAS, it has come to the attention of the Board that
some requirements are causing practical difficulties for
development; and

WHEREAS, it is in the best interest of all the citizens
of Josephine County that development not be unduly restricted;
and

WHEREAS, said ordinances 78-4, 81-24 and 83-20 no
longer meet the needs of the citizens; and

WHEREAS, certain necessary and desirable provisions of
said ordinances have been revised and reincorporated as
amendments to Josephine County Ordinances 78-4 and 81-25 as set
forth in Exhibits "A" and "B" attached hereto.

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

SECTION 1: REPEALER

Josephine County Ordinance No. 83-20 is repealed.

SECTION 2: AMENDMENTS

Chapters 2 and 5 of the Josephine County Subdivision
Ordinance No. 78-4 are hereby amended as set forth in
Exhibit "A", attached hereto and expressly made a part hereof.

SECTION 3: AMENDMENTS

Section 128 of the Urban Area Zoning Ordinance No.
81-25 is hereby amended as set forth in Exhibit "B"
attached hereto and expressly made a part hereof.
SECTION 4: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinances Nos. 78-4 and 81-25 are hereby affirmed as originally adopted or thereafter amended.

SECTION 5: EFFECTIVE DATE

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 28th day of January, 1987

JOSEPHINE COUNTY BOARD
OF COUNTY COMMISSIONERS

Bruce F. McGregor, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM:

James H. Boldt, Legal Counsel
EXHIBIT A

SUBDIVISION ORDINANCE REVISIONS

In Section 1.06, renumber definitions from number 44 through 52 to 45 through 53.

Add a new Section 1.06(44) to read as follows:

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

Delete Section 2.08 in its entirety.

Section 2.09 Urbanizing Area Levels of Division - Definitions.

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

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

Section 2.14 Urbanizing Area (Grants Pass) Levels of Service.

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

SEWAGE

Section 2.29 Sewage Disposal Improvements.

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

Section 2.30 Exceptions to Public Sanitary Sewer in Urbanizing Area (Grants Pass).

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

Parcels qualifying for exemption under this section shall post security for one-half the cost of public sanitary sewer for the full length of their frontage in accordance with Section 2.30 5.06. Such parcel(s) shall also be required to connect to the public sewer at such time when it directly abuts the parcel(s).

WATER SYSTEMS:

Section 2.31 Groundwater Source.

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

Section 2.32 Water Systems in Urbanizing Area (Grants Pass).

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

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

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

2. Exception to Public Water Supply System Requirement.

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

   a. The division proposes a total of three or less parcels.
b. The property is or will be developed with a single-family dwelling or duplex on each parcel.

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

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

e. The division is not a part of a series partition.

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

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

Water systems for a series partition shall be a public water supply system designed and installed in accordance with Oregon State Health Division regulations.

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

Section 2.33 Water Systems in Other Urbanizing Areas.

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

STORM DRAINAGE:

Section 2.34 Storm Drainage Facilities.

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

1. Design of drainage within the subdivision or partition, as approved by the County Engineer, consistent with the County's Master Storm Drainage Plan, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow extension of the system outside the subdivision or partition.
2. Drainage for the individual lots of the proposed subdivision or partition and the proposed subdivision as a whole shall be accomplished in such a manner so as to prevent the excessive flow of water across property lines, sidewalks, and other public right-of-ways.

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

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

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

AGRICULTURAL IRRIGATION:

Section 2.35 Irrigation.

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

AMEND SECTION 2.37 TO READ:

Section 2.37

Waiver of Remonstrance Regarding Public Facilities.

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

Add Section 5.06 to read:

Section 5.06 Guarantees to Construct Required Improvements

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

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

Basic elements of the agreement shall be as follows:

1. That Josephine County is named as the beneficiary.

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

3. The amount of the guarantee be set for each element of the agreement, [i.e. on-site, adjacent off-site, and off-site for basic service (i.e. public sanitary sewer system, water, roads or streets, storm drainage and utilities)]. The amount of the guarantee is to be calculated on the basis of a public awarded contract including the elements of a construction contract, engineering and surveying cost, financing and administration charges and contingencies.
4. The basis for calculating the amount of the guarantee be described by reference to a specific engineering plan or standard for the County with an estimate of cost prepared by a licensed engineer and approved by the County Engineer.

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

Any such guarantee shall be reviewed administratively by County staff to ensure that the guarantee has been prepared in a proper form; however, final authority for approval rests with the Board of County Commissioners.
ZONING ORDINANCE AMENDMENTS FOR SECTION 128

Section 128.08 Service and Facilities Requirements.

Applicants for any development that requires a site review shall provide sanitary sewer systems, municipal or public water supply systems or demonstrate adequate groundwater, urban standard streets, storm drainage facilities, irrigation facilities and fire protection, as specified in this chapter. Unless specifically excepted by other applicable sections of this Ordinance, developers shall perform the actual construction of all on-site, adjacent off-site and off-site improvements, as required by the Site Plan Committee, necessary to provide for the health safety and welfare of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical to meet the standards established in the county's Master Facilities Plans.

Section 128.09 Transportation.

At a minimum, all applicants for development shall provide urban standard streets connecting directly to an existing publicly maintained street. Sections of existing streets not meeting urban standards which directly abut the property upon which a land development is located shall be reconstructed as necessary to handle increased traffic loads as projected to be generated by the project and shall be reconstructed to provide a functional transition to any connecting urban standard street. Dedication of right-of-way shall be required to meet urban street standards established in the Subdivision Ordinance and the Traffic Management Plan.

Section 128.10 Sewer Service.

All developments shall be provided with public sanitary sewer system connected to existing area-wide public systems. Exceptions to sanitary sewer service connection may be as follows:

1. Commercial or industrial developments (or other permitted structures) on such lots and parcels where the public sewer is not within 300 feet and where the daily sewage flow does not exceed 450 gallons per day under State Administrative Rules for on-site sewage disposal.
2. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.

3. Parcels qualifying for exemption under this section shall post guarantee for one-half the cost of public sanitary sewer for the full length of their frontage, in accordance with Section 128.17. Such parcel(s) shall also be required to extend and connect to the public sewer at such time when it directly abuts the parcel at the property line.

Section 128.11 Water Systems Improvements.

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

2. Developers shall provide all developments requiring a site review with a municipal water system, or with a public water supply system as defined by the Oregon State Health Division, if such development is not within 300 feet of an adequate capacity municipal water line.

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

4. Water System Design. All water systems, municipal or public, or extensions to existing systems shall be designed to City standards and/or applicable State regulations regarding materials, workmanship and guarantee provisions of the City as deemed appropriate by the Site Plan Review
Committee and shall be designed to connect to an area wide municipal water system at such time when it is available. Proposed municipal or public water systems shall be approved by the City Engineer and, where required, an authorized State representative, with costs of City review and City inspection to be borne by the developer.

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

SECTION 128.12 Storm Drainage

Developers shall construct all improvements required to properly handle the storm run off to be generated from the project. Such improvements shall connect directly to existing natural drainways, swales, creeks, irrigation canals or to a storm drain system and be consistent with the Master Storm Drainage Facilities Plan.

Section 128.13 Agricultural Irrigation

Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system as it traverses the owners property or, as appropriate, public right-of-way abutting the owners property. The owner of the urban development shall either buy his development out of the District or provide each affected lot within the development with irrigation water, all in accordance with District requirements. Also, the owner or developer shall buy out of the District any publicly dedicated or deeded right-of-way.

Amend Section 128.17 to read as follows:

Section 128.17 Guarantees to Construct Required Improvements

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in Section 128.08 the Board of County Commissioners may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. Such a guarantee will be made in writing specifying the exact terms of the items to be completed.

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

Basic elements of the agreement shall be as follows:

1. That Josephine County is named as the beneficiary.

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

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

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

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

Any such guarantee shall be reviewed administratively by County staff to ensure that the guarantee has been prepared in a proper form; however, final authority for approval rests with the Board of County Commissioners.
Add Section 128.20 to read as follows:

Waiver of Remonstrance Regarding Public Facilities.

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

Add Section 128.21 to read as follows:

Compliance Required Prior To Issuance of Certificate of Completion Or Occupancy.

Prior to the issuance of any Certificate (as provided in the State Building Code) of Completion or Occupancy, conditions shall be completed or guaranteed as deemed appropriate by the Site Plan Review Committee utilizing the criteria contained in the appropriate sections of this ordinance.
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 87-4

AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION
MAP. ORDINANCE NO. 85-1.

WHEREAS, the Board of County Commissioners adopted a Zoning Designation Map designating certain lands for certain uses, Ordinance no. 85-1; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interests of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the land would not be taxed by the change in the Comprehensive Plan and Zoning designations; and

WHEREAS, the applicant has met the burden of proof that the request meets the criteria for a change of zone as set forth in the implementation section of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the request is reasonable and in the interest of the public and is consistent with the land use allocation policies of the County.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendment

The Zoning Map shall be amended to show a RI (Rural Industrial) designation for property described as 36-5-14, Tax Lots 200, 201, & 202 and 36-5-15-4 tax lots 200 and 300.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 25th day of February, 1987.
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 11th day of March, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Harold W. Parkin, Recording Secretary

APPROVED AS TO FORM: (3/17/87)

James H. Boldt, Legal Counsel

Ordinance No. 87-4
Page 2
FLOOD DAMAGE PREVENTION ORDINANCE
FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-5-E

AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF LAND IN JOSEPHINE COUNTY SUBJECT TO FLOOD HAZARDS AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP, PROVIDING PROCEDURES FOR CONSTRUCTION WITHIN FLOOD-PRONE AREAS; PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTY THEREOF; REPEALING ORDINANCES 82-22 AND 82-31 AND DECLARING AN EMERGENCY.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON ORDAINS AS FOLLOWS:

CHAPTER 75
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

SECTION 75.01 Statutory Authorization.

The Legislature of the State of Oregon has in the Oregon Revised Statutes, Chapter 215, delegated the responsibility to the County Board of Commissioners to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Legislature has further required in the Oregon Revised Statutes, Chapter 197, that the Board of County Commissioners shall adopt plans and ordinances which implement the Statewide Planning Goals, including Goal #7 regarding areas subject to Natural Disasters and Hazards.

SECTION 75.02 Editorial Revision.

There will be a one year period in which minor adjustments to the Ordinance language may occur to meet the needs of the County within the scope of the Federal Regulations.

SECTION 75.03 Findings of Fact.

a. The flood hazard areas of Josephine County are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

SECTION 75.04 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a. To protect human life and health;
b. To minimize expenditure of public money and costly flood control projects;
c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
d. To minimize prolonged business interruptions;
e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 75.05 Methods of Reducing Flood Loss.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
CHAPTER 76.0
DEFINITIONS

SECTION 76.01 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. Appeal shall mean a request for a review of an interpretation of any provision of this Ordinance.

2. Area of Shallow Flooding shall mean a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM.) The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

3. Area of Special Flood Hazard shall mean the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

4. Base Flood shall mean a standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

5. Development shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

6. Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of waters and/or
   b. The unusual and rapid accumulation of runoff of surface waters from any source.

7. Flood Fringe shall mean the area of the flood plain lying outside of the floodway, but subject to periodic flooding.
8. **Flood Insurance Rate Map (FIRM)** shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

9. **Flood Insurance Study** shall mean the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

10. **Flood Plain** shall mean the area adjacent to a stream that is subject to periodic flooding.

11. **Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

12. **Lowest Floor** shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 79.06 (2).

13. **Manufactured Home** shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

14. **Manufactured Home Park or Subdivision** shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

15. **New Construction** shall mean structures for which the "start of construction" commenced on or after the effective date of this ordinance.

16. **Start of Construction** includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first
placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

17. **Structure** shall mean a walled and roofed building including a gas or liquid storage tank that is principally above ground.

18. **Substantial Improvement** shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure as shown on the current Assessor's rolls or as determined by M.A.I. qualified appraiser either:

a. before the improvement or repair is started, or

b. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

19. **Variance** shall mean a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
CHAPTER 77
GENERAL PROVISIONS

SECTION 77.01 Lands to which this Ordinance Applies.
This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Josephine County identified in the Flood Insurance Study.

SECTION 77.02 Basis for Establishing the Areas of Special Flood Hazard.
The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, with the accompanying Flood Insurance Maps, and any revision thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file in the Josephine County Planning Department.

SECTION 77.03 Abrogation and Greater Restrictions
This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 77.04 Interpretation.
In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;
(2) Liberally construed in favor of the governing body; and,
(3) Where conditions herein imposed by this Ordinance are less restrictive than comparative conditions imposed by any other local ordinance, resolution or regulations, or by the provision of State law or State Administrative regulation, now or in future, then the more restrictive shall govern, and is deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 77.05 Warning of Disclaimer of Liability.
The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on
scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Josephine County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 77.06 Severability.

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

SECTION 77.07 Editorial Revision.

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

SECTION 77.08 Reserved for Future Use.
CHAPTER 78.0
ADMINISTRATION

SECTION 78.01 Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 77.02. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also as set forth in the "Definitions".

SECTION 78.02 Application for Development Permit.

Application for a Development Permit shall be made on the same forms as required by any applicable zoning ordinance and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation, in relation to mean sea level, to which any structure is to be flood-proofed;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the floodproofing criteria in Section 79.07; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

A development permit may be conditioned by the Planning Director to ensure compliance with this Ordinance; and if the development will result in an alteration or relocation of a watercourse, the Director shall require that maintenance of the alteration shall be provided so that the flood carrying capacity is not diminished.

SECTION 78.03 Designation of Administrator of the Flood Hazard Ordinance.

The Planning Director is hereby appointed to administer and implement this Ordinance by granting or denying Development Permit applications, in accordance with its provisions.
SECTION 78.04 Duties and Responsibilities of the Planning Director.

Duties of the Planning Director shall include, but not be limited to:

1. Permit Review
   a. Review all Development Permits to determine that the permit requirements of this Ordinance have been satisfied.
   b. Review all Development Permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
   c. Review all Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 79.10, FLOODWAYS, are met.

2. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 77.02, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Chapter 79.0, SPECIFIC STANDARDS, and Section 79.10 FLOODWAYS.

3. Information to be Obtained and Maintained
   a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 78.04 (2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
   b. For all new or substantially improved floodproofed structures:
      (i) verify and record the actual elevation (in relation to mean sea level), and
      (ii) maintain the floodproofing certifications required in Section 78.02 (3).
   c. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
4. **Alteration of Watercourses**

   a. Notify adjacent communities and the Division of State Lands and Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

   b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. **Interpretation of FIRM Boundaries**

   The Planning Director shall be authorized to make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). If the Planning Director finds that the contested property is reasonably free of flood hazards, the Director may issue a Development Permit without compliance with the special requirements of this ordinance.

**SECTION 78.05 Appeals**

1. The Board of County Commissioners shall hear and decide appeals, according to the procedures established in the County Land Use Hearing Rules, when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this Ordinance.

2. The Building Codes Appeals and Advisory Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Safety Director in the enforcement or administration of this Ordinance, provided that such request does not also require a variance of the State structural, mechanical, plumbing or electrical code.

3. Those aggrieved by the decision of the Building Codes Appeals and Advisory Board may appeal such decision to the appropriate State structural, plumbing or electrical board.

4. In passing upon such applications, the Board of County Commissioners or Building Codes Appeals and Advisory Board shall consider all evaluations, factors, and standards specified in other sections of this Ordinance, and:

   a. the danger that materials may be swept onto other lands to the injury of others;

   b. the danger to life and property due to flooding or erosion damage;
c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. the importance of the services provided by the proposed facility to the community;

e. the necessity to the facility of a waterfront location, where applicable;

f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. the compatibility of the proposed use with existing and anticipated development;

h. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Section 78.05 (4) and the purposes of this Ordinance, the Board of County Commissioners or Board of Building Code Appeals may attach such conditions as it deems necessary to further the purposes of this Ordinance.

6. The Planning Director or Building Safety Director shall maintain the records of all appeal actions, as appropriate, including technical information, and shall report any granted appeals to the Federal Emergency Management Agency, upon request.

SECTION 78.06 Variance Procedure

1. The County Planning Commission or Hearings Officer, as established by the Board of County Commissioners, shall hear and decide requests for variances from the requirements of this Ordinance; consistent with the procedures established in the applicable Land Use Hearing Rules.
2. Those aggrieved by the decision of the Planning Commission or Hearings Officer may appeal such decision to the Board of County Commissioners as provided in the applicable Land Use Hearing Rules.

3. In passing upon such applications, the Planning Commission or Hearings Officer shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Ordinance.

4. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a.-k.) in Section 78.05 (4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

5. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

8. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 78.05 (4), or conflict with existing local laws or ordinances; and
   d. A finding that the variance will not result in special privileges not normally enjoyed by property owners in the vicinity.
9. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

10. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 78.06 (4), and otherwise complies with Sections 79.01 (1) and 79.01 (2) of the GENERAL STANDARDS.

