



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 15, 2015  
Jurisdiction: Jackson County  
Local file no.: 439-15-00003-LRP  
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/04/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

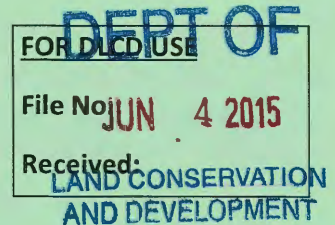
### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: JACKSON COUNTY

Local file no.: **439-15-00003-LRP**

Date of adoption: MAY 27, 2015

Date sent: 6/2/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): No Form 1

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

**No Form 1 sent. See supplemental information below.**

Local contact (name and title): KELLY MADDING

Phone: 541-774-6915

E-mail: maddinka@jacksoncounty.org

Street address: 10 SOUTH OAKDALE AVE., ROOM 100  
2902

City: MEDFORD

Zip: 97501-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

SEE ATTACHED SHEET.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Cities of Ashland, Butte Falls, Central Point, Eagle Point, Gold Hill, Jacksonville, Medford, Phoenix, Rogue River and Talent, US Postal Service, Rogue Valley Sewer Services, Medford, Water Commission, Rogue Valley Council of Governments, Jackson County Fire Districts 1, 2, 3, 5, 6 and 9, All School Districts within Jackson County, Jackson County Health Dept, Roads and Parks, Sheriff's Office.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

There were several changes of the proposed Jackson County Land Development Ordinance amendments allowing Medical Marijuana Facilities during the course of the public hearings regarding definitions, location and special setbacks from specific uses.



**JACKSON  
COUNTY**  
*Oregon*

## NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2015-7 at a properly advertised public hearing on April 1, 2015, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on July 26, 2015 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2015-7 amending the text of the Jackson County Land Development Ordinance Chapter 6 Use Regulations, Section 6.2 Table of Permitted Uses, Subsection 6.2.2 Use Table for Base Zoning Districts, Table 6.2-1 Use Table for Base Zoning Districts establishing Medical Marijuana Facilities as a permitted use, Section 6.3 additional use-specific regulations, subsection 6.3.3 Commercial/Office Uses establishing regulations related to Medical Marijuana Facilities, Section 6.4 Accessory Uses and Structures, Subsection 6.4.4 Accessory Uses and Structures Allowed, Subsection 6.4.4(c) Home Occupations and Subsection 6.4.4(d) Home Business prohibiting Medical Marijuana Facilities, and Section 13.3 Terms Defined establishing a definition for Medical Marijuana Facilities. File no. 439-15-00003-LRP.

This notice is being mailed to you on July 17, 2009, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Kelly Madding** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 541-774-6519.

You may review this ordinance, or you may purchase a copy for \$.25 for the first page and \$.10 for each additional page, at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501, between the hours of 8:00 a.m. and 4:00 p.m., Monday, Tuesday, Thursday and Friday; and 11:00 a.m. to 4:00 p.m. on Wednesday.

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. 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 June 2, 2015, and the LUBA appeal period will expire on June 23, 2015. Please contact LUBA for specific appeal information. They are located at DSL Building, 775 Summer Street N.E. Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

STATE OF OREGON    )  
                                  )  
COUNTY OF JACKSON )

I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2015-7 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on June 2, 2015.

Patricia A. Guida  
Signature

Personally appeared before me this 2nd day of June, 2015, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Laura A. Marshall  
Notary Public for Oregon  
My Commission Expires: 2-6-2016

NOTICE OF ADOPTION SENT TO: APPLICANT, AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: JACKSON COUNTY MEDICAL MARIJUANA FACILITIES  
FILE NO: 439-15-00003-LRP

FILE NO. 439-15-00003-LRP  
ADOPTION NOTICE LABELS  
APPLICANT: JA CO Medical Marijuana  
DATE CREATED: 6/2/15

