



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 10, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 005-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: September 26, 2008

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Susan Lee, Jackson County

<paa>

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 08 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Jackson County**

Local file number: **LRP2005-00010A**

Date of Adoption: **9/3/2008**

Date Mailed: **9/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To consider a text amendment to Section 6.3.8 of the Land Development Ordinance (LDO), that corrects an omission in the Destination Resorts Ordinance 2007-7 passed in July 2007. The LDO Private Road standards (Section 9.5.3) limit private road access to no more than 12 lots. An exemption to this standard for Destination Resorts is proposed. The application is identified as File No. LRP2005-00010A.

Does the Adoption differ from proposal? Please select one

N/A

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD #005-08 (N/A)

DLCD file No. 005-08 (NOA)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Invoking ORS 197.610(2), Noticed Original File LRP2005-00010 participants.

Local Contact: **Susan Lee, Planning Director**

Phone: (541) 774-6943 Extension:

Address: 10 S. Oakdale, Rm 100

Fax Number: 541-774-6791

City: Medford

Zip: 97501-

E-mail Address: susan.lee@jacksoncounty.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 2008-9

AN ORDINANCE AMENDING THE DESTINATION RESORT GENERAL DEVELOPMENT REGULATION REQUIREMENTS IN REGARDS TO LIMITATIONS OF PRIVATE ROADS SERVING NO MORE THAN 12 LOTS IN THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE. FILE NO. LRP2005-00010 (A)

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Land Conservation and Development Commission (LCDC).
2. On July 18, 2007 the Board of County Commissioners adopted Ordinance 2007-7, an ordinance amending the Jackson County Land Development Ordinance to adopt new regulations for developing Destination Resorts.
3. The adopted ordinance on Destinations Resorts failed to exempt these private developments from a County limitation on the number of lots served by private roads as stated in the Land Development Ordinance Sections 9.5.3, 10.4.3, and 13.3 214(n), and occurrence of the same limitation in the User's Guide.
4. The Jackson County Planning Commission held properly noticed public hearing on this matter to consider the evidence on July 24, 2008.
5. The Jackson County Board of Commissioners also held a properly noticed public hearing on this matter on August 6, 2008.

Now, Therefore, the Board of County Commissioners of Jackson County hereby makes the following findings and conclusions:

**1-ORDINANCE; File LRP2005-00010(A)
Destination Resorts, Ordinance**

SECTION 1. FINDINGS

- 1.1 Chapter 6 of the Jackson County Land Development Ordinance under 6.3.8 (l) subjects a Destination Resort to the General Development Regulations of Chapter 9.
- 1.2 The Jackson County Planning Commission has recommended approval of the revised language in LDO Section 6.3.8(l) to exempt all Destination Resorts from limited lot or parcel access via private roads. The Planning Commission adopted the Staff Report, findings, and proposed LDO text amendments, attached and incorporated here by reference as Exhibit A.

SECTION 2. CONCLUSIONS

- 2.1 The procedural requirements of ORS 197.610-197.615 have been met.
- 2.2 The amendments to the Jackson County Land Development Ordinance Section 6.3.8(l) are in compliance with and implement Oregon land use laws, specifically the Destination Resort Statute, ORS 197.435-197.467 and Statewide Land Use Planning Goal 8 (Recreational Needs), which direct the implementation of destination resorts, as well as all other applicable provisions of state law.

SECTION 3. DECISION

The Board of County Commissioners of Jackson County ordains as follows:

- 3.1 Based on the record of the public hearing, the Board of County Commissioners adopts the Jackson County Planning Commission Recommendation with the attached Staff report including the amendments to the Land Development Ordinance Section 6.3.8(l), attached here as Exhibit "A".
 - 3.1.1 For the purposes of clarification, the Board of County Commissioners recognizes two scrivener's errors in the Jackson County Planning Commission Recommendation of Approval, dated July 24, 2008. Those errors are as follows:
 - 3.1.1a Exhibit A and Exhibit 1 referred to in the staff report adopted by the Jackson County Planning Commission are, in fact, a single document and labeled Exhibit 1. No document labeled Exhibit A, as referred to in the staff report adopted by the Jackson County Planning Commission, exists or was considered.

**2-ORDINANCE; File LRP2005-00010(A)
Destination Resorts, Ordinance**

3.1.1b Attachment 1 referred to on page 2 of the Jackson County Planning Commission Recommendation for Approval is, in fact, Exhibit 1 of the staff report. No document labeled Attachment 1, as referred to on page 2 of the Jackson County Planning Commission Recommendation for Approval, exists or was considered.

3.2 Based on the Jackson County Planning Commission's recommendation as shown in Exhibit A, as corrected above in 3.1.1, the Board of Commissioners adopts amended Chapter 6, attached as Exhibit "B".

3.3 In accordance with Section 14(8) of the Jackson County Charter, this ordinance shall take effect sixty (60) days after the date this ordinance is adopted, or when this ordinance becomes acknowledged by operation of ORS 197.625(1) and (2), whichever occurs later.


3.4 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

ADOPTED this 3rd day of September, 2008, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Dennis C.W. Smith, Chair



Dave Gilmour, Commissioner



Jack Walker, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

ATTEST:



Allie O'Connor, Interim County Counsel



By: Recording Secretary

**3-ORDINANCE; File LRP2005-00010(A)
Destination Resorts, Ordinance**

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on _____, 2008, and the LUBA appeal period will expire on _____, 2008. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

4-ORDINANCE; File LRP2005-00010(A)
Destination Resorts, Ordinance

EXHIBIT A

**BEFORE THE JACKSON COUNTY PLANNING COMMISSION
STATE OF OREGON, COUNTY OF JACKSON**

**IN THE MATTER OF AN EMERGENCY)
ORDINANCE AMENDING THE DESTINATION)
RESORT GENERAL DEVELOPMENT)
REGULATION REQUIREMENTS IN REGARDS)
TO LIMITATIONS OF PRIVATE ROADS)
SERVING NO MORE THAN 12 LOTS IN THE)
JACKSON COUNTY LAND DEVELOPMENT)
ORDINANCE. File No. 2005-00010(A))**

**RECOMMENDATION
FOR APPROVAL**

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The Jackson County Planning Commission hereby initiates a text amendment to the Jackson County Land Development Ordinance (LDO), pursuant to LDO Section 3.8.2.
3. The Jackson County Planning Commission was presented with a staff report and recommendation for this text amendment to the Jackson County Land Development Ordinance on July 24, 2008.

Now, therefore,

The Jackson County Planning Commission finds and RECOMMENDS as follows:

FINDINGS:

The Planning Commission makes the following findings with respect to this text amendment to the Land Development Ordinance (LDO):

- 1.1 The Planning Commission finds that an omission in the Destinations Resort Ordinance No. 2007-7, adopted July 18, 2007, prevents a Destination Resort application from being considered because of references restriction of private roads to no more than 12 lots or parcels appearing in LDO Sections 9.5.3, 10.4.3, 13.3 214(n) and occurrence of the same limitation in the User's Guide.
- 1.2 The Staff Report proposes amendments to the General Development Regulations for Destination Resorts, contained in LDO Section 6.3.8 (I), establishing a necessary exception to the restriction imposed by private road access standards.

**1-File No. LRP2005-00010(A)
Destination Resort, Emergency Ordinance**

- 1.3 A properly published legal notice was published in the Mail Tribune on July 13, 2008, for the public hearing held before the Planning Commission on July 24, 2008.
- 1.4 The Planning Commission finds the proposed revision to the LDO is adequate to release Destination Resort applications from the 12 lot access limitation attributed to private roads. The proposed change does not affect other development applications.

CONCLUSION:

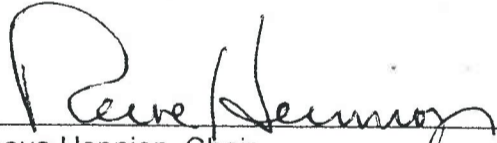
The Jackson County Planning Commission adopts the Staff Report and recommendation, including the attached text amendments to the LDO.

RECOMMENDATION:

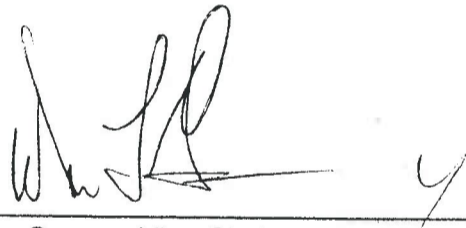
Based on the evidence in the record, the Planning Commission finds the changes to LDO Section 6.3.8 (Attachment 1) are warranted and recommends adoption by the Board of Commissioners.

This recommendation for APPROVAL adopted this 24th day of July, 2008, at Medford, Oregon.

JACKSON COUNTY PLANNING COMMISSION
(Vote: Y=Yes; N=No; A=Abstain)



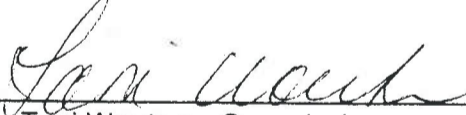
Reeve Hennion, Chair



Don Greene, Vice-Chair



Joel Ockunzzi, Commissioner



Tani Wouters, Commissioner

ATTEST:



Susan Lee, Secretary

Attachment 1: Staff Report with LDO Text Amendment to Section 6.3.8

2-File No. LRP2005-00010(A)
Destination Resort, Emergency Ordinance

LRP2005-00010(A)

**JACKSON COUNTY DEVELOPMENT SERVICES DEPARTMENT
COMPREHENSIVE PLAN AMENDMENT
FILE NO. LRP2005-00010(A) Destination Resorts/Amended
STAFF REPORT**

PROJECT DESCRIPTION: Destination Resort, Private Road Access Amendment

BACKGROUND INFORMATION: To correct an omission in Ordinance 2007-7 that adopted changes to the Jackson County Land Development Ordinance for Destination Resorts.

Destination resorts are largely comprised of private roads, but would be prevented from applying under language in the current LDO. Existing Language in the LDO limits the number of lots or parcels served by a private road as follows:

9.5.3 Private Roads

A private road may provide common access to no more than 12 lots or parcels. Any or all required surveys, maps, plans, and improvements of private roads are the responsibility of the applicant/developer or abutting owners. No funds of the County will be expended for any of the above items nor will the County or any of its officers or employees be liable for failure to improve or repair a private road. Private roads will meet the following standards:

F) Surface

- 1) *Outside urban growth boundaries and urban unincorporated communities, an unpaved private road may provide access to no more than three (3) abutting lots or parcels. A paved private road may provide access to no more than 12 lots or parcels, and*

10.4.3 Roads and Access

10.4.3 C) Private Roads

Approved private roads are privately maintained and provide common access to no more than 12 lots or parcels (See Section 9.5).

13.3 Terms Defined

13.3 214 ROADS

LRP2005-00010(A)

N) Private Road: Also known as an "easement road," a County approved accessway serving two (2) to 12 lots or parcels...

User's Guide References: any reference to the User's Guide referencing a 12 lot minimum.

The proposed amendment (attached), would exempt the number of lots/parcels served by the private roads for any Destination Resort. The exemption will be under the General Development Regulations portion of Section 6.3.8, Destination Resorts. An emergency ordinance is being requested by a potential applicant to allow for application submittal.

APPLICABLE CRITERIA: The following criteria apply to this legislative amendment to the Land Development Ordinance.

3.8 TEXT AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE

3.8.1 Purpose

The Board of Commissioners, in accordance with the procedures of this Section, may amend the text of this Ordinance. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but to make adjustments to the text of this Ordinance that are necessary in light of changed circumstances or changes in public policy, or that are necessary to advance the general welfare of the County.

3.8.2 Procedures

A) Initiation

Text amendments to this Ordinance may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

B) Standard Review Procedure

Applications for amendments to this Ordinance will follow the Type 4 review procedure set forth in Section 2.7, as identified in Table 2.7-2.

3.8.3 Approval Criteria

Recommendations and decisions on LDO text amendments will be consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals, and Oregon Administrative Rules. Notice of amendments will be provided by the County as required by ORS 197.610 and ORS 215.503.

FINDINGS: Staff finds the intent of Ordinance 2007-7, adopting Destination Resorts in the County's Comprehensive Plan and Land Development Ordinance, was to establish clear standards to allow for these resorts in the County. The intent was not to limit them according to one specific private road definition that exists in the LDO. The proposed change here is necessary to allow the filing of Destination Resort applications and to advance the general welfare of the County. Advance notice to the Department of Land Conservation and Development (DLCD) under 197.610 (1) are not applicable. The County has determined no goals are applicable

and will suggest the changes be deemed an emergency thus ORS 197.610(2) applies (no 45-day notice is required).

The Board can initiate and recommend the approval of this ordinance. The notice provided is adequate under the State Statutes listed in the criteria above.

RECOMMENDATION: Staff recommends approval of the text changes to the LDO for Section 6.3.8 as attached in Exhibit A, exempting Destination Resorts from the limitation to the number of lots or parcels accessed by a private road.

ATTACHMENT:

Exhibit 1 - LDO Text Amendment to Section 6.3.8

Prepared by: Susan Lee, Planning Director



7/15/08

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- B) **Library**
Libraries are considered a public use, and may include indoor incidental retail and meeting activities.
- C) **Park and Playground**
 - 1) In the Floodplain Overlay, picnic tables, play structures, and “camp place fireplaces” are accessory uses subject to Type 1 review, and will be designed and anchored to prevent flotation, collapse, or lateral movement. (See Section 7.1.2(B)(2))
 - 2) Public use areas such as parks, recreation sites, and picnic grounds should be designed to prevent fires which may start in them, from spreading to adjacent or nearby wildlands or developments.
- D) **Public Works Buildings and Facilities**
The use includes buildings and uses of a public works, public service, or public utility nature, but does not include equipment storage or repair yards, warehouses, or related activities, unless fully conducted within an enclosed building.

6.3.8 Destination Resorts⁷

A) Applicability

The provisions of this section apply to proposals for the development of destination resorts, as defined in Section 13.3. Development which meets the standards of Section 6.3.8(C) is referred to as a “large destination resort.” Development which meets the standards of Section 6.3.8(D) is referred to as a “small destination resort.” Except within Subsections 6.3.8(C) and (D), references in this section to “destination resorts” or “resorts” apply to both “large destination resorts” and “small destination resorts.” When any conflict exists between the development standards or procedures of this Section and any other part of this Ordinance, the provisions of this Section shall govern proposals for the development of large destination resorts and small destination resorts.

B) Definitions

The following definitions apply to proposals for the development of destination resorts under this Section:

- 1) **Developed Recreation Facilities:** Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths. [ORS 197.435(1)]
- 2) **Map of Eligible Lands:** A map of lands within the County potentially eligible for destination resort siting, adopted as part of the Jackson County Comprehensive Plan pursuant to ORS 197.455. Jackson

⁷ Ordinance 2007-7, effective 9-16-07

County's map of eligible lands is titled "Lands Eligible for Siting of a Destination Resort." [ORS 197.435(3)]

- 3) *Open Space:* Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas. [ORS 197.435(4)]
- 4) *Overnight Lodgings:* Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition. [ORS 197.435(5)]
- 5) *Self-Contained Development:* A development for which community sewer and water facilities are provided on site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" must have developed recreational facilities provided on site. [ORS 197.435(6)]
- 6) *Tract:* A lot or parcel or more than one contiguous lot or parcel in a single ownership. [ORS 197.435(7)]
- 7) *Visitor-Oriented Accommodations:* Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents. [ORS 197.435(8)]

C) Large Destination Resort Standards

- 1) The resort is located on a site of 160 or more acres. [ORS 197.445(1)]
- 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
- 3) At least \$7 million must 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 one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in

accordance with the United States Consumer Price Index.
[ORS 197.445(3) and (8)]

- 4) Visitor-oriented accommodations, including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable overnight lodging units may be phased in as follows:
 - a) A total of 150 rentable units of overnight lodging shall be provided as follows:
 - i) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, must be constructed or guaranteed through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units
 - ii) The remaining overnight lodging units must be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.
 - b) The development approval must provide for the construction of required overnight lodging units within five years of the initial lot sales. The development approval shall state that if construction of the required overnight lodging units is not completed within five years after the initial lot sales, no additional development permits, other than for maintenance of existing facilities, shall be issued.
 - c) The number of units approved for residential sale may not be more than two units for each unit of permanent overnight lodging provided under subparagraph (a)(i) of this paragraph. [ORS 197.445(4)(a)]
- 5) All required developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations shall be physically provided or guaranteed pursuant to Section 10.6.2 through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding as provided in Section 10.6.2. As used in this paragraph, "key facilities" means sanitary facilities, water facilities, storm drainage facilities, energy and communication facilities, and transportation facilities. [ORS 197.465(3)]
- 6) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the development.