11. Upon consideration of the factors of this Section and the purposes of this Ordinance, the Planning Commission or Hearings Officer may attach such conditions as it deems necessary to further the purposes of this Ordinance.

12. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

13. The Planning Director shall maintain the records of all variances, including technical information, and shall report any variances to the Federal Insurance Administration upon request.
CHAPTER 79.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

GENERAL STANDARDS

In all areas of special flood hazards, the standards contained in Chapter 79.0 shall be required.

SECTION 79.01 Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

SECTION 79.02 Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 79.03 Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 79.04 Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

SECTION 79.05 Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 78.04 (2), Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The developer shall obtain certification by a qualified professional (i.e., soil geologist, surveyor) that the development is reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 77.02, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 78.04 (2), USE OF OTHER BASE FLOOD DATA, the specific standards in the sections that follow shall be required.

SECTION 79.06 Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior
walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 79.07 Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

   a. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 78.04 (3) (b).

2. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 79.06 (2).

3. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
SECTION 79.08 Manufactured Homes.

All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 79.01 (2).

SECTION 79.09 Encroachments.

Where base flood elevations have been provided, but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

SECTION 79.10 Floodways

Located within areas of special flood hazard established in Section 77.02 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification in form of a technical study by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Replacement of existing manufactured homes in existing manufactured home parks shall be exempt from the requirement for a certification in the form of a technical study but shall be required to certify that the lowest floor of the manufactured home is at or above the level of the base flood elevation so long as size and location of the encroachment does not exceed the size of the existing encroachment at the same location.

2. If Section 79.10 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 79.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.
CHAPTER 80.0

COMPLIANCE AND NON-COMPLIANCE

SECTION 80.01 Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an offense. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 for a non-continuing offense and a fine of not more than $1000 for a continuing offense for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the governing body from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 80.02 Notification of Violations.

Upon determination of a potential violation, the Planning Director or his assistants shall notify the property owner by certified mail. Initial correspondence with the property owner shall:

1. Cite the alleged violation, the section of the Ordinance which may be violated, and the remedies which are available to correct the problem;

2. Be in written form and shall be composed in such a manner that no accusations are made;

3. Offer the assistance of the Planning Director or his assistants to work with the property owner to correct a problem. Such correspondence shall state all options available to the land owner and which options are most likely to meet with approval. Correspondence shall specify a period of time, either 15 or 30 days, to abate the potential violation. Any extension of time beyond this period shall, if deemed appropriate by the Planning Director, be granted in writing by the Planning Director or his assistants, with the signature of the property owner.
SECTION 80.03 Compliance.

1. An investigation, if necessary, shall be conducted on the property by the Planning Director or his assistants with the company of the property owner. If the property owner refuses access to the property, the Director shall document the refusal and shall use other legal means of determining the existence of a potential violation;

2. If an alleged violation is not abated within the period authorized by the original notification, the Planning Director or his assistants shall attempt to document the violation with photographs and appropriate field notations. Departmental files shall contain a recording of the time, date and location of any photographs pertaining to the alleged violation, together with the names of any witnesses who in addition to the enforcement officer viewed the alleged violation;

3. Prior to submission of the alleged violation for legal remedy, the Planning Director or his assistants shall attempt to recontact the property owner, explain the standards of the Ordinance, and seek to obtain voluntary compliance with the law. If an extension of time is necessary, such extension shall be agreed to in writing and shall be limited to no more than 30 days, or a compliance schedule with intermediate program check-ups;

4. If a property owner does not respond to notifications of violation, the Planning Director shall prepare documentation of the alleged violation for submission for appropriate legal remedy. Prior to submission of the violation the director shall notify the property owner by certified letter or personal service. The notification shall contain the following:
   a. Citation of previous compliance requests, extensions of time, or commitments;
   b. Description of alleged violations and necessary corrective actions; and
   c. Indication of a time limit of 10 to 15 days to comply with the Ordinance and a statement that if the alleged violation is not corrected within the time limit, formal legal action will begin without further notice.

5. The Planning Director or his assistants shall continue to offer to meet with the property owner to discuss any alleged violations and to secure possible solutions other than court proceedings. Formal correspondence shall include a copy of the applicable sections of the County ordinance and copies of all previous correspondence and agreements related to the matter.
SECTION 80.04 Legal Action.

Upon determination that voluntary compliance cannot be obtained, the Planning Director shall submit all evidence and documentation of the alleged violation to the District Attorney's Office for prosecution or to the Board of County Commissioners for civil remedy.

SECTION 80.05 Other Remedies.

In addition to penalties provided by ORS 203.065, the Board of County Commissioners may utilize such remedies for violation of this Ordinance as are authorized by ORS 215.185.
The immediate passage of this Ordinance being necessary in the public interest to protect the public health, safety and welfare, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its final enactment and adoption by the board of County Commissioners.

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 25th day of March, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce H. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Absent
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

State of Oregon
County of Josephine

I, Georgette Brown,
County Clerk and Recorder of Josephine County, Oregon, do hereby certify that the foregoing has been compared with the original thereof and that it is a correct copy therefrom and the whole thereof as the same appears on file and of record in my office.

Witnes: my hand and seal this 25th day of March, 1987

Georgette Brown, Clerk & Recorder

by: Deputy
FLOOD DAMAGE PREVENTION ORDINANCE
FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-5

AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF LAND IN
JOSEPHINE COUNTY SUBJECT TO FLOOD HAZARDS AS IDENTIFIED BY THE
FLOOD INSURANCE RATE MAP, PROVIDING PROCEDURES FOR CONSTRUCTION
WITHIN FLOOD-PRONE AREAS; PROVIDING PROCEDURES FOR ENFORCEMENT
AND PENALTY THEREOF; REPEALING ORDINANCES 82-22 AND 82-31.

THE BOARD OF COUNTY COMMISSIONERS OF JOSEPHINE COUNTY, OREGON
ORDAINS AS FOLLOWS:

CHAPTER 75

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND
OBJECTIVES

SECTION 75.01 Statutory Authorization.

The Legislature of the State of Oregon has in the Oregon Revised
Statutes, Chapter 215, delegated the responsibility to the County
Board of Commissioners to adopt regulations designed to promote
the public health, safety, and general welfare of its citizenry.
The Legislature has further required in the Oregon Revised
Statutes, Chapter 197, that the Board of County Commissioners
shall adopt plans and ordinances which implement the Statewide
Planning Goals, including Goal #7 regarding areas subject to
Natural Disasters and Hazards.

SECTION 75.02 Editorial Revision.

There will be a one year period in which minor adjustments to the
Ordinance language may occur to meet the needs of the County
within the scope of the Federal Regulations.

SECTION 75.03 Findings of Fact.

a. The flood hazard areas of Josephine County are subject to
periodic inundation which results in loss of life and
property, health, and safety hazards, disruption of commerce
and governmental services, extraordinary public expenditures
for flood protection and relief, and impairment of the tax
base, all of which adversely affect the public health,
safety, and general welfare.

b. These flood losses are caused by the cumulative effect of
obstructions in areas of special flood hazards which
b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

SECTION 75.04 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a. To protect human life and health;
b. To minimize expenditure of public money and costly flood control projects;
c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
d. To minimize prolonged business interruptions;
e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
g. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 75.05 Methods of Reducing Flood Loss.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
CHAPTER 76.0
DEFINITIONS

SECTION 76.01 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

1. **Appeal** shall mean a request for a review of an interpretation of any provision of this Ordinance.

2. **Area of Shallow Flooding** shall mean a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM.) The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

3. **Area of Special Flood Hazard** shall mean the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

4. **Base Flood** shall mean a standard statistical calculation used by engineers to represent the flood magnitude having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

5. **Development** shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

6. **Flood or Flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of waters and/or
   b. The unusual and rapid accumulation of runoff of surface waters from any source.

7. **Flood Fringe** shall mean the area of the flood plain lying outside of the floodway, but subject to periodic flooding.
8. **Flood Insurance Rate Map (FIRM)** shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

9. **Flood Insurance Study** shall mean the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

10. **Flood Plain** shall mean the area adjacent to a stream that is subject to periodic flooding.

11. **Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

12. **Lowest Floor** shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 79.06 (2).

13. **Manufactured Home** shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

14. **Manufactured Home Park or Subdivision** shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

15. **New Construction** shall mean structures for which the "start of construction" commenced on or after the effective date of this ordinance.

16. **Start of Construction** includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first
placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

17. **Structure** shall mean a walled and roofed building including a gas or liquid storage tank that is principally above ground.

18. **Substantial Improvement** shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure as shown on the current Assessor's rolls or as determined by M.A.I. qualified appraiser either:

   a. before the improvement or repair is started, or

   b. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

   a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

   b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

19. **Variance** shall mean a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
CHAPTER 77
GENERAL PROVISIONS

SECTION 77.01 Lands to which this Ordinance Applies.

This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Josephine County identified in the Flood Insurance Study.

SECTION 77.02 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Josephine, State of Oregon," dated December 1, 1981, with the accompanying Flood Insurance Maps, and any revision thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file in the Josephine County Planning Department.

SECTION 77.03 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 77.04 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Where conditions herein imposed by this Ordinance are less restrictive than comparative conditions imposed by any other local ordinance, resolution or regulations, or by the provision of State law or State Administrative regulation, now or in future, then the more restrictive shall govern, and is deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 77.05 Warning of Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on
scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Josephine County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION 77.06  Severability.

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

SECTION 77.07  Editorial Revision.

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

SECTION 77.08  Reserved for Future Use.
CHAPTER 78.0
ADMINISTRATION

SECTION 78.01 Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 77.02. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also as set forth in the "Definitions".

SECTION 78.02 Application for Development Permit.

Application for a Development Permit shall be made on the same forms as required by any applicable zoning ordinance and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. Elevation, in relation to mean sea level, to which any structure is to be flood-proofed;

3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the floodproofing criteria in Section 79.07; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

A development permit may be conditioned by the Planning Director to ensure compliance with this Ordinance; and if the development will result in an alteration or relocation of a watercourse, the Director shall require that maintenance of the alteration shall be provided so that the flood carrying capacity is not diminished.

SECTION 78.03 Designation of Administrator of the Flood Hazard Ordinance.

The Planning Director is hereby appointed to administer and implement this Ordinance by granting or denying Development Permit applications, in accordance with its provisions.
SECTION 78.04 Duties and Responsibilities of the Planning Director.

Duties of the Planning Director shall include, but not be limited to:

1. Permit Review
   a. Review all Development Permits to determine that the permit requirements of this Ordinance have been satisfied.
   b. Review all Development Permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
   c. Review all Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 79.10, FLOODWAYS, are met.

2. Use of Other Base Flood Data
   When base flood elevation data has not been provided in accordance with Section 77.02, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Chapter 79.0, SPECIFIC STANDARDS, and Section 79.10 FLOODWAYS.

3. Information to be Obtained and Maintained
   a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 78.04 (2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
   b. For all new or substantially improved floodproofed structures:
      (i) verify and record the actual elevation (in relation to mean sea level), and
      (ii) maintain the floodproofing certifications required in Section 78.02 (3).
   c. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
4. Alteration of Watercourses
   a. Notify adjacent communities and the Division of State Lands and Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
   b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries
   The Planning Director shall be authorized to make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). If the Planning Director finds that the contested property is reasonably free of flood hazards, the Director may issue a Development Permit without compliance with the special requirements of this ordinance.

SECTION 78.05 Appeals
1. The Board of County Commissioners shall hear and decide appeals, according to the procedures established in the County Land Use Hearing Rules, when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of this Ordinance.

2. The Building Codes Appeals and Advisory Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Safety Director in the enforcement or administration of this Ordinance, provided that such request does not also require a variance of the State structural, mechanical, plumbing or electrical code.

3. Those aggrieved by the decision of the Building Codes Appeals and Advisory Board may appeal such decision to the appropriate State structural, plumbing or electrical board.

4. In passing upon such applications, the Board of County Commissioners or Building Codes Appeals and Advisory Board shall consider all evaluations, factors, and standards specified in other sections of this Ordinance, and:
   a. the danger that materials may be swept onto other lands to the injury of others;
   b. the danger to life and property due to flooding or erosion damage;
c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. the importance of the services provided by the proposed facility to the community;

e. the necessity to the facility of a waterfront location, where applicable;

f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. the compatibility of the proposed use with existing and anticipated development;

h. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Section 76.05 (4) and the purposes of this Ordinance, the Board of County Commissioners or Board of Building Code Appeals may attach such conditions as it deems necessary to further the purposes of this Ordinance.

6. The Planning Director or Building Safety Director shall maintain the records of all appeal actions, as appropriate, including technical information, and shall report any granted appeals to the Federal Emergency Management Agency, upon request.

SECTION 78.06 Variance Procedure

1. The County Planning Commission or Hearings Officer, as established by the Board of County Commissioners, shall hear and decide requests for variances from the requirements of this Ordinance; consistent with the procedures established in the applicable Land Use Hearing Rules.
2. Those aggrieved by the decision of the Planning Commission or Hearings Officer may appeal such decision to the Board of County Commissioners as provided in the applicable Land Use Hearing Rules.

3. In passing upon such applications, the Planning Commission or Hearings Officer shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Ordinance.

4. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a.-k.) in Section 78.05 (4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

5. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

8. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 78.05 (4), or conflict with existing local laws or ordinances; and
   d. A finding that the variance will not result in special privileges not normally enjoyed by property owners in the vicinity.
9. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

10. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 78.06 (4), and otherwise complies with Sections 79.01 (1) and 79.01 (2) of the GENERAL STANDARDS.

11. Upon consideration of the factors of this Section and the purposes of this Ordinance, the Planning Commission or Hearings Officer may attach such conditions as it deems necessary to further the purposes of this Ordinance.

12. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

13. The Planning Director shall maintain the records of all variances, including technical information, and shall report any variances to the Federal Insurance Administration upon request.
CHAPTER 79.0
PROVISIONS FOR FLOOD HAZARD REDUCTION

GENERAL STANDARDS

In all areas of special flood hazards, the standards contained in Chapter 79.0 shall be required.

SECTION 79.01 Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

SECTION 79.02 Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 79.03 Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 79.04 Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

SECTION 79.05 Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 78.04 (2), Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The developer shall obtain certification by a qualified professional (i.e., soil geologist, surveyor) that the development is reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 77.02, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 78.04 (2), USE OF OTHER BASE FLOOD DATA, the specific standards in the sections that follow shall be required.

SECTION 79.06 Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior
walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 79.07 Nonresidential Construction.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 78.04 (3) (b).

2. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 79.06 (2).

3. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
SECTION 79.08 Manufactured Homes.

All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 79.01 (2).

SECTION 79.09 Encroachments.

Where base flood elevations have been provided, but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

SECTION 79.10 Floodways

Located within areas of special flood hazard established in Section 77.02 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification in form of a technical study by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Replacement of existing manufactured homes in existing manufactured home parks shall be exempt from the requirement for a certification in the form of a technical study but shall be required to certify that the lowest floor of the manufactured home is at or above the level of the base flood elevation so long as size and location of the encroachment does not exceed the size of the existing encroachment at the same location.

2. If Section 79.10 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 79.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.
CHAPTER 80.0
COMPLIANCE AND NON-COMPLIANCE

SECTION 80.01 Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an offense. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 for a non-continuing offense and a fine of not more than $1000 for a continuing offense for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the governing body from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 80.02 Notification of Violations.

Upon determination of a potential violation, the Planning Director or his assistants shall notify the property owner by certified mail. Initial correspondence with the property owner shall:

1. Cite the alleged violation, the section of the Ordinance which may be violated, and the remedies which are available to correct the problem;

2. Be in written form and shall be composed in such a manner that no accusations are made;

3. Offer the assistance of the Planning Director or his assistants to work with the property owner to correct a problem. Such correspondence shall state all options available to the land owner and which options are most likely to meet with approval. Correspondence shall specify a period of time, either 15 or 30 days, to abate the potential violation. Any extension of time beyond this period shall, if deemed appropriate by the Planning Director, be granted in writing by the Planning Director or his assistants, with the signature of the property owner.
SECTION 80.04 Legal Action.

Upon determination that voluntary compliance cannot be obtained, the Planning Director shall submit all evidence and documentation of the alleged violation to the District Attorney's Office for prosecution or to the Board of County Commissioners for civil remedy.

SECTION 80.05 Other Remedies.

In addition to penalties provided by ORS 203.055, the Board of County Commissioners may utilize such remedies for violation of this Ordinance as are authorized by ORS 215.185.
SECTION 80.03 Compliance.