BOC 439-15-00003-LRP  
DOUG BREIDENTHAL, CHAIR  
BOARD OF COMMISSIONERS

BOC 439-15-00003-LRP  
RICK DYER  
BOARD OF COMMISSIONERS

BOC 439-15-00003-LRP  
COLLEEN ROBERTS  
BOARD OF COMMISSIONERS

COUNSEL 439-15-00003-LRP  
JOEL BENTON  
COUNTY COUNSEL

STAFF 439-15-00003-LRP  
KELLY MADDING, DIRECTOR  
DEVELOPMENT SERVICES

STAFF 439-15-00003-LRP  
MIKE MATTSON, PLANNER  
DEVELOPMENT SERVICES

IP 439-15-00003-LRP  
MIKE UPSTON  
CITY OF EAGLE POINT  
17 S BUCHANAN ST  
EAGLE POINT OR 97524

IP 439-15-00003-LRP  
RICHARD J BAUERNFEIND  
COLDWELL BANKER COMMERCIAL NW  
207 W MAIN ST #3  
MEDFORD OR 97501

IP 439-15-00003-LRP  
ZAC MOODY  
CITY OF TALENT  
110 E MAIN ST  
TALENT, OR 97540

IP 439-15-00003-LRP  
TONI BRANHAM  
10400 STERLING CR RD  
JACKSONVILLE, OR 97530

IP 439-15-00003-LRP  
DAVID MARSHALL  
401 W 4TH ST  
PHOENIX, OR 97535

IP 439-15-00003-LRP  
COREY FALLS, SHERIFF  
SHERIFF'S OFFICE

IP 439-15-00003-LRP  
JACKIE PACHECO  
643 NOTTINGHAM TERRACE  
EAGLE POINT, OR 97524

IP 439-15-00003-LRP  
ANTHONY SMITH  
PO BOX 985  
JACKSONVILLE, OR 97530

IP 439-15-00003-LRP  
EMILY MCINTIRE  
958 PUMPKIN RIDGE  
EAGLE POINT, OR 97524

IP 439-15-00003-LRP  
DANIEL MC LEAN  
PO BOX 1926  
JACKSONVILLE, OR 97530

IP 439-15-00003-LRP  
ANDREAS MET  
1776 OLD MILITARY RD  
CENTRAL POINT, OR 97502

IP 439-15-00003-LRP  
TONI VONDRA  
VA-SORCC  
8495 CRATER LAKE HWY  
WHITE CITY, OR 97503

IP 439-15-00003-LRP  
BILL PHILP  
277 COYOTE RUN  
JACKSONVILLE, OR 97530

IP 439-15-00003-LRP  
MICHAEL JOHNSON  
106 NW F ST  
GRANTS PASS, OR 97526

IP 439-15-00003-LRP  
JAMIN GIERSBACH  
251 TWIN OAKS DR  
JACKSONVILLE, OR 97530

IP 439-15-00003-LRP  
ADAM LIPSKY  
4204 N ROXY DR  
MEDFORD, OR 97504

IP 439-15-00003-LRP  
RUSSELL PHILLIPS  
2823 YVONNE RD  
MEDFORD, OR 97504

IP 439-15-00003-LRP  
MICHAEL MONARCH  
710 ELKADER ST  
ASHLAND, OR 97520

IP 439-15-00003-LRP  
MATT ROPP  
107 NEWTOWN ST  
MEDFORD, OR 97501

IP 439-15-00003-LRP  
KAREN SPRAGUE  
1467 SISKIYOU BLVD  
ASHLAND, OR 97520-2336

IP 439-15-00003-LRP  
NITA LUNDBERG  
1444 BRENTWOOD DR  
EAGLE POINT, OR 97524

IP 439-15-00003-LRP  
BRENT KENYON  
2319 HILLCREST  
MEDFORD, OR 97504

IP 439-15-00003-LRP  
PETER GROSS  
489 EUCLID ST  
ASHLAND, OR 97520

IP 439-15-00003-LRP  
JONI/NICK PARSON  
953 ST ANDREWS WAY  
EAGLE POINT, OR 97524

IP 439-15-00003-LRP  
GREG BROWN  
7386 HWY 238  
JACKSONVILLE, OR 97530

IP 439-15-00003-LRP  
VICKIE ALDOUS  
111 N FIR ST  
MEDFORD, OR 97501

IP 439-15-00003-LRP  
GABE ROWLAND  
248 LAUREL ST ASHLAND,  
OR 97520

IP 439-15-00003-LRP  
RYAN MARKS  
681 NORMAL AVE  
ASHLAND, OR 97500

IP 439-15-00003-LRP  
JOHN HOWARD  
1518 BLUEBONNET  
MEDFORD OR 97504

IP 439-15-00003-LRP  
SPENCER MULLEN  
410 LORI LN #3  
ASHLAND, OR 97520

IP 439-15-00003-LRP  
DAVID BRYANT  
410 LORI LN #3  
ASHLAND, OR 97520

IP 439-15-00003-LRP  
JASON ROTT  
410 LORI LN #3  
ASLAND, OR 97520

IP 439-15-00003-LRP  