Industrial uses of any kind are not permitted. [ORS 197.445(5)]

D) Small Destination Resort Standards

In lieu of the standards set out in subsection (C), the standards set out in this subsection may be applied to a destination resort on land that is not defined as agricultural or forest land under any statewide planning goal, or on land for which an exception has been taken to any statewide planning goal concerning agricultural lands, forest lands, public facilities and services and urbanization. [ORS 197.445(6)]

Developments which meet the following standards shall be considered a "small destination resort":

- 1) The resort must be located on a site of 20 acres or more. [ORS 197.445(7)(a)]
- 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
- 3) 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. [ORS 197.445(7)(f)]
- 4) At least \$2 million must 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 one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index. [ORS 197.445(7)(b) and (8)]
- 5) At least 25 units, but not more than 75 units, of overnight lodging must be provided. A restaurant and meeting room with at least one seat for each unit of overnight lodging must be provided. [ORS 197.445(7)(c) and (d)]
- 6) Residential uses must be limited to those necessary for the staff and management of the resort. [ORS 197.445(7)(e)]
- 7) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted. [ORS 197.445(5)]
- 8) The resort must be constructed and located so that it is not designed to attract highway traffic. Small destination resorts may 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.
[ORS 197.445(7)(g)]

E) Permitted Uses

- 1) Visitor-oriented accommodations:
 - a) Overnight lodgings, as defined in subsection (B)(4).
 - b) Convention and conference facilities and meeting rooms.
 - c) Retreat centers.
 - d) Restaurants, lounges and similar eating and drinking establishments.
 - e) Other similar visitor-oriented accommodations consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 2) Developed recreational facilities:
 - a) Golf courses, driving ranges, practice facilities and clubhouses.
 - b) Indoor and outdoor swimming pools.
 - c) Indoor and outdoor tennis courts.
 - d) Indoor and outdoor playing fields.
 - e) Physical fitness facilities.
 - f) Equestrian facilities.
 - g) Marinas and boating facilities.
 - h) Ski runs, ski trails and snowmobile trails.
 - i) Walkways, bike paths, jogging paths, equestrian trails and nature trails.
 - j) Nature interpretive centers.
 - k) Wildlife observation facilities.
 - l) Other similar recreational facilities consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 3) Residential uses:
 - a) Single-family dwelling (detached).
 - b) Single-family dwelling (attached).
 - c) Multi-family dwelling.
 - d) Living quarters for permanent or temporary employees.
- 4) Facilities necessary for public safety, transportation, and utilities serving the resort.

F) Accessory Uses and Structures

The following accessory uses and structures are allowed, provided they are subordinate in extent, area and purpose to the principal uses of the resort:

- 1) Visitor-related transportation facilities excluding airports and heliports, but including airstrips and helicopter landing pads.
- 2) Emergency medical facilities.
- 3) Storage structures and areas, including short-term recreational

vehicle storage for resort visitors.

- 4) Kennels as a service for resort visitors only.
- 5) Recycling and garbage collection facilities.
- 6) Maintenance shops and facilities.
- 7) Dormitories.
- 8) Detached living space, as provided in Section 6.4.4(B).
- 9) Home occupations, as provided in Section 6.4.4(C).
- 10) Commercial uses and services, limited to a size and level necessary to meet the needs of resort visitors:
 - a) Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, book stores, craft stores, art galleries, gift shops, snack bars and specialty food shops.
 - b) Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios.
 - c) Real estate offices, banks and automated teller machines.
 - d) Automobile service stations limited to fuel sales, minor repairs, minor maintenance and incidental parts sales.
- 11) Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort.
- 12) Churches, community meeting halls, pre-school and day care facilities, limited to a size appropriate for serving residents of visitors to and employees of the resort.
- 13) Temporary or seasonal fairs, festivals, charity events and resort promotional activities, subject to the requirements of Section 6.5.2.
- 14) Other similar accessory uses.

G) Aggregate Operations

Temporary mining, crushing, or processing of aggregate into asphalt or Portland Cement, for use in roads, utilities and other construction activities on the site that implement an approved final development plan for the resort or phase of the resort.

H) Dimensional, Setback and Wildfire Safety Standards

The provisions of Chapter 8 (Dimensional Standards, Measurements and Adjustments) of this Ordinance shall apply to destination resorts only where

indicated in this subsection.

1) Dimensional Standards

Lot area and building height shall be defined and measured as provided in Section 8.3.1. Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the dimensional standards for lot area, lot width and building height in a destination resort shall be as set forth below.

- a) The minimum lot area within a destination resort shall be:
 - Single-family dwelling (detached) 5,000 sq. ft.
 - Single-family dwelling (attached) 2,500 sq. ft.;
 - 2,000 sq. ft. for interior lots where three or more single-family dwellings are attached.
 - Multi-family dwelling 5,000 sq. ft. for two units; plus 2,000 sq. ft. for each additional unit.
- b) The minimum lot width within a destination resort shall be:
 - Single-family dwelling (detached) 50 ft.
 - Single-family dwelling (attached) 30 ft.;
 - 20 ft. for interior lots where three or more single-family dwellings are attached.
 - Multi-family dwelling 60 ft.
- c) Maximum building height shall be 35 ft.

2) Setback Standards

- a) Exterior Boundaries
 - The minimum setback from the exterior boundaries of a resort for all development, including structures, roads and sight-obscuring fences, but excepting pre-existing buildings, entry roadways, landscaping, utilities and signs, shall be:
 - i) 500 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts Aggregate Removal zoned land;
 - ii) 200 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts forest or farm zoned land;
 - iii) 100 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts land not in a resource zoning district;
 - iv) 50 feet for above-grade development other than that listed in (i), (ii) or (iii);
 - v) 50 feet for golf courses and playing fields;
 - vi) 25 feet for internal roads; and
 - vii) 25 feet for jogging trails, nature trails and bike paths where they abut private property, but no setback is required where they abut public roads or public lands.
 - b) Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the

minimum setbacks for structures on residential lots shall be:
Front 20 ft.
Side & Rear 10 ft. plus an additional ½ ft. for each ft.
building height exceeds 25 ft.

- c) Resort development shall comply with the Vision Clearance for Intersections requirements of Section 8.5.2(C).
 - d) Resort development shall comply with the Stream Corridor and Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. [ORS 197.460(1)]
 - e) On land where irrigation district ditches or canals exist, resort development shall comply with the Special Setback requirements of Section 8.5.3(D).
- 3) Resort development shall comply with the Wildfire Safety provisions of Section 8.7.

I) General Development Regulations

The provisions of Chapter 9 of this Ordinance shall apply to resorts, provided:

1) That in lieu of the size standards for signs set out in Section 9.6.6, the following size limitations shall apply to signs designed to be visible from outside the resort:

- a) Destination Resort
Main Entry Sign 250 sq. ft.
Secondary Entry Sign 150 sq. ft.
- b) Small Destination Resort – see Section 6.3.8(D)(8)

2) That the Section 9.5.3 "Private Roads" restriction on the number of lots served by a private road is waived. There is no restriction on the number of lots or parcels served by a private road in any Destination Resort. This exemption to lots/parcels served applies to the "surface" provisions of 9.5.3(F). For any Destination Resort, this exemption also applies to definitions in 10.4.3 and 13.3 (214)(n), and any other occurrence of the lots or parcel limitation relating to Private Roads in the LDO and to any reference to lot or parcel limitations to Private Roads that occur in the User's Guide as well.

J) Compliance with Transportation Planning Rule [OAR 660-012-0060]

Where the proposed destination resort development would significantly affect an existing or planned transportation facility, as part of preliminary development plan review the applicant shall propose, and County approval shall be conditioned to require, one or more of the measures listed in paragraph (2) below, to assure that the allowed land uses will be consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the transportation facility.

CHAPTER 6. USE REGULATIONS

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M) Firewood Retail Sales 27

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CHAPTER 6.¹ USE REGULATIONS

6.1 APPLICABILITY

6.1.1 Resource Districts

Uses established in the resource districts set forth in Chapter 4 are generally not required to comply with the provisions of this Chapter 6, unless such compliance is expressly indicated in the text of Chapter 4. For example, accessory uses and structures are allowed in accordance with Section 6.4.

6.1.2 All Other Districts

Uses established in any of the other general use districts, apart from the resource districts, will comply with all regulations set forth in this Chapter.

6.1.3 Overlay Districts

All uses established in overlay districts must comply with requirements described for each district as set forth in Chapter 7. Uses of the base zoning district continue to apply unless otherwise specifically stated in Chapter 7. General Use and Resource District development standards continue to apply for all uses except when superseded by more restrictive standards established in the overlay district.

6.2 TABLE OF PERMITTED USES

Table 6.2-1 sets forth the uses permitted within all base zoning districts, except for the resource districts. Uses allowed within the resource districts are set forth in Chapter 4 and those allowed in overlay districts are set forth in Chapter 7. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 2, 3, or 4 review, unless otherwise specified in Table 6.2-1.

6.2.1 Explanation of Table Abbreviations

A) **Type 1**

A "1" in the Table indicates that a use type is allowed by-right in the respective zoning district, subject to review and approval of a plot plan showing compliance with all other applicable regulations of this Ordinance, including the Development Standards set forth in Chapter 9. Some uses may also require approval of a site development plan pursuant to Section 3.2 (e.g., new commercial or industrial uses on vacant parcels).

B) **Type 2**

A "2" in the Table indicates that a use type is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3. Some uses may also require approval of a site development plan pursuant to Section 3.2.

C) **Type 3**

A "3" in the Table indicates that a use type is conditionally allowed only if reviewed and approved in accordance with the Type 3 review procedures of Section 3.1.4. Some uses may also require approval of a site development plan pursuant to Section 3.2.

¹Ordinance 2006-10, effective 2-18-07

- D) **Type 4**
A "4" in the Table indicates that a use type is subject to review and approval by the Planning Commission and Board of Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5. In addition, Type 4 land use permits require a site development plan pursuant to Section 3.2.
- E) **Uses Not Allowed**
A dash (-) indicates that the use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.
- F) **Numerical References**
The references contained in the "See Also" column are references to additional standards and requirements that apply to the use type listed. The regulations are set forth immediately following the table, in Section 6.3, or as otherwise specified. Standards referenced in the See Also column apply in all zoning districts unless otherwise expressly stated. Uses are also subject to applicable standards of Chapters 7, 8 and 9.
- G) **Use Categories/Use Types**
All of the major use categories listed in Table 6.2-1 are described in Section 13.2 "Use Classifications." "Specific uses" are listed in the second column of the table. The use categories are intended to be mutually exclusive. If a use type is specifically listed in the table, that use type is allowed only in the districts indicated, not within the districts that allow the broader classification. If a use type is not listed, then the County will, upon the request of any interested party and pursuant to the procedures set forth in Section 6.2.3, "Procedure for classifying Unlisted Uses" make a determination within which use category, if any, such use type should be included.
- H) **Uses**
See Section 13.2 "Use Characteristics", and Section 6.2.3 "Procedure for Classifying Unlisted Uses." Accessory and temporary uses are allowed in all zoning districts.

6.2.2 Use Table for Base Zoning Districts²

Note: The urban residential zoning districts noted below include all urban residential and White City urban residential districts described in Section 5.4 of this Ordinance. Split use types may not be completely consistent with the "See Also" notes. Notwithstanding the permit review type listed under Commercial and Industrial uses, changes of use on existing commercial or industrial sites are allowed subject to a Type 1 review whenever Section 3.2.3 does not apply to the proposed change.

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO	
CATEGORY	SPECIFIC USE	ZONING DISTRICTS													
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	IC	IC	NC	NC	AS	AS	AS	AS	AS	AS
RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)															
Agriculture	Horse boarding & riding facilities	1	3	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Intensive livestock	3	3	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Non intensive agriculture	1	1	1*	1*	1	1	1	1	1	1	1	1	1	6.3.1(A); 5.5.3; 12.3.1
Forestry	Plant nursery	2	2	3	-	2	-	-	-	2	2	2	2	2	6.3.1(B) 6.4.4(D)
	Manage, grow, harvest, process timber & forest products	1	1	1	-	-	-	-	-	-	-	-	-	-	

²Ordinance 2004-12, effective 2-6-2005; Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-14, effective 2-13-2005

*Not permitted within the White City Urban Unincorporated Community (WCUUCB)

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS
1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit

CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO		
		RURAL RESIDENTIAL			URBAN RESDL.			COMMERCIAL			INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR	UR	UR	UR	UR	UR	UR	UR	UR			
Mineral and aggregate	Aggregate or surface mining, stockpiling or processing (e.g., batch plants)	3	-	-	-	-	-	-	-	-	-	-	-	-	4.4.8; 6.3.4(A)	
Fish and game	Fish hatchery/culture/game refuge or management	1	3	-	-	-	-	-	-	-	-	-	-	-	-	
RESIDENTIAL USES																
Household Living	Accessory dwelling	-	-	1	-	-	-	-	-	-	-	-	-	-	-	6.4.4(B)
	Co-housing	-	2	2	-	-	-	-	-	-	-	-	-	-	-	-
	Detached single-family dwelling, 1st	1	1	2	2	2	2	2	2	2	2	2	2	2	2	6.3.2(C)
	Manufactured dwelling park	-	-	3	-	-	-	-	-	-	-	-	-	-	-	6.3.2(A)
	Multi-family dwelling	-	-	-	1	-	-	-	-	-	-	-	-	-	-	6.3.2(B); 3.2
	Rectory/parsonage	-	1	1	1	2	2	2	2	2	2	2	2	2	2	6.3.2(C)
	Single-family dwelling, two or more (attached or detached)	-	2	2	2	-	-	-	-	-	-	-	-	-	-	6.3.2(D)

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO
CATEGORY	SPECIFIC USE	ZONING DISTRICTS												
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL				
		RR-00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR-30	IC	NC	RS	ARS	RS	SVRS	GI	LI	
Group Living	Convent or monastery	3	3	3	-	-	-	-	-	-	-	-	-	3.2
	Farm labor housing	3	-	-	-	-	-	-	-	-	-	-	-	
	Nursing home	3	3	3	3	-	-	-	-	-	-	-	-	
	Residential facility/Community housing	3	3	3	1	-	-	-	-	-	-	-	-	ORS 197.660 ORS 426.502
	Residential home/in-home day care	1	1	1	1	1	1	1	1	1	1	1	1	ORS 197.660; 6.3.3(K); 12.3.1
	Substance abuse rehabilitation	3	3	3	-	-	-	-	-	-	-	-	-	
COMMERCIAL/OFFICE USES														
Agricultural Sales and Service	Agriculture produce stand	3	3	-	-	-	-	-	-	-	2	2	-	6.3.3(A)
	Farm equipment repair	-	-	-	2	-	-	2	2	3	2	2	2	
	Farm equipment sales	-	-	-	2	-	-	-	-	-	-	2	2	6.3.4(C)
	Farm equipment storage	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO					
CATEGORY	SPECIFIC USE	ZONING DISTRICTS																	
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL					INDUSTRIAL								
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR-30	U	G C	I C	N C	R S	A R S	R S	S V R S		G I	L I			
	Firewood retail sales	-	2	-	-	2	-	-	-	-	-	-	-	2	-	-	2	-	6.3.3(M)
	Stock auction yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	
	Winery, tasting room	-	3	-	-	3	-	-	-	-	-	-	-	3	3	3	2	2	6.4.4(E)
Animal Sales and Service	Small animal clinic/hospital	-	3	-	-	-	-	-	-	3	3	3	2	-	-	-	-	3	6.3.3(B)
	Large/livestock/exotic animal clinic/hospital	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	6.3.3(B)
	Kennel	-	3	-	-	-	-	-	-	2	-	-	-	2	-	-	-	2	6.3.3(B)
	Pet shop	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	
Building Materials	Building material and lumberyard	-	-	-	-	-	-	-	-	1	-	-	-	3	3	-	2	2	6.3.3(H)
Day care	Adult day care/in-home child care	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(K); 12.3.1; ORS 657A.440
	Child care center	-	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	6.3.3(K), 12.3.1
Eating and Drinking Establishment	Community commercial kitchen	-	-	-	-	-	-	-	-	2	-	-	-	2	2	-	-	-	
	Eating establishment	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	3	5.5.3, 12.3.1