1. An investigation, if necessary, shall be conducted on the property by the Planning Director or his assistants with the company of the property owner. If the property owner refuses access to the property, the Director shall document the refusal and shall use other legal means of determining the existence of a potential violation;

2. If an alleged violation is not abated within the period authorized by the original notification, the Planning Director or his assistants shall attempt to document the violation with photographs and appropriate field notations. Departmental files shall contain a recording of the time, date and location of any photographs pertaining to the alleged violation, together with the names of any witnesses who in addition to the enforcement officer viewed the alleged violation;

3. Prior to submission of the alleged violation for legal remedy, the Planning Director or his assistants shall attempt to recontact the property owner, explain the standards of the Ordinance, and seek to obtain voluntary compliance with the law. If an extension of time is necessary, such extension shall be agreed to in writing and shall be limited to no more than 30 days, or a compliance schedule with intermediate program check-ups;

4. If a property owner does not respond to notifications of violation, the Planning Director shall prepare documentation of the alleged violation for submission for appropriate legal remedy. Prior to submission of the violation the director shall notify the property owner by certified letter or personal service. The notification shall contain the following:
   a. Citation of previous compliance requests, extensions of time, or commitments;
   b. Description of alleged violations and necessary corrective actions; and
   c. Indication of a time limit of 10 to 15 days to comply with the Ordinance and a statement that if the alleged violation is not corrected within the time limit, formal legal action will begin without further notice.

5. The Planning Director or his assistants shall continue to offer to meet with the property owner to discuss any alleged violations and to secure possible solutions other than court proceedings. Formal correspondence shall include a copy of the applicable sections of the County ordinance and copies of all previous correspondence and agreements related to the matter.
SECTION 80.04 Legal Action.

Upon determination that voluntary compliance cannot be obtained, the Planning Director shall submit all evidence and documentation of the alleged violation to the District Attorney's Office for prosecution or to the Board of County Commissioners for civil remedy.

SECTION 80.05 Other Remedies.

In addition to penalties provided by ORS 203.065, the Board of County Commissioners may utilize such remedies for violation of this Ordinance as are authorized by ORS 215.185.
SECTION 81.01 Reserved for Future Use.

SECTION 82.01 Reserved for Future Use.

SECTION 83.01 Effective Date.

First reading by the Board of County Commissioners is the 25th day of March, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 8th day of April, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures]

Bruce M. McGregor, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (3/30/87)

James H. Boldt, County Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO. 87-6

AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION MAP, ORDINANCE NO. 81-25

WHEREAS, the Board of County Commissioners adopted a Zoning Designation Map designating certain lands for certain uses, Ordinance No. 81-25; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interests of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the land would not be taxed by the change in the Zoning designation; and

WHEREAS, the applicant has met the burden of proof that the request meets the criteria for a change of zone as set forth in the implementation sections of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the request is reasonable and in the interest of the public and is consistent with the land use allocation policies of the County.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendment

The Zoning Map shall be amended to show a C-5 (Thoroughfare Commercial) designation for property described as 36-6-24-33, Tax Lot 1200.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 81-25 is hereby affirmed as originally adopted.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 8th day of April, 1987.

Ordinance No. 87-6
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 22nd day of April, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Harlen W. Perkins, Recording Secretary

APPROVED AS TO FORM: (4/24/87)

James H. Boldt, Legal Counsel

Ordinance No. 87-6
Page 2
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO 87-7

AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION MAP, ORDINANCE NO. 85-1 AND REPEALING ORDINANCE NO. S 86-11 AND 87-4.

WHEREAS, the Board of County Commissioners adopted a

Zoning Designation Map designating certain lands for certain

uses, Ordinance No. 85-1; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interests of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the properties would not be taxed by the change in the Zoning designations; and

WHEREAS, the applicants have met the burden of proof that the requests meet the criteria for a changes of zone as set forth in the implementation section of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the requests are reasonable and in the interest of the public and is consistent with the land use allocation policies of the County; and

WHEREAS, this change is necessary to correct a legal description that was in error on the original ordinance.

NOW, THEREFORE, the Board of County Commissioners for

Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendments

a. The Zoning Map shall be amended to show an RI (Rural Industrial) designation for property described as 36-5-14, Tax Lots 200, 201 and 202 and 36-5-15-4, Tax Lots 200 and 300.

b. The Zoning Map shall be amended to show an RR-2.5 (Rural Residential 2.5 acre minimum) designation for property described as Township 35, Range 6, Section 24-4, Tax Lot 5702.
SECTION 2: Repeal

Ordinances 86-11 and 87-4 are hereby repealed.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 8th day of April, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 6th day of May, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures of Board Members]

ATTEST:

[Signature]
Georgette Brown, County Clerk

[Signature]
Harold W. Darby
Recording Secretary

APPROVED AS TO FORM: (5/19/87)

[Signature]
James H. Boldt, Legal Counsel
April 15, 1987

Robert Hart, Planning Analyst
County Planning Department
510 NW Fourth Street
Grants Pass, OR 97526

Re: Certain Minor Changes in Zoning Ordinance
(Our Files: L-Z-I-R: 3-16-87 and L-Z-R-R: 2.5: 12-11-86)

Dear Bob:

Following my letter of April 1 last (to Bruce) you have, apparently, prepared two ordinances (Nos. 87-7 and 87-7-E) designed to make the minor corrections needed in ordinances 86-11 and 87-4.

I have not seen (proposed) ordinance 87-7. From our conversation of April 14 I gather that it has come up for a first reading (apparently on April 8) and is awaiting its second reading and final adoption in due course (this I assume would be April 22).

I received ordinance 87-7-E; at the time I received it it had already been signed by the Board (dated April 8, 1987) and also by the recording secretary for the Board. While ordinance 87-7-E is obviously designed to correct ordinances 86-11 and 87-4 by, among other things, repealing those ordinances, ordinance 87-7-E is not, in its present form, effective to do so. This is because, while repeal of the other two ordinances is mentioned in the title of 87-7-E, repeal of these ordinances is not mentioned in the actual text of the ordinance. This, therefore, should be done. This will need to be done in yet another ordinance, since ordinance 87-7-E has already been adopted by the Board; thus it too will need to be repealed. A good way to accomplish what is needed now is to prepare and adopt a new ordinance (emergency) which would be exactly like ordinance 87-7-E except that:

1) It would have, of course, a different number; and

2) There would be an additional section, number 2 (the present section 3 would be renumbered to section 3 and the present section 3 would be renumbered to section 4) which would read as follows:

"SECTION 2. REPEAL.

Ordinances 86-11, 87-4 and 87-7-E are repealed."
While I have not seen proposed ordinance 87-7, I am assuming for purposes of this letter that it is the same as ordinance 87-7-E except for the absence of the emergency clause and the reference to an emergency in the title. If this is correct, then a new section 2 (other sections would be renumbered appropriately) should be added to the present proposed ordinance, more or less as follows:

"SECTION 2. REPEAL.

Ordinances 86-11 and 87-4 are repealed."

If you can do this prior to the Board's final adoption of ordinance 87-7, this would save having to create another ordinance which amended it.

Sincerely,

[Signature]

JAMES H. BOLDT
Legal Counsel

/alm

cc: Board of County Commissioners
    Bruce Bartow, Planning Director
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-9-E

AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION MAP, ORDINANCE NO. 85-1 AND REPEALING ORDINANCE NO. S 86-11, 87-4 AND 87-7-E DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted a Zoning Designation Map designating certain lands for certain uses, Ordinance No. 85-1; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interests of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the properties would not be taxed by the change in the Zoning designations; and

WHEREAS, the applicants have met the burden of proof that the requests meet the criteria for a change of zone as set forth in the implementation section of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the requests are reasonable and in the interest of the public and is consistent with the land use allocation policies of the County; and

WHEREAS, this ordinance is necessary to correct a legal description that was in error on the original ordinance and to correct a technical error in the amending ordinance.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendments

a. The Zoning Map shall be amended to show an RI (Rural Industrial) designation for property described as 36-5-14, Tax Lots 200, 201 and 202 and 36-5-15-4, Tax Lots 200 and 300.

b. The Zoning Map shall be amended to show an RR-2.5 (Rural Residential 2.5 acre minimum) designation for property described as Township 35, Range 6, Section 24-4, Tax Lot 5702.
SECTION 2: Repeal

Ordinances 86-11, 87-4 and 87-7-E are hereby repealed.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted.

SECTION 4: Effective Date

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 13th day of May, 1987.

JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS

[Signatures]

Bruce M. McGregor, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen, Commissioner

ATTEST:

[Signatures]

Georgette Brown, County Clerk

[Signatures]

Recording Secretary

APPROVED AS TO FORM: (5/19/87)

James H. Boldt, Legal Counsel

Ordinance 87-9-E Page 2
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO 87-14-E

AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION MAP, ORDINANCE NO. 85-1 AND DECLARING AND EMERGENCY.

WHEREAS, the Board of County Commissioners adopted a Zoning Designation Map designating certain lands for certain uses, Ordinance No. 85-1; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interests of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the properties would not be taxed by the change in the Zoning designations; and

WHEREAS, the applicants have met the burden of proof that the requests meet the criteria for a change of zone as set forth in the implementation section of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the requests are reasonable and in the interest of the public and is consistent with the land use allocation policies of the County.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendments

a. The Zoning Map shall be amended to show an RI (Rural Industrial) designation for property described as 36-5-15-4, Tax Lot 100.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted.

SECTION 3: Effective Date

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 3rd day of June, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William P. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: 5-28-87

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-14

AN ORDINANCE AMENDING JOSEPHINE COUNTY ZONING DESIGNATION MAP, ORDINANCE NO. 85-1.

WHEREAS, the Board of County Commissioners adopted a Zoning Designation Map designating certain lands for certain uses, Ordinance No. 85-1; and

WHEREAS, the designations are based on existing uses, the desires of property owners and the best interests of the citizens; and

WHEREAS, it has been determined that the physical capabilities of the properties would not be taxed by the change in the Zoning designations; and

WHEREAS, the applicants have met the burden of proof that the requests meet the criteria for a change of zone as set forth in the implementation section of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners wished to honor the request, finding the requests are reasonable and in the interest of the public and is consistent with the land use allocation policies of the County.

NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: Zoning Map Amendments

a. The Zoning Map shall be amended to show an RI (Rural Industrial) designation for property described as 36-5-15-4, Tax Lot 100.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 is hereby affirmed as originally adopted.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 3rd day of June, 1987.
Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 17th day of June, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford - Absent
William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Harold W. Parker
Recording Secretary

APPROVED AS TO FORM: 5-28-87

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

ORDINANCE NO. 87-15-E

AN ORDINANCE AMENDING BY REFERENCE CHAPTERS, 1, 2 AND 5 OF THE
JOSEPHINE COUNTY SUBDIVISION ORDINANCE NO. 78-4 AS AMENDED;
AMENDING BY REFERENCE SECTION 128 OF THE URBAN AREA ZONING
ORDINANCE NO. 81-25 AS AMENDED; REPEALING ORDINANCE 83-20, 87-3
AND 87-3-E AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners adopted
Josephine County Ordinance 83-20 to provide reasonable
requirements for development within the Grants Pass Urbanizing
area; and

WHEREAS, it has come to the attention of the Board that
some requirements are causing practical difficulties for
development; and

WHEREAS, it is in the best interest of all the citizens
of Josephine County that development not be unduly restricted;
and

WHEREAS, said Ordinance 83-20 no longer meets the needs
of the citizens; and

WHEREAS, said Ordinances 78-4 and 81-25 need to be
amended as hereinafter set forth to best meet the needs of the
citizens; and

WHEREAS, certain necessary and desirable provisions of
said Ordinances have been revised and re-incorporated as
amendments to Josephine County Ordinances 78-4 and 81-25 as set
forth in Exhibits "A" and "B" attached hereto; and

WHEREAS, Ordinances 87-3 and 87-3-E were adopted to
implement the desired changes and were found to contain certain
technical discrepancies that bring into question the complete
implementation of the intent of the changes; and

WHEREAS, the immediate adoption of this Ordinance is
necessary to maintain continuity of the administration of the
intent of the original changes.

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

Ordinance 87-15-E
Page 1
SECTION 1: REPEALER

Josephine County Ordinance Numbers 83-20, 87-3-E and 87-3 are repealed.

SECTION 2: AMENDMENTS

Chapters 1, 2 and 5 of the Josephine County Subdivision Ordinance No. 78-4 are hereby amended as set forth in Exhibit "A", attached hereto and expressly made a part hereof.

SECTION 3: AMENDMENTS

Section 128 of the Urban Area Zoning Ordinance No. 81-25 is hereby amended as set forth in Exhibit "B" attached hereto and expressly made a part hereof.

SECTION 4: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinances 78-4 and 81-25 are hereby affirmed as originally adopted or thereafter amended.
SECTION 5: EFFECTIVE DATE

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 27th day of May, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures]

ATTEST:

[Signatures]

Georgette Brown, County Clerk

[Signatures]

Recording Secretary

APPROVED AS TO FORM: (6/9/87)

[Signatures]

James H. Boldt, Legal Counsel
EXHIBIT A

SUBDIVISION ORDINANCE REVISIONS

In Section 1.06, renumber definitions from number 44 through 52 to 45 through 53.

Add a new Section 1.06(44) to read as follows:

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

Delete Section 2.08 in its entirety.

Section 2.09 Urbanizing Area Levels of Division - Definitions.

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

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

Section 2.14 Urbanizing Area (Grants Pass) Levels of Service.

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

SEWAGE

Section 2.29 Sewage Disposal Improvements.

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

Section 2.30 Exceptions to Public Sanitary Sewer in Urbanizing Area (Grants Pass).

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

WATER SYSTEMS:

Section 2.31 Groundwater Source.

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

Section 2.32 Water Systems in Urbanizing Area (Grants Pass).

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

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

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

2. Exception to Public Water Supply System Requirement.

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

   a. The division proposes a total of three or less parcels.

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

   c. Any dwelling will be supplied with water from a well on the subject property.
d. The requirements of any Josephine County ordinance regarding groundwater quantity or quality have been met.

e. The division is not a part of a series partition.

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

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

Water systems for a series partition shall be a public water supply system designed and installed in accordance with Oregon State Health Division regulations.

5. Water System Design for Fire Flow Capabilities. All municipal water systems shall be designed to carry and produce fire flows required at full site development in accordance with the requirements of the City of Grants Pass. All public water distribution systems shall be designed to carry fire flows as required by City Ordinances.
Section 2.33 Water Systems in Other Urbanizing Areas.

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

STORM DRAINAGE:

Section 2.34 Storm Drainage Facilities.

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

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

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

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

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

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

AGRICULTURAL IRRIGATION:

Section 2.35 Irrigation.

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

AMEND SECTION 2.37 TO READ:

Section 2.37

Waiver of Remonstrance Regarding Public Facilities.

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

Add Section 5.06 to read:

Section 5.06 Guarantees to Construct Required Improvements

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

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

Basic elements of the agreement shall be as follows:

1. That Josephine County is named as the beneficiary.

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

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

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

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

Any such guarantee shall be reviewed administratively by County staff to ensure that the guarantee has been prepared in a proper form; however, final authority for approval rests with the Board of County Commissioners.
ZONING ORDINANCE AMENDMENTS FOR SECTION 128

Section 128.08 Service and Facilities Requirements.

Applicants for any development that requires a site review shall provide sanitary sewer systems, municipal or public water supply systems or demonstrate adequate groundwater, urban standard streets, storm drainage facilities, irrigation facilities and fire protection, as specified in this chapter. Unless specifically excepted by other applicable sections of this Ordinance, developers shall perform the actual construction of all on-site, adjacent off-site and off-site improvements, as required by the Site Plan Committee, necessary to provide for the health safety and welfare of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical to meet the standards established in the county's Master Facilities Plans.

Section 128.09 Transportation.

At a minimum, all applicants for development shall provide urban standard streets connecting directly to an existing publicly maintained street. Sections of existing streets not meeting urban standards which directly abut the property upon which a land development is located shall be reconstructed as necessary to handle increased traffic loads as projected to be generated by the project and shall be reconstructed to provide a functional transition to any connecting urban standard street. Dedication of right-of-way shall be required to meet urban street standards established in the Subdivision Ordinance and the Traffic Management Plan.

Section 128.10 Sewer Service.

All developments shall be provided with public sanitary sewer system connected to existing area-wide public systems. Exceptions to sanitary sewer service connection may be as follows:

1. Commercial or industrial developments (or other permitted structures) on such lots and parcels where the public sewer is not within 300 feet and where the daily sewage flow does not exceed 450 gallons per day under State Administrative Rules for on-site sewage disposal.
2. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.

Section 128.11 Water Systems Improvements.

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

2. Developers shall provide all developments requiring a site review with a municipal water system, or with a public water supply system as defined by the Oregon State Health Division, if such development is not within 300 feet of an adequate capacity municipal water line.