ROSS DAY  
DAY LAW GROUP, P.C.  
15055 SW SEQUOIA PRKWY STE 170  
PORTLAND, OR 97224

IP 439-15-00003-LRP  
KATHLEEN PAYNE  
1120 TEMPLE DR  
CENTRAL POINT, OR 97502

IP 439-15-00003-LRP  
VETERANS ADMIN DOMICILIARY  
DR DAVID INDEST  
8495 CRATER LAKE HWY  
WHITE CITY, OR 97503

IP 439-15-00003-LRP  
DAN GILBERT  
6784 ROGUE RIVER DR  
SHADY COVE OR 97539

IP 439-15-00003-LRP  
ROBERT HUFF  
1340 WREN RIDGE DR  
EAGLE POINT OR 97524

IP 439-15-00003-LRP  
PHIL CARDINAL  
6287 CASTLE TERRACE DR  
CENTRAL POINT OR 97502

IP 439-15-00003-LRP  
LYL JOHNSON  
3634 GRANT RD  
CENTRAL POINT OR 97502

IP 439-15-00003-LRP  
FRED JENKINS  
396 CROSSWAY DR  
GOLD HILL OR 97525

IP 439-15-00003-LRP  
MIKE WHITFIELD  
RVVCO  
601 N GRAPE ST  
MEDFORD OR 97501

IP 439-15-00003-LRP  
W PAUL CRAIG  
311 S HASKELL ST  
CENTRAL POINT OR 97502

IP 439-15-00003-LRP  
SAMANTHA BRIX  
RVVCO  
601 N GRAPE ST  
MEDFORD OR 97501



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

ORDINANCE NO. 2015-7

AN ORDINANCE AMENDING THE TEXT OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE CHAPTER 6 USE REGULATIONS, SECTION 6.2 TABLE OF PERMITTED USES, SUBSECTION 6.2.2 USE TABLE FOR BASE ZONING DISTRICTS, TABLE 6.2-1 USE TABLE FOR BASE ZONING DISTRICTS ESTABLISHING MEDICAL MARIJUANA FACILITIES AS A PERMITTED USE, SECTION 6.3 ADDITIONAL USE-SPECIFIC REGULATIONS, SUBSECTION 6.3.3 COMMERCIAL/OFFICE USES ESTABLISHING REGULATIONS RELATED TO MEDICAL MARIJUANA FACILITIES, SECTION 6.4 ACCESSORY USES AND STRUCTURES, , SUBSECTION 6.4.4 ACCESSORY USES AND STRUCTURES ALLOWED, SUBSECTION 6.4.4(C) HOME OCCUPATIONS AND SUBSECTION 6.4.4(D) HOME BUSINESS PROHIBITING MEDICAL MARIJUANA FACILITIES, AND SECTION 13.3 TERMS DEFINED ESTABLISHING A DEFINITION FOR MEDICAL MARIJUANA FACILITIES. FILE NO. 439-15-00003-LRP.

RECITALS:

1. This Ordinance is adopted 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 which have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The Jackson County Board of Commissioners through Order No. 13-15 initiated the process to amend the text of the Jackson County Land Development Ordinance and develop recommended land use regulations and requirements regarding medical marijuana facilities in the unincorporated areas of Jackson County.
3. A notice of public hearing was mailed on February 5, 2015, at least 20 days prior to the date of the public hearing. A notice was published on Sunday, February 15, 2015 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, February 26, 2015 at 9:00 a.m. in the Jackson County Auditorium. Written notice was provided to agencies and jurisdictions entitled to notice.
4. A public hearing before the Jackson County Planning Commission was scheduled February 26, 2015. The hearing was opened on February 26, 2015. Following testimony, arguments and evidence regarding this application, the Planning Commission continued the public hearing to March 12, 2015.