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														
1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit														
CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL				
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	V R S	G I	
	Drinking establishment	-	-	-	-	2	2	2	3	3	3	-	-	6.3.3(L), 12.3.1
	Drive-thru food and beverage	-	-	-	-	3	3	-	-	-	-	-	-	9.4.9
Financial Institutions	Bank, credit union, check cashing ctr.	-	-	-	-	2	2	2	3	3	2	2	2	5.5.3, 12.3.1
Food and Beverage Sales	Foods & sundries convenience	-	-	-	-	2	3	2	-	-	3	-	-	5.5.3; 6.3.3(J) 12.3.1
	Farmers market	-	-	-	-	3	-	2	3	2	-	2	-	5.5.3, 12.3.1
	Grocery store	-	-	-	-	2	-	-	2/3	2/3	2	2	-	6.3.3(P)
	Wine shop	-	-	-	-	2	-	2	2/3	2/3	2	2	-	5.5.3; 6.3.3(X), 12.3.1
Landscaping Sales/Service	Landscape contracting	-	-	-	-	2	-	-	3	3	3	3	2	
Medical Services	Emergency medical center	3	3	3	3	2	-	-	2	2	2	2	-	
	Hospital	-	-	3	3	-	-	-	-	-	-	-	-	
	Medical/dental/optical clinic	3	3	3	3	2	-	2	2	2	2	2	-	12.3.1
Office	Studio: broad-casting/recording	-	3	-	-	2	-	-	3	3	-	3	-	

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS																	
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO			
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL							
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	V R S	G I		L I		
	Business or professional office	-	-	-	-	2	2	2	3	2	2	2	2	2	-	-	12.3.1
Personal Service	Studio: art/dance/music/skills	-	-	-	-	2	2	2	2	2	3	2	2	2	-	-	12.3.1
	Barber or beauty shop	-	-	-	-	2	2	2	2	2	2	2	2	-	-	-	6.3.3(F), 12.3.1
	Laundromat or dry cleaner	-	-	-	-	2	2	2	2	2	3	3	3	-	-	-	5.5.3; 6.3.3(S),
	Mortuary	-	-	-	-	2	2	2	2	2	2	2	2	-	-	-	
	Tanning salon	-	-	-	-	2	2	2	2	2	2	2	2	-	-	-	12.3.1
Recreation and Entertainment	Amusement establishment (indoor)	-	-	-	-	2	2	2	2	2	2	2	2	-	-	-	
	Amusement establishment (outdoor)	-	-	-	-	3	3	3	3	3	3	3	3	-	-	-	6.3.7(C)
	Theater (indoor)	-	-	-	-	2	2	2	2	2	2	2	2	-	-	-	
Retail Sales	Auction service, commercial	-	-	-	-	2	2	2	2	2	2	2	2	-	-	2	6.3.3(D)
	Auction service, temporary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(E); 12.3.1

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS													SEE ALSO			
CATEGORY	SPECIFIC USE	ZONING DISTRICTS														
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL						
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GIC	INC	ARS	ARS	ARS	SVRS	GLI				
	Feed/seed store	-	-	-	-	2	-	-	2	2	3	2	-	-	-	6.3.3(N)
	Flea market	-	-	-	-	-	-	-	-	-	-	-	-	3	-	5.5.3; 6.3.3(X), 12.3.1
	Florist/garden shop, drug store, or bake shop	-	-	-	-	2	-	2	2/3	2/3	3	2	-	-	-	6.3.3(I)
	Clothing/general merchandise store	-	-	-	-	2	-	2	2/3	2/3	2	2	-	-	-	6.3.3(O), 12.3.1
	Gift, antique, or specialty shop	-	-	-	-	2	2/3	2	2	2	2	2	-	-	-	6.3.3(Q), 12.3.1
	Hardware store	-	-	-	-	2	-	2	2	2	2	2	-	-	-	6.3.3(W)
	Pawn/second hand store	-	-	-	-	2	-	2	-	-	-	-	-	-	-	
	Wholesale establishment	-	-	-	-	2	-	-	-	-	-	-	2	2	-	
	Other retail sales	-	-	-	-	2	-	-	2/3	2/3	2/3	2	-	-	-	6.2.3; 6.3.3(Y)
Service and Repair Businesses	Appliance repair & incidental sales	-	-	-	-	-	-	2	2	2	3	2	-	-	-	6.3.3(C)
	Bicycle repair & incidental sales	-	-	-	-	2	-	2	2	2	3	2	-	-	-	
	Gun repair	-	-	-	-	2	-	-	-	-	-	-	-	-	-	

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS																
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO		
		RURAL RESIDENTIAL			URBAN RESDL.			COMMERCIAL			INDUSTRIAL					
		RR-00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR-30	GC	IC	INC	ARS	ARS	ARS	GS	GS		LI	
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	2	2	
	Rental facilities & equipment rentals	-	-	-	-	2	-	-	-	-	-	-	-	2	-	
	Small engine repair, machine, welding shop	-	-	-	-	2	-	-	3	3	3	2	-	-	2	
	Other (e.g., well driller, cabinet shop, sanitary service installer, upholstery)	-	-	-	-	2	-	-	3	3	3	3	-	-	2	
Vehicles and Equipment	Body/fender shop	-	-	-	-	3	-	-	-	-	-	-	-	2	2	6.3.3(G)
	Manufactured dwelling, mobile home, & RV sales	-	-	-	-	2	-	-	-	-	-	-	-	-	-	
	Motor vehicle impound	-	-	-	-	3	-	-	-	-	-	-	-	2	2	
	Motor vehicle sales and rental	-	-	-	-	2	-	-	-	-	-	-	-	2	2	6.3.3(T)
	Motor vehicle service & repair	-	-	-	-	2	-	-	3	3	3	2	-	2	2	6.3.3(T)

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS																
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO		
		RURAL RESIDENTIAL			URBAN RESDL.			COMMERCIAL			INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR-30	G C	I C	N C	A R S	R S V R S	G I	L I				
	Motor vehicle storage	-	-	-	-	2	-	-	-	-	-	-	2	2	2	6.3.3(U)
	Motor vehicle washing/detailing	-	-	-	-	2	-	-	-	-	-	-	-	-	-	
	Parking area, commercial	-	-	-	-	2	-	-	-	-	-	-	-	-	2	6.3.3(V)
	Service station	-	-	-	-	2	2	2	3	2	2	2	3	2	-	
Visitor Accommodation	Destination resort large	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PDP 2 FDP	4 PDP 2 FDP	-	-	-	-	-	-	-	-	6.3.8
	Destination resort small	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PDP 2 FDP	4 PDP 2 FDP	-	-	-	-	-	-	-	-	6.3.8
	Guest ranch	-	3	-	-	-	-	-	-	-	-	-	-	-	-	
	Hotel or motel	-	-	-	-	2	2	3	-	-	-	-	-	-	-	6.3.3(R)
INDUSTRIAL/MANUFACTURING USES																
Equipment Storage and Repair	Equipment storage	-	-	-	-	2	-	-	-	-	-	-	-	2	2	6.3.4

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS																
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO		
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL						
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GIS		LI	
	Heavy machinery/equipment repair	-	-	-	-	2	-	-	3	3	3	2	2	2	2	6.3.4(B)
	Outdoor storage areas	-	-	-	-	-	-	-	-	-	-	-	2	2	2	6.3.4
	Wrecking/salvage or junk yard	-	-	-	-	3	-	-	-	-	-	-	2	2	2	6.3.4(E)
Industrial Service	Industrial service, low-impact	-	-	-	-	-	-	-	-	-	-	-	2	2	2	6.3.4
	Industrial service, high-impact	-	-	-	-	-	-	-	-	-	-	-	2	-	2	6.3.4
	Laundry/dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	2	2		
Manufacturing & Production	Firewood processing/sales*	-	-	-	-	-	-	-	-	-	-	-	2	-		
	Manufacturing and production, low-impact	-	-	-	-	-	-	-	-	-	-	-	2	2	2	6.3.4
	Manufacturing and production, high-impact	-	-	-	-	-	-	-	-	-	-	-	2	2	2	6.3.4

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO	
CATEGORY	SPECIFIC USE	ZONING DISTRICTS													
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GIC	INC	RSRS	ARSRS	RSVRS	SGI	LI			
	Manufacturing paper and allied products	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
	Manufacturing petroleum by-product	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
Warehouse and Freight Movement	Feed mills/elevators/granaries	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Mini-warehouse	-	-	-	-	2	-	-	2	-	-	-	2	2	6.3.4(D)
	Truck terminal, freight forwarding facility, or yard	-	-	-	-	-	3	-	-	-	-	-	2	2	
	Warehouse, food storage	-	-	-	-	-	-	-	-	-	-	-	-	2	6.3.4
TRANSPORTATION USES															
Aviation	Airport/heliport	-	-	-	-	-	-	-	-	-	-	-	-	2	6.3.5(A) ORS Chapter 836
	Bike Paths	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(B) Ch. 9
Public Transportation	Station only	-	-	-	-	3	-	-	2	3	-	-	-	-	3.2
	Terminal/station	-	-	-	-	3	-	-	3	3	-	-	2	2	3.2

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO		
CATEGORY	SPECIFIC USE	ZONING DISTRICTS														
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL						
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GIC	INCS	ARSS	RRSS	GS	RVRS	GLI				
Transportation Facility	Park-and-ride lot	-	-	2	2	1	1	1	1	2	2	2	2	-	-	3.2; 6.3.3(V)
Transportation Improvements	All types ³	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(C); 12.3.1
UTILITY/SOLID WASTE USES																
Utility	Building-mounted transmission towers	2	2	2	2	2	2	2	2	2	2	2	2	2	1	6.3.6(A)
	Co-location on existing towers	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1
	Concealed transmission towers (stealth)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1
	Freestanding transmission towers (new)	2	2	-	-	2	2	-	-	-	-	-	-	2	2	6.3.6(A)
	Major utility facilities	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.6(B)
	Minor utility facilities	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(B)

³Discretionary review may be required pursuant to Section 6.3.5(C)

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO	
CATEGORY	SPECIFIC USE	ZONING DISTRICTS													
		R U		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL			
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	U R 30	G C	I C	N C	R S	A R S	R S V R S	G I	L I	
	Small scale energy producing facility	3	3	3	-	-	-	-	-	-	-	-	2	2	6.3.6(B)
Waste-Related Use	Composting plant	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Incinerator	-	-	-	-	-	-	-	-	-	-	-	4	4	
	Modification of waste related use	-	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(D)
	Recycle drop-box	-	2	2	2	2	2	2	2	2	2	2	2	2	5.5.3; 6.3.6(C)
	Recycling plant	-	-	-	-	-	-	-	-	-	-	-	4	4	6.3.6(C)
	Sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Slaughter house/tannery/animal tallow/rendering plant	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Solid waste transfer station	-	-	-	-	-	3	-	-	-	-	-	3	3	6.3.6(C); 3.2
PARKS/PUBLIC/QUASI-PUBLIC USES															
	Cemetery (incl. animals)	-	3	3	3	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Library	-	3	3	3	3	2	3	3	3	2	2	2	2	6.3.7(B); 12.4.1(H)
	Museum	-	3	3	3	-	2	-	2	2	2	-	-	-	12.4.1(H)

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO	
CATEGORY	SPECIFIC USE	ZONING DISTRICTS													
		RURAL RESIDENTIAL			URBAN RESDL.		COMMERCIAL					INDUSTRIAL			
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RSVRS	GIS	LI		
Parks and Recreation	Campground/RV (new)	-	-	-	-	3	3	-	3	3	-	3	-	-	6.3.7(C); 12.4.1(H)
	Campground/RV (expand existing)	-	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Country club	-	3	-	-	-	-	-	-	-	-	-	-	-	6.3.7(C); 12.4.1(H)
	Fairgrounds or rodeo grounds	-	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Firearm training or shooting range	-	-	-	-	-	3	-	-	3	-	-	3	-	6.3.7(A); 12.4.1(H)
	Golf course	-	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Park/playground	-	2	2	2	2	2	2	2	2	2	2	2	2	6.3.7(C); 12.3.1, 12.4.1(H)
	Recreation/sports club, private	-	3	3	3	3	2	-	2	-	-	-	2	2	12.4.1(H)
	Recreation/sports club, public	-	3	2	2	2	2	-	2	-	-	-	2	2	12.4.1(H)
	Post Office substation	-	-	-	-	2	-	-	2	2	2	2	2	2	2

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS																		
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO			
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL					INDUSTRIAL							
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	U	G	I	N	A	R	S	V	R		S	L	I
Public Assembly	Community/town hall/grange	-	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	12.3.1, 12.4.1(H)
	Convention and exhibit hall	-	-	-	-	2	-	-	-	-	-	-	-	-	2	2	2	12.4.1(H)
Public Works	Public works buildings & facilities	3	3	3	3	3	3	3	3	3	3	3	3	3	2	2	2	6.3.7(D); 12.4.1(H)
	Religious assembly, house of worship (church)	-	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2.7.4(C) 12.4.1(H)
Safety Services	Seminary	-	3	3	-	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Emergency medical, ambulance service, fire/police stations	3	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	12.3.1, 12.4.1(H)
Schools	Commercial or business school	-	-	-	3	2	3	-	3	-	-	-	-	-	2	2	2	12.4.1(H)
	College/university	-	-	3	3	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Public or private school (K thru 12)	-	3	3	3	-	-	-	-	-	-	-	-	1	-	-	-	12.4.1(H)
	Satellite campus	-	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	12.4.1(H)

6.2.3 Unlisted Uses

A) **Procedure for Classifying Unlisted Uses**

In any zoning district other than Rural Limited Industrial, Limited Use, and Resource zones, where a particular use or class of uses is not identified in Table 6.2-1, such use(s) or class of uses may be permitted through a Type 2 procedure upon a finding by the Director that the criteria of subsection (B) below are satisfied. In addition, the Director may determine that a proposed use is not deemed to be within a classification, whether or not named within that classification, if its characteristics are substantially incompatible with those typical of uses named within the classification (see Section 13.2).

In making an unlisted use determination under Section 3.9, the Director may forward to the Planning Commission for review prior to rendering the decision. Any new or similar use that cannot be clearly determined to be in an existing use classification may be incorporated into the zoning regulations by an amendment to the text of this Ordinance, as provided by Section 3.8.

B) **Criteria for Approving Unlisted Uses**

The following criteria are used to determine what classification an unlisted use is in, where it is permitted, and whether activities associated with it are considered principal or accessory uses. In order to be allowed in a specific zoning district an unlisted use must be found to create no greater impacts on adjacent properties than those already allowed through a Type 3 review. All relevant impacts of an unlisted use must be considered, including but not limited to the following:

- 1) Whether the proposed use(s) is of the same general character as uses listed in the zoning district. The Director will give due consideration to the intent of the Jackson County Comprehensive Plan and this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question;
- 2) Whether the use or activities associated with it are likely to be found independent of other activities on the site;
- 3) Whether the impacts of the unlisted use are similar in nature, function, and duration to identified listed uses in relation to the following factors:
 - a) Any on-premise processing, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
 - b) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);

- c) The type, size and nature of buildings and structures, site area or floor space, and equipment or vehicles devoted to the activity;
- d) On-premise signs, and how the use will advertise itself;
- e) The relative number of employees and customers associated with each activity and per shift;
- f) Hours and days of operation;
- g) Transportation requirements, for both people and freight, by volume and type; characteristics of traffic generation to and from the site; relative number of vehicle trips generated by the use; trip purposes and whether trip purposes can be shared by other uses on the site;
- h) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
- i) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and
- j) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.

6.3 ADDITIONAL USE-SPECIFIC REGULATIONS

6.3.1 Resource Uses

A) **Agriculture**

Agriculture, as defined, is a Type 1 use in all districts except the White City Urban Residential (WCUR) districts. Intensive livestock, poultry, or fur-bearing animal production is allowed in resource zoning districts, and other zones as depicted in Table 6.2-1; however, in the AA Overlay, the use will not include the raising of animals or fowl which would be adversely affected by aircraft passing overhead. Animal husbandry in excess of the following standards per each acre per animal over nine (9) months in age is considered intensive:

- 1) Large animals, such as cows, horses, mules, donkeys, llamas, camels, buffalo, and the like, must maintain a standard of one (1) acre per each animal. A single large animal may not be kept on a parcel smaller than 30,000 square feet in size;
- 2) Alpacas, sheep or goats, and miniature horses - three (3) per acre;
- 3) Poultry - 20 per acre;
- 4) Ostriches - two (2) per acre;
- 5) Emus and rheas - four (4) per acre;
- 6) Fur-bearing animals - 50 per acre; or

- 7) Swine - on a parcel at least five (5) acres in size one (1) barrow (over four (4) months of age) per each acre, or, not more than two (2) breeding animals per each five (5) acres.