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

4. Water System Design. All water systems, municipal or public, or extensions to existing systems shall be designed to City standards and/or applicable State regulations regarding materials, workmanship and guarantee provisions of the City as deemed appropriate by the Site Plan Review Committee and shall be designed to connect to an area wide municipal water system at such time when it is available. Proposed municipal or public water systems shall be approved by the City Engineer and, where required, an authorized State representative, with costs of City review and City inspection to be borne by the developer.
5. Water System Design for Fire Flow Capabilities. All municipal water systems shall be designed to carry and produce fire flows required at full site development in accordance with the requirements of the City of Grants Pass. All public water distribution systems shall be designed to carry fire flows as required by City Ordinances.

SECTION 128.12 Storm Drainage

Developers shall construct all improvements required to properly handle the storm run off to be generated from the project. Such improvements shall connect directly to existing natural drainways, swales, creeks, irrigation canals or to a storm drain system and be consistent with the Master Storm Drainage Facilities Plan.

Section 128.13 Agricultural Irrigation.

Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system as it traverses the owners property or, as appropriate, public right-of-way abutting the owners property. The owner of the urban development shall either buy his development out of the District or provide each affected lot within the development with irrigation water, all in accordance with District requirements. Also, the owner or developer shall buy out of the District any publicly dedicated or deeded right-of-way.

Amend Section 128.17 to read as follows:

Section 128.17 Guarantees to Construct Required Improvements

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in Section 128.08 the Board of County Commissioners may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. Such a guarantee will be made in writing specifying the exact terms of the items to be completed.

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

Basic elements of the agreement shall be as follows:

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

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

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

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

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

Add Section 128.20 to read as follows:

Waiver of Remonstrance Regarding Public Facilities.

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

Add Section 128.21 to read as follows:

Compliance Required Prior To Issuance of Certificate of Completion Or Occupancy.

Prior to the issuance of any Certificate (as provided in the State Building Code) of Completion or Occupancy, conditions shall be completed or guaranteed as deemed appropriate by the Site Plan Review Committee utilizing the criteria contained in the appropriate sections of this ordinance.
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 87-15

AN ORDINANCE AMENDING BY REFERENCE CHAPTERS, 1, 2 AND 5 OF THE
JOSEPHINE COUNTY SUBDIVISION ORDINANCE NO 78-4 AS AMENDED;
AMENDING BY REFERENCE SECTION 128 OF THE URBAN AREA ZONING
ORDINANCE NO. 81-25 AS AMENDED; REPEALING ORDINANCE 83-20, 87-3
AND 87-3-E.

WHEREAS, the Board of County Commissioners adopted
Josephine County Ordinance 83-20 to provide reasonable
requirements for development within the Grants Pass Urbanizing
area; and

WHEREAS, it has come to the attention of the Board that
some requirements are causing practical difficulties for
development; and

WHEREAS, it is in the best interest of all the citizens
of Josephine County that development not be unduly restricted;
and

WHEREAS, said Ordinance 83-20 no longer meets the needs
of the citizens; and

WHEREAS, said Ordinances 78-4 and 81-25 need to be
amended as hereinafter set forth to best meet the needs of the
citizens; and

WHEREAS, certain necessary and desirable provisions of
said Ordinances have been revised and re-incorporated as
amendments to Josephine County Ordinances 78-4 and 81-25 as set
forth in Exhibits "A" and "B" attached hereto; and

WHEREAS, Ordinances 87-3 and 87-3-E were adopted to
implement the desired changes and were found to contain certain
technical discrepancies that bring into question the complete
implementation of the intent of the changes.

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

SECTION 1: REPEALER

Josephine County Ordinance Numbers 83-20, 87-3-E and
87-3 are repealed.
SECTION 2: AMENDMENTS

Chapters 1, 2 and 5 of the Josephine County Subdivision Ordinance No. 78-4 are hereby amended as set forth in Exhibit "A", attached hereto and expressly made a part hereof.

SECTION 3: AMENDMENTS

Section 128 of the Urban Area Zoning Ordinance No. 81-25 is hereby amended as set forth in Exhibit "B" attached hereto and expressly made a part hereof.

SECTION 4: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinances 78-4 and 81-25 are hereby affirmed as originally adopted or thereafter amended.

SECTION 5: EFFECTIVE DATE

First reading by the Board of County Commissioners this 27 day of May, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 10th day of June, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures]

Bruce B. McGeough, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen - Absent
Harold L. Haugen, Commissioner

ATTEST:

[Signature]
Georgette Brown, County Clerk

[Signature]
William W. Barlow, Recording Secretary

APPROVED AS TO FORM: (6/15/87)

[Signature]
James H. Boldt, Legal Counsel
EXHIBIT A

SUBDIVISION ORDINANCE REVISIONS

In Section 1.06, renumber definitions from number 44 through 52 to 45 through 53.

Add a new Section 1.06(44) to read as follows:

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

Delete Section 2.08 in its entirety.

Section 2.09 Urbanizing Area Levels of Division - Definitions.

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

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

Section 2.14 Urbanizing Area (Grants Pass) Levels of Service.

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

SEWAGE

Section 2.29 Sewage Disposal Improvements.

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

Section 2.30 Exceptions to Public Sanitary Sewer in Urbanizing Area (Grants Pass).

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

WATER SYSTEMS:

Section 2.31 Groundwater Source.

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

Section 2.32 Water Systems in Urbanizing Area (Grants Pass).

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

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

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

2. Exception to Public Water Supply System Requirement.

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

   a. The division proposes a total of three or less parcels.

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

   c. Any dwelling will be supplied with water from a well on the subject property.
d. The requirements of any Josephine County ordinance regarding groundwater quantity or quality have been met.

e. The division is not a part of a series partition.

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

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

Water systems for a series partition shall be a public water supply system designed and installed in accordance with Oregon State Health Division regulations.

5. Water System Design for Fire Flow Capabilities. All municipal water systems shall be designed to carry and produce fire flows required at full site development in accordance with the requirements of the City of Grants Pass. All public water distribution systems shall be designed to carry fire flows as required by City Ordinances.
Section 2.33 Water Systems in Other Urbanizing Areas.

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

STORM DRAINAGE:

Section 2.34 Storm Drainage Facilities.

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

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

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

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

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

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

AGRICULTURAL IRRIGATION:

Section 2.35 Irrigation.

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

AMEND SECTION 2.37 TO READ:

Section 2.37

Waiver of Remonstrance Regarding Public Facilities.

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

Add Section 5.06 to read:

Section 5.06 Guarantees to Construct Required Improvements

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

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

Basic elements of the agreement shall be as follows:

1. That Josephine County is named as the beneficiary.

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

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

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

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

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

ZONING ORDINANCE AMENDMENTS FOR SECTION 128

Section 128.08 Service and Facilities Requirements.

Applicants for any development that requires a site review shall provide sanitary sewer systems, municipal or public water supply systems or demonstrate adequate groundwater, urban standard streets, storm drainage facilities, irrigation facilities and fire protection, as specified in this chapter. Unless specifically excepted by other applicable sections of this Ordinance, developers shall perform the actual construction of all on-site, adjacent off-site and off-site improvements, as required by the Site Plan Committee, necessary to provide for the health safety and welfare of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical to meet the standards established in the county's Master Facilities Plans.

Section 128.09 Transportation.

At a minimum, all applicants for development shall provide urban standard streets connecting directly to an existing publicly maintained street. Sections of existing streets not meeting urban standards which directly abut the property upon which a land development is located shall be reconstructed as necessary to handle increased traffic loads as projected to be generated by the project and shall be reconstructed to provide a functional transition to any connecting urban standard street. Dedication of right-of-way shall be required to meet urban street standards established in the Subdivision Ordinance and the Traffic Management Plan.

Section 128.10 Sewer Service.

All developments shall be provided with public sanitary sewer system connected to existing area-wide public systems. Exceptions to sanitary sewer service connection may be as follows:

1. Commercial or industrial developments (or other permitted structures) on such lots and parcels where the public sewer is not within 300 feet and where the daily sewage flow does not exceed 450 gallons per day under State Administrative Rules for on-site sewage disposal.
2. An exemption is at the sole discretion of the Board of County Commissioners when the County Health Services Director certifies that the use can be accommodated under State Administrative Rules by an individual on-site sewage disposal system.

Section 128.11 Water Systems Improvements.

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

2. Developers shall provide all developments requiring a site review with a municipal water system, or with a public water supply system as defined by the Oregon State Health Division, if such development is not within 300 feet of an adequate capacity municipal water line.

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

4. Water System Design. All water systems, municipal or public, or extensions to existing systems shall be designed to City standards and/or applicable State regulations regarding materials, workmanship and guarantee provisions of the City as deemed appropriate by the Site Plan Review Committee and shall be designed to connect to an area wide municipal water system at such time when it is available. Proposed municipal or public water systems shall be approved by the City Engineer and, where required, an authorized State representative, with costs of City review and City inspection to be borne by the developer.
5. Water System Design for Fire Flow Capabilities. All municipal water systems shall be designed to carry and produce fire flows required at full site development in accordance with the requirements of the City of Grants Pass. All public water distribution systems shall be designed to carry fire flows as required by City Ordinances.

SECTION 128.12 Storm Drainage

Developers shall construct all improvements required to properly handle the storm runoff to be generated from the project. Such improvements shall connect directly to existing natural drainways, swales, creeks, irrigation canals or to a storm drain system and be consistent with the Master Storm Drainage Facilities Plan.

Section 128.13 Agricultural Irrigation

Where urban developments affect facilities of the Grants Pass Irrigation District, the owners of such developments shall be responsible for maintaining continuity of the District's system as it traverses the owners' property or, as appropriate, public right-of-way abutting the owners property. The owner of the urban development shall either buy his development out of the District or provide each affected lot within the development with irrigation water, all in accordance with District requirements. Also, the owner or developer shall buy out of the District any publicly dedicated or deeded right-of-way.

Amend Section 128.17 to read as follows:

Section 128.17 Guarantees to Construct Required Improvements

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in Section 128.08 the Board of County Commissioners may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. Such a guarantee will be made in writing specifying the exact terms of the items to be completed.

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

Basic elements of the agreement shall be as follows:

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

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

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

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

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

Add Section 128.20 to read as follows:

Waiver of Remonstrance Regarding Public Facilities.

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

Add Section 128.21 to read as follows:

Compliance Required Prior To Issuance of Certificate of Completion Or Occupancy.

Prior to the issuance of any Certificate (as provided in the State Building Code) of Completion or Occupancy, conditions shall be completed or guaranteed as deemed appropriate by the Site Plan Review Committee utilizing the criteria contained in the appropriate sections of this ordinance.
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-16-E

AMENDING THE JOSEPHINE COUNTY COMPREHENSIVE PLAN FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSORS MAP NO. 36-5-30-3, TAX LOT 500 AND FURTHER AMENDING THE ZONING DESIGNATION MAP, ORDINANCE 81-21 FOR THE URBAN AREA FROM R-1-8 TO C-3 FOR THE ABOVE IDENTIFIED PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, an application submitted by E. W. Morris for a Comprehensive Plan Change from low density residential to commercial and a zone change from R-1-8 to C-3 for property identified on Assessor's map no. 36-5-30-3, as Tax Lot 5,00 was submitted and duly accepted by Josephine County; and

WHEREAS, the Urban Area Planning Commission held a public hearing on said application on January 14, 1987, in accordance with the requirements of Josephine County and State law; and

WHEREAS, the Urban Area Planning Commission adopted findings of fact recommending approval of the requested comprehensive plan and zone change; and

WHEREAS, the Board of Commissioners held a public hearing on the subject request on May 6, 1987; and

WHEREAS, the Board of Commissioners found that the requested application for a Comprehensive Plan and Zone change request complies with the requirements of Josephine County and State law pertaining to such matters; and

WHEREAS, the Board of Commissioners adopted findings of fact consistent with the requirements of the land use hearing rules; and

WHEREAS, the immediate adoption of this ordinance is necessary to comply with the time limitations required by the State of Oregon.

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

SECTION 1: Comprehensive Plan Amendment

The Comprehensive Plan Designation for property identified on Assessor's Map no. 36-5-30-3, as Tax Lot 500 is hereby amended from the existing low-density residential to commercial.
SECTION 2:  Zoning Amendment

The zoning on property identified on Assessor's Map no. 36-5-30-3, as Tax Lot 500, hereby amended from R-1-8 to C-3.

SECTION 3:  Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 81-21 is hereby affirmed as originally adopted.

SECTION 4:  Effective Date

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 10th day of June, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce B. McGregor, Chairman

William P. Ford, Vice Chairman

Harold L. Haugen - Absent
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: 6-3-87

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO 87-16

AMENDING THE JOSEPHINE COUNTY COMPREHENSIVE PLAN FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY IDENTIFIED AS ASSESSORS MAP NO. 36-5-30-3, TAX LOT 500 AND FURTHER AMENDING THE ZONING DESIGNATION MAP, ORDINANCE 81-21 FOR THE URBAN AREA FROM R-1-8 TO C-3 FOR THE ABOVE IDENTIFIED PROPERTY.

WHEREAS, an application submitted by E. W. Morris for a Comprehensive Plan Change from low density residential to commercial and a zone change from R-1-8 to C-3 for property identified on Assessor's map no. 36-5-30-3, as Tax Lot 5,00 was submitted and duly accepted by Josephine County; and

WHEREAS, the Urban Area Planning Commission held a public hearing on said application on January 14, 1987, in accordance with the requirements of Josephine County and State law; and

WHEREAS, the Urban Area Planning Commission adopted findings of fact recommending approval of the requested comprehensive plan and zone change; and

WHEREAS, The Board of Commissioners held a public hearing on the subject request on May 6, 1987; and

WHEREAS, the Board of Commissioners found that the requested application for a Comprehensive Plan and Zone change request complies with the requirements of Josephine County and State law pertaining to such matters; and

WHEREAS, the Board of Commissioners adopted findings of fact consistent with the requirements of the land use hearing rules; and

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

SECTION 1: Comprehensive Plan Amendment

The Comprehensive Plan Designation for property identified on Assessor's Map no. 36-5-30-3, as Tax Lot 500 is hereby amended from the existing low-density residential to commercial.

SECTION 2: Zoning Amendment
The zoning on property identified on Assessor's Map no. 36-5-30-3, as Tax Lot 500, hereby amended from R-1-8 to C-3.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 81-21 is hereby affirmed as originally adopted.

SECTION 4: Effective Date

First reading by the Board of County Commissioners this 10th day of June, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 24th day of June, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Harlene W. Durkin, Recording Secretary

APPROVED AS TO FORM: 6-3-87

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-20

AMENDING THE URBAN AREA COMPREHENSIVE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL FOR PROPERTY IDENTIFIED ON ASSESSORS MAP NO. 36-5-19-33, TAX LOT 300 AND FURTHER AMENDING THE ZONING DESIGNATION MAP, ORDINANCE 81-21 FOR THE URBAN AREA FROM R-3 TO R-1-6 FOR THE ABOVE IDENTIFIED PROPERTY.

WHEREAS, an application submitted by Faszer Brothers and Sons for approval of a Tentative Plan for a subdivision to create lots for single-family dwellings with access through an existing, developed single-family area; and

WHEREAS, the Urban Area Planning commission held a public hearing on said application on April 9, 1985 in accordance with the requirements of Josephine County and State law; and

WHEREAS, the Urban Area Planning Commission required that in consideration of approval of a subdivision, the Comprehensive Plan and Zoning Designation be changed to correspond with the proposed use and density; and

WHEREAS, the Board of County Commissioners held a public hearing on the subject request on June 24, 1987; and

WHEREAS, the Board of Commissioners found that the requested application for a subdivision had met all requirements of applicable State and local regulations; and

WHEREAS, the Board of County Commissioners adopted findings of fact consistent with the requirements of the land use hearing rules; and

WHEREAS, the owner has consented to abide by all the conditions of approval of the subdivision to include the rezoning of the property and the change in the Comprehensive Plan.

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

SECTION 1: Comprehensive Plan Amendment

The Comprehensive Plan designation for property identified on Assessor's Map No. 36-5-19-33 as Tax Lot 300 is hereby amended from the existing medium density residential to low density residential.
SECTION 2: Zoning Amendment

The zoning on property identified on Assessor's Map No. 36-5-19-33 as Tax Lot 300 is hereby amended from R-3 to R-1-6.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 81-21 is hereby affirmed as originally adopted.

SECTION 4: First reading by the Board of county Commissioners this 8th day of July, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days form the first reading this 22nd day of July, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce H. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: 8-6-87

James A. Soltis, 1st Council
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-21-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY, OREGON (ORDINANCE 81-11), FROM RURAL RESIDENTIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY, OREGON (ORDINANCE 85-1), FROM RR-2.5 TO RI FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP NO. 37-7-9-3, TAX LOT 1800 AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on April 8, 1987 to consider the above referenced comprehensive plan and zone change requests; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and further recommended to the Board of Commissioners that the requested changes be made; and

WHEREAS, the Board of Commissioners adopted findings which stated that the above request met the requirements of the Josephine County and State law pertaining to such matters; and

WHEREAS, the immediate passage of this Ordinance is necessary to meet time limits required by the State of Oregon.