5. A continued public hearing was held on March 12, 2015. Following testimony, arguments and evidence regarding these text amendments, the Planning Commission voted unanimously to recommend approval of these text amendments, with revisions, to the Jackson County Board of Commissioners.
6. A properly noticed public hearing before the Jackson County Board of Commissioners was scheduled for April 1, 2015. Following testimony, arguments and evidence regarding these text amendments, the Board of Commissioners continued the public hearing to April 29, 2015.
7. A continued public hearing before the Jackson County Board of Commissioners was held on April 29, 2015. Following testimony, arguments and evidence regarding these text amendments, the Board of Commissioners deliberated and unanimously voted to approve the text amendments with their revisions.

NOW, THEREFORE, the Board of County Commissioners of Jackson County ORDAINS as follows:

### **SECTION 1. FINDINGS OF FACT**

Based upon the evidence and arguments presented, the Board of County Commissioners makes the following findings of fact with respect to this application. Where factual conflicts arose, the Board of County Commissioners has resolved them consistent with these findings:

- 1.1 The Board of Commissioners finds that proper legal notice was sent to Affected Agencies and Jurisdictions, Interested Parties and Property Owners who own property within the unincorporated areas of Jackson County that have a Zoning Map designation of General Commercial (GC).
- 1.2 The Board of Commissioners finds comments were received from property owners, interested parties and affected agencies and jurisdictions. These comments were considered by the Board of Commissioners.

### **SECTION 2. LEGAL FINDINGS**

To approve these text amendments to the Jackson County Land Development Ordinance the Board of Commissioners must conclude that all relevant and substantive criteria have been identified and there is substantial evidence in the record demonstrating such criteria are satisfied.

The Board of Commissioners herewith incorporates and adopts the legal findings in Section 2 of the Jackson County Planning Commission recommendation attached hereto as Exhibit A. The Board of Commissioners finds that all legal requirements have been satisfied, and where factual conflicts arose, the Board of Commissioners has resolved them consistent with the following specific findings.

- 2.1 The Board of Commissioners herewith incorporates and adopts the legal findings in Section 2 of the Jackson County Planning Commission recommendation attached hereto as Exhibit A.
- 2.2 The Board of Commissioners finds a Medical Marijuana Facility shall not be located within one mile from the Veterans Administration Domiciliary. The Planning Commission recommended a distance of 0.75 mile from this facility.

However, the Board of Commissioners finds the recommendation of a one mile buffer distance recommended by the Associate Chief of Staff for Mental Health of the VA Southern Oregon Rehabilitation Center and Clinics (SORCC) is warranted and will help ensure the integrity of the treatment facility and the safety of the residents of this nationally unique program.

- 2.3 The Board of Commissioners finds a Medical Marijuana Facility shall not be located within 0.5 mile of another Medical Marijuana Facility, regardless of whether the other licensed Medical Marijuana Facility is located in an unincorporated area of Jackson County or an incorporated city. The Planning Commission recommended a 1,000 feet buffer distance from another Medical Marijuana Facility. However, the Board of Commissioners finds the 0.5 mile buffer distance, while allowing for Medical Marijuana Facilities to be permitted in each General Commercial district, better preserves the public safety of Jackson County residents.
- 2.4 The Board of Commissioners finds a Medical Marijuana Facility shall not be located within 250 feet of a residentially zoned property within the White City Urban Unincorporated Community Boundary. The Board of Commissioners finds this buffer distance from residentially zoned property in the White City Urban Unincorporated Community Boundary is warranted and will help preserve the public safety of White City residents.
- 2.5 The Board of Commissioners finds a Medical Marijuana Facility shall not be located within 1,000 feet of a public park, regardless of whether the public park is located within an unincorporated area of Jackson County or an incorporated city. For the purposes of this paragraph, a public park does not include the Bear Creek Greenway. The Board of Commissioners finds this buffer distance from a public park is warranted and will help preserve the public safety of Jackson County residents.
- 2.6 The Board of Commissioners finds a Medical Marijuana Facility shall not be located within 1,000 feet of an Interstate 5 (I-5) interchange. The interchange is defined as the bridge structure over I-5 including all on and off ramp termini. The Board of Commissioners finds the recommendation of a 1000 feet buffer distance from an I-5 interchange, as recommended by the Jackson County Sheriff, is warranted and will help preserve the public safety Jackson County residents and the travelling public.