B) **Plant Nursery**

In the RR, and RR-5(A) districts, this is a Type 3 review subject to the Home Business standards in Section 6.4.4(D). Limited incidental sales of related items is permitted, not to exceed 25% of total annual sales.

6.3.2 Residential Uses

A) **Manufactured Dwelling Park**

1) *Applicability*

- a) No person will establish or enlarge a manufactured dwelling park without first obtaining the land-use approvals and permits required by this Section.
- b) Construction standards for manufactured dwelling parks are regulated through the State Building Codes Agency and require separate approval from the Building Division.

2) *Compliance with State Statutes, Regulations, and Rules Required*
In addition to the standards set forth in this Section, the manufactured dwelling park will meet the requirements set forth in state law, including:

- a) Oregon Revised Statutes regarding manufactured dwelling parks;
- b) Oregon State Health Division administrative rules regarding manufactured dwelling parks; and
- c) Oregon State Department of Consumer and Business Services administrative rules regarding the plans review and construction of the park.

3) *Design Standards and Requirements for New Manufactured Dwelling Parks, a Type 3 Review*

- a) The manufactured dwelling park will be located within an adopted urban growth boundary or urban unincorporated community, unless the proposal is for expansion of an existing park;
- b) The manufactured dwelling park will be located on a single parcel meeting the density requirements of the applicable base zoning district;
- c) The minimum zoning district setbacks will apply to the perimeter of the property. The manufactured dwelling park perimeter setback will include landscaping that meets all standards applicable under Section 9.2;
- d) There will be no more than one (1) manufactured dwelling unit on any pad site;
- e) Scheduled solid waste pick-up will be arranged and maintained by the park owner. If centralized collection

locations are used, these will be screened, secured and maintained by the owner;

- f) Each manufactured dwelling park with less than 20 total dwelling units will have a minimum of one (1) direct access point on a County maintained road that has adequate capacity to accommodate the use. Such access will be physically available to the property. Each park with 20 or more dwelling units will have a minimum of one (1) primary point of access and secondary points of access sufficient for use by emergency vehicles;
- g) There will be no driveway access from individual residences directly onto adjoining public roads;
- h) Easements for public utility lines will be located along property boundaries when possible; and
- i) An approved manufactured dwelling park may have a caretaker's residence (subject to density requirements), an office/ community/administration building, and/or an indoor or outdoor recreation center as accessory uses. Residents of the park may engage in permitted home occupations provided that all conditions applicable to the home occupation in Section 6.4.4 can be met on the manufactured dwelling site.

4) *Limited Expansion of Existing Manufactured Dwelling Parks*

a) Purpose

It is the express intent of the Jackson County Comprehensive Plan Rural and Suburban Lands Element Policy 3 to provide for limited expansions of existing manufactured dwelling parks. It is recognized that most existing manufactured dwelling parks do not meet all the mandatory requirements for new manufactured dwelling parks set forth in this Section. It is anticipated that some existing manufactured dwelling parks will not be able to meet all mandatory requirements proposed for expansion.

b) General Review Procedure

As a condition of limited expansion of a nonconforming or substantially conforming existing park, the County will determine the extent and nature of improvements required in the existing park to conform with subsection (3) above, based on a detailed written description of the park's compliance with the above by the applicant.

c) General Approval Criterion

Expansion of an existing nonconforming manufactured dwelling park will be processed as a Type 3 use approval as described in Chapter 3, and will be allowed only when such expansion includes substantial improvements in the existing manufactured dwelling park to such a degree that the existing park, including the expanded area, complies with or is substantially more in conformance with the provisions of this Ordinance and will have no greater adverse impact on the neighborhood in which the park is located.

- d) Density Increases Restricted
An increase in the density of a nonconforming manufactured dwelling park that already exceeds allowable density under this Ordinance is prohibited, unless the County finds that all of the following are met:
- i) Such increase is required to allow improvement of the older part of the manufactured dwelling park;
 - ii) Such increase is compatible with the neighborhood;
 - iii) A limited increase in density is necessary to achieve the purpose of this Section;
 - iv) The water and sanitary facilities will be adequate to meet the needs of the park's present and future residents; and
 - v) The proposed expansion is consistent with subsection (e) below.
- e) Standards for Expansion
- i) Notwithstanding the density requirements of the base zoning district, the expanded number of dwellings will not exceed more than 50 percent of the existing developed spaces within the park or 20 manufactured dwellings, whichever is less. The County may approve fewer spaces than proposed, depending on the proposed degree of improvement and conformance of the park with Section 3 above;
 - ii) The County may require that some existing manufactured dwellings within the park be moved to the expansion area to make the manufactured dwelling park, as a whole, more conforming with the standards of the zoning district and the provisions of this Section;
 - iii) The expansion will be allowed to occur only on a single lot, parcel, or ownership;
 - iv) External streets or roads serving the park must be adequate in condition and capacity to serve the additional traffic;
 - v) Urban development standards will apply to expansions and overall park improvements when within an urban growth or urban unincorporated community boundary;
 - vi) The manufactured park expansion area will meet all standards set forth in Section 6.3.2(A)(3)(b) through (h), with the exclusion of density requirements;
 - vii) All expanded manufactured dwelling parks will be included within a rural fire protection district, and will meet all applicable regulations of the local fire district, which may include construction and maintenance of at least one (1) on-site source of water supply for fire suppression; and

viii) Only one (1) expansion pursuant to this Section will be permitted outside urban growth boundaries and urban unincorporated communities.

f) Additional Standards for Parks Near Resource Lands

The proposed expansion will not be allowed to adversely change or increase the cost of accepted farm or forest practices on adjacent or nearby resource zoned land. In order to mitigate the effects of urban development adjacent to resource land:

- i) A deed declaration will be recorded on the deed for the property if the park is near farm or forest land acknowledging and accepting the effects of customary and accepted farm or forest practices. The applicant will agree to provide a copy of the deed declaration to all existing and new residents of the park; and
- ii) In addition to complying with requirements for setbacks, buffering, and landscaping otherwise applicable in the zone district, the County may require additional perimeter buffering techniques, which may include additional fencing, berming, and/or landscape plantings, increased setbacks, altered road placements, and other measures designed to increase distance between residences and potentially conflicting resource uses.

5) *Manufactured Dwelling Park Conversion*

a) Purpose and Scope

The County may approve a parcel area reduction under a Type 4 subdivision procedure for the purpose of converting a manufactured dwelling park or mobile home park into a subdivision with individual lots, subject to the requirements of Chapter 10 of this Ordinance, and in compliance with this subsection.

b) Approval Criteria

- i) The manufactured dwelling park or mobile home park was lawfully established prior to July 2, 2001;
- ii) The park is in compliance with the standards in Section 6.3.2(A) for a manufactured dwelling park or is an approved nonconforming use. For the purposes of this Section, a park is in compliance if a written notice of noncompliance was not issued prior to July 2, 2001;
- iii) There will be no increase in the number of spaces (proposed for conversion to lots), no change in the boundary lines or setback requirements originally approved for the park or other development changes; and

- iv) Approval of the subdivision is conditioned on the park's owner offering to sell each lot in the park to the tenant who occupies the lot, in accordance with the requirements of ORS 92.840.

B) **Multiple-Family Dwelling**

For multiple-family dwellings, the required yard setbacks will be maintained in a landscaped condition and may not be used to provide required parking.

C) **Detached Single-Family Dwelling, First**

- 1) Except as provided in (3) below, in all Rural Residential, and UR districts, the first single-family dwelling on a lawfully created parcel is a use permitted by right.⁴
- 2) In all Rural Residential zoning districts outside urban growth boundaries, a deed declaration acknowledging and accepting customary farm and forest practices and irrigation rights must be recorded prior to issuance of building permits for new and replacement dwellings.
- 3) In the UR-10 and UR-30 districts, approval of a detached single-family dwelling is a permitted use subject to the Type 2 review provisions of Section 3.1.3.
- 4) In the RS, ARS, RRS, SVRS, NC, GC, LI, and GI districts, one (1) single-family dwelling is a permitted accessory use provided it is accessory to a permitted commercial or industrial use and subject to a deed declaration that limits it to use by the owner, operator, caretaker, or night watchman employed on the premises.
- 5) In the Floodplain Overlay, development must comply with the requirements of Section 7.1.2.

D) **Attached or Detached Single-Family Dwelling, Two or More**

Except as provided below, the County will not allow more than one (1) permanent detached single-family dwelling to be placed on a lot or parcel.

- 1) **Temporary Medical Hardship**
Medical hardship dwellings may be permitted pursuant to the requirements of Section 6.5.3(G).
- 2) **Rural Residential Zones**
The County may allow more than one (1) dwelling on a single parcel in Rural Residential zones as a planned unit development (PUD), or allow the clustering of new dwellings on a single parcel if all of the conditions set forth below are met: (OAR 660-004-0040(7)(e) through (7)(h)).
 - a) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10;

⁴Ordinance 2004-12, effective 2-6-2005

- b) The number of new lots or parcels to be created does not exceed 10;
- c) None of the new lots or parcels will be smaller than two (2) acres;
- d) The development is not to be served by a new community sewer system;
- e) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community;
- f) The density of the development will not exceed the Maximum Gross Density specified for the zoning district in Table 8.2-1;
- g) Any group or cluster of two (2) or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there;
- h) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner must submit proof of irrevocable deed restrictions recorded in the County deed records. The deed restrictions will preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for while the lot, parcel, or tract remains outside an urban growth boundary; and
- i) Rural Residential zones within urban growth boundaries are exempted from the requirements of subsection 6.3.2(D)(2),(c),(e), and (g) above.

3) *Urban Residential and Rural Zones*

The County may allow more than one (1) detached single family dwelling on a single parcel in the UR zones subject to the Type 2 review provisions of Section 3.1.3 if the density standards of the zoning district are maintained. Notwithstanding this provision, accessory dwelling units developed in accordance with the standards of Section 12.4.1 (White City Urban Unincorporated Community) are not subject to density standards.

4) *Resource Zones*

Development in the EFU, FR and AR zones are subject to the standards described in Chapter 4.

E) ***Replacement Dwellings***

Any dwelling unit documented as lawfully existing may be replaced provided health and safety codes, floodplain, and fire standards are met. See Chapter 4 for additional requirements related to replacement dwellings in resource zones (e.g., Section 4.2.6(B)). When the existing dwelling does not comply with setback standards required by Chapter 8, the replacement dwelling is exempt from such standards provided the setbacks that were established by the original dwelling will not be reduced.

6.3.3 Commercial/Office Uses

Commercial development on land outside urban growth boundaries may be subject to Goal 14 and Oregon Administrative Rule 660, Division 22, as applicable. For purposes of the Rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space. Small scale, low impact uses are limited to 3,000 square feet of floor space per building(s) outside acknowledged unincorporated communities.

The Rule does not establish square foot limitations for uses intended to serve the rural community and surrounding rural area, the needs of the traveling public, or resource based commercial enterprises (i. e., those uses authorized under ORS 215.283 and OAR 660-006-0025). Rather, the County may determine that a larger commercial building or buildings serves the rural community and surrounding rural area, or the travel needs of people passing through the area. Upon that determination, the County may approve the larger building or buildings for commercial use. Resource based commercial enterprises may be in a building or buildings of any size that is appropriate for that use. [OAR 660-022-0030]

(NOTE: DLCD previously stated commercial buildings outside unincorporated communities must be substantially less than 4000 square feet in size. 3000 square feet was the largest building size that could be negotiated under Periodic Review Task 21 during the 2004 LDO rewrite.)

- A) **Agriculture Produce Stand**
In the RR and RR-5(A) districts, this is a Type 3 review subject to the Home Business standards in Section 6.4.4(D).
- B) **Animal Clinics, Hospitals, and Kennels**
The use will provide indoor sleeping quarters for all animals that will be boarded or otherwise kept overnight. Outdoor runs will be required to maintain a minimum of at least a 100-foot setback from all adjacent property boundaries. Large animal clinics may also include care for small animals as an incidental component of the veterinary practice.
- C) **Appliance Repair and Incidental Sales**
The use will be conducted within an enclosed building or within a yard screened from public view by a sight obscuring fence, or by a vegetative buffer that is at least 80% opaque and that will reach six (6) feet in height within three (3) years.
- D) **Auction Services, Commercial**
The use will not include animal sales (stock auction).
- E) **Auction Services, Temporary**
Temporary estate sales/auctions are allowed as a Type 1 use in all zones for a maximum of three (3) days once per year.
- F) **Barber or Beauty Shop**
In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating and drinking establishment.

- G) **Body and Fender Shop**
The use will be fully conducted within an enclosed building.
- H) **Building Material and Lumberyard**
In the commercial zoning districts, the use will be conducted within an enclosed yard.
- I) **Clothing or General Merchandise Store**
 - 1) In the ARS district, the use will not exceed 2,500 square feet in size.
 - 2) In all other zones, the use may be permitted only within urban growth and unincorporated community boundaries.
- J) **Food and Sundries, Convenience**
 - 1) In the IC district, the use will be permitted only in conjunction with another permitted use and when the store is less than 1,000 square feet in size.
 - 2) In all other zones, the use may be permitted only within urban growth and unincorporated community boundaries.
- K) **Adult Day Care, Child Care Center**
In the LI and GI districts, adult day care and child care facilities will be permitted only as accessory uses in conjunction with a permitted use.
- L) **Drinking Establishment⁵**
 - 1) In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating establishment.
 - 2) Additionally, food and beverage drive-through establishments are allowed.
- M) **Firewood Retail Sales**
The use will be permitted provided material is in a saleable form and is screened from public view by a sight-obscuring fence or enclosed buildings. The use will not include processing, except as noted in Table 6.2-1.
- N) **Flea Market**
The use will be located within an enclosed building, and all parking associated with the use will be provided on-site. Flea markets will not be permitted in conjunction with a mini-warehouse unless approved under a Type 3 review.
- O) **Gift, Antique, or Specialty Shop**
 - 1) In the IC district, the use will be permitted by-right only in conjunction with a permitted hotel, motel, or eating and drinking establishment,

⁵Ordinance 2004-12, effective 2-6-2005

and allowed as a Type 3 review if not in conjunction with another permitted use.

- 2) In the RS, ARS, and SVRS districts, gift and antique sales will be permitted only if incidental and accessory to other permitted uses or if approved as a Type 3 review in this district. Under no circumstances will the total structural square footage exceed 4,000 square feet.
- 3) In all other zones, the use may be permitted only within urban growth or unincorporated community boundaries.

P) **Grocery Store**

The use may be permitted only within urban growth or unincorporated community boundaries.

Q) **Hardware Store**

- 1) In the GC district, the use will be conducted entirely within an enclosed building or within a yard screened from public view.
- 2) The use may be permitted only within urban growth or unincorporated community boundaries.

R) **Hotel or Motel**

In the RS districts, the use will be limited to 35 units, and only if the use is:

- 1) Served by a community sewer system; and
- 2) Located at least 10 miles from the urban growth boundary (UGB) of any city adjacent to Interstate 5, regardless of its proximity to any other UGB.

S) **Laundromat or Dry Cleaner**

The use may include pick-up and delivery or self-service coin-operated establishments, but will not include a dry cleaning or laundry plant.

T) **Motor Vehicle Service and Repair**

- 1) The use will be conducted within an enclosed building or within a yard screened from public view.
- 2) In the SVRS district, a sales lot limited to 15 vehicles also may be approved if operated in conjunction with a vehicle repair business.

U) **Motor Vehicle Storage**

In the AA Overlay, the use will be located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach.

- V) **Parking Area, Commercial, or Park-and-Ride Lot**
In the AA Overlay, the use will be located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach. Park-and-ride lots may be provided in conjunction with parks or churches as a Type 2 review.
- W) **Pawn Shop or Secondhand Store**
In the GC district, the use will be conducted within an enclosed building.
- X) **Retail Florist Shop, Garden Shop, Drug Store, Bake Shop or Wine Shop**
The use may be permitted only within urban growth or unincorporated community boundaries.
- Y) **Winery, Tasting Room**
In the Rural Residential districts, this is a Type 3 review subject to the standards of Section 6.4.4(E).
- Z) **Other Retail or Service Commercial Use not Listed**
 - 1) In the RS, ARS, RRS, and SVRS districts the use may be approved under a Type 3 review if the use is found to be consistent with the purpose of the district.
 - 2) In all other commercial or industrial zones, this is a Type 2 decision. See 6.2.3 Unlisted Uses.