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

SECTION 1: Comprehensive Plan

The Josephine County Comprehensive Plan is hereby amended from Rural Residential to Industrial for property identified as Assessor's Map No. 37-7-9-3, Tax Lot 1800.

SECTION 2: Zone Change

Josephine County Zoning Map is hereby amended from RR-2.5 to RI for property identified as Assessor's Map 37-7-9-3, Tax Lot 1800.
SECTION 3: Affirmation

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

SECTION 4: Effective Date

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

Passed by the Josephine County Board of Commissioners and signed by us in open session in authentication of its passage this 15th day of July, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM; (7-22-87)

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO 87-21

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY, OREGON (ORDINANCE 81-11), FROM RURAL RESIDENTIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY, OREGON (ORDINANCE 85-1), FROM RR-2.5 TO RI FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP NO. 37-7-9-3, TAX LOT 1800.

WHEREAS, the Board of County Commissioners held a public hearing on April 8, 1987 to consider the above referenced comprehensive plan and zone change requests; and

WHEREAS, the Josephine County Planning Commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change request, and further recommended to the Board of Commissioners that the requested changes be made; and

WHEREAS, the Board of Commissioners adopted findings which stated that the above request met the requirements of the Josephine County and State law pertaining to such matters.

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

SECTION 1: Comprehensive Plan

The Josephine County Comprehensive Plan is hereby amended from Rural Residential to Industrial for property identified as Assessors' Map No. 37-7-9-3, Tax Lot 1800.

SECTION 2: Zone Change

Josephine County Zoning Map is hereby amended from RR-2.5 to RI for property identified as Assessors' Map 37-7-9-3, Tax Lot 1800.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted.
SECTION 4: Effective Date

First reading by the Board of County Commissioners this ___15th__ day of ___July____, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this ___29th__ day of ___July____, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

Willard Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM; (8/6/87)

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

ORDINANCE NO. 87-22

AN ORDINANCE AMENDING THE ZONING MAP OF JOSEPHINE COUNTY OREGON (ORDINANCE NO. 85-1), FROM RR-5 TO RR-2.5 FOR A 7.28 ACRE PARCEL OF PROPERTY LOCATED AT 176 HOFFMAN WAY AND MORE PRECISELY IDENTIFIED AS ASSESSOR'S MAP NO. 35-6-30-23, TAX LOT 600.

WHEREAS, the Board of County Commissioners held a public hearing on June 10, 1987, to consider the recommendation of the Planning Commission regarding the above referenced zone change request; and

WHEREAS, the Planning Commission for Josephine County, Oregon, recommended a zone change from RR-5 to RR-2.5 for the subject property; and

WHEREAS, the Board of Commissioners adopted findings which demonstrated compliance with the requirements of the Josephine County and State laws; and

WHEREAS, the subject property is capable of supporting an increase in intensity of use and that no adverse impact would result from the zone change request.

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

SECTION 1: Zone Change

Josephine County Zoning Map is hereby amended from RR-5 to RR-2.5 for a parcel of property identified as Assessor's Map No. 35-5-30-23, Tax Lot 600.

SECTION 2: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 85-1 are hereby affirmed as originally adopted.

SECTION 3: Effective Date

First reading by the Board of County Commissioners this 15th day of July, 1987

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the
first reading this 29th day of July, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen, Commissioner

ATTEST:

Georgette Brown, County Clerk
Supreme Lynch
Recording Secretary

APPROVED AS TO FORM: (8/6/87)

James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO. 87-23

AN ORDINANCE RELATING TO LAND USE, AMENDING THE JOSEPHINE COUNTY
COMPREHENSIVE PLAN (ORDINANCE 81-11) AND THE JOSEPHINE COUNTY
RURAL ZONING ORDINANCE NO. 85-1, TO ADD, DELETE AND MODIFY
PROVISIONS RELATING TO THE FARM USE AND EXCLUSIVE FARM ZONING
DISTRICTS, TOGETHER WITH AMENDMENTS TO ADMINISTRATIVE FUNCTIONS,
FIRE HAZARD REQUIREMENTS, MASS GATHERINGS, INDUSTRIAL ZONE USES,
HOME OCCUPATIONS, DESTINATION RESORTS AND MISCELLANEOUS ERRATA.

WHEREAS, certain provisions within the agricultural zoning
districts of the above referenced ordinance have been reviewed by
the Oregon Department of Revenue, and have been found to be in
conflict with the governing provisions in the Oregon Revised
Statutes; and

WHEREAS, such conflicts have caused lands in Josephine
County within the agricultural zoning districts to cease in
qualifying for Special Assessment under ORS 308.370(1); and

WHEREAS, the Board of County Commissioners for Josephine
County have been notified of such conflicts by the Josephine
County Assessor pursuant to ORS 308.403(2); and

WHEREAS, provisions in the Oregon Revised Statutes further
require that the governing body of the County shall upon receipt
of such notice qualify the zone within the meaning of ORS
378.370(1); and

WHEREAS, certain administrative functions need modification
to provide efficient ordinance administration; and

WHEREAS, certain other miscellaneous errors in the printing
or writing of the ordinance exist which need correction; and

WHEREAS, adjustments are needed to provide for public
health, safety and welfare in regard to fire hazards; and

WHEREAS, it is in the public's interest to provide for a
certain level of review for gatherings within Josephine County to
protect public health, safety and welfare; and

WHEREAS, the Home Occupation provisions do not allow the
level of use as set forth in the Oregon Revised Statutes and the
County desires to be consistent with State Statutes; and

WHEREAS, the Destination Resort regulations have been
amended by the State to provide more flexibility and the County
desires to take advantage of the new regulations.
NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

a. Amend the Comprehensive Plan (Ordinance 81-11), Goal 5, Policy 6 by adding the following:

For purposes of siting Destination Resorts, areas zoned as Woodlot Resource and Farm Resource are designated as Secondary Lands.

b. Amend the Comprehensive Plan (Ordinance 81-11), Goal 10, Policy 1(G) to read as follows:

Industrial (I) Lands for industrial development that range from resource dependent industrial sites to limited areas of light industrial uses recognizing historic land use patterns and existing industrial uses. This designation shall be implemented through the following zones:

1. Light Industrial - An area intended for industrial uses that has minimal impact on adjoining land uses or public facilities. This zone shall be limited to apply only to existing areas being developed or to an area that is needed for industrial use when it can be demonstrated that the use cannot be located in an urban area.

2. Rural Industrial - Areas for industrial use that are located in close proximity to the natural resources on which they rely for raw materials. These uses shall not require full urban services and linkage shall be established to demonstrate that the location is appropriate and necessary for resource utilization.

SECTION 2: GENERAL PROVISIONS

a. Amend Section 1.006(6) in the second full paragraph, first line, by deleting the word "processing".

b. Amend Section 1.006(28) to read as follows:

Building, Agricultural A structure whose use shall be primarily for the storage of farm implements, crops, feed or similar farm products, or to provide shelter for livestock, poultry or fowl.

c. Amend Section 1.006(78) by deleting the word "wholesale" found in the second line.
d. Amend Section 1.006 to add 113 to read as follows and renumber the subsequent subsections accordingly:

Mass Gathering. A gathering of 100 or more persons that is usually of a temporary non-continuing nature and is for a profit or to raise funds for a purpose. Family reunions, church socials, similar activities or activities in public parks are not intended to be included in this definition.

e. Amend Section 1.080 by changing:

Industrial Park  IP to read
Light Industrial  LI

SECTION 3: FOREST COMMERCIAL DISTRICT

a. Amend Section 3.025 by deleting the following subsections:

3.025(2), (4), (5) and (8); and renumber the remaining subsections accordingly.

b. Amend Section 3.030(5)(e) to read as follows;

Demonstration that the residence will be situated upon a lot or parcel with a composite internal rate of return (CIRR) for forest management of 3.49 or less.

c. Amend Section 3.030 by adding the following:

6. Public facilities such as water storage reservoirs restricted to 1000 acre feet for resource use, pumping or treatment facilities.

7. Private campgrounds and recreational vehicle parks open to public use, limited to a maximum developed area of ten acres, subject to Sections 14.102 and 14.103.

8. Lodges and conference grounds limited to a maximum developed area of ten acres, subject to Section 14.104.

9. Offices and Administrative compounds associated with forest management activities as permitted within this District provided they are located on lands generally unsuitable for forestry use.


SECTION 4: WOODLOT RESOURCE DISTRICT

a. Amend Section 4.025 by deleting the following Subsections:

4.025(1)(2)(4) and (5) and renumbering the remaining subsections accordingly.
b. Amend Section 4.025(2) to read as follows:

Public or private schools with more than 30 students.

c. Amend Section 4.030 by adding the following:

7. Campgrounds and recreational vehicle parks open to the public use, subject to Sections 14.102 and 14.103.

8. Lodges, conference grounds, membership-owned recreation areas, and related service facilities when part of the overall project, subject to Section 14.104.

9. Offices and administrative compounds associated with forest management activities as permitted within this District.

10. Public or private schools with 30 or less students.

11. Archery, pistol, and rifle target ranges conditioned upon, but not limited to, demonstration that the range will not create excessive off-site noise or hazards to adjoining properties.


d. Amend Section 4.040(1)(b) by deleting the words occurring in the third line, which read: "... other provisions of this section ...", and inserting after the language "... unless approved in conformance with ...", the following words:

... subsection (d) of this section.

e. Amend Section 4.040(1)(c) by deleting the word "and" occurring in the fifth line, following the reference to "Section 4.030(6)".

f. Further amend Section 4.040(1)(c) by inserting a "," after the reference to "Section 4.030(6)", and by inserting the following language at the end the same sentence:

... and is zoned for a 20 acre minimum size.

SECTION 5: SERPENTINE DISTRICT

a. Amend Section 5.020 by deleting the following and renumber subsequent subsections accordingly:

11. Home Occupations

b. Amend Section 5.030 by adding the following:

5. Mass gathering
6. Home Occupations subject to the provisions in Section 14.100.

SECTION 6: EXCLUSIVE FARM DISTRICT

a. Amend Section 6.020(2) to read as follows:
   The propagation or harvesting of a forest product.

b. Repeal Section 6.020(7).

c. Amend Section 6.020(8) to read as follows:
   Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building subject to the provisions of Section 14.108.

d. Amend Sections 6.020(8) and (9) by renumbering the sections 6.020(7) and (8), respectively.

e. Amend Section 6.020 by adding Section 6.020(9) to read as follows;
   9. Boarding of horses for profit

f. Amend Section 6.025 by deleting the following Subsections:
   6.025(1)(3)(9) and (10) and renumbering the remaining subsections accordingly.

g. Amend Section 6.025(2) to read as follows:
   Public or private school with more than 30 students.

h. Amend Section 6.030 by adding the following:

5. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
6. Commercial activities that are in conjunction with farm uses.

7. Parks, playgrounds, hunting and fishing preserves, community centers and campgrounds, conditioned upon, but not limited to, submission of a conceptual plan for site development, subject to Section 14.102.

8. Public or private schools with 30 or less students.

i. Amend Section 6.030(4) by adding the following:

   e. The lot or parcel has been disqualified for valuation for farm use under ORS 308.370 pursuant to the requirement of ORS 215.236.

j. Amend Section 6.040(1)(d)(iii) by deleting the word "uses" at the end of the second line.

k. Amend Section 6.040(4)(b) to read as follows:

   There shall be a side yard on each side of each building which shall have a width of at least 30 feet and a rear yard of at least 30 feet in depth.

SECTION 7: FARM RESOURCE DISTRICT

a. Amend Section 7.020(2) to read as follows:

   The propagation or harvesting of a forest product.

b. Amend 7.020(3)(a) by changing "Section 6.040" to read "Section 7.040".

c. Amend Section 7.020(4) to read as follows:

   Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building subject to the provisions of Section 14.108.1 use .

   .

   d. Repeal Sections 7.020(6) and (8); and renumber the remaining subsections accordingly.

   e. Amend Section 7.025 by deleting the following Subsections:

   7.025(1)(2)(5)(10) and (11); and renumbering the remaining subsections accordingly.

   f. Amend Section 7.025(5) to read as follows:

   Public or private schools with more than 30 students.
g. Amend Section 7.030 by adding the following:

5. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

6. Commercial activities that are in conjunction with farm uses.

7. Parks, playgrounds, hunting and fishing preserves, community centers and campgrounds, conditioned upon, but not limited to, submission of a conceptual plan for site development, subject to Section 14.102.

8. Public or private schools with 30 or less students.

9. The boarding of horses for profit.

10. Dwellings on existing lots smaller than the minimum lot size provided that the dwelling is in conjunction with a commercial farm operation and the lot is appropriate for an intensive commercial farm operation which is of a size similar to the size of other existing intensive commercial agricultural operations in the County (e.g. nurseries, viticulture, orchards, and other similar commercial agricultural activities) and is appropriate for the continuation of the existing commercial enterprises within the area.

The structures shall be located on the least suitable portion of the property for farm use. In addition to the above requirements, a disclosure statement shall be signed and recorded with the County that the landowner recognizes the statement on management practices contained in Section 7.012.

h. Amend Section 7.040(1)(c)(iii) by deleting the word "uses" in the third line.

SECTION 8: RURAL RESIDENTIAL DISTRICT
a. Amend Section 8.020(1) to read as follows:

Agriculture, farming and farm use as defined in Section 1.006, subject to the standards provided in Section 8.026, and also subject to the further limitations that all products must be produced on the property and commercial feed lots are prohibited.

b. Amend Section 8.020 by deleting the following and renumber subsequent subsections accordingly:

7. Home Occupations, subject to Section 14.100

c. Amend 8.025(6) to read as follows:

Rodeo grounds and golf courses. See Section 14.103

d. Amend 8.025(7) to read as follows:

Campgrounds subject to Section 14.102.

e. Amend 8.025(12) to read as follows:

Public or private schools with over 30 students.

e. Amend Section 8.030 by adding the following:

7. Parks, playgrounds and community centers.

8. Public or private schools with 30 or less students.

9. Mass gathering

10. Home Occupations, subject to Section 14.100.

SECTION 9: RURAL COMMERCIAL DISTRICT

a. Amend Section 9.020 by adding the following:

28. Print shop, including off-set, blueprinting and bindery.

29. Coin laundry.

30. Veterinary Clinic

31. Tavern

32. Mini-warehouse.

33. Medical or dental clinic.

34. Professional office.
35. Automobile repair.

b. Amend the Chapter by deleting Section 9.025 in its entirety

SECTION 10: TOURIST COMMERCIAL DISTRICT

a. Amend Section 10.020(3) by adding the following:
   s. Church
   t. Bank.
   u. Health Spa.

b. Amend Section 10.020(4) by adding the following:
   p. Athletic club, club house.
   q. Wildlife park.

c. Amend Section 10.025 by deleting the following:

   Section 10.025(1)(2)(4)(5)(6)(7)(9) and (10); and
   renumbering the remaining subsections accordingly.

SECTION 11: RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

a. Amend Section 11.020(e) by adding the following:
   55. Fuel depot and sales.
   56. Hotels and motels.
   57. Recreational vehicle park.

b. Amend Section 11.025 by deleting the following:
   11.025(1),(2),(3),(4) and (6); and
   renumbering the remaining subsections accordingly.

c. Amend the section heading "SECTION 11.030 Dimensional Standards." to read the reference number "11.030" and by inserting in its place the reference number "11.040."

SECTION 12: RURAL INDUSTRIAL

a. Amend Section 12.020 by adding the following:
   31. Fuel distribution facility.
   32. Processing or packaging of products including breweries, distilleries, slaughter houses, and canneries.
   33. Smelting.
34. Commercial power generating facilities, providing hydroelectric and transmission facilities comply with Section 14.101.

35. Automobile wrecking yard. See definition, Section 1.006.

b. Amend the Chapter by deleting Section 12.025 in its entirety.

SECTION 13: INDUSTRIAL PARK

a. Amend Section 13.010 to read as follows:

Purpose of the Light Industrial District

This district is intended to provide a classification for lands appropriate for light manufacturing, research or development in a rural setting without the need for full urban services.

b. Amend Section 13.011 to read as follows:

The Light Industrial District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Light Industrial classification. These Regulations shall not apply to a building or structure, or to a use of property, which does not conform to these regulations and which lawfully existed at the time of adoption of this Ordinance, pursuant to the Standards of Sections 15.204 and 5.212 of this Ordinance.

Structures hereafter erected, altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 15.200.

c. Amend Section 13.020 to read as follows:

SECTION 13.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality Rules governing sewage disposal, air, and water quality.