### **SECTION 3. CONCLUSIONS**

Based upon the evidence included in the record, the Board of Commissioners concurs with the Planning Commission recommendation attached hereto as Exhibit A in its conclusion that the proposed amendment is in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals Jackson County Comprehensive Plan, Oregon Revised Statutes and Oregon Administrative Rules. Consistent with this concurrence, the Board of Commissioners hereby incorporates and adopts as its own the conclusions that pertain to text amendment to the Jackson County Land Development as set forth in Section 3 of the Planning Commission recommendation, attached hereto as Exhibit A. Where factual conflicts arose, the Board of Commissioners has resolved them consistent with these conclusions.

- 3.1 Oregon Revised Statutes: The Board of Commissioners concludes the proposed text amendment changes comply with the applicable Oregon Revised Statutes.

Discussion of compliance is contained in the staff report included in the Jackson County Planning Commission recommendation attached hereto as Exhibit A. The Planning Commission recommended revisions and Board of Commissioners approved final revisions attached hereto as Exhibits B and C.

- 3.2 Oregon Administrative Rules: The Board of Commissioners concludes the text amendment changes comply with the applicable Oregon Administrative Rules. Discussion of compliance is contained in the staff report included in the Jackson County Planning Commission recommendation attached hereto as Exhibit A. The Planning Commission recommended revisions and the Board of Commissioners approved final revisions attached hereto as Exhibits B and C.
- 3.3 Jackson County Land Development Ordinance: The Board of Commissioners concludes the text amendment changes comply with the Jackson County Land Development Ordinance. Discussion of compliance is contained in the staff report included in the Jackson County Planning Commission recommendation attached hereto as Exhibit A.

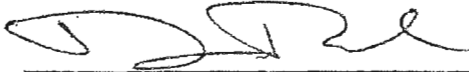
#### **SECTION 4. DECISION**

Based on the evidence in the record and testimony at the public hearing, the Board of Commissioners hereby approves Planning File 439-15-00003-LRP and ordains the following:

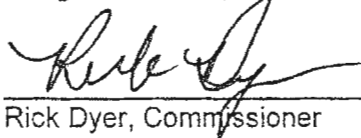
- 4.1 Amend the text in the JCLDO Chapter 6 Use Regulations, Section 6.2 Table of Permitted Uses, Section 6.2.2 Use Table for Base Zoning Districts, Table 6.2-1 Use Table for Base Zoning Districts establishing Medical Marijuana Facilities as a permitted use, attached hereto as Exhibit B on page 7.
- 4.2 Amend the text in the JCLDO Chapter 6 Use Regulations, Section 6.3 Additional Use-Specific Regulations, Subsection 6.3.3 Commercial/Office Uses establishing regulations related to Medical Marijuana Facilities, attached hereto as Exhibit B on pages 23 and 24.
- 4.3 Amend the text in JCLDO Chapter 6 Use Regulations, Section 6.4 Accessory Uses and Structures, Subsection 6.4.4 Accessory Structures and Uses Allowed, Subsection 6.4.4(C) Home Occupations , Subparagraph 4) Prohibited Home Occupations to prohibit Medical Marijuana Facilities, attached hereto as Exhibit B on page 55.
- 4.4 Amend the text in JCLDO Chapter 6 Use Regulations, Section 6.4 Accessory Uses and Structures, Subsection 6.4.4 Accessory Structures and Uses Allowed, Subsection 6.4.4(D) Home Business, Subparagraph 4) Prohibited Home Businesses to prohibit Medical Marijuana Facilities, attached hereto as Exhibit B on page 56.
- 4.5 Amend the text in JCLDO Chapter 13 Definitions, Section 13.3 Terms Defined, adding a definition of Medical Marijuana Facilities, attached hereto as Exhibit C on page 37.