6.3.4 Industrial/Manufacturing Uses

Industrial development on land outside urban growth boundaries is subject to Section 1, Chapter 688, Oregon Laws 2003, as amended (2005-HB 2458). Industrial development outside Urban Growth Boundaries (UGB) may also be subject to Goal 14 and Oregon Administrative Rule 660, Division 22, Sections .0030 and .0040. When applicable, the Rule limits such uses to: those allowed in resource zones; small scale, low impact industrial uses; uses that require proximity to a rural resource; uses not exceeding certain service capacities; and uses that only serve a rural work force. Small scale, low impact industrial uses are limited to 30,000 square feet of floor area outside acknowledged unincorporated communities, and 40,000 square feet of floor area within acknowledged rural unincorporated communities. Land outside a UGB that was designated for industrial use on January 1, 2004 is not subject to building size limitations unless within three (3) miles of the UGB of the cities of Medford and Ashland.

- A) **Batch Plant, Concrete or Asphalt**
Temporary concrete or asphaltic batch plants may be permitted as a Type 1 use when the operation is necessary to construct an approved public road project, provided that no temporary plant may operate for more than 30 days within urban growth or urban unincorporated community boundaries, or 180 days outside those areas.
- B) **Machinery and Equipment Repair**
The use will be fully confined within an enclosed building limited to service and repair.

- C) **Mini-Warehouse**
No retail sales or business may occur except as approved under "Parking Lot Sales" in 6.5.3, unless approved under a Type 3 process as a flea market in an LI zoning district. A facility operator may conduct an auction for unclaimed contents on-site in accordance with 6.3.3(F).
- D) **Wrecking, Salvage or Junk Yard**
 - 1) In the GC district, the use will be fully conducted within an enclosed building.
 - 2) In the GI, and LI districts, the use will be conducted within an enclosed building or screened by a sight-obscuring fence at least six (6) feet in height.

6.3.5 Transportation Uses

A) **Aviation Uses**

- 1) The new airport or heliport will not conflict with flight patterns established at an existing airport or otherwise interfere with aircraft using the existing airport;
- 2) The new airport or heliport will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- 3) All new airports, heliports, or landing fields, whether as primary or accessory uses, will be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by the Oregon Department of Environmental Quality rules and regulations; and
- 4) The new airport or heliport will not be established until permits from the Oregon Department of Aviation have been obtained.
- 5) "Through the fence operations" are a Type 2 permit at rural airports, as defined by ORS Chapter 836. "Through the fence operation" means a customary and usual aviation-related activity that:
 - a) Is conducted by a commercial or industrial user of property within an airport boundary; and
 - b) Relies, for business purposes, on the ability to taxi aircraft directly from the property employed for the commercial or industrial use to an airport runway.

B) **Bike Paths**

- 1) All proposed bike paths in conjunction with roadways, or otherwise proposed as a transportation improvement, will demonstrate consistency with the *Jackson County Bicycle Master Plan*.

- 2) Off-road recreational bike paths are Type 1 uses within any development.
- 3) Proposed bike paths will provide connectivity to the County's or adjacent urban area's transportation system.
- 4) Bike paths within the Bear Creek Greenway will be established in compliance with the *May, 1996 Jackson County Bicycle Master Plan*, *Bear Creek Greenway Plan: Management Policies and Guidelines (1982)* and the *Bear Creek Greenway Plan: Ashland to Central Point (1988)*.

C) **Transportation Improvements**

- 1) Within existing rights-of-way, transportation improvements, such as bridges, culverts, streets, roads, highways, bike paths and pedestrian access will not require land use application approval for installation, repair or replacement unless subject to the requirements of Chapter 7. Accessory or incidental maintenance yards, stockpile sites, weigh stations, rest areas, and similar types of improvements are Type 2 uses in commercial or residential zones, and Type 1 uses in industrial zones. Such accessory uses may be sited within public rights-of-way or on publicly owned lands adjacent to them.
- 2) Within existing rights-of-way, cut or fill, temporary storage and processing activities, control signs, fencing, guardrail, median barriers, lighting, and similar improvements or activities are recognized as accessory to the transportation use and do not require a land use application unless subject to the requirements of Chapter 7.
- 3) Except as otherwise required by this Ordinance (see Chapter 4), the acquisition of right-of-way, and removal or displacement of buildings, may be included in the repair and reconstruction of existing roads.
- 4) When a road project would reduce the setback of an existing conforming structure or the acreage of a conforming parcel the right-of-way acquisition required for the project will not render the structure or parcel nonconforming.
- 5) When rights-of-way are acquired for new roads that bisect an existing parcel, the parcel is not deemed partitioned unless a land division is approved in accordance with Chapter 10.
- 6) New roads will provide connectivity with the regional transportation system, as described in the Regional Transportation Plan, County and White City Transportation System Plans, applicable city Transportation System Plans, and the State Transportation Plan.

6.3.6 Utility/Solid Waste Uses

A) Transmission Facilities

- 1) Modifications to towers existing prior to adoption of this Ordinance will conform to any original approval requirements, FAA and FCC requirements and the following regulations. Co-location of antennae and related devices on an existing tower facility is a Type 1 use permitted by right.
- 2) *Concealed (Stealth) Transmission Towers*
Concealed (stealth) transmission towers, whether building-mounted or freestanding, are permitted as Type 1 uses in all zoning districts, except resource zones where they may be allowed as a Type 2 use. Concealed towers will comply with the applicable height and setback requirements set forth below, and meet FCC registration requirements and standards for exposure to microwave radiation per (5)(d)(iv)(a) below.
- 3) *All Other Building-Mounted Transmission Towers (non-stealth)*
Unless otherwise specified in Table 6.2-1, a Type 2 approval is required to erect any non-stealth, building-mounted tower. Towers may be located on non-residential buildings at the heights set forth in the following table:

Table 6.3-1	
Building Height	Maximum Tower Height (not including antennae)
Over 35 feet	50 percent of building height
35 feet and less	18 feet maximum

- 4) *Non-Stealth Freestanding Transmission Towers*
Monopole, lattice, and other freestanding antennae and towers are permitted as Type 2 or 3 uses. Freestanding towers will comply with the siting and decommission requirements in subsections (5) and (6), below.
- 5) *Siting Requirements*
 - a) Co-Location Required
 - i) Any tower greater than 100 feet high must be designed and constructed to permit the co-location of one (1) or more additional users.
 - ii) Applicants seeking a permit for tower(s) greater than 100 feet in height, and proposed to be located within 3,000 feet of any communication tower greater than 100 feet in height, will document in their application that reasonable efforts have been made to lease space on an existing, planned or constructed

tower(s); or, demonstrate that no existing tower(s) will technically satisfy the applicant's needs.

b) Height

i) Maximum Permitted Height

The maximum permitted height for transmission towers is 250 feet, except in resource zones.

ii) Bonus for Co-Location

As a bonus for co-locating one (1) or more additional antennae or other transmission device on a tower, an applicant may obtain an increase of 25 feet in height for every additional emission device (antennae) that is co-located in accordance with Table 6.3-2, provided that the maximum permitted height is not exceeded and that no intrusion into protected airspace or hazard to aircraft is created. There will be no increased setback requirements for towers receiving this bonus beyond those set forth in subsection (c) below.

Table 6.3-2 Height Bonus for Co-Location		
Additional Antennae or Devices	Bonus Height	Height After Bonus
1	25 feet	125 feet
2	50 feet	150 feet
3	75 feet	175 feet
4	100 feet	200 feet
5	125 feet	225 feet
6	150 feet	250 feet

c) Setbacks

- i) Transmission towers will be set back from all existing dwellings and residentially zoned property by a minimum of 200 feet, or the height of the proposed tower, whichever is greater.
- ii) Transmission towers on commercial/industrial zoned property will be set back a minimum of 50 feet from the property boundary.
- iii) The setbacks listed in this subsection may be increased or reduced upon consideration of circumstances that increase or reduce the off-site effects of the tower on adjacent properties, and the on-site effects on existing uses. Examples of means to reduce impacts include: topography, berms, the proximity of existing or potential uses, existing

vegetation and improvements made to the site to obscure or reduce the visibility of the tower from adjacent properties, the concentration of proposed towers in the area, and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

d) Design and Operation Requirements

i) Oregon Department of Aviation and FAA Approval

All proposed tower applications will document prior Oregon Dept. of Aviation and FAA review and approval that the proposed tower will not encroach into protected airspace or create a hazard to aircraft. Any recommendations made by these agencies for tower lighting and painting, and any height or location limitations must be followed.

ii) Design and Neighborhood Compatibility

- (a) Except where otherwise required by the FAA or Oregon Dept. of Aviation for aircraft safety, the exterior appearance of associated support structures and buildings will be compatible with the other buildings and structures in the surrounding area. The exterior appearance of all buildings located in a residential district will include architectural details characteristic of residential dwellings, including pitched roof(s) and frame or brick veneer construction.
- (b) Tower design will comply with lighting and tower painting and other modifications recommended by the Oregon Dept. of Aviation and the FAA.
- (c) No portion of a tower or antennae may intrude into the imaginary surface of an airport.
- (d) Support buildings and any associated utility structures may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (e) Advertising signs or logos are prohibited on any tower.
- (f) Transmission towers will be located to minimize impact on wildlife.
- (g) The County may require additional conditions necessary to mitigate the impact of the tower on adjacent properties and uses.

iii) Buffering and Screening

- (a) In order to provide sufficient opaque screening when the tower is adjacent to a residential use, zone, or public right-of-way, all fences and walls will be screened with plant materials so that no more than two-thirds (2/3) of the surface of the fence or wall is visible within three (3) years after erection of the structure. Painting, fencing and buffer landscaping must be maintained in good condition.
- (b) The base of the tower and each guy anchor will be surrounded by a fence or wall at least eight (8) feet in height.
- (c) All antenna(ae) will be screened to safeguard surrounding property provided that such screening will not interfere with the transmission and/or reception capabilities of any antennae located on the tower.

iv) Technological Requirements

- (a) Output power levels from the tower and/or associated antennae will not exceed the current federally approved levels for exposing the public and maintenance workers to electromagnetic radiation.
- (b) Evidence will be submitted that radio, television, avionics, or other electromagnetic transmission(s) or reception will not be disturbed or diminished, including local emergency response frequencies.
- (c) The County may impose additional conditions necessary to address the impacts of new technologies.

6) *Decommission*

- a) Prior to issuance of permits for the tower, the property owner will sign and record a deed declaration which requires removal of decommissioned structures.
- b) In the event that an owner discontinues use of the transmission facility for more than six (6) consecutive months, the County may declare the facility decommissioned and require the property owner to remove it. A decommissioned facility may be declared a nuisance subject to the abatement procedures of the *Jackson County Codified Ordinance*.

7) *Outside Experts and Disputes*

- a) Siting of transmission facilities may involve complex technical issues that require review and input by outside experts. The County may require the applicant to pay the reasonable costs of a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal will be at the sole discretion of the decision-making body.
- b) If an applicant for a transmission facility claims that one (1) or more standards of this Ordinance are inconsistent with federal law in a way that would prohibit the effective provision of wireless communications within the relevant market area, the applicant's qualified engineer may submit, for County review, findings that one (1) or more standards of this Ordinance would prohibit effective service.

B) **Utility Facilities**

- 1) Maximum use of existing easements and rights-of-way will be made.
- 2) Small scale energy producing facilities will be permitted only in conjunction with approved uses.
- 3) Regulation of liquid petroleum gas containers or receptacles by the State Fire Marshal is not a program affecting land use. Siting, installation, maintenance or removal of liquid petroleum gas containers is not regulated by this Ordinance except as provided for in ORS 480.410 to 480.460.

C) **Waste Disposal**

1) *Solid Waste Disposal*

a) Applicability and Procedure

No person will engage in solid waste disposal without first obtaining the land-use approvals and permits required by this Ordinance. New uses of the types listed below may be approved under this Section, subject to Type 4 approval by the Board of Commissioners unless otherwise specified in Chapter 4. (See Tables 4.2-1 and 4.3-1)

- i) Animal tallow or rendering plant, nonresource zones only.
- ii) Composting or recycling plant.
- iii) Incinerator, nonresource zones only.
- iv) Sanitary landfill.

b) Standards and Criteria for Action on Application

The standards and criteria for action on an application for a new solid waste disposal use will be those applicable to all Type 4 approvals set forth in Section 3.1.5. Modifications of existing waste related uses may be approved under a Type 2 review. Special emphasis will be placed upon the

environmental factors listed, due to the potential for nuisance which may result from improper siting or development of sanitary landfills. In addition, the applicant will demonstrate compliance with the *Solid Waste Franchising and Nuisance Abatement Ordinance*, County of Jackson. (See also Section 4.2.3.)

2) *Solid Waste Disposal Application*

An application for a Type 4 approval for a sanitary landfill, compost or recycling facilities will be filed on the County application form with all supporting materials specified by the County. At a minimum, the application will include the following:

- a) A plan drawn to an indicated scale showing:
 - i) The exterior boundaries of the property on which the use is to be located;
 - ii) Location of roadways, water courses or bodies, drainage ways, topography, and vegetation; and,
 - iii) Location of disposal sites and other improvements proposed;
- b) Copy of the operation franchise, if applicable;
- c) Statement from the State Department of Environmental Quality, outlining their investigation and findings on the proposal; and
- d) A plan for site reclamation and restoration.

3) *Solid Waste Transfer Station*

Solid waste transfer stations may be approved through a Type 3 review by the County provided:

- a) The receptacle(s) for refuse disposal is containerized and covered;
- b) The site is visually screened by fencing and plant material; and,
- c) Contractual arrangements for pickup specify that the franchise holder will be responsible for keeping the immediate area surrounding the site clean and free of debris and waste.

4) *Recycling Drop Box*

A recycling drop box is for deposit and temporary storage of recyclable materials including paper, glass, metal cans, or other recoverable materials, provided they are not injurious to public health. This Type 2 approval includes the following standards.

- a) The drop box for recyclables will be containerized, covered, and not located in such a manner as to constitute a fire hazard;
- b) The organization responsible for recycling the materials left at the drop boxes will pick up such materials every two (2) weeks minimum, and will be responsible for keeping the area immediately around the drop box clean and free of debris or waste;

- c) The drop box will be located at least 200 feet from the nearest residence, unless those residing within 200 feet of the drop box have indicated in writing that they have no objection to the placement of the recycling drop box; and
- d) The recycling drop box will not occupy an area greater than 144 square feet. No drop box structures will be higher than 56 inches measured from ground level.

D) **Waste Disposal, Modification of Existing Waste Disposal Facilities**
 Modifications, expansions or enlargements of existing waste disposal facilities may be allowed subject to a Type 2 review as provided below:⁶

- 1) *Significant Modification*
 Except as set forth in (2) below, for the purpose of this Section, a "significant modification" to an approved waste related use, requiring a Type 4 Level of review shall be either of the following:
 - a) An increase in the overall acreage of the waste area under the current approved permit; or
 - b) A request by the permit holder for change in the approval conditions of the current permit.
- 2) *Changes Not Constituting a Significant Modification*
 Any changes to the site, facilities, equipment or any other operational or management practices which are required by law or encouraged as a matter of public policy by federal, state, or local regulatory agencies for the purpose of environmental protection, recycling, or energy recovery shall be permissible without need to obtain or modify land use permits by and through Jackson County or any other change which does not constitute a significant modification.

6.3.7 Parks/Public/Quasi-Public Uses

- A) **Firearm Training Facility/Shooting Range**
 For purposes of this Section, a "firearms training facility" is an indoor or outdoor facility that provides training courses or issues certifications required:
 - 1) For law enforcement personnel;
 - 2) By the State Department of Fish and Wildlife; or
 - 3) By nationally recognized programs that promote shooting matches, target shooting and safety.

No outdoor firearm training facility or shooting range facilities are permitted in commercial districts. Within the EFU district, any firearms training facility in existence on September 9, 1995 will be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.

