

Chapter 19.61

RURAL RESIDENTIAL ZONES

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19.61.010 Purpose.

The purpose of this zone is to preserve the rural character of Josephine County while providing areas for rural residential living. This zone provides a classification for lands already committed to residential development, or for lands which have been excepted from the statewide planning goals on agriculture and forest lands. Densities established by this zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality. [Ord. 2018-003 § 1; 2005 RLDC § 61.010.]

19.61.020 Permitted uses.

The following uses, with accessory uses, shall be permitted using ministerial review procedures (Chapter [19.22](#) JCC). All uses shall also meet the applicable development standards listed in JCC [19.61.060](#). In all cases, a development permit (Chapter [19.41](#) JCC) is required as final permit approval.

A. Accessory buildings, including private garage or carport, greenhouse, stable, barn, pen, coop, or other similar buildings normally required in connection with a use specified in this section and subject to the provisions of JCC [19.61.050](#), [19.61.060](#) and [19.72.060](#), provided a single-family dwelling is on the lot or parcel.

B. Accessory dwelling unit (ADU) as defined in JCC [19.11.030](#), subject to the following standards:

1. The lot or parcel for the ADU is at least two acres in size and not located within an urban reserve as mapped in the County's GIS system;

2. One single-family dwelling is sited on the lot or parcel and the dwelling is not subject to an order declaring a nuisance or subject to any pending action under ORS [105.550](#) to [105.600](#);
3. The ADU shall comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;
4. The ADU is limited to 900 square feet in floor area and shall be located no more than 100 feet from the existing single-family dwelling;
5. The lot or parcel for the ADU is not restricted by the State Water Resources Commission for watering any lawn or noncommercial garden not exceeding one-half acre in area or single or group domestic purposes in an amount not exceeding 15,000 gallons a day.
6. Provide proof of service by a fire protection service provider with professionals who have received training or certification described in ORS [181A.410](#), as required by ORS [215.495](#).
7. The ADU shall comply with all standards listed for a new dwelling under Chapter [19.76](#) JCC, Wildfire and Emergency Safety Standards, to include but not limited to:
 - a. Show vegetation mitigation standards on plot plan.
 - b. Must comply with Josephine County building safety requirements of R-327, as well as all applicable State Specialty Codes.
 - c. Show compliance with driveway access standards including a safe evacuation route and staged evacuation area.
 - d. Provide proof of approved domestic water supply by Oregon Department of Water Resources.
8. The ADU may not be used for vacation occupancy as defined in ORS [90.100](#).
9. Only one ADU is allowed on any lot or parcel.
10. The County may not approve a subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU.

C. Agriculture, farming and farm use as defined in JCC [19.11.030](#), subject to the standards

provided in JCC [19.61.050](#) and [19.61.060](#), and also subject to the further limitations that all products must be produced on the property. Commercial feed lots, indoor and outdoor marijuana production, processing, wholesaling, retailing, research, as well as any buildings, structures or facilities directly associated with these uses, are prohibited. This section does not intend to regulate marijuana grown for personal use up to the limits provided for under Oregon law.

D. Conversion of historic home to accessory dwelling unit (ADU), subject to the following standards:

1. The lot or parcel for the ADU is at least two acres in size and not located within an urban reserve as mapped in the County's GIS system.
2. A historic home as defined in JCC [19.11.100](#) is sited on the lot or parcel.
3. The owner converts the historic home to an ADU upon completion of a new single-family dwelling; and
4. The ADU shall comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.
5. The ADU shall not be more than 120 percent of the historic home's square footage at the time construction of the new single-family dwelling commenced.
6. The owner/applicant may not alter, renovate, or remodel the ADU so that the square footage is more than 120 percent of the historic home's square footage at the time of construction of the new single-family dwelling.
7. The owner/applicant may not rebuild the ADU if the structure is lost to fire.
8. The owner may not construct an additional ADU on the same lot or parcel.
9. The County may not approve a subdivision, partition or other division of the lot or parcel so that the new single-family dwelling is situated on a different lot or parcel than the ADU.

E. Notwithstanding subsection (C) of this section, lawfully established marijuana production sites in rural residential zones that existed prior to the effective date of Ordinance 2018-005 and authorized by state law as of that effective date shall apply for a determination of a nonconforming use

pursuant to JCC [19.13.060](#) within one year of the effective date of this chapter. The nonconforming marijuana production site shall be subject to the following:

1. The person regulated by the State of Oregon must have an interest in the lot or parcel where the marijuana production site is located.
2. With the exception of residents, guests, and employees who serve to guard a marijuana production site, nonconforming marijuana production site regular business hours shall be limited from 7:00 a.m. to 7:00 p.m. Security personnel must be permitted marijuana workers per the State of Oregon and comply with all laws governing the provision of security services.
3. Beginning on September 20th and ending on November 10th annually, nonconforming marijuana production site regular business hours shall be extended to 5:00 a.m. to 9:00 p.m. to accommodate harvest. These extended regular business hours shall be subject to the mechanically generated noise restrictions in subsection (E)(4) of this section.
4. Mechanically generated noise associated with a nonconforming marijuana production site shall not exceed 50 dB(A), measured at the property lines of the nonconforming marijuana production site, from 7:00 a.m. to 7:00 p.m.