ADOPTED this 27<sup>th</sup> day of May, 2015, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Doug Breidenthal, Chair

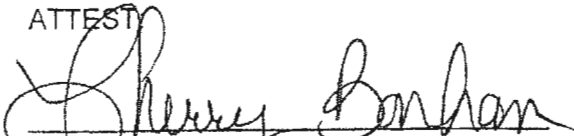


Rick Dyer, Commissioner

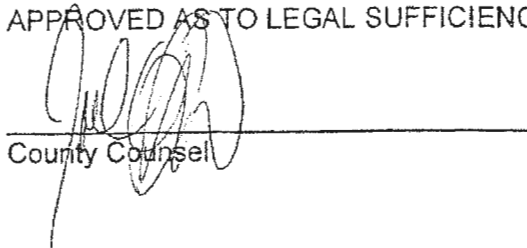


Colleen Roberts, Commissioner

ATTEST

  
By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

  
County Counsel

The Board of Commissioners' 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 June 2, 2015, and the LUBA appeal period will expire on June 23, 2015. Please contact LUBA for specific appeal information. They are located at 775 ~~Capitol~~ Street N.E. Suite 330, Salem, Oregon 97301-1283. They can be reached at (503) 373-1265.

LUBA Address: 775 Summer Street NE, Suite 330, Salem, OR, 97301-1283

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

IN THE MATTER OF CONSIDERATION OF )  
TEXT AMENDMENTS TO THE JACKSON )  
COUNTY LAND DEVELOPMENT ORDINANCE )  
AMENDING CHAPTER 6 USE REGULATIONS, )  
SECTION 6.2.2, TABLE 6.2-1, TABLE OF )  
PERMITTED USES FOR BASE ZONING )  
DISTRICTS, ESTABLISHING MEDICAL )  
MARIJUANA FACILITIES AS A PERMITTED )  
USE, SECTION 6.3 ADDITIONAL USE- )  
SPECIFIC REGULATIONS, SUBSECTION 6.3.3 )  
COMMERCIAL/OFFICE USES ESTABLISHING )  
REGUALTIONS RELATED TO MEDICAL )  
MARIJUANA FACILITIES, SECTION 6.4 )  
ACCESSORY USES AND STRUCTURES, )  
SUBSECTIONS 6.4.3 ACCESSORY USES )  
PROHIBITED, SUBSECTION 6.4.4(C) HOME )  
OCCUPATIONS AND SUBSECTION 6.4.4(D) )  
HOME BUSINESS AS THEY RELATE TO )  
MEDICAL MARIJUANA FACILITIES, AND )  
SECTION 13.3 DEFINITIONS, )  
INCORPORATING A DEFINITION RELATED TO )  
MEDICAL MARIJUANA FACILITIES AS )  
PERMITTED IN TABLE 6.2-1. FILE NO. 439-15- )  
00003-LRP. )

RECOMMENDATION  
FOR APPROVAL

1. **Jackson County Planning Commission:** Recommends approval of Text Amendments to the Jackson County Land Development Ordinance amending Chapter 6 Use Regulations, Section 6.2.2, Table 6.2-1, Table of Permitted Uses for Base Zoning Districts, establishing Medical Marijuana Facilities as a permitted use, Section 6.3 Additional Use-Specific Regulations, Subsection 6.3.3 Commercial/Office Uses establishing regulations related to Medical Marijuana Facilities, Section 6.4 Accessory Uses and Structures, Subsections 6.4.3 Accessory Uses Prohibited, Subsection 6.4.4 (C) Home Occupations and Subsection 6.4.4 (D) Home Business as they relate to Medical Marijuana Facilities, and Section 13.3 Definitions, incorporating a definition related to Medical Marijuana Facilities as permitted in Table 6.2-1.