1. Administrative, educational and other related activities and facilities in conjunction with a permitted use.

2. Ambulance service.

3. Truck sales, service, repair and rental.
4. Automobile and truck service stations.
5. Cold storage plants including storage and office.
6. Equipment sales, service, rental and repair.
7. Fuel oil distributors.
9. Public uses and buildings and public utility structures and yards.
10. Scientific research or experimental development of materials, methods or products including engineering and laboratory research.
11. Service commercial uses such as restaurants, cafes, lounges, and refreshment stands.
12. Veterinary clinic and hospitals operated entirely within an enclosed building.
13. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welding.
14. Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, precious or semi-precious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planing mills and molding plants), yarns and paint not employing a boiling process.
15. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as sauerkraut, vinegar and yeast.
16. Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drugs, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.
17. Processing uses such as bottling plants, creameries, laboratories, blue-printing and photocopying, laundries, carpet and rug cleaning plants, cleaning and
dyeing plants, tire retreading, recapping and rebuilding.

18. Storage or sale yard for building materials, contractors equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.

19. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones.

20. Manufacturing of electric, electronic, or optical instruments or devices.

21. Manufacturing of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment.

22. Manufacturing of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

23. Warehousing and storage including mini warehouses.

24. Commercial parking lots.

25. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted. Retail sales of items manufactured or assembled on the premises shall be considered an accessory use.


27. Other similar uses which the Director may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district subject to Section 15.227.

28. Residence for security personnel, i.e. caretaker, night watchman limited to one manufactured housing unit.

29. Signs, subject to Section 14.114 and 14.114(2)(g).

30. Airports and related uses, including hanger and maintenance facilities.

d. Amend Section 13.040 (2)(c) to read as follows;

c. Front Yard. A front yard of 10 feet shall be provided.
SECTION 14: SUPPLEMENTARY PROVISIONS

a. Amend Section 14.100 to read as follows:

SECTION 14.100 Home Occupations

All home occupations in addition to the requirements for an administrative permit shall comply with all the following provisions.

1. Notification to adjoining property owners shall be required for home occupations that: may produce detectable odors, have significant visual or sound impacts, involve on premises clients, customers or deliveries. Home Occupations not exhibiting these impacts may be approved ministerially by the Planning Director.

2. A home occupation shall be conducted by the resident(s) of the property on which the business is located. No more than one person other than the resident(s) occupying such dwelling shall be employed full or part time to assist the resident.

3. The home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation, or in an accessory building which is normally associated with uses permitted in the zoning classification of the property. The occupation shall not be operated outside of a building.

4. No alteration of any buildings shall be made which changes the character of such buildings so as to make them unusable or incompatible with any uses normally permitted in the zoning classification of the property.

5. The business shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Public involvement with the home occupation shall not occur after 8:00 p.m. or before 8:00 a.m.

6. The home occupation shall not give the outward appearance of a business. Outside storage or materials shall be screened to the extent that they are not visible from a public right-of-way and from adjacent residences.

7. Equipment used in the home occupation shall not interfere either visibly or audibly with reception of communication or video equipment used by adjoining neighbors or cause substantial fluctuations in the line voltage outside of the home occupation. No outside parking or storage of more than two pieces of heavy equipment (more than 12,500 pounds G.W.) shall be permitted.)
8. The size of accessory structures must comply with Section 14.108. Any request for a structure that exceeds the ministerial approval authority of Section 14.108 shall be reviewed at a public hearing subject to the procedure and criteria contained in Sections 15.213 through 15.215.

9. One non-illuminated identification sign not exceeding six square feet is permitted.

10. The Planning Director may attach conditions to the issuance of a permit in order to mitigate adverse impacts or to maintain the character of the neighborhood.

11. All home occupation permits shall be reviewed annually. If occupations fail to maintain the standards of the ordinance, the permit may be revoked.

12. The home occupation shall be secondary and incidental to the residential use of the property.

The existence of a home occupation shall not be used as justification for a zone change.

b. Amend Section 14.115 to read as follows:

SECTION 14.115 Parking.

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this Ordinance unless greater requirements are otherwise established. Off street parking shall not occur in any right-of-way required by ordinance. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this regulation.

c. Amend Section 14.132 to read as follows:

SECTION 14.132 Landscaping.

a. Purpose. The purpose of this provision is to conserve and enhance the appearance of the community along streets serving as major thoroughfares to the Grants Pass Urban Growth Boundary area, the Cave Junction Urban Growth Boundary area, and the rural convenience centers as entrances to communities, or on streets serving as major carriers of commercial, light industrial, and high density residential traffic. These streets are the entrances to the urbanizing areas and rural convenience centers for the traveling public and the most frequently used streets in the community
b. Landscaping shall be provided in the front setback area of all uses in applicable districts. In addition, landscaping shall be provided on perimeter of any lot used for a public parking lot of more than 5 vehicles, separating the lot from any public roadway. Such areas shall consist of suitable ground cover or shall be fully landscaped with lawn, trees, shrubs, and no portion except the access drives shall be paved.

c. Front Yard Setback. Landscaping shall be provided in the front yard setback areas of all uses requiring Site Plan approval that border public roads or streets. Such front yard setbacks shall be in addition to minimum street right-of-way described in the Josephine County Roadway and Traffic Management Plan.

d. Use of Public Right-of-Way. Property owners have the option under special consideration to landscape the existing public right-of-way or right-of-way proposed to be dedicated in lieu of the required landscape strip or yard. In order to do this, they must first obtain approval of the Site Plan Committee and written approval from the agency of jurisdiction over the public right-of-way and must sign an agreement to relocate all landscaping onto the developed property frontage, if the public right-of-way is withdrawn from landscape use by the agency or jurisdiction.

d. Amend Section 14.133(2) to read as follows:

A fuel break to eliminate flammable vegetation capable of carrying ground fire shall be required around new home construction or placements of mobile homes in all rural zones. Such fuel break shall have a radius of 50 feet unless the area extends onto an adjoining lot or parcel where the fuel break may terminate at the property line. Trees, lawn, low growing ground cover, etc., are permitted within this fuel break.

e. Amend Section 14.133(3) to read as followings:

Adequate access shall be provided to houses constructed or the placement of mobile homes after January 1, 1988. A structure or fill and culvert shall be provided to cross a live stream, ravine, irrigation ditch or similar topographic feature in order to provide access to emergency vehicles. While the responsibility to provide adequate access rests with the property owner, the Planning Director may require certification from a registered engineer that the structure or fill and culvert has been constructed to support emergency vehicles.

f. Amend Section 14.133 by adding the following:
5. Adequate horizontal and vertical clearance shall be maintained to permit emergency vehicles access to the dwelling.

g. Amend Section 14.136(f) by changing "Section 3.075" to "Section 14.130."

h. Amend Section 14.141(1) to add the following:

E. In lieu of the standards in subsections (A), (C) and (D) of this section, the standards set forth in subsection F of this section apply to a Destination Resort:

1. On land that is not defined as agricultural or forest land under any Statewide Planning Goal;

2. On land where there has been an exception to any Statewide Planning goal on agricultural lands, forest lands, public facilities and services an urbanization; or


F. The following standards apply to lands identified in subsection E of this section:

1. The resort shall be located on a site of 20 acres or more.

2. At least $1 million, in 1984 dollars, shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than 1/3 of this amount shall be spent on developed recreational facilities.

3. At least 25 units, but not more than 75 units, of overnight lodging shall be provided.

4. Restaurants and meeting rooms with at least one seat for each unit of overnight lodging shall be provided.

5. Residential uses shall be limited to those necessary for the staff and management of the resort.

6. The primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.
7. The resort shall be constructed and located so that it is not designed to attract highway traffic. Resorts shall not use any manner of outdoor advertising signing except:

a. Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and

b. On-site identification and directional signs.

i. Amend Section 14.141(2)(A) to read as follows:

A. Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more;

j. Amend Section 14.141(2)(B) to read as follows:

On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service; or within 3 miles of farm land in a High Value Crop Area pursuant to OAR 663-15-003(8) unless the resort complies with the requirements of subsection F of Section 14.141(1) in which case the resort shall not be closer to a High Value Crop Area than 1/2 mile for each 25 units of overnight lodging or fraction thereof.

k. Amend Section 14.141(2)(D) to read as follows:

In a site designated for protection in an acknowledged Comprehensive Plan pursuant to an open spaces, scenic and historic areas and natural resources goal in an acknowledged Comprehensive Plan in spite of conflicting uses.

l. Amend Section 14.141(5)(A)(2) to read as follows:

That the development provide community sewer and water on site and limited to meet only the needs of the development, or the development is serviced from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development.

m. Amend Section 14.142(4)(A)(2) to read as follows:

That the development provide community sewer and water on site and limited to meet only the needs of the development, or the development is serviced from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development.

n. Amend Chapter 14 by adding Section 14.143 as follows:

SECTION 14.143 House Numbers
n. Amend Chapter 14 by adding Section 14.143 as follows:

SECTION 14.143 House Numbers

House Numbers shall be posted on lots in a manner to clearly direct emergency equipment to the location of the dwelling.

SECTION 15: ADMINISTRATION

a. Amend Section 15.200(1) by adding after the word "ordinance" at the end of the third sentence, the words:...

   ...and the Comprehensive Plan.

b. Amend Section 15.204, by changing the first line of the first paragraph to read as follows:

   The following provisions do not apply to one or more residences lawfully constructed on a parcel of land at the time of the passage of this Ordinance.

c. Amend Section 15.213(2)(f) to read as follows:

   That a disclosure statement is signed and recorded with the County which recognizes that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

d. Amend Section 15.216, by changing the first line of the first paragraph to read as follows:

   Prior to the issuance of a development permit for any use other than single-family or two-family residential, the Planning Director or his assistants shall review the proposed site development for compliance with the standards of this Ordinance and any other County Ordinances or policies.

e. Amend Section 15.216(2) by adding the following:

   ...New structures, additions to existing structures and changes in use deemed to have significant impact for the purposes of this Section.

f. Amend the first paragraph of Section 15.218 by adding after the words "standards of this ordinance" the words:

   ...and the Comprehensive Plan.

g. Amend Section 15.218(6) to read as follows:

6. Location of existing and proposed roadway improvements including existing right-of-way and any additional right-of-way as required by the Josephine County Roadway and Traffic Management Plan, points of entry
and exit for motor vehicles, other uses of the streets, such as parking, bike or pedestrian routes.

h. Amend Section 15.219 to add the following at the end of the paragraph:

SECTION 15.219 Criteria for Review and Decision.

1. Service and Facilities Requirements:

Applicants for any development that requires a site review shall provide sewage disposal, private or public water supply and demonstrate adequate groundwater, rural standard streets and any additional right-of-way required by the Traffic Management Plan, storm drainage facilities, irrigation facilities and fire protection, as applicable. Unless specifically excepted by other applicable sections of this Ordinance, developers shall perform the actual construction of all on-site, adjacent off-site and off-site improvements and dedications, as required by the Site Plan Committee, necessary to provide for the health, safety, welfare and convenience of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical to meet the standards established by county ordinances or policies for rural level development.

2. The Site Plan Committee shall approve, conditionally approve, or deny the request based upon the following criteria:


b. Complies with all other applicable provisions of this Ordinance.

c. Potential land use conflicts have been mitigated through specific conditions of development. Such conflicts include but are not limited to: visual impacts, noise impacts, odor or vibration.

d. Public facilities and services are available or, if not, may be available as provided by the proposed project and are of adequate capacity to serve the development to the required rural level.

e. Traffic conflicts and hazards are minimized on-site and off-site.
f. If phased development, each phase contains adequate provision of services and facilities to serve the property at a rural level, access, off-street parking and landscaping.

g. To the extent possible, natural features are incorporated into the design in a manner that shall protect the scenic nature of the Rogue and Illinois River.

The decision of the Site Plan Committee shall be binding upon the Planning Department. No development permit shall be issued unless the requirements of the site plan approval are incorporated and made part of the permit. In those cases where the Planning Commission or Hearings Officer has been delegated approval authority for the proposed use, the requirements of the Site Plan Committee are forwarded to the hearing as a recommendation. Any decision of the Site Plan Committee or Planning Director may be appealed to the Hearings Officer.

i. Amend Section 15.225(2) to read as follows:

The Director shall notify adjoining property owners for all variances exceeding 25% of the dimension standards and may notify adjoining property owners of any other request and provide time for comment by such owners. If an adjoining owner objects to the granting of the request, and in the opinion of the Planning Director it raises a substantive issue based upon relevant Ordinance criteria, the matter shall be referred to the Planning Commission or Hearings Officer. If no person objects to the request and the Planning Director finds the proposal meets the purpose and criteria for granting a variance, he may approve the request.

j. Amend Section 15.230(4) to read as follows:

If an objection is received which in the opinion of the Director raises a substantive issue bases upon relevant Ordinance criteria, or the Director feels the request would set a precedent or would have a significant impact on surrounding property or persons, the request shall be referred to the Planning Commission or Hearings Officer. Such referrals shall be done in the same manner required in Section 15.226.

k. Amend the Chapter by adding the following:

SECTION 15.243 Zone Boundary Adjustment

The Planning Director has the authority to allow the adjustment of a zoning boundary without requiring a change of zone if all the following conditions are satisfied:
1. The adjustment is in conjunction with a movement of a property line.
2. The adjustment will not adversely impact adjoining properties.
3. The adjustment will not alter the stability of the overall land use pattern in the area.
4. The adjustment will not provide for an increase in residential lots or density.
5. The adjustment will not create a significant increase in area for industrial or commercial uses.

SECTION 15.244 Procedure

A request for a Zone Boundary Adjustment may be initiated by a property owner, or his authorized agent, by filing an application with the County Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed Zone Boundary Adjustment. The Planning Director may request other drawings or material essential to an understanding of the proposed adjustment and its relationship to the surrounding properties.

SECTION 15.245 Approvals Permitted by the Planning Director

1. The Planning Director shall review the application. If, in the opinion of the Director, the request meets the purpose and criteria for a Zone Boundary Adjustment, he may approve the request setting forth his reasons and conclusion in written form as an Administrative Order.

2. The Director shall notify adjoining property owners for all adjustments and provide ten days for comment by such owners. If an objection is received which in the opinion of the Director raises a substantive issue based upon relevant Ordinance criteria, or the Director feels that the request would set a precedent or would have a significant impact on the surrounding property or persons, the request shall be referred to the Planning Commission or Hearings Officer. Such referrals shall be done in the same manner required in Section 15.225.

SECTION 16: MAJOR RESORT DISTRICT

a. Amend Section 16.050(8)(2) to read as follows:

That the development provide community sewer and water on site and limited to meet only the needs of the development, or the development is serviced from existing public sewer or
water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development.

SECTION 17: AFFIRMATION

Except as otherwise provided herein, the Josephine County Comprehensive Plan (Ordinance 81-11) and the Rural Zoning Ordinance (Ordinance 85-1) are hereby affirmed as originally adopted or thereafter amended.

SECTION 18: EFFECTIVE DATE

First reading by the Board of County Commissioners this 17th day of December, 1987.

Second reading and adoption by the Board of County Commissioners at least 13 days from the first reading this 6th day of January, 1988. This Ordinance shall take effect 90 days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

William F. Ford, Chairman

Harold L. Haugen, Vice Chairman

Bruce M. McGregor, Commissioner

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (1-15-88)

James H. Boldt, County Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO. 87-23-E

AN ORDINANCE RELATING TO LAND USE, AMENDING THE JOSEPHINE COUNTY
COMPREHENSIVE PLAN (ORDINANCE 81-11) AND THE JOSEPHINE COUNTY
RURAL ZONING ORDINANCE NO. 85-1, TO ADD, DELETE AND MODIFY
PROVISIONS RELATING TO THE FARM USE AND EXCLUSIVE FARM ZONING
DISTRICTS, TOGETHER WITH AMENDMENTS TO ADMINISTRATIVE FUNCTIONS,
FIRE HAZARD REQUIREMENTS, MASS GATHERINGS, INDUSTRIAL ZONE USES,
HOME OCCUPATIONS, DESTINATION RESORTS AND MISCELLANEOUS ERRATA
AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the agricultural zoning
districts of the above referenced ordinance have been reviewed by
the Oregon Department of Revenue, and have been found to be in
conflict with the governing provisions in the Oregon Revised
Statutes; and

WHEREAS, such conflicts have caused lands in Josephine
County within the agricultural zoning districts to cease in
qualifying for Special Assessment under ORS 308.370(1); and

WHEREAS, the Board of County Commissioners for Josephine
County have been notified of such conflicts by the Josephine
County Assessor pursuant to ORS 308.403(2); and

WHEREAS, provisions in the Oregon Revised Statutes further
require that the governing body of the County shall upon receipt
of such notice qualify the zone within the meaning of ORS
378.373(1); and

WHEREAS certain administrative functions need modification
to provide efficient ordinance administration; and

WHEREAS, certain other miscellaneous errors in the printing
or writing of the ordinance exist which need correction; and

WHEREAS, adjustments are needed to provide for public
health, safety and welfare in regard to fire hazards; and

WHEREAS, it is in the public's interest to provide for a
certain level of review for gatherings within Josephine County to
protect public health, safety and welfare; and

WHEREAS, the Home Occupation provisions do not allow the
level of use as set forth in the Oregon Revised Statutes and the
County desires to be consistent with State Statutes; and

WHEREAS, the Destination Resort regulations have been
amended by the State to provide more flexibility and the County
desires to take advantage of the new regulations.
NOW, THEREFORE, the Board of County Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: COMPREHENSIVE PLAN AMENDMENT

a. Amend the Comprehensive Plan (Ordinance 81-11), Goal 5, Policy 6 by adding the following:

For purposes of siting Destination Resorts, areas zoned as Woodlot Resource and Farm Resource are designated as Secondary Lands.

b. Amend the Comprehensive Plan (Ordinance 81-11), Goal 10, Policy 1(G) to read as follows:

Industrial (I) Lands for industrial development that range from resource dependent industrial sites to limited areas of light industrial uses recognizing historic land use patterns and existing industrial uses. This designation shall be implemented through the following zones:

1. **Light Industrial** - An area intended for industrial uses that has minimal impact on adjoining land uses or public facilities. This zone shall be limited to apply only to existing areas being developed or to an area that is needed for industrial use when it can be demonstrated that the use cannot be located in an urban area.