F. Family day-care dwelling for fewer than 16 children, including children of the care provider, regardless of full-time or part-time status.

G. Farm and forest products stands limited to products produced on the land.

H. Forest management, production and harvesting of timber resources, as defined in JCC [19.11.080](#).

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

J. Residential care home.

K. Residential care facility.

L. Single-family dwelling or manufactured dwelling.

M. Single-family dwelling for a farm worker and the farm worker's immediate family.

N. Boarding house. [Ord. 2023-006 § 1; Ord. 2022-010 § 1; Ord. 2018-005 § 1; Ord. 2018-003 § 1; amended by Planning Director, 10-28-16; Ord. 2012-003 (Exh. A); 2005 RLDC § 61.020.]

19.61.030 Conditional uses.

The following uses, with accessory uses, shall be authorized using quasi-judicial review procedures (Chapter [19.22](#) JCC), subject to the requirements for conditional uses (Chapter [19.45](#) JCC) and site plan review (Chapter [19.42](#) JCC). All uses shall also meet the applicable development standards listed in JCC [19.68.050](#). A development permit (Chapter [19.41](#) JCC) shall be required as the final permit approval.

- A. Boat landings and docks;
- B. Campgrounds subject to Chapter [19.98](#) JCC;
- C. Cement and asphalt batching, rock processing and crushing subject to Chapter [19.91](#) JCC;
- D. Cemeteries;
- E. Churches, except the applicable review standards and criteria are qualified as follows:
 - 1. Churches shall be allowed the reasonable use of the site for all activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child-care and meal programs, but not including private or parochial school education for pre-kindergarten through grade 12 or higher education unless the educational uses are authorized separately by other provision contained in this title; and
 - 2. The Review Body may subject the church uses to reasonable regulations, including site review or design criteria concerning the physical characteristics of the uses only, or may prohibit or restrict the use of the site if it finds the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the uses;
- F. Destination resort subject to Chapter [19.96](#) JCC;
- G. Exploration, mining and processing of aggregate and other mineral resources subject to Chapter

[19.91](#) JCC;

H. Type III home occupations, subject to Chapter [19.92](#) JCC;

I. Indoor animal husbandry, subject to the following criteria:

1. Demonstrate that the proposed development will have adequate, sanitary waste disposal facilities, by means of on-site or off-site disposal, or a combination of both which are approved by the Natural Resource Conservation Service and Department of Environmental Quality, and are incorporated in a written animal waste management plan. The standards of the Natural Resource Conservation Service shall include but not be limited to those pertaining to the carrying capacity of the soil in relation to the animal units to be present;
2. Demonstrate that the use will not impose nuisance conditions upon persons located within the neighborhood;
3. Reasonable conditions may be imposed in conjunction with the issuance of the conditional use permit, including but not limited to those designed to minimize or eliminate any adverse affects on persons residing or working in the neighborhood arising from the disposal of waste, creation of odor, generation of traffic, and creation of noise;
4. Use shall be located on a parcel at least five acres in size;

J. Kennels (conditional use – type 1 fee), subject to the following additional standards:

1. Demonstrate that the kennel will not create nuisance conditions for adjoining properties due to noise or odor;
2. Demonstrate that all animals will be confined to the property; and
3. Demonstrate adequate methods for sanitation and sewage disposal;

K. Parks, playgrounds and community centers;

L. Public or private schools;

M. Public facilities such as water storage reservoirs, pumping or treatment facilities, sewage disposal plants and fire stations;

N. Real estate tract sales office subject to the following criteria:

1. The office must be located as part of a residential subdivision or planned unit development and no sales may be made for property other than lots contained within the same residential development;
2. Upon termination of the sales activity the structure shall be removed or converted to a use permitted by this zone;

O. Recreational resort subject to Chapter [19.97](#) JCC;

P. Residential dormitories or housing in conjunction with public or private schools, conditioned upon, but not limited to, the following criteria:

1. Demonstrate that the housing is necessary to reduce energy and transportation costs due to the scattered location or distance to students' permanent residences, to provide a residential environment not otherwise available in the community, or to accomplish other purposes consistent with the intent of this title.

Q. Rodeo grounds and golf courses;

R. Sanitary landfills, and nonhazardous waste disposal site subject to Chapter [19.86](#) JCC;

S. Signs as authorized by Chapter [19.74](#) JCC;

T. Storage that is open for up to four motor vehicles for noncommercial purposes when parts have not been removed and the vehicles are currently unlicensed; or when the stored vehicles are owned by an individual other than the resident or owner of the property;

U. Utility and communication facilities including commercial power generation facilities, conditioned upon, but not limited to, the following criteria:

1. Submission of an acceptable site plan for landscaping and protection of adjoining residential properties;
2. Demonstration of compliance with applicable state air quality discharge permits. [Ord. 2022-001 § 1; Ord. 2012-003 (Exh. A); 2005 RLDC § 61.030.]