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 Board of Commissioners through Order No. 13-15 initiating the process to amend the text of the Jackson County Land Development Ordinance and develop recommended land use regulations and requirements regarding medical marijuana facilities in the unincorporated areas of Jackson County.
3. A notice of public hearing was mailed on February 5, 2015, at least 20 days prior to the date of the public hearing. A notice was published on Sunday, February 15, 2015 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, February 26, 2015 at 9:00 a.m. in the Jackson County Auditorium. Written notice was provided to agencies and jurisdictions entitled to notice.
4. A public hearing before the Jackson County Planning Commission was scheduled February 26, 2015. The hearing was opened on February 26, 2015. Following testimony, arguments and evidence regarding this application, the Planning Commission continued the public hearing to March 12, 2015.
5. A continued public hearing held on March 12, 2015. Following testimony, arguments and evidence regarding this application, the Planning Commission voted unanimously to recommend approval of this application, with revisions, to the Jackson County Board of Commissioners.

Now, therefore,

The Jackson County Planning Commission finds, concludes, and RECOMMENDS as follows:

#### **SECTION 1, FINDINGS:**

Based upon the evidence and arguments presented, the Planning Commission makes the following findings of fact with respect to this application.

- 1.1 The Planning Commission finds that proper legal notice was sent to Affected Agencies and Jurisdictions in Jackson County.
- 1.2 The Planning Commission finds comments were received from several property owners and their comments were reviewed by the Planning Commission.

#### **SECTION 2, LEGAL FINDINGS:**

To recommend approval of these text amendments to the Jackson County Land Development Ordinance the Planning Commission must conclude that all relevant and substantive criteria have been identified and there is substantial evidence in the record demonstrating such criteria are satisfied.

The Planning Commission herewith incorporates and adopts Findings in the Staff Report at JCPC Record Exhibit 6, Record Pages 43-76, attached hereto as Exhibit 1, and JCPC Exhibit 7, Record Pages 77-84, Table 6.2-1. These findings and conclusions demonstrate that the application is in compliance with the Oregon Revised Statutes, Oregon Administrative Rules and the Jackson County Land Development Ordinance. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with the following conclusions.

**2-File No. 439-15-00003-LRP**

**Text Amendments to Jackson County Land Development Ordinance regarding Medical Marijuana Facilities**

- 2.1 Staff determined that Medical Marijuana Facilities should be placed in Table 6.2-1 under the Retail Sales category as described in Section 13.2, Use Classifications, Subsection 13.2.4(M)(1). The characteristics and accessory uses for Retail Sales are stated as follows:

*"Includes businesses that are involved in the sale, lease or rent of new or used products to the general public. No outdoor display is permitted unless specifically authorized by this Ordinance. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale."*

The Planning Commission finds that the definition in LDO in Section 13.2, Use Classifications, Subsection 13.2.4(M)(1), is the appropriate use category for a Medical Marijuana Facility as it not only allows for retail sales as the primary use but also allows assembly and repackaging of medical marijuana to be sold on-site. The Planning Commission finds that assembly may include activities such as producing a tincture or a baked good made from medical marijuana to be sold on-site.

- 2.2 The Planning Commission discussed the possibility of internet sales from a licensed Medical Marijuana Facility. No restriction regarding retail sales from a licensed Medical Marijuana Facility over the internet could be ascertained and the Planning Commission finds internet sales are allowed subject to any Federal or State restrictions.
- 2.3 Staff proposed limiting the hours of operation to 9:00 a.m. to 7:00 p.m. Monday through Saturday. These operating days and times were based upon a survey completed by staff. Testimony at the public hearings from those opposed to the proposed operating hours indicated that medical marijuana patients tended to purchase more medical marijuana on the weekends than during the rest of the week and facilities should be open on Sunday also. Based upon this testimony, the Planning Commission finds the limited operating hours shall be changed to 9:00 a.m. to 7:00 p.m. seven days a week.
- 2.3 Staff proposed prohibiting the use of a drive-through for obtaining medical marijuana. After discussion, the Planning Commission determined that many pharmacies have drive-through windows for prescription medicines and testimony at the public hearings indicated the Oregon Revised Statutes and Oregon Administrative Rules regarding Medical Marijuana Facilities prohibited the use of a drive-through for obtaining medical marijuana. The Planning Commission finds the language proposed in Subsection 6.3.3(T), Medical Marijuana Facilities, prohibiting the use of a drive-through for obtaining medical marijuana is not necessary and that language will not be part of this subsection.
- 2.4 Testimony and evidence at the public hearings questioned how General Commercial zoning districts within a city's Urban Growth Boundary but not annexed within the city limits could locate a Medical Marijuana Facility based upon siting regulations of Jackson County and/or the specific city. The City of Talent has several properties zoned General Commercial within the jurisdiction of Jackson County where siting of a Medical Marijuana Facility by Jackson County would violate the City of Talent's Medical Marijuana Facility regulations. The City of Talent submitted additional siting regulations which could be added to the proposed JCLDO regulations to meet City and County regulations.

