
Citizen Initiated Enforcement Order

Issue. The issue is the chilling effect on citizen participation from Josephine County's (JO CO's) violation of the 150-day rule (ORS 215.427), and a mandamus process (ORS 215.429) that may follow from the failure, to move the land use process out of the jurisdiction of the JO CO Board of Commissioners (BCC) to the local circuit court, and the award of attorney fees (ORS 20.075(1)) against intervenors (i.e., citizens).

- **ORS 197.335** Order for compliance with goals; review of order; withholding grant funds; injunctions.
- **OAR 660-045-0040** Citizen Initiated Enforcement Order

Citizen-Initiated Enforcement Order The *Hugo Neighborhood Land Use Committee* is considering a citizen-initiated enforcement order established by Oregon Administrative Rules Division 45, Citizen-Initiated Enforcement Orders (OAR 660-045-0040). The *Hugo Land Use Committee* believes that JO CO had engaged and continues to engage in numerous "patterns or practices" violating ORS 215.427, administrative rules, case law, and its own comprehensive plan and development code.^{1&3} ORS 197.319 to 197.335.

Brochure Series This brochure is one of 11 brochures in the Hugo Neighborhood's education series on 150-Day Violations.²

Rational For Enforcement Order

These systematic and continuing violations by JO CO of ORS 215.427 are resulting in deleterious effects on citizens and land use applicants. The main concern is the effect on citizen participation in the county's violation of the 150-day rule, and a mandamus process that follows from this failure that moves the land use process out of the jurisdiction of the BCC into the circuit court.

2005: Permits Exceeding 150 Day Limit³

The JO CO Budget Committee annually hears a plea from the JO CO Planning Department to fund its land use mandate - "*Permits Exceeding 150-Day Up by 67%.*"

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

In summary, a pattern and practice of JO CO failing to meet the statutory time limits law will have a chilling effect on citizen participation.



-
1. Hugo Land Use Committee. 2006. *JO CO 150-Day Violations - Pattern And Practice*. Hugo, OR; Hugo Land Use Committee. 2006. *Mandamus Proceedings For 150-Day Violations*. Hugo, OR.
 2. Hugo Land Use Committee. 2006. *150-Day ORS Standards*. Hugo, OR.
 3. Minutes And Exhibits From Budget Committee Hearing FY 2005 - 2006, April 28, 2005.

More Information

Citizen enforcement orders are not new to the county. An early one was the result of Josephine County adopting its comprehensive plan in 1981, but without acknowledgment by LCDC. The LCDC placed the enforcement order on the county in 1984. At issue was approximately 95,000 acres in just over 4,000 tax lots of private land. It represented approximately 30 percent of the private land base in the county. Of this acreage approximately 74,000 acres were zoned woodlot & 16,000 acres zoned RR-5. The LCDC's position was that these lands were not properly protected in accordance with the law. The enforcement order severely restricted land partitioning and development in the county's woodlot zone.

Research Volunteer Needed. Each 150-Day violation must be documented in detail, identifying the local file number, the date the application was filed and deemed complete, notices, hearing schedules, any continuances, any interim rulings or decisions, and the day the 150 days was exceeded. This material will have to be included as appendices to establish the facts for the enforcement order.



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. Send us your e-mail address if you want to know what we are doing.

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

Edited by Wayne McKy, Holger Sommer, & Mike Walker

Hugo Land Use Committee

Wayne McKy, Member
Land Use Committee
Hugo Neighborhood
6497 Hugo Road
Grants Pass, Oregon 97526

Mike Walker, Member
Land Use Committee
Hugo Neighborhood
3388B Merlin Rd #195
Grants Pass, Oregon 97526

Hal Anthony, Member
Land Use Committee
Hugo Neighborhood
3995 Russell Road
Grants Pass, Oregon 97526

Possible Citizen-Initiated Enforcement Order Based On 150-Day Rule Pattern & Practice Violations

Brochure 12H in Josephine County
CI Issues & Problems Series



December 5, 2006

Land Use Committee
Hugo Neighborhood Association

Members of the CAC/NA Coalition