⁶Ordinance 2004-12, effective 2-6-2005

- B) **Library**
Libraries are considered a public use, and may include indoor incidental retail and meeting activities.
- C) **Park and Playground**
 - 1) In the Floodplain Overlay, picnic tables, play structures, and “camp place fireplaces” are accessory uses subject to Type 1 review, and will be designed and anchored to prevent flotation, collapse, or lateral movement. (See Section 7.1.2(B)(2))
 - 2) Public use areas such as parks, recreation sites, and picnic grounds should be designed to prevent fires which may start in them, from spreading to adjacent or nearby wildlands or developments.
- D) **Public Works Buildings and Facilities**
The use includes buildings and uses of a public works, public service, or public utility nature, but does not include equipment storage or repair yards, warehouses, or related activities, unless fully conducted within an enclosed building.

6.3.8 Destination Resorts⁷

A) Applicability

The provisions of this section apply to proposals for the development of destination resorts, as defined in Section 13.3. Development which meets the standards of Section 6.3.8(C) is referred to as a “large destination resort.” Development which meets the standards of Section 6.3.8(D) is referred to as a “small destination resort.” Except within Subsections 6.3.8(C) and (D), references in this section to “destination resorts” or “resorts” apply to both “large destination resorts” and “small destination resorts.” When any conflict exists between the development standards or procedures of this Section and any other part of this Ordinance, the provisions of this Section shall govern proposals for the development of large destination resorts and small destination resorts.

B) Definitions

The following definitions apply to proposals for the development of destination resorts under this Section:

- 1) **Developed Recreation Facilities:** Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths. [ORS 197.435(1)]
- 2) **Map of Eligible Lands:** A map of lands within the County potentially eligible for destination resort siting, adopted as part of the Jackson County Comprehensive Plan pursuant to ORS 197.455. Jackson

⁷ Ordinance 2007-7, effective 9-16-07

County's map of eligible lands is titled "Lands Eligible for Siting of a Destination Resort." [ORS 197.435(3)]

- 3) *Open Space*: Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas. [ORS 197.435(4)]
 - 4) *Overnight Lodgings*: Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition. [ORS 197.435(5)]
 - 5) *Self-Contained Development*: A development for which community sewer and water facilities are provided on site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" must have developed recreational facilities provided on site. [ORS 197.435(6)]
 - 6) *Tract*: A lot or parcel or more than one contiguous lot or parcel in a single ownership. [ORS 197.435(7)]
 - 7) *Visitor-Oriented Accommodations*: Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents. [ORS 197.435(8)]
- C) Large Destination Resort Standards
- 1) The resort is located on a site of 160 or more acres. [ORS 197.445(1)]
 - 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
 - 3) At least \$7 million must 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 one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in

accordance with the United States Consumer Price Index.
[ORS 197.445(3) and (8)]

- 4) Visitor-oriented accommodations, including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable overnight lodging units may be phased in as follows:
 - a) A total of 150 rentable units of overnight lodging shall be provided as follows:
 - i) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, must be constructed or guaranteed through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units
 - ii) The remaining overnight lodging units must be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.
 - b) The development approval must provide for the construction of required overnight lodging units within five years of the initial lot sales. The development approval shall state that if construction of the required overnight lodging units is not completed within five years after the initial lot sales, no additional development permits, other than for maintenance of existing facilities, shall be issued.
 - c) The number of units approved for residential sale may not be more than two units for each unit of permanent overnight lodging provided under subparagraph (a)(i) of this paragraph. [ORS 197.445(4)(a)]
- 5) All required developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations shall be physically provided or guaranteed pursuant to Section 10.6.2 through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding as provided in Section 10.6.2. As used in this paragraph, "key facilities" means sanitary facilities, water facilities, storm drainage facilities, energy and communication facilities, and transportation facilities. [ORS 197.465(3)]
- 6) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the development.

Industrial uses of any kind are not permitted. [ORS 197.445(5)]

D) Small Destination Resort Standards

In lieu of the standards set out in subsection (C), the standards set out in this subsection may be applied to a destination resort on land that is not defined as agricultural or forest land under any statewide planning goal, or on land for which an exception has been taken to any statewide planning goal concerning agricultural lands, forest lands, public facilities and services and urbanization. [ORS 197.445(6)]

Developments which meet the following standards shall be considered a "small destination resort":

- 1) The resort must be located on a site of 20 acres or more. [ORS 197.445(7)(a)]
- 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
- 3) 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. [ORS 197.445(7)(f)]
- 4) At least \$2 million must 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 one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index. [ORS 197.445(7)(b) and (8)]
- 5) At least 25 units, but not more than 75 units, of overnight lodging must be provided. A restaurant and meeting room with at least one seat for each unit of overnight lodging must be provided. [ORS 197.445(7)(c) and (d)]
- 6) Residential uses must be limited to those necessary for the staff and management of the resort. [ORS 197.445(7)(e)]
- 7) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted. [ORS 197.445(5)]
- 8) The resort must be constructed and located so that it is not designed to attract highway traffic. Small destination resorts may 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.
[ORS 197.445(7)(g)]

E) Permitted Uses

- 1) Visitor-oriented accommodations:
 - a) Overnight lodgings, as defined in subsection (B)(4).
 - b) Convention and conference facilities and meeting rooms.
 - c) Retreat centers.
 - d) Restaurants, lounges and similar eating and drinking establishments.
 - e) Other similar visitor-oriented accommodations consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 2) Developed recreational facilities:
 - a) Golf courses, driving ranges, practice facilities and clubhouses.
 - b) Indoor and outdoor swimming pools.
 - c) Indoor and outdoor tennis courts.
 - d) Indoor and outdoor playing fields.
 - e) Physical fitness facilities.
 - f) Equestrian facilities.
 - g) Marinas and boating facilities.
 - h) Ski runs, ski trails and snowmobile trails.
 - i) Walkways, bike paths, jogging paths, equestrian trails and nature trails.
 - j) Nature interpretive centers.
 - k) Wildlife observation facilities.
 - l) Other similar recreational facilities consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 3) Residential uses:
 - a) Single-family dwelling (detached).
 - b) Single-family dwelling (attached).
 - c) Multi-family dwelling.
 - d) Living quarters for permanent or temporary employees.
- 4) Facilities necessary for public safety, transportation, and utilities serving the resort.

F) Accessory Uses and Structures

The following accessory uses and structures are allowed, provided they are subordinate in extent, area and purpose to the principal uses of the resort:

- 1) Visitor-related transportation facilities excluding airports and heliports, but including airstrips and helicopter landing pads.
- 2) Emergency medical facilities.
- 3) Storage structures and areas, including short-term recreational

vehicle storage for resort visitors.

- 4) Kennels as a service for resort visitors only.
- 5) Recycling and garbage collection facilities.
- 6) Maintenance shops and facilities.
- 7) Dormitories.
- 8) Detached living space, as provided in Section 6.4.4(B).
- 9) Home occupations, as provided in Section 6.4.4(C).
- 10) Commercial uses and services, limited to a size and level necessary to meet the needs of resort visitors:
 - a) Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, book stores, craft stores, art galleries, gift shops, snack bars and specialty food shops.
 - b) Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios.
 - c) Real estate offices, banks and automated teller machines.
 - d) Automobile service stations limited to fuel sales, minor repairs, minor maintenance and incidental parts sales.
- 11) Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort.
- 12) Churches, community meeting halls, pre-school and day care facilities, limited to a size appropriate for serving residents of visitors to and employees of the resort.
- 13) Temporary or seasonal fairs, festivals, charity events and resort promotional activities, subject to the requirements of Section 6.5.2.
- 14) Other similar accessory uses.

G) Aggregate Operations

Temporary mining, crushing, or processing of aggregate into asphalt or Portland Cement, for use in roads, utilities and other construction activities on the site that implement an approved final development plan for the resort or phase of the resort.

H) Dimensional, Setback and Wildfire Safety Standards

The provisions of Chapter 8 (Dimensional Standards, Measurements and Adjustments) of this Ordinance shall apply to destination resorts only where

indicated in this subsection.

1) Dimensional Standards

Lot area and building height shall be defined and measured as provided in Section 8.3.1. Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the dimensional standards for lot area, lot width and building height in a destination resort shall be as set forth below.

- a) The minimum lot area within a destination resort shall be:
 - Single-family dwelling (detached) 5,000 sq. ft.
 - Single-family dwelling (attached) 2,500 sq. ft.;
 - 2,000 sq. ft. for interior lots where three or more single-family dwellings are attached.
 - Multi-family dwelling 5,000 sq. ft. for two units; plus 2,000 sq. ft. for each additional unit.
- b) The minimum lot width within a destination resort shall be:
 - Single-family dwelling (detached) 50 ft.
 - Single-family dwelling (attached) 30 ft.;
 - 20 ft. for interior lots where three or more single-family dwellings are attached.
 - Multi-family dwelling 60 ft.
- c) Maximum building height shall be 35 ft.

2) Setback Standards

- a) Exterior Boundaries
 - The minimum setback from the exterior boundaries of a resort for all development, including structures, roads and sight-obscuring fences, but excepting pre-existing buildings, entry roadways, landscaping, utilities and signs, shall be:
 - i) 500 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts Aggregate Removal zoned land;
 - ii) 200 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts forest or farm zoned land;
 - iii) 100 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts land not in a resource zoning district;
 - iv) 50 feet for above-grade development other than that listed in (i), (ii) or (iii);
 - v) 50 feet for golf courses and playing fields;
 - vi) 25 feet for internal roads; and
 - vii) 25 feet for jogging trails, nature trails and bike paths where they abut private property, but no setback is required where they abut public roads or public lands.
- b) Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the

minimum setbacks for structures on residential lots shall be:
Front 20 ft.
Side & Rear 10 ft. plus an additional ½ ft. for each ft.
building height exceeds 25 ft.

- c) Resort development shall comply with the Vision Clearance for Intersections requirements of Section 8.5.2(C).
- d) Resort development shall comply with the Stream Corridor and Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. [ORS 197.460(1)]
- e) On land where irrigation district ditches or canals exist, resort development shall comply with the Special Setback requirements of Section 8.5.3(D).

3) Resort development shall comply with the Wildfire Safety provisions of Section 8.7.

I) General Development Regulations

The provisions of Chapter 9 of this Ordinance shall apply to resorts, provided:

1) That in lieu of the size standards for signs set out in Section 9.6.6, the following size limitations shall apply to signs designed to be visible from outside the resort:

- a) Destination Resort
Main Entry Sign 250 sq. ft.
Secondary Entry Sign 150 sq. ft.
- b) Small Destination Resort – see Section 6.3.8(D)(8)

2) That the Section 9.5.3 "Private Roads" restriction on the number of lots served by a private road is waived. There is no restriction on the number of lots or parcels served by a private road in any Destination Resort. This exemption to lots/parcels served applies to the "surface" provisions of 9.5.3(F). For any Destination Resort, this exemption also applies to definitions in 10.4.3 and 13.3 (214)(n), and any other occurrence of the lots or parcel limitation relating to Private Roads in the LDO and to any reference to lot or parcel limitations to Private Roads that occur in the User's Guide as well.

J) Compliance with Transportation Planning Rule [OAR 660-012-0060]

Where the proposed destination resort development would significantly affect an existing or planned transportation facility, as part of preliminary development plan review the applicant shall propose, and County approval shall be conditioned to require, one or more of the measures listed in paragraph (2) below, to assure that the allowed land uses will be consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the transportation facility.

- 1) The proposed destination resort development significantly affects a transportation facility if, as measured at the end of the planning period identified in the Jackson County Transportation System Plan (TSP), the proposed development would:
 - a) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan; or
 - c) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.
- 2) Where the County approval authority determines that there would be a significant effect on a transportation facility, compliance with this subsection shall be accomplished through one or a combination of the following:
 - a) Adopting measures that demonstrate the land uses allowed as part of the proposed destination resort are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - b) Requiring other measures as a condition of development approval or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. The preliminary development plan approval decision shall specify when measures or improvements required pursuant to this subparagraph will be provided.
- 3) Notwithstanding paragraphs (1) and (2) of this subsection, the County may approve a destination resort development that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the transportation facility where:
 - a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan on the date the preliminary development plan application is submitted;
 - b) In the absence of the destination resort development, planned transportation facilities, improvements and services as set forth in paragraph (4) of this subsection would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning

period identified in the adopted TSP:

c) Development resulting from the approved preliminary development plan will, at a minimum, mitigate the impacts of the destination resort in a manner that avoids further degradation to the performance of the facility by the time of destination resort development, through one or a combination of transportation improvements or measures;

d) The preliminary development plan does not involve property located in an interchange area as defined in paragraph (4)(d)(iii) of this subsection; and

e) For affected state highways, the Oregon Department of Transportation (ODOT) submits a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if the County provides the appropriate ODOT regional office with written notice of a proposed destination resort preliminary development plan in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the County proceeding, and ODOT does not provide a written statement, then the County may proceed with applying paragraph (3)(a) through (d) of this subsection.

4) Determinations under paragraphs (1)-(3) of this subsection shall be coordinated with affected transportation facility and service providers and other affected local governments. The County shall mail written notice of destination resort preliminary development plan and final development plan applications, as provided in Section 2.7.3, and notice of hearings on destination resort applications, as provided in Section 2.7.6, to ODOT, other affected transportation facility and service providers and other affected local governments.

a) In determining whether a proposed destination resort will have a significant effect on an existing or planned transportation facility under paragraph (1) of this subsection, the County shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subparagraphs (b) and (c) below.

b) Outside of Interstate 5 interchange areas, the following are considered planned facilities, improvements and services:

(i) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(ii) Transportation facilities, improvements or services that are authorized in a local transportation system

plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

- (iii) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (iv) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan, when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (v) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- c) Within Interstate 5 interchange areas, the improvements included in (b)(i)-(iii) are considered planned facilities, improvements and services, but the improvements included in (b)(iv) and (v) are considered planned facilities, improvements and services only where:
- (i) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system; or
 - (ii) There is an adopted interchange area management plan, and the improvements are identified in that plan.
- d) As used in paragraphs (3) and (4) of this subsection:
- (i) "Planned interchange" means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (ii) "Interstate interchange area" means property within one-half mile of an existing or planned interchange

on an Interstate 5, as measured from the center point of the interchange; or the interchange area as defined in an Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

- e) For purposes of this paragraph, a written statement provided pursuant to subparagraphs (b)(iv), (b)(v) or (c)(i) provided by ODOT or a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, the County shall rely only upon planned transportation facilities, improvements and services identified in subparagraphs (b)(i)-(iii) to determine whether there is a significant effect on a transportation facility that requires application of the remedies in paragraph (2).

(5) As used in this subsection, "transportation facility" means any physical facility that moves or assist in the movement of people or goods, including facilities identified in OAR 660-012-0020 or Section 3 of the TSP, but excluding electricity, sewage and water systems. [OAR 660-012-0005(30)]

K) Preliminary Development Plan

- 1) Review Procedure
The preliminary development plan for a resort subject to this section shall be reviewed through the applicable procedure for a Type 4 permit set out in Section 2.7, as identified in Table 2.7-2.
- 2) Approval Criteria
 - a) The proposed resort is located on land shown as eligible for destination resort siting on the Comprehensive Plan Map titled "Lands Eligible for Siting of a Destination Resort." [ORS 197.455(1)]
 - b) A large or small destination resort, as applicable, is shown as a Type 4 (PDP) and Type 2 (FDP) use on Tables 4.2-1, 4.3-1, 4.4-1 or 6.2-1 of this Ordinance for all zoning districts applicable to the site of the proposed resort.
 - c) If the proposed resort occupies less than an entire "tract," as that term is defined in subsection (B)(6), the land not included in the resort is contiguous to the exterior boundary of the tract and occupies less than 30 percent of the total tract. [ORS 197.435(7)]
 - d) The proposed resort complies with either the Large Destination Resort Standards in subsection (C) or the Small Destination Resort Standards in subsection (D).