19.61.040 Temporary uses.

The following uses, with accessory uses, shall be permitted using ministerial review procedures (Chapter [19.22](#) JCC), subject to temporary use requirements (Chapter [19.43](#) JCC). All uses shall meet the applicable development standards listed in JCC [19.61.060](#). In all cases, a development permit (Chapter [19.41](#) JCC) shall be required as final permit approval.

- A. Mass gathering;
- B. Medical hardship dwelling/detached living space;
- C. Temporary storage of an unoccupied manufactured dwelling. [Ord. 2018-003 § 1; 2005 RLDC § 61.040.]

19.61.050 Criteria for farm use.

Farm uses in the rural residential zone shall meet the following provisions:

- A. Farm uses shall not interfere with the use of adjoining residential properties;
- B. All farm animals shall be confined to the property;
- C. Any stall, barn, pig pen, chicken coop or similar structure in which animals are housed, excluding fenced pastures, shall be located no closer than 35 feet from any property line, in addition to the requirements of Chapter [19.72](#) JCC;
- D. Farm uses shall not constitute a sanitation or health hazard. [2005 RLDC § 61.050.]

19.61.060 Property development standards.

All uses authorized by this chapter are subject to certain additional permit, process and property development standards that are contained elsewhere in this title. The following is a list of chapters that are or may be applicable:

- A. Permit Review Requirements.
 - 1. Basic review provisions – Chapter [19.20](#) JCC.
 - 2. Pre-application review – Chapter [19.21](#) JCC.
 - 3. Permit review procedures – Chapter [19.22](#) JCC.

4. Basic application requirements – Chapter [19.40](#) JCC.

5. Administration of permits – Chapter [19.41](#) JCC.

6. Site plan review – Chapter [19.42](#) JCC.

7. Temporary uses – Chapter [19.43](#) JCC.

8. Variances – Chapter [19.44](#) JCC.

9. Conditional uses – Chapter [19.45](#) JCC.

B. Property Development Standards.

1. Minimum lot size – RR-5: 5 acres

RR-2.5: 2.5 acres

RR-1: 2 acres¹

2. Minimum lot width – RR-5: 300 feet

RR-2.5 250 feet

RR-1 150 feet

3. Minimum setbacks from property lines – Front (30 feet), side (10 feet), rear (25 feet).

4. Access and transportation – See Chapter [19.81](#) JCC.

5. Airport overlay – See Chapter [19.69D](#) JCC.

6. Archaeological resources – See Chapter [19.93](#) JCC.

7. Building size, accessory heights, setbacks, yard dimensions – See Chapter [19.72](#) JCC.

8. Erosion, sediment, storm drainage facilities – See Chapter [19.83](#) JCC.

9. Fences, wall and screens – See Chapter [19.73](#) JCC.

10. Flood hazard overlay – See Chapter [19.69A](#) JCC.
11. Historic resources – See Chapter [19.94](#) JCC.
12. Mineral and aggregate resources – See JCC [19.72.040\(A\)](#) and Chapter [19.91](#) JCC.
13. Parking – See Chapter [19.75](#) JCC.
14. RV parks, lodges and campgrounds – See Chapter [19.98](#) JCC.
15. Signs – See Chapter [19.74](#) JCC.
16. Solid waste – See Chapter [19.86](#) JCC.
17. Stream setbacks – See Chapter [19.72](#) JCC.
18. Utilities – See Chapter [19.85](#) JCC.
19. Water hazard overlay – See Chapter [19.69E](#) JCC.
20. Water standards – See Chapter [19.84](#) JCC.
21. Wild and scenic rivers overlay – See Chapter [19.69C](#) JCC.
22. Marijuana production sites – As measured from the edge of the canopy of the marijuana plants in accordance with OAR [845-025-2040](#)(1)(d), or as amended, all marijuana plants shall be a minimum of 150 feet from the appurtenances of all dwellings on contiguous lots or parcels. [Ord. 2018-005 § 1; Amended by Planning Director, 10-28-16; 2005 RLDC § 61.060.]

¹ Revision note: Per OAR [660-004-0040](#), Application of Goal 14 (Urbanization) to Rural Lands, the minimum parcel size for new lots or parcels in all rural residential zones is two acres unless an exception is demonstrated for Goal 14 – Urbanization. This rule became effective statewide on October 3, 2000, and any applications submitted after this date to create parcels in the RR-1 zone below two acres in size must be supported by an approved exception. In any event, new lots or parcels cannot be sized less than the one acre minimum specified for lands within the RR-1 zone. In addition, changes in zoning to a higher density, for example, from RR-5 to RR-2.5, must also be supported by an exception to Statewide Goal 14 – Urbanization.

The Josephine County Code is current through Ordinance 2024-029, passed December 4, 2024.

Disclaimer: The Josephine County Clerk has the official version of the Josephine County Code. Users should contact the Josephine County Clerk for ordinances passed subsequent to the ordinance cited above.

County Website: <https://www.josephinecounty.gov/>

County Telephone: (541) 474-5240

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