2. **Rural Industrial** - Areas for industrial use that are located in close proximity to the natural resources on which they rely for raw materials. These uses shall not require full urban services and linkage shall be established to demonstrate that the location is appropriate and necessary for resource utilization.

SECTION 2: GENERAL PROVISIONS

a. Amend Section 1.006(6) in the second full paragraph, first line, by deleting the word "processing".

b. Amend Section 1.006(28) to read as follows:

Building, Agricultural A structure whose use shall be primarily for the storage of farm implements, crops, feed or similar farm products, or to provide shelter for livestock, poultry or fowl.

c. Amend Section 1.006(78) by deleting the word "wholesale" found in the second line.
d. Amend Section 1.006 to add 113 to read as follows and renumber the subsequent subsections accordingly:

Mass Gathering. A gathering of 100 or more persons that is usually of a temporary non-continuing nature and is for a profit or to raise funds for a purpose. Family reunions, church socials, similar activities or activities in public parks are not intended to be included in this definition.

e. Amend Section 1.080 by changing:

Industrial Park IP to read
Light Industrial LI

SECTION 3: FOREST COMMERCIAL DISTRICT

a. Amend Section 3.025 by deleting the following subsections:

3.025(2), (4), (5) and (8); and renumber the remaining subsections accordingly.

b. Amend Section 3.030(5)(e) to read as follows;

Demonstration that the residence will be situated upon a lot or parcel with a composite internal rate of return (CIRR) for forest management of 3.49 or less.

c. Amend Section 3.030 by adding the following:

6. Public facilities such as water storage reservoirs restricted to 1000 acre feet for resource use, pumping or treatment facilities.

7. Private campgrounds and recreational vehicle parks open to public use, limited to a maximum developed area of ten acres, subject to Sections 14.102 and 14.103.

8. Lodges and conference grounds limited to a maximum developed area of ten acres, subject to Section 14.104.

9. Offices and Administrative compounds associated with forest management activities as permitted within this District provided they are located on lands generally unsuitable for forestry use.


SECTION 4: WOODLOT RESOURCE DISTRICT

a. Amend Section 4.025 by deleting the following Subsections:

4.025(1)(2)(4) and (6) and renumbering the remaining subsections accordingly.
b. Amend Section 4.025(2) to read as follows:

Public or private schools with more than 30 students.

c. Amend Section 4.030 by adding the following:

7. Campgrounds and recreational vehicle parks open to the public use, subject to Sections 14.102 and 14.103.

8. Lodges, conference grounds, membership-owned recreation areas, and related service facilities when part of the overall project, subject to Section 14.104.

9. Offices and administrative compounds associated with forest management activities as permitted within this District.

10. Public or private schools with 30 or less students.

11. Archery, pistol, and rifle target ranges conditioned upon, but not limited to, demonstration that the range will not create excessive off-site noise or hazards to adjoining properties.


d. Amend Section 4.040(1)(b) by deleting the words occurring in the third line, which read: "... other provisions of this section ...", and inserting after the language "... unless approved in conformance with ...", the following words:

... subsection (d) of this section.

e. Amend Section 4.040(1)(c) by deleting the word "and" occurring in the fifth line, following the reference to "Section 4.030(6)".

f. Further amend Section 4.040(1)(c) by inserting a "," after the reference to "Section 4.030(6), and by inserting the following language at the end the same sentence:

... and is zoned for a 20 acre minimum size.

SECTION 5: SERPENTINE DISTRICT

a. Amend Section 5.020 by deleting the following and renumber subsequent subsections accordingly:

11. Home Occupations

b. Amend Section 5.030 by adding the following:

5. Mass gathering
6. Home Occupations subject to the provisions in Section 14.100.

SECTION 6: EXCLUSIVE FARM DISTRICT

a. Amend Section 6.020(2) to read as follows:
   The propagation or harvesting of a forest product.

b. Repeal Section 6.020(7).

c. Amend Section 6.020(8) to read as follows:
   Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building subject to the provisions of Section 14.108.

d. Amend Sections 6.020(8) and (9) by renumbering the sections 6.020(7) and (8), respectively.

e. Amend Section 6.020 by adding Section 6.020(9) to read as follows;
   9. Boarding of horses for profit

f. Amend Section 6.025 by deleting the following Subsections:
   6.025(1)(3)(9) and (10) and renumbering the remaining subsections accordingly.

g. Amend Section 6.025(2) to read as follows:
   Public or private school with more than 30 students.

h. Amend Section 6.030 by adding the following:
   5. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stand mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
6. Commercial activities that are in conjunction with farm uses.

7. Parks, playgrounds, hunting and fishing preserves, community centers and campgrounds, conditioned upon, but not limited to, submission of a conceptual plan for site development, subject to Section 14.102.

8. Public or private schools with 30 or less students.

i. Amend Section 6.030(4) by adding the following:

   e. The lot or parcel has been disqualified for valuation for farm use under ORS 308.370 pursuant to the requirement of ORS 215.236.

j. Amend Section 6.040(1)(d)(iii) by deleting the word "uses" at the end of the second line.

k. Amend Section 6.040(4)(b) to read as follows:

   There shall be a side yard on each side of each building which shall have a width of at least 30 feet and a rear yard of at least 30 feet in depth.

SECTION 7: FARM RESOURCE DISTRICT

a. Amend Section 7.020(2) to read as follows:

   The propagation or harvesting of a forest product.

b. Amend 7.020(3)(a) by changing "Section 6.040" to read "Section 7.040".

c. Amend Section 7.020(4) to read as follows:

   Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building subject to the provisions of Section 14.108.1 use .

   ...

d. Repeal Sections 7.020(6) and (8); and renumber the remaining subsections accordingly.

e. Amend Section 7.025 by deleting the following Subsections:

   7.025(1)(2)(6)(10) and (11); and renumbering the remaining subsections accordingly.

f. Amend Section 7.025(5) to read as follows:

   Public or private schools with more than 30 students.

g. Amend Section 7.031 by adding the following:
5. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

6. Commercial activities that are in conjunction with farm uses.

7. Parks, playgrounds, hunting and fishing preserves, community centers and campgrounds, conditioned upon, but not limited to, submission of a conceptual plan for site development, subject to Section 14.102.

8. Public or private schools with 30 or less students.

9. The boarding of horses for profit.

10. Dwellings on existing lots smaller than the minimum lot size provided that the dwelling is in conjunction with a commercial farm operation and the lot is appropriate for an intensive commercial farm operation which is of a size similar to the size of other existing intensive commercial agricultural operations in the County (e.g. nurseries, viticulture, orchards, and other similar commercial agricultural activities) and is appropriate for the continuation of the existing commercial enterprises within the area.

The structures shall be located on the least suitable portion of the property for farm use. In addition to the above requirements, a disclosure statement shall be signed and recorded with the County that the landowner recognizes the statement on management practices contained in Section 7.012.

h. Amend Section 7.040(1)(c)(iii) by deleting the word "uses" in the third line.
SECTION 8: RURAL RESIDENTIAL DISTRICT

a. Amend Section 8.020(1) to read as follows:

Agriculture, farming and farm use as defined in Section 1.006, subject to the standards provided in Section 8.026, and also subject to the further limitations that all products must be produced on the property and commercial feed lots are prohibited.

b. Amend Section 8.020 by deleting the following and renumber subsequent subsections accordingly:

7. Home Occupations, subject to Section 14.100

c. Amend 8.025(6) to read as follows:

Rodeo grounds and golf courses. See Section 14.103

d. Amend 8.025(7) to read as follows:

Campgrounds subject to Section 14.102.

e. Amend 8.025(12) to read as follows:

Public or private schools with over 30 students.

e. Amend Section 8.030 by adding the following:

7. Parks, playgrounds and community centers.

8. Public or private schools with 30 or less students.

9. Mass gathering

10. Home Occupations, subject to Section 14.100.

SECTION 9: RURAL COMMERCIAL DISTRICT

a. Amend Section 9.020 by adding the following:

28. Print shop, including off-set, blueprinting and bindery.

29. Coin laundry.

30. Veterinary Clinic

31. Tavern

32. Mini-warehouse.

33. Medical or dental clinic.
34. Professional office.
35. Automobile repair.

b. Amend the Chapter by deleting Section 9.025 in its entirety

SECTION 10: TOURIST COMMERCIAL DISTRICT

a. Amend Section 10.020(3) by adding the following:
   s. Church
   t. Bank.
   u. Health Spa.

b. Amend Section 10.020(4) by adding the following:
   p. Athletic club, club house.
   q. Wildlife park.

c. Amend Section 10.025 by deleting the following:
   Section 10.025(1)(2)(4)(5)(6)(7)(9) and (10); and
   renumbering the remaining subsections accordingly.

SECTION 11: RURAL CONVENIENCE CENTER COMMERCIAL DISTRICT

a. Amend Section 11.020(e) by adding the following:
   55. Fuel depot and sales.
   56. Hotels and motels.
   57. Recreational vehicle park.

b. Amend Section 11.025 by deleting the following:
   11.025(1), (2), (3), (4), and (6); and
   renumbering the remaining subsections accordingly.

c. Amend the section heading "SECTION 11.030 Dimensional Standards." to read the reference number "11.030" and by inserting in its place the reference number "11.040."

SECTION 12: RURAL INDUSTRIAL

a. Amend Section 12.020 by adding the following:
   31. Fuel distribution facility.
   32. Processing or packaging of products including breweries, distilleries, slaughter houses, and canneries.
   33. Smelting.
34. Commercial power generating facilities, providing hydroelectric and transmission facilities comply with Section 14.101.

35. Automobile wrecking yard. See definition, Section 1.006.

b. Amend the Chapter by deleting Section 12.025 in its entirety.

SECTION 13: INDUSTRIAL PARK

a. Amend Section 13.010 to read as follows:

Purpose of the Light Industrial District

This district is intended to provide a classification for lands appropriate for light manufacturing, research or development in a rural setting without the need for full urban services.

b. Amend Section 13.011 to read as follows:

The Light Industrial District shall apply to all lands as zoned on the official Zoning Map for Josephine County under a Light Industrial classification. These Regulations shall not apply to a building or structure, or to a use of property, which does not conform to these regulations and which lawfully existed at the time of adoption of this Ordinance, pursuant to the Standards of Sections 15.204 and 5.212 of this Ordinance.

Structures hereafter erected, altered, enlarged or moved, and land hereafter used in this District shall comply with provisions of this Ordinance. Development permits shall be issued pursuant to Section 15.200.

c. Amend Section 13.020 to read as follows:

SECTION 13.020 Uses - Permitted.

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Josephine County Comprehensive Plan, the Subdivision Ordinance and Oregon Department of Environmental Quality Rules governing sewage disposal, air, and water quality.

1. Administrative, educational and other related activities and facilities in conjunction with a permitted use.

2. Ambulance service.
3. Truck sales, service, repair and rental.
4. Automobile and truck service stations.
5. Cold storage plants including storage and office.
6. Equipment sales, service, rental and repair.
7. Fuel oil distributors.
9. Public uses and buildings and public utility structures and yards.
10. Scientific research or experimental development of materials, methods or products including engineering and laboratory research.
11. Service commercial uses such as restaurants, cafes, lounges, and refreshment stands.
12. Veterinary clinic and hospitals operated entirely within an enclosed building.
13. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welling.
14. Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, precious or semi-precious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planing mills and molding plants), yarns and paint not employing a boiling process.
15. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as sauerkraut, vinegar and yeast.
16. Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drugs, electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.
17. Processing uses such as bottling plants, creameries, laboratories, blue-printing and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding.

18. Storage or sale yard for building materials, contractors equipment, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.

19. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones.

20. Manufacturing of electric, electronic, or optical instruments or devices.

21. Manufacturing of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment.

22. Manufacturing of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

23. Warehousing and storage including mini warehouses.

24. Commercial parking lots.

25. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted. Retail sales of items manufactured or assembled on the premises shall be considered an accessory use.


27. Other similar uses which the Director may find to be similar to those listed as permitted in this district and which are not inconsistent with the purpose of this district subject to Section 15.227.

28. Residence for security personnel, i.e. caretaker, night watchman limited to one manufactured housing unit.

29. Signs, subject to Section 14.114 and 14.114(2)(g).

30. Airports and related uses, including hanger and maintenance facilities.

d. Amend Section 13.040 (2)(c) to read as follows;

c. Front Yard. A front yard of 10 feet shall be provided.
SECTION 14: SUPPLEMENTARY PROVISIONS

a. Amend Section 14.100 to read as follows:

SECTION 14.100 Home Occupations

All home occupations in addition to the requirements for an administrative permit shall comply with all the following provisions.

1. Notification to adjoining property owners shall be required for home occupations that may produce detectable odors, have significant visual or sound impacts, involve on premises clients, customers or deliveries. Home Occupations not exhibiting these impacts may be approved ministerially by the Planning Director.

2. A home occupation shall be conducted by the resident(s) of the property on which the business is located. No more than one person other than the resident(s) occupying such dwelling shall be employed full or part time to assist the resident.

3. The home occupation must be conducted within a dwelling which is the actual residence of the person engaged in the occupation, or in an accessory building which is normally associated with uses permitted in the zoning classification of the property. The occupation shall not be operated outside of a building.

4. No alteration of any buildings shall be made which changes the character of such buildings so as to make them unusable or incompatible with any uses normally permitted in the zoning classification of the property.

5. The business shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Public involvement with the home occupation shall not occur after 8:00 p.m. or before 8:00 a.m.

6. The home occupation shall not give the outward appearance of a business. Outside storage or materials shall be screened to the extent that they are not visible from a public right-of-way and from adjacent residences.

7. Equipment used in the home occupation shall not interfere either visibly or audibly with reception of communication or video equipment used by adjoining neighbors or cause substantial fluctuations in the line voltage outside of the home occupation. No outside parking or storage of more than two pieces of heavy
8. The size of accessory structures must comply with Section 14.108. Any request for a structure that exceeds the ministerial approval authority of Section 14.108 shall be reviewed at a public hearing subject to the procedure and criteria contained in Sections 15.213 through 15.215.

9. One non-illuminated identification sign not exceeding six square feet is permitted.

10. The Planning Director may attach conditions to the issuance of a permit in order to mitigate adverse impacts or to maintain the character of the neighborhood.

11. All home occupation permits shall be reviewed annually. If occupations fail to maintain the standards of the ordinance, the permit may be revoked.

12. The home occupation shall be secondary and incidental to the residential use of the property. The existence of a home occupation shall not be used as justification for a zone change.

b. Amend Section 14.115 to read as follows:

SECTION 14.115  Parking.