- e) The proposed uses shown on the preliminary development plan are permitted under subsection (E), (F) or (G), and include rental housing sufficient to provide living quarters for at least 10% of the employees of the resort at a rate not to exceed 30% of the gross wage rate. This is intended to include employees at all levels of employment but especially those at the lower rates of pay.
- f) Resort development shall comply with the dimensional, setback, wildfire safety provision of subsection (H), the sign size limitations of subsection (I) and the General Development Regulations of Chapter 9 of this Ordinance.
- g) Resort improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:
 - i) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas and other similar types of buffers.
 - ii) Compliance with the setback standards of subsection (H) (2)(a). *[ORS 197.460(2)]*
- h) The proposed uses are not conflicting uses with a significant Goal 5 resource designated in an adopted Goal 5 ESEE statement applicable to land included in the resort, or if the proposed uses include an identified conflicting use, that conflicting use shall be mitigated to substantially reduce or eliminate impacts on the designated Goal 5 resource. *[LDO 3.1.4(B)(1)(c)] [also ORS 197.460(1)]*
- i) The proposed resort complies with any applicable Overlay in Chapter 7 of this Ordinance. If the subject tract contains a resource site designated in the comprehensive plan for protection pursuant to Goal 5, the resource site shall be preserved by a conservation easement sufficient to protect the resource values of the resource site, as set forth in ORS 271.715 to 271.795. The conservation easement shall be recorded with the property records of the tract on which the destination resort is sited. *[ORS 197.467]*
- j) Adequate public facilities are available or can be made available to serve the proposed uses. *[LDO 3.1.4(B)(1)(b)]* Either community sewer and water facilities are provided on-site and are limited to meeting the needs of the resort development, or sewer and water facilities are provided by existing public sewer or water services as long as all costs related to service extension and any capacity increases are borne by the resort development. *[ORS 197.435(6)]*

- k) The preliminary development plan design promotes a proper relationship between existing and proposed streets and highways and other affected transportation facilities within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure safe, efficient traffic flow and control; to ensure safe, easy access in cases of fire, catastrophe, and emergency; and so as not to create or contribute to undue traffic congestion on abutting public streets or affected state highways. An assessment of traffic impacts and identification of traffic impact mitigation measures shall be required to demonstrate compliance with this criterion. Such traffic impact mitigation measures are strongly encouraged to include reduction of vehicle miles traveled (VMT) through multi-modal facilities, encouragement of non-single occupant vehicle usage, and reduction of resident vehicle ownership (such as through car sharing or on-site transit operations). [LDO 3.2.4(C)]

- l) The applicant must provide evidence of an adequate water supply to serve the proposed uses in compliance with any applicable state or local laws. If the water supply is not provided by an existing municipal or quasi-municipal water purveyor, and the water appropriation or distribution system is located on or crosses property that is not owned by the applicant, the applicant must provide evidence of legal authorization to occupy properties of affected owners. For the purposes of this subsection, evidence of an adequate water supply may include:
 - i) A new water right or transfer of an existing water right granted for the project by the Oregon Water Resources Department (OWRD) sufficient for the uses described in the application, or if the OWRD application process is not complete, evidence that the applicant has filed any required application with OWRD and that it is feasible for the applicant to secure the required water right or transfer, in which case the County approval shall be conditioned to require successful completion of the water right or transfer process;
 - ii) Evidence that the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, in which case the applicant shall submit a copy of the Water Well Report that describes the construction of the well; or
 - iii) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water. [LDO 4.3.12(E)]

- m) The applicant has identified and can demonstrate due diligence in pursuing all Federal, State, and local permits

required for development of the resort. [LDO 3.1.4(B)(1)(d)]

- n) In the Exclusive Farm Use zone, a destination resort may be approved only where it:
 - i) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - ii) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The applicant may demonstrate that the standards set forth in this provision will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. [ORS 215.296(1) and (2); OAR 660-033-0030(5)]

- o) Any proposed temporary mining, crushing or stockpiling of aggregate, or processing of aggregate into asphalt or Portland cement, is limited to use in roads, utilities and other construction activities on the resort site and will comply with applicable operating standards in Section 4.4.8(A)(1) through (11) of this Ordinance as well as additional requirements for mining, crushing, stockpiling, and/or processing in the sections(s) for the zoning district in which the resort property or properties are located. The following additional requirements shall apply to any aggregate mining, crushing, stockpiling or processing operation located on land zoned EFU:
 - i) The aggregate mining, crushing, stockpiling or processing site must be included on an inventory of significant aggregate resource sites in the Comprehensive Plan. [ORS 215.298(2); OAR 660-023-0180(6)(c); LDO 4.2.8(C)]
 - ii) The amount of aggregate mined shall not exceed 500,000 tons. [OAR 660-023-0180(4)(a) and (6)(d)]
 - iii) No operation for processing of mineral or aggregate into asphalt shall be allowed within two miles of a planted vineyard. [ORS 215.301; LDO 4.2.8(D)]
 - iv) Where aggregate mining is allowed, the post-mining use shall be identified in the preliminary development plan. [LDO 4.4.4]
 - v) For aggregate sites on Class I, II and Unique farmland, post-mining use shall be limited to farm uses under ORS 215.203, uses listed under ORS 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. The site reclamation plan, approved by DOGAMI, required by Section 4.4.8(A)(3) of this Ordinance, shall be consistent with this requirement. [OAR 660-023-0180(5)(f) and (6)(b)]

- p) The proposed resort complies with any urban growth boundary agreement or urban growth management agreement that has been jointly adopted by the governing bodies of the affected city and the County.
- q) The applicant has proposed an acceptable method for providing an annual accounting to the Department to document compliance with the requirements for overnight lodging units, and the ratio of residential lots or units for sale to overnight lodging units, in subsection (C)(4) of this Section.

3) Duration of Preliminary Development Plan Approval

- a) An approved preliminary development plan will become void 24 months after the date of the final decision approving the preliminary development plan if an application for approval of the final development plan or, if the preliminary development plan provides for phased resort development, an application for approval of the final development plan for the first phase of resort development, has not been submitted to the Department for review. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the preliminary development plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which to submit a final development plan will not exceed three years after the date of the final decision approving the preliminary development plan. [LDO3.3.2(C)]

- b) For a phased destination resort, once a final development plan for the first phase of the resort has been submitted to the Department and approved, the preliminary development plan shall remain valid for all subsequent phases of resort development, provided that if the Director determines that the resort has failed to comply with the phasing requirements of Section (C)(4) with regard to provision of overnight lodgings and sale of residential lots or units, the preliminary development plan approval shall be void for any phases of resort development for which final development plan approval has not yet been granted.

L) Final Development Plan

1) Review Procedure

The final development plan for a resort, or phase of a resort, subject to this section shall be reviewed through the applicable procedure for a Type 2 permit set out in Section 2.7, and as identified in Table 2.7-1, except that Planning Division notice of the application pursuant to Section 2.7.3 shall be mandatory.

2) Approval Criteria

- a) The final development plan is in substantial conformity with the provisions of the approved preliminary development plan for the resort, including any changes required by the Approval Authority. "Substantial conformity" means that changes in the type, scale, location or other characteristics of the proposed development (1) would not significantly impact persons or property beyond the boundaries of the resort; and (2) are not such that the findings of fact upon which the preliminary development plan approval was based would be materially affected.
- b) Any conditions imposed on the preliminary development plan approval that relate to the final development plan have been satisfied.

3) Duration of Final Development Plan Approval

An approved final development plan will become void 12 months after the date of the final decision, if development has not been initiated, as provided in Section 13.3. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the final development plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which development must be initiated shall not exceed two years after the date of the final decision approving the final development plan. [LDO3.3.2(C)]

4) Effect of Final Development Plan Approval

Final development plan approval shall constitute the final land use approval for the subject resort, or phase of the resort, and will authorize administrative issuance of further permits and approvals necessary to commence construction. Construction, site development and landscaping shall be carried out in accord with the approved final development plan.

M) Modification of Approved Preliminary or Final Development Plan

An approved preliminary development plan may be modified in accordance with the procedures and standards in effect for approval of a preliminary development plan, as specified in subsections (J) and (K) of this section. An approved final development plan may be modified in accordance with the procedures and standards in effect for approval of a final development plan, as specified in subsection (L) of this section.

N) Land Divisions

The provisions of Chapter 10 (Land Division) of this Ordinance shall apply to resorts, except as provided in this subsection.

1) Notwithstanding Section 3.3.2, a subdivision or partition tentative plan may be submitted and processed concurrently with a final development plan for a resort or phase of a resort, through a Type 2 process.

2) A subdivision or partition tentative plan for land that is the subject of an approved resort preliminary or final development plan must be consistent with the approved resort final development plan.

6.4 ACCESSORY USES AND STRUCTURES

6.4.1 Purpose

This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses in all zoning districts, except as otherwise provided in Sec. 6.3.8 with regard to accessory uses and structures in destination resorts. The County's intent in adopting this Section is to allow a broad range of accessory uses and structures, provided such uses are located on the same site as the principal use and they comply with the standards set forth in this Ordinance.

Approved uses will be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, clearly incidental, and subordinate to, the principal uses allowed in zoning districts. Accessory uses and activities will be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated.

6.4.2 General Standards and Limitations

A) **Applicability**

The provisions of this Section 6.4 are applicable to all accessory uses and structures in all zoning districts, including the Exclusive Farm Use, Forest Resource and Aggregate Removal zoning districts described in Chapter 4 of this Ordinance.

B) **Compliance with Ordinance Requirements**

All accessory uses and accessory structures will conform to the applicable requirements of this Ordinance, including Chapters 4 through 8. The provisions of this Section establish additional requirements and restrictions for particular accessory uses and structures.

C) **Approval of Accessory Uses and Structures; Deed Declaration**

Accessory uses or structures may be approved in conjunction with or

subsequent to approval of the principal use or structure whether through a ministerial or discretionary review. At the County's option, an applicant for an accessory use or structure may be required to record a deed declaration acknowledging that the proposed use or structure is accessory to a permitted use on the property. The deed declaration will only be terminated upon the County's approval.

- D) ***Time of Establishment***
No accessory use will be established, and no accessory structure will be allowed on a parcel, until all required permits and approvals for the principal use or activity have been obtained and the principal structure is under construction, or the principal use has been established.
- E) ***Dimensional Standards for Accessory Buildings and Structures***
 - 1) ***Compliance with Other Regulations Required***
All accessory structures and uses will comply with the dimensional standards for primary uses described in Chapter 8, as well as any additional dimensional standards applicable to any overlay district within which the accessory use or structure is located.
 - 2) ***Landscaped Buffers***
An accessory building or structure will not be located in a landscape buffer, except that parking lots fronting rights-of-way may abut any streetscape or landscape buffer fronting the right-of-way.
- F) ***Signs***
All signs will be governed by the standards and sign permit procedures set forth in Section 9.6 of this Ordinance.
- G) ***Temporary Accessory Uses and Structures***
Temporary accessory uses and structures will be governed by the standards and temporary use permit procedures set forth in Section 6.5 of this Ordinance.

6.4.3 Accessory Uses Prohibited

In Urban and Rural Residential zoning districts, the following activities are prohibited:

- A) ***Automotive Repair***
Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
- B) ***Outdoor Storage of Inoperative Vehicles***
The outdoor storage of more than two (2) vehicles that do not display both a current lawful license plate and a current state inspection sticker.
- C) ***Outdoor Parking/Storage of Large Commercial Vehicles***
The parking of any number of commercial vehicles with a combined total gross vehicle weight more than 26,000 pounds, except for one (1) vehicle and trailer used solely by the owner residing on the premises in his/her primary occupation when the property is in a Rural Residential zone.

6.4.4 Accessory Uses and Structures Allowed

A) **General**

In addition to complying with the general standards in Section 6.4.1, the following types of accessory uses are subject to the specific regulations set forth in this Section.

B) **Detached Living Space**

Detached living space may be allowed when it is accessory to and dependent on the primary residence. No detached living space may contain permanent provisions for living, sleeping, eating, cooking or sanitation in any combination that would constitute a separate dwelling unit. Detached living space may be permitted by the County when all of the following standards are met:

- 1) The building will comply with all applicable setbacks, fire safety and Floodplain Overlay requirements of this Ordinance;
- 2) The maximum square footage of the area used as habitable living space, either as a separate building or within a larger accessory structure, will not exceed 400 square feet;
- 3) Utility services (e.g., gas, electricity, telephone) will be metered through a single meter for each utility that serves both the existing residence and the detached living space;
- 4) Sanitation will be provided by either connection to an existing on-site septic system or a public sanitary authority, whichever is currently in use on-site;
- 5) The detached living space will be located within 200 feet of the existing primary residence;
- 6) No more than three (3) of the five (5) identified components of a dwelling will be incorporated into the detached living space; AND
- 7) A deed declaration that stipulates the detached living space is not and cannot be used as an independent dwelling unit must be recorded prior to issuance of building permits.

C) **Home Occupations**

1) **Purpose**

The purpose of a home occupation or home business is to make a profit in money. This Section provides standards for home occupations and businesses that permit the limited conduct of a business within a residential dwelling, attached or detached garage, or accessory structures in rural areas without adversely impacting the surrounding area. The standards for home occupations and home businesses in this Section are intended to ensure compatibility with other permitted uses and with the residential character of the property. In resource zones, the provisions of ORS 215.448 also apply.

- 2) *Where Allowed*
Home occupations that comply with the regulations of this Section may be allowed in all zoning districts, except within accessory dwelling units.
- 3) *Approval Required*
Home occupations are permitted as a Type 1 use in all residential zones, and a Type 2 use in resource zones, subject to provisions of this Ordinance.
- 4) *Prohibited Home Occupations*
Some uses by their nature have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home occupations.
 - a) Auto or vehicle oriented (repair, painting, detailing, wrecking, transportation services, or similar activities);
 - b) Retail sales or professional services, other than by appointment only; and
 - c) Large appliance repair.
- 5) *General Standards*
The following standards apply to all home occupations:
 - a) There will be no signs other than as permitted by Section 9.6;
 - b) The home occupation use, unless approved as a home business under Section 6.4.4(D), will not result in more than two (2) additional vehicles parked at the site of the home occupation at any given time. Any need for parking created by the conduct of a home occupation will be met off-street in a location other than in a required front yard setback, and in compliance with the standards in Section 9.4. In no event may the home occupation displace required parking on the site without replacement in-kind;
 - c) In no way will the appearance of the structure be altered or the home occupation conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses and taking measurements from any lot line of the parcel;
 - d) Electrical or mechanical equipment that creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation will be prohibited;
 - e) Home occupations will not store or warehouse, or use in their processes, materials which are Class 1 flammables as defined by the Uniform Fire Code;
 - f) The home occupation will be completely conducted within an enclosed building. There will be no outside storage, display of goods, materials, supplies or equipment of any kind related to the home occupation;

- g) No persons other than residents of the premises will be engaged in a home occupation, unless otherwise allowed in resource zones pursuant to this Ordinance (see Chapter 4);
- h) A home occupation within an urban unincorporated community or urban growth boundary will be conducted only within the enclosed dwelling unit or garage;
- i) A home occupation outside an urban unincorporated community or urban growth boundary may be conducted within a garage, accessory structure, or lawfully permitted dwelling; and
- j) A home occupation may be subject to licensing when and if such a program is enacted by the County.

D) **Home Business**

- 1) *Purpose*
A home business is a more intensive kind of home occupation that may employ persons in addition to the residents of the property. The home business will be operated by a resident of the property, and may employ up to five (5) persons total, full- or part-time (See *ORS 215.448*).
- 2) *Where Allowed*
Outside urban growth and urban unincorporated community boundaries, home businesses that comply with the regulations of this Section may be allowed in residential and resource zones, subject to all applicable standards of this Ordinance. Home businesses are not allowed in urban unincorporated communities or urban growth boundaries.
- 3) *Approval Required*
Home businesses are provided as a Type 3 use in residential zones and a Type 2 use in resource zones.
- 4) *Prohibited Home Businesses*
Some uses by their nature have a pronounced tendency to rapidly increase beyond the permitted limits, and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home businesses:
 - a) Auto or vehicle oriented (repair, painting, detailing, wrecking or similar activities);
 - b) Retail sales or professional services, other than by appointment only; and
 - c) Large appliance repair.
- 5) *Standards*
A home business, other than specific business uses listed in this Section, is subject to the following requirements:
 - a) The use will be operated in the dwelling or accessory buildings permitted and in character with the zone in which the property is located;

- b) The area committed to business activity (including storage) cannot exceed a ratio of 25% of home business square footage to 100% of primary residential use square footage, provided that in no event will the area dedicated to the home business exceed 3,000 square feet within a rural unincorporated community or 2,000 square feet outside a rural unincorporated community;
- c) The home business will not interfere with existing uses on nearby land or with uses permitted in the zone in which the property is located;
- d) A home business may include light fabrication of material;
- e) Storage of materials must be within an enclosed building, and equipment must be screened from view;
- f) Home businesses will not store or warehouse, or use in their processes, materials which are Class 1 flammables as defined by the Uniform Fire Code;
- g) Nothing in this Section authorizes construction of any structure that is not otherwise allowed in the zone or that is inconsistent with this Section;
- h) Once authorized by the County, the existence of a home business will not be used as justification for a Comprehensive Plan Map Amendment;
- i) Application for a home business will also include a Building Field Review application and fee to determine the extent of structural alteration required for the business;
- j) The proposed home business will be in compliance with the standards and other required findings, if any, of the district in which the proposed home business would be located;
- k) The location, size, design, and operating characteristics of the proposed home business will have no significant adverse impact on abutting properties or the surrounding area;
- l) The home business may be continued unless discontinued for a period of three (3) years;
- m) There will be no signs other than as permitted by Section 9.6; and
- n) A home business may be subject to licensing when and if such a program is enacted by the County.

