

JO CO 150-Day Violations - Pattern & Practice

An important county land use planning rule to understand by the applicant and the public is that the law requires a final action on a permit within 150 days.¹

- **ORS 215.427** - Final Action On County Permit Within 150 Days
- **ORS 215.429** Mandamus Proceeding When County Fails to Take Final Action Within 150 Days
- **ORS 20.075(1)** Factors to Be Considered by Court in Awarding Attorney Fees
- **ORS 197.335** Order for compliance with goals; review of order; withholding grant funds; injunctions.
- **OAR 660-045-0040** Citizen Initiated Enforcement Order



Known examples of actual ORS 215.427 violations by Josephine County (JO CO) include the following.

1. Calvert's Proposed Jumpoff Joe Quarry (ca., 1998 - 1999)
2. Walker Mountain View Estates (2004)
3. Red Mt. Golf Course (2005)
4. Falcon Ridge Planned Unit Development (2005)

1. Hugo Land Use Committee. 2006. *150-Day ORS Standards*. Hugo, OR.
 2. Minutes And Exhibits From Budget Committee Hearing FY 2005 - 2006, April 28, 2005.
 3. Minutes And Exhibits From Budget Committee Hearing FY 2004 - 2005, May 17, 2004.

More Potential Violations, Including M37 Claims

Systematic and continuing violations by JO CO of ORS 215.427 are resulting in deleterious effects on citizens and land use applicants. This pattern and practice has an appearance ranging from neglect because of the absence of overt adverse impacts to JO CO for ignoring the 150-day law, to potential intentional efforts by JO CO to subvert its own land use laws. Known examples of probable ORS 215.427 violations by JO CO include the following.

Hearing Date	Time Limit	Project
Feb/06	11/26/05	Klein Estates
01/25/06	12/04/05	Recreational Use
01/04/06	09/28/05	Fox Hill Subdivision
01/25/06	12/30/05	Forest Dwelling
02/01/06	01/16/06	Forest Dwelling
02/22/06	08/28/05	Red Mt Golf Course

Measure 37 Claims. An unknown, but significant impact are the 320 Measure 37 claims filed with Josephine County as of December 5, 2006 as all M37 claims must be resolved within 180 days.⁴

County Briefing⁵

Processed M37 claims as of December 7, 2006:	188
M37 Applications as of November 1, 2006:	214
M37 Applications as of December 4, 2006:	322

4. The Grants Pass Daily Courier. December 5, 2006. Deadline cases show Measure 37 has serious flaws. Opinion, Section 4A. Grants Pass, OR.
 5. Michael Snider, Josephine County Planning Office. December 7, 2006. *Planning Briefing for Josephine County Board of County Commissioners*. Grants Pass, OR.

More Information

2005: Permits Exceeding 150 Day Limit²

“Permits Exceeding 150-Day Up by 67%. ”

Activity	2002-03	2003-04	2005-06
> 150 days	9	12	15

Measure 37 Claims: “37 Claims Filed To Date”
 “Must Be Resolved in 180 Days”

2004: Permits Exceeding 150 Day Limit³

“Permits Exceeding 150-Day Up by 75%. ”

Activity	2001-02	2002-03	2003-04
> 150 days	3	9	12

This brochure is one of 11 brochures in the Hugo Neighborhood's education series on 150-Day Violations.¹

More Information. Would you like to learn more? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.



Disclaimer. This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission of promoting the social welfare of its neighbors.

Land Use & History

The *Hugo Neighborhood's* land use mission is to promote Oregon Statewide Goal 1 — Citizen Involvement, and to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors. It will act, if requested, as a technical resource assisting neighbors to represent themselves.

Its history mission is to educate, collect, preserve, interpret, and research its local history and to encourage public interest in the history of the Hugo area.

Volunteer membership dues are \$10.00 annually per family and normally used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to our Treasurer.

Hugo Neighborhood Association
Web Page: <http://jeffnet.org/~hugo/>

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Hugo Land Use Committee

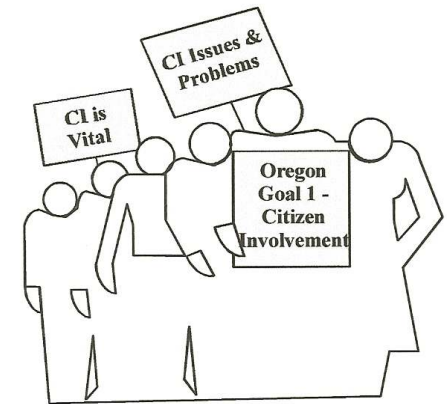
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Brochure 12C in Josephine County
CI Issues & Problems Series



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**Land Use Committee
Hugo Neighborhood Association**

Members of the CAC/NA Coalition