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this Ordinance unless greater requirements are otherwise established. Off-street parking shall not occur in any right-of-way required by ordinance. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this regulation.

c. Amend Section 14.132 to read as follows:

SECTION 14.132  Landscaping.

a. Purpose. The purpose of this provision is to conserve and enhance the appearance of the community along streets serving as major thoroughfares to the Grants Pass Urban Growth Boundary area, the Cave Junction Urban Growth Boundary area, and the rural convenience centers as entrances to communities, or on streets serving as major carriers of commercial, light industrial, and high density residential traffic. These streets are the entrances to the urbanizing areas and rural convenience centers for the traveling public and the most frequently used streets in the community.
The general appearance of these streets will adversely affect the health, safety, general welfare and convenience of the people of the County.

b. Landscaping shall be provided in the front setback area of all uses in applicable districts. In addition, landscaping shall be provided on perimeter of any lot used for a public parking lot of more than 5 vehicles, separating the lot from any public roadway. Such areas shall consist of suitable ground cover or shall be fully landscaped with lawn, trees, shrubs, and no portion except the access drives shall be paved.

c. Front Yard Setback. Landscaping shall be provided in the front yard setback areas of all uses requiring Site Plan approval that border public roads or streets. Such front yard setbacks shall be in addition to minimum street right-of-way described in the Josephine County Roadway and Traffic Management Plan.

d. Use of Public Right-of-Way. Property owners have the option under special consideration to landscape the existing public right-of-way or right-of-way proposed to be dedicated in lieu of the required landscape strip or yard. In order to do this, they must first obtain approval of the Site Plan Committee and written approval from the agency of jurisdiction over the public right-of-way and must sign an agreement to relocate all landscaping onto the developed property frontage, if the public right-of-way is withdrawn from landscape use by the agency or jurisdiction.

d. Amend Section 14.133(2) to read as follows:

A fuel break to eliminate flammable vegetation capable of carrying ground fire shall be required around new home construction or placements of mobile homes in all rural zones. Such fuel break shall have a radius of 50 feet unless the area extends onto an adjoining lot or parcel where the fuel break may terminate at the property line. Trees, lawn, low growing ground cover, etc., are permitted within this fuel break.

e. Amend Section 14.133(3) to read as followings:

Adequate access shall be provided to houses constructed or the placement of mobile homes after January 1, 1988. A structure or fill and culvert shall be provided to cross a live stream, ravine, irrigation ditch or similar topographic feature in order to provide access to emergency vehicles. While the responsibility to provide adequate access rests with the property owner, the Planning Director may require certification from a registered engineer that the structure or fill and culvert has been constructed to support emergency vehicles.
f. Amend Section 14.133 by adding the following:

5. Adequate horizontal and vertical clearance shall be maintained to permit emergency vehicles access to the dwelling. A fuel break to eliminate flammable vegetation capable of carrying ground fire shall be required around new home construction or placements of mobile homes in all rural zones. Mature trees, lawn, ice plant, low growing ground cover, etc., are permitted within this fuel break.

g. Amend Section 14.136(f) by changing "Section 3.075" to "Section 14.130."

h. Amend Section 14.141(1) to add the following:

E. In lieu of the standards in subsections (A), (C) and (D) of this section, the standards set forth in subsection F of this section apply to a Destination Resort:

1. On land that is not defined as agricultural or forest land under any Statewide Planning Goal;

2. On land where there has been an exception to any Statewide Planning goal on agricultural lands, forest lands, public facilities and services an urbanization; or


F. The following standards apply to lands identified in subsection E of this section:

1. The resort shall be located on a site of 20 acres or more.

2. At least $1 million, in 1984 dollars, shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than 1/3 of this amount shall be spent on developed recreational facilities.

3. At least 25 units, but not more than 75 units, of overnight lodging shall be provided.

4. Restaurants and meeting rooms with at least one seat for each unit of overnight lodging shall be provided.
5. Residential uses shall be limited to those necessary for the staff and management of the resort.

6. The primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.

7. The resort shall be constructed and located so that it is not designed to attract highway traffic. Resorts shall not use any manner of outdoor advertising signing except:

   a. Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and

   b. On-site identification and directional signs.

   i. Amend Section 14.141(2)(A) to read as follows:

   A. Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more;

   j. Amend Section 14.141(2)(B) to read as follows:

   On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service; or within 3 miles of farm land in a High Value Crop Area pursuant to OAR 660-15-000(8) unless the resort complies with the requirements of subsection F of Section 14.141(1) in which case the resort shall not be closer to a High Value Crop Area than 1/2 mile for each 25 units of overnight lodging or fraction thereof.

   k. Amend Section 14.141(2)(D) to read as follows:

   In a site designated for protection in an acknowledged Comprehensive Plan pursuant to an open spaces, scenic and historic areas and natural resources goal in an acknowledged Comprehensive Plan in spite of conflicting uses.

   l. Amend Section 14.141(5)(A)(2) to read as follows:

   That the development provide community sewer and water on site and limited to meet only the needs of the development, or the development is serviced from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development.
m. Amend Section 14.142(4)(A)(2) to read as follows:

That the development provide community sewer and water on site and limited to meet only the needs of the development, or the development is serviced from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development.

n. Amend Chapter 14 by adding Section 14.143 as follows:

SECTION 14.143 House Numbers

House Numbers shall be posted on lots in a manner to clearly direct emergency equipment to the location of the dwelling.

SECTION 15: ADMINISTRATION

a. Amend Section 15.200(1) by adding after the word "ordinance" at the end of the second sentence, the words:

...and the Comprehensive Plan.

b. Amend Section 15.244, by changing the first line of the first paragraph to read as follows:

The following provisions do not apply to one or more residences lawfully constructed on a parcel of land at the time of the passage of this Ordinance.

c. Amend Section 15.213(2)(f) to read as follows:

That a disclosure statement is signed and recorded with the County which recognizes that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

d. Amend Section 15.215, by changing the first line of the first paragraph to read as follows:

Prior to the issuance of a development permit for any use other than single-family or two-family residential, the Planning Director or his assistants shall review the proposed site development for compliance with the standards of this Ordinance and any other County Ordinances or policies.

e. Amend Section 15.216(2) by adding the following:

...New structures, additions to existing structures and changes in use deemed to have significant impact for the purposes of this Section.
f. Amend the first paragraph of Section 15.218 by adding after the words "standards of this ordinance" the words:

...and the Comprehensive Plan.

g. Amend Section 15.218(6) to read as follows:

6. Location of existing and proposed roadway improvements including existing right-of-way and any additional right-of-way as required by the Josephine County Roadway and Traffic Management Plan, points of entry and exit for motor vehicles, other uses of the streets, such as parking, bike or pedestrian routes.

h. Amend Section 15.219 to add the following at the end of the paragraph:

SECTION 15.219 Criteria for Review and Decision.

1. Service and Facilities Requirements:

Applicants for any development that requires a site review shall provide sewage disposal, private or public water supply and demonstrate adequate groundwater, rural standard streets and any additional right-of-way required by the Traffic Management Plan, storm drainage facilities, irrigation facilities and fire protection, as applicable. Unless specifically excepted by other applicable sections of this Ordinance, developers shall perform the actual construction of all on-site, adjacent off-site and off-site improvements and dedications, as required by the Site Plan Committee, necessary to provide for the health, safety, welfare and convenience of the occupants of the development and the neighborhood. Improvements shall be compatible with existing improvements and designed to the greatest extent practical to meet the standards established by county ordinances or policies for rural level development.

2. The Site Plan Committee shall approve, conditionally approve, or deny the request based upon the following criteria:


b. Complies with all other applicable provisions of this Ordinance.

c. Potential land use conflicts have been mitigated through specific conditions of development. Such conflicts include but are not limited to: visual impacts, noise impacts, odor or vibration.
d. Public facilities and services are available or, if not, may be available as provided by the proposed project and are of adequate capacity to serve the development to the required rural level.

e. Traffic conflicts and hazards are minimized on-site and off-site.

f. If phased development, each phase contains adequate provision of services and facilities to serve the property at a rural level, access, off-street parking and landscaping.

g. To the extent possible, natural features are incorporated into the design in a manner that shall protect the scenic nature of the Rogue and Illinois River.

The decision of the Site Plan Committee shall be binding upon the Planning Department. No development permit shall be issued unless the requirements of the site plan approval are incorporated and made part of the permit. In those cases where the Planning Commission or Hearings Officer has been delegated approval authority for the proposed use, the requirements of the Site Plan Committee are forwarded to the hearing as a recommendation. Any decision of the Site Plan Committee or Planning Director may be appealed to the Hearings Officer.

i. Amend Section 15.230(4) to read as follows:

If an objection is received which in the opinion of the Director raises a substantive issue based upon relevant Ordinance criteria, or the Director feels the request would set a precedent or would have a significant impact on surrounding property or persons, the request shall be referred to the Planning Commission or Hearings Officer. Such referrals shall be done in the same manner required in Section 15.226.

j. Amend the Chapter by adding the following:

SECTION 15.243 Zone Boundary Adjustment

The Planning Director has the authority to allow the adjustment of a zoning boundary without requiring a change of zone if all the following conditions are satisfied:

1. The adjustment is in conjunction with a movement of a property line.

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2. The adjustment will not adversely impact adjoining properties.

3. The adjustment will not alter the stability of the overall land use pattern in the area.

4. The adjustment will not provide for an increase in residential lots or density.

5. The adjustment will not create a significant increase in area for industrial or commercial uses.

SECTION 15.244 Procedure

A request for a Zone Boundary Adjustment may be initiated by a property owner, or his authorized agent, by filing an application with the County Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed Zone Boundary Adjustment. The Planning Director may request other drawings or material essential to an understanding of the proposed adjustment and its relationship to the surrounding properties.

SECTION 15.245 Approvals Permitted by the Planning Director

1. The Planning Director shall review the application. If, in the opinion of the Director, the request meets the purpose and criteria for a Zone Boundary Adjustment, he may approve the request setting forth his reasons and conclusion in written form as an Administrative Order.

2. The Director shall notify adjoining property owners for all adjustments and provide ten days for comment by such owners. If an objection is received which in the opinion of the Director raises a substantive issue based upon relevant Ordinance criteria, or the Director feels that the request would set a precedent or would have a significant impact on the surrounding property or persons, the request shall be referred to the Planning Commission or Hearings Officer. Such referrals shall be done in the same manner required in Section 15.225.

SECTION 16: MAJOR RESORT DISTRICT

a. Amend Section 16.050(3)(2) to read as follows:

That the development provide community sewer and water on site and limited to meet only the needs of the development, or the development is served from existing public sewer or water facilities, as long as all costs relating to service extension and any capacity increases are borne by the development.
SECTION 17: AFFIRMATION

Except as otherwise provided herein, the Josephine County Comprehensive Plan (Ordinance 81-11) and the Rural Zoning Ordinance (Ordinance 85-1) are hereby affirmed as originally adopted or thereafter amended.

SECTION 18: EFFECTIVE DATE

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this ______ day of December ______, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures]

BRUCE McGROR, Chairman
WILLIAM F. FORD, Commissioner
HAROLD L. HAUGEN, Commissioner

ATTEST:

[Signatures]

GEORGETTE BROWN, County Clerk
JAMIIA H. BOLDT, County Counsel

APPROVED AS TO FORM: (12/19/87)
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 87-31

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY, OREGON (ORDINANCE 81-11), FROM COMMERCIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY, OREGON (ORDINANCE 85-1), FROM RCC TO RI FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP NO. 35-6-13-1, TAX LOT 3900.

WHEREAS, the Board of County Commissioners held a public hearing on July 8, 1987 to consider the above referenced comprehensive plan and zone change requests; and

WHEREAS, the Josephine County Planning commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change requests, and further recommended to the Board of Commissioners that the requested changes be made; and

WHEREAS, the Board of Commissioners adopted findings which stated that the above request met the requirements of the Josephine County and State law pertaining to such matters.

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

SECTION 1: Comprehensive Plan

The Josephine County Comprehensive Plan is hereby amended from Commercial to Industrial for property identified as Assessors' Map No. 35-6-13-1, Tax Lot 3900.

SECTION 2: Zone Change

Josephine County Zoning Map is hereby amended from RCC to RI for property identified as Assessors' Map 35-6-13-1, Tax Lot 3900.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. 81-11 and 85-1 are hereby affirmed as originally adopted or subsequently amended.
SECTION 4: Effective Date

First reading by the Board of County Commissioners this 19th day of August, 1987.

Second reading and adoption by the board of County Commissioners at least thirteen (13) days from the first reading this 2nd day of September, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

[Signatures]
Bruce W. McGregor, Chairman
Williams F. Ford, Vice Chairman
Harold L. Haugen, Chairman

ATTEST:

[Signature]
Georgette Brown, County Clerk

[Signature]
Recording Secretary

APPROVED AS TO FORM: (9/3/87)

[Signature]
James H. Boldt, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON
ORDINANCE NO. 87-31-E

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY, OREGON (ORDINANCE 81-11), FROM COMMERCIAL TO INDUSTRIAL AND AMENDING THE ZONING MAP OF JOSEPHINE COUNTY, OREGON (ORDINANCE 85-1), FROM RCC TO RI FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP NO. 35-6-10-1, TAX LOT 3900 AND DECLARING AN EMERGENCY.

WHEREAS, the Board of County Commissioners held a public hearing on July 8, 1987 to consider the above referenced comprehensive plan and zone change requests; and

WHEREAS, the Josephine County Planning commission at a public hearing gave consideration to the above identified Comprehensive Plan and Zone Change requests, and further recommended to the Board of Commissioners that the requested changes be made; and

WHEREAS, the Board of Commissioners adopted findings which stated that the above request met the requirements of the Josephine County and State law pertaining to such matters.

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

SECTION 1: Comprehensive Plan

The Josephine County Comprehensive Plan is hereby amended from Commercial to Industrial for property identified as Assessors' Map No. 35-6-10-1, Tax Lot 3900.

SECTION 2: Zone Change

Josephine County Zoning Map is hereby amended from RCC to RI for property identified as Assessors' Map 35-6-10-1, Tax Lot 3900.

SECTION 3: Affirmation

Except as otherwise provided herein, Josephine County Ordinance No. s 81-11 and 85-1 are hereby affirmed as originally adopted or subsequently amended.
SECTION 4: Effective Date

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

Passed by the Josephine County Board of County Commissioners and signed by us in open session in authentication of its passage this 19th day of August, 1987.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

Williams F. Ford, Vice Chairman

Harold L. Haugen, Chairman

ATTEST:

Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (8/26/87)

James M. Boldt, Legal Counsel
BEFORE THE BOARD COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

ORDINANCE NO. 87-32

FINDINGS IN CERTAIN LAND USE CASES

THE BOARD OF COMMISSIONERS of Josephine County, Oregon, ordains as follows:

SECTION 1. Ordinance 85-3 (adopted February 27, 1985) is hereby amended by addition of the following language in section 17-14:

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

SECTION 2. EFFECTIVE DATE

First reading by the Board of County Commissioners this 9th day of September, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 23rd day of September, 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman
William F. Ford, Vice Chairman
Harold L. Haugen, Commissioner

ATTEST:
Georgette Brown, County Clerk

Suzanne Lynch
Recording Secretary

APPROVED AS TO FORM: (9/29/87)
James J. Bolte, Legal Counsel

Ordinance 87-32
Page 1
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY

STATE OF OREGON

ORDINANCE NO. 87-33

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY COMPREHENSIVE PLAN MAP (ORDINANCE 81-11), FROM RURAL RESIDENTIAL TO INDUSTRIAL AND AMENDING THE JOSEPHINE COUNTY ZONING MAP (ORDINANCE 85-1), FROM RURAL RESIDENTIAL-1 TO RURAL INDUSTRIAL (RI) FOR PROPERTY IDENTIFIED AS ASSESSOR'S MAP NO 37-5-19-4, TAX LOTS 600 AND 700.

WHEREAS, the Josephine County Planning Commission held a public hearing on June 15, 1987, and adopted findings of fact for said application and recommended to the Josephine County Board Commissioners approval of said application; and

WHEREAS, the Board of County Commissioners held a public hearing on August 5, 1987, to consider the request for a Comprehensive Plan and Zone Change application as identified above; and

WHEREAS, the Josephine County Board of Commissioners found the application to be consistent with the requirements of Josephine County and State Law; and

WHEREAS, the Board of Commissioners found that the Comprehensive plan and Zone Change request was consistent with the requirements of O.A.R. 660-04-018 and O.A.R. 660-04-022(3).

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

SECTION 1: Josephine County Comprehensive Plan map is to be amended to designate the subject property from Residential to Industrial (37-5-19-4, Tax Lots 600 and 700).

SECTION 2: Josephine County Zoning Map is to be amended to change the subject property from Rural Residential-1 to Rural Industrial (RI), (37-5-19-4, Tax Lots 600 and 700).

SECTION 1: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinance No.s 81-11 and 85-1 are hereby affirmed as originally adopted or subsequently amended.
SECTION 4: EFFECTIVE DATE

First reading by the Board of County Commissioners this 23rd day of September, 1987.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 7th day of October 1987. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

JOSEPHINE COUNTY
BOARD OF COUNTY COMMISSIONERS

Bruce M. McGregor, Chairman

William F. Ford - absent
William F. Ford, Vice Chairman

Harold L. Haugen, Commissioner

ATTEST:
Georgette Brown, County Clerk

Recording Secretary

APPROVED AS TO FORM: (10/19/87)

James H. Boldt, Legal Counsel