6) *Bed and Breakfast*

A Bed and Breakfast is a type of home business that provides temporary travelers' accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single-family residence. Notwithstanding the provisions of (D)(2) above, a bed and breakfast may be permitted inside urban growth boundaries. All Bed and Breakfasts will comply with the following standards, in addition to all applicable general standards of this Section.

- a) The Bed and Breakfast will comply with all applicable standards and approval procedures for a home occupation, as described in Section 6.4.4(C);
- b) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the

- zoning district in which it is located;
- c) The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms will not be increased except as may be required to meet health, safety, and sanitation requirements;
 - d) Off-street parking will be provided. The front yard will not be used for off-street parking for temporary guests unless the parking area is screened and the appearance is compatible with the neighborhood, as determined by the County;
 - e) The number of guest rooms will be limited to six (6);
 - f) Those facilities with more than two (2) guest rooms are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the Health Department (*ORS 624, 471.162, and OAR 333.170*). The issuance of such licenses will not be considered as conferring nonconforming commercial status to the use which would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this Section;
 - g) One (1) on-premise sign may be approved by the County, subject to compliance with the sign standards in Section 9.6;
 - h) All necessary state and County permits, certifications, or requirements will be obtained as a condition of approval of a Bed and Breakfast service;
 - i) Room rentals to families or individuals will not exceed 14 consecutive days;
 - j) The Bed and Breakfast facility must be accessory to and primarily operated within the single-family dwelling occupied by the resident owner or manager. Some or all guest rooms may be contained within existing structures that lawfully exist on the same parcel at the time of application;
 - k) The only meal to be provided to guests will be breakfast and it will only be served to guests taking lodging in the facility even if the facility is required to be licensed as a restaurant;
 - l) Prior to approval of the application, the following evidence must be provided:
 - i) Two (2)-Room Bed and Breakfast: If the property is not connected to a public sewer system, the Environmental Quality Section must examine the sewage disposal system and determine that the system is, or can be made adequate for the proposed use. A domestic well serving a license-exempt Bed and Breakfast is not considered a public water supply, and therefore no inspections or certifications are required;
 - ii) Three (3)-Rooms or more:
 - (a) If the property is not connected to a public sewer system, the Environmental Quality Section must examine the sewage disposal system, and determine that the system is, or can be made adequate for the proposed use;
 - (b) If the property is not connected to a public water supply, the water system must be

approved as a public water supply by the State Health Division;

- (c) The facility must be inspected by the Building Division to determine that the Bed and Breakfast structure is, or can be made adequate for the proposed use;
- (d) The applicant will not initiate any construction activity and other improvements related to the Bed and Breakfast facility or begin operation of the facility prior to a determination, in writing, by the Health Department that the necessary inspections have been completed and any deficiencies have been corrected to the satisfaction of the Health Department; and

- m) Bed and Breakfasts in resource zones will also comply with all applicable provisions for home occupations contained in Chapter 4.

E) Commercial Activities or Special Events in Conjunction With Farm Use

- 1) Commercial activities accessory to farm use occurring on the same parcel are permitted subject to a Type 1 review in all zones where agriculture is a Type 1 use. Such activities may occur inside an existing building, outside, or both. Any regular activities conducted in conjunction with farm use must be primarily for the purpose of displaying, tasting, or otherwise consuming products primarily grown and produced on-site. Regular, ongoing activities may include sales, tasting or consumption of farm products, with or without music or artistic entertainment provided:
 - a) Ongoing activities' hours of operations are limited to 9 a.m. to 6 p.m. Sunday through Thursday, and 10 a.m. to 10 p.m. Friday and Saturday;
 - b) The activities will primarily occur in an enclosed structure that is located a minimum of 500 feet from any adjacent property ownerships;
 - c) No more than 25 percent of the proceeds of any products or items sold will be from non-farm product related sales; and
 - d) On-site parking and loading areas comply with Section 9.4.
- 2) Special events may also be allowed when specifically permitted by the County through a Type 3 review. Such events may include non-profit and charitable organization fund raisers, or other similar special events provided the primary purpose is to showcase, market, or provide education about the agricultural products produced by the farm. All special events must comply with the following standards in, addition to any specific conditions of approval associated with any prior County permit that authorized the commercial activity:
 - a) The special event must be sponsored or co-sponsored by the farm operation;
 - b) The event may not occur in a building that was built as an

“Ag-Exempt” structure, unless specifically allowed by conditions of approval of a valid County land use permit. In the EFU and Rural Residential districts, no new building or existing building remodel will be permitted that will devote the building primarily to public assembly associated with the commercial activity;

- c) The event is quarterly during any 12-month period and is not part of a series of similar events that occur throughout the year at the site, provided however that the event may continue for up to 72 hours;
- d) Hours of operation will be limited to 7 a.m. to 10 p.m., except on Sunday when hours will be limited to 8 a.m. to 9 p.m.;
- e) Less than 500 people are anticipated to attend and adequate parking up to a maximum of 250 spaces will be provided on-site to accommodate anticipated attendance (see Table 9.4-1);
- f) No permanent on-site restaurant facility will be used or constructed to accommodate the event; and,
- g) Compliance with all health and sanitation laws will be maintained throughout the event and all required health and sanitation permits will be obtained prior to the event.

F) ***Outdoor Display, Sales, and Storage***

Outdoor display, sale, or storage of goods may be allowed as an accessory use for all approved commercial and industrial uses pursuant to this Section (see also Section 3.2). It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display of goods will meet all of the following conditions:

1) ***Procedural Requirements***

Outdoor display, sales, or storage will require approval as part of the original application to allow the principal use, or as a new Type 2 review if the display, sales or storage will be in conjunction with an existing lawful use. Approval may be subject to appropriate conditions to reduce its potential impacts on nearby properties. Applications for all new development plans will show the location of such areas in accordance with this Section. Outdoor display, sales, or storage that will be in conjunction with an existing business will submit a plan showing the location of the activity, and how the requirements of this Section are to be met.

2) ***Where Permitted***

Outdoor display, sales, or storage of goods will not be located within a required setback, and not in drive aisles, loading zones, fire lanes, or parking lots, and will not be located within five (5) feet of either side of any entrance/exit door.

3) ***No Pedestrian Obstruction***

At least five (5) feet along the parking lot side of the display, sales and storage area adjacent to the building will be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

- 4) *Temporary Sales Distinguished*
This Section will not apply in cases of temporary sales events, as described in Section 6.5.3.

G) **Swimming Pool, Private**

A private swimming pool, whether above or below ground, is an accessory use when it:

- 1) Complies with all required zoning setbacks for the district in which it is located; and,
- 2) Is not operated as a separate business nor maintained in such a manner as to be hazardous to adjacent property owners. For example, an approved bed and breakfast may include a swimming pool available for use by guests of the bed and breakfast.

6.5 TEMPORARY USES AND STRUCTURES

6.5.1 Purpose

This Section allows for the establishment of certain temporary uses of limited duration in all zoning districts, provided that such uses are discontinued upon the expiration of a set time period. This section does not apply to an area that is the subject of a destination resort preliminary development plan approved under Sec. 6.3.8. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

6.5.2 General Regulations

The general regulations of this Section will apply to all allowed temporary uses unless otherwise expressly stated.

- A) Permanent changes to the site are prohibited;
- B) Permanent signs are prohibited. All temporary signs associated with the temporary use will be removed when the activity ends;
- C) Temporary uses will not violate any applicable conditions of approval that apply to the principal use on the site;
- D) The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as when Health Department permits must be obtained prior to issuance of Development Services Department permits under this Section; and
- E) Unless otherwise expressly stated, temporary uses are permitted as a Type 1 use.

6.5.3 Uses Allowed

Temporary uses will be allowed in accordance with the standards of this subsection.

- A) **[RESERVED]**
- B) **Response to Natural Disasters and Emergencies**
Temporary uses and structures needed as the result of an emergency

declared by the Board of County Commissioners, State of Oregon, or Federal Government are allowed for the duration of the emergency. No site plan review or other review as would ordinarily be required by this Ordinance will be necessary during the emergency. Land use activities that must occur for the purpose of alleviating the hardship resulting from the emergency are expressly allowed. When the state of emergency has been terminated by the body or agency that declared it, all temporary uses will cease and structures associated with the emergency will be removed.

C) **Parking Lot Sales**

Parking lot sales are allowed in Commercial or Industrial districts for up to two (2) consecutive weeks at any one time. Two (2) events are allowed per calendar year.

D) **Real Estate Sales Offices**

Sales offices are allowed on sites under development in any zoning district until all lots or houses are sold.

E) **Seasonal Outdoor Sales**

Seasonal outdoor sales are allowed by right for up to one (1) month at any one time. One (1) event is allowed per calendar year. Longer time periods may be permitted as a Type 2 permit subject to subsection (J).

F) **Storage of Manufactured Dwelling**

1) *General*

Temporary storage of one (1) manufactured dwelling on a lawful parcel may be approved pursuant to this Section.

2) *Standards*

The stored manufactured dwelling will comply with the following standards:

- a) The manufactured dwelling will not be used for residential use;
- b) There will be no electrical, plumbing, or sewer connections to the stored manufactured dwelling;
- c) All normal setback standards of the district will be met; and
- d) The manufactured dwelling will not be located in a Floodplain Overlay.

3) *Duration; Extension*

- a) A manufactured dwelling may not be stored on a tract longer than six (6) months, unless an extension has been granted by the County;
- b) Only one (1) extension, for a maximum of an additional six (6) months, may be granted. The applicant must request the extension in writing prior to the expiration date of the manufactured dwelling storage permit; and
- c) Only one (1) manufactured dwelling storage permit may be issued to a property owner for a specific parcel within any five (5)-year period.

G) **Temporary Medical Hardship Dwelling**

1) *Applicability*

- a) A permit may be issued using the procedure set forth in this Section for the placement and use of a temporary structure or existing accessory structure for occupancy by an infirm person incapable of maintaining a residence on separate property, or by one (1) or more individuals engaged in caring for an infirm person residing on the property, provided that all the provisions of this Section are satisfied;
- b) A permit may be issued using the procedure set forth in this Section for the use of a recreational vehicle as a temporary medical hardship dwelling, provided that the Building Division conditions for issuance of a mobile home setup permit are met and that all other applicable provisions of this Section are satisfied; and
- c) A temporary medical hardship dwelling may not be located in a Commercial or Industrial district, unless located as an accessory use to an existing dwelling unit on the property.
- d) Temporary medical hardship permit in resource zones must also comply with all applicable provisions of Chapter 4.

2) *Conditions for Issuance*

a) Existence of Infirmary or Hardship

- i) The nature of the infirmity or hardship will be certified by two (2) written statements; one from the patient's primary care medical doctor (MD) or osteopath (DO), as well as a second opinion from a licensed MD, DO, physician's assistant or licensed nurse practitioner (NP). The statements will be on the care provider's stationery or stamped by the office, and will indicate that the patient is not physically or mentally capable of maintaining him/herself in a residence on a separate property, and is dependent upon someone being close by for assistance. These certifications must be dated within one (1) year of the date of application or permit renewal; and
- ii) The infirmity will be due to physical or mental impairment. Financial hardship conditions, child care, and other convenience arrangements not relating to physical and mental impairment are not considered an infirm condition.

b) Residency

- i) At least one (1) other person will reside on the premises who can provide the needed assistance; and
- ii) The approved occupant(s) of the temporary medical hardship dwelling will occupy the temporary dwelling at least nine (9) months out of each calendar year.

c) Site Conditions

- i) The temporary medical hardship dwelling will either (a) connect to a public sanitary sewer system, or (b) use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling, as determined by the Environmental Quality Section. If the Environmental Quality Section determines that the existing subsurface sewage disposal system is not adequate to accommodate the additional dwelling, the applicant may meet the requirement for adequate sewage disposal by installing a new individual subsurface sewage disposal system, provided that (a) the applicant agrees that one (1) of the existing septic systems is decommissioned when the medical hardship is over, or (b) the new system is put to another use lawfully allowed by this Ordinance;
- ii) The location of the temporary structure will conform to all applicable setback requirements of this Ordinance;
- iii) The applicant will certify that the placement of the temporary structure will not violate the provisions of any deed declaration or subdivision covenant for the property;
- iv) No additional driveways, access roads or permanent accessory buildings to serve the temporary structure will be permitted; and
- v) The temporary structure will be located within 300 feet of the existing residence on the property, except to conform with subsection (c)(ii) above.

d) Removal

The applicant will agree to remove the temporary dwelling within three (3) months after the unit has ceased to be used for the person for which the permit was issued. In any event, the unit will be disconnected from water and sewer service by the day of the expiration of the permit, unless the permit has been renewed in conformance with subsection (4), below, or the structure has been put to another lawfully permitted use.

3) *Application Processing*

Upon receipt of an application for a temporary medical hardship dwelling permit, the County will determine if the request satisfies the standards of this Section and will render a written decision pursuant to the provisions for approval of a Type 2 use as described in Chapter 3.

4) *Expiration of Permit, Renewal*

- a) A temporary medical hardship permit is valid for up to two (2) years from the date of initial issuance. All permits will have

an expiration date of January 31. The County will process all temporary medical hardship permit renewal requests once per year:

- b) The County will give permittees not less than 30 calendar days written notice of the pending expiration of their permits, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. All renewal requests will comply with the conditions for issuance specified in subsection (2) above at the time of renewal, except that only one (1) updated certification of hardship from an Oregon licensed medical doctor or osteopath will be required; and
- c) The permit will not be renewed until a review has been conducted by the County to determine the continued validity of the hardship.

5) *Addition of Residents*

- a) One (1) additional resident who is to receive care may be added under an existing temporary medical hardship permit, provided the additional resident is also infirm and incapable of maintaining a residence on separate property; and
- b) Provided the existing permit is in compliance with the standards set forth in subsection (3) above, the holder of the existing permit will pay the required fee and submit medical documentation demonstrating the infirmity or hardship of the new resident. A new permit will not be required.

6) *Revocation*

A temporary medical hardship permit may be revoked by the County, pursuant to Section 1.8, for violating the conditions of a permit. If the permit is revoked, the Director will require removal of the temporary structure pursuant to Section 1.8.

H) ***Use of Recreational or Camping Vehicles***

Recreational or camping vehicles are not generally designed for residential purposes in accordance with the standards and specifications for manufactured housing or conventional construction under the Uniform Building Code unless authorized for use during the term of a temporary medical hardship under Section 6.5.3(G). Unless permitted for use as a dwelling, recreational or camping vehicles may be occupied temporarily subject to the following standards:⁸ [see 2005 HB2247]

- 1) Recreational or camping vehicles will not be used for temporary housing to accommodate visitors of the current resident more than 30 days in any 12-month period;
- 2) A maximum of one (1) self-contained recreational or camping vehicle may be used for recreational purposes for up to three (3) months in any 12-month period on vacant property with the owner's consent, subject to the provisions of this Ordinance (e.g., Section 7.1.2(B))

⁸Ordinance 2004-12, effective 2-6-2005

and full compliance with health and sanitation regulations; or,

- 3) Not more than one (1) self-contained camping vehicle may be used as temporary housing for not more than nine (9) months on property owned by the owner of said vehicle, and only after permits have been issued for construction of the first dwelling, or during remodeling or replacement of a lawfully established dwelling. Such uses are subject to full compliance with the provisions of this Ordinance and health and sanitation regulations.

I) **Yard Sales**

A yard sale for the purpose of selling household goods and equipment, plants, clothing, furniture and similar goods will be a permitted temporary use in a noncommercial zoning district provided:

- 1) There will be no more than three (3) such sales per year per site;
- 2) The duration of each sale will not exceed three (3) days in length; and
- 3) The hours of operation will be limited to 7:00 a.m. to 6:00 p.m..

J) **Other Uses**

The County may approve other temporary or seasonal uses and activities, or special events that are not exempt from land use permitting under ORS 433.735-770, if it is determined through a Type 2 review that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.



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