The Planning Commission asked staff if analysis had been completed for other locations in the County which had the same locational characteristics of being in a city's Urban Growth



Boundary but under Jackson County jurisdiction. Staff stated that the analysis had not been completed. The Planning Commission finds that staff shall complete this analysis prior to any public hearings before Jackson County Board of Commissioners so the Commissioners can determine if additional regulations are needed to address this type of situation.

- 2.5 Staff proposed language in Subsection 6.3.3(T) stating a Medical Marijuana Facility could not be located within 1,000 feet of the Veterans Administration Domiciliary and the Jackson County Correctional Facility. Testimony and evidence presented by the Chief of Staff of the VA Southern Oregon Rehabilitation Center and Clinics (SORCC) recommended at least a one mile buffer zone to ensure the integrity of the treatment facility and the safety of their residents. Following deliberation by the Planning Commission the Planning Commission determined that prohibiting Medical Marijuana Facilities within 0.75 mile of the Veterans Administration Domiciliary was an adequate buffer zone. The Planning Commission also determined prohibiting a Medical Marijuana Facility within 1,000 feet of the Jackson County Correctional Facility was an adequate buffer zone.
- 2.6 Staff presented revised definitions of Medical Marijuana and Medical Marijuana Facilities for Chapter 13, Definitions, specifically Subsection 13.3(158) and (159). The Planning Commission finds these revised definitions are needed for clarity.

### **SECTION 3, CONCLUSION:**

Based upon the evidence included in the record and testimony at the public hearing, the Planning Commission concludes that the proposed amendment is in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, and the Jackson County Comprehensive Plan. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with these conclusions.

- 3.1 Oregon Revised Statutes: The Planning Commission concludes proposed text amendment changes comply with the applicable Oregon Revised Statutes. Discussion of compliance is contained in Sections I and II of the staff report at JCPC Record Exhibit 6, Record Pages 43-76, and JCPC Record Exhibit 7, Record Pages 77-84, Table 6.2-1. Per the recommended revisions to the Jackson County Land Development Ordinance as determined in Section 2 above, these revisions are attached hereto as Exhibits 3 and 5.
- 3.2 Oregon Administrative Rules: The Planning Commission concludes the proposed text amendment changes comply with and in some cases are more restrictive than the applicable Oregon Administrative Rules. Discussion of compliance with Comprehensive Plan is contained in Sections I and II of the staff report at JCPC Record Exhibit 6, Record Pages 43-76, and JCPC Record Exhibit 7, Record Pages 77-84, Table 6.2-1. Per the recommended revisions to the Jackson County Land Development Ordinance as determined in Section 2 above, these revisions are attached hereto as Exhibits 3 and 5.
- 3.3 Jackson County Land Development Ordinance: The Planning Commission concludes the proposed text amendment changes comply with the Jackson County Land Development Ordinance. Discussion of compliance with the JCLDO is contained in Section I of the staff report at JCPC Record Exhibit 6, Record Page 43.

### **SECTION 4, RECOMMENDATION:**

**4-File No. 439-15-00003-LRP**

**Text Amendments to Jackson County Land Development Ordinance regarding Medical Marijuana Facilities**

4.1 Based on the evidence in the record and testimony at the public hearing, the Planning Commission recommends the Board of Commissioners adopt an ordinance to approve Planning File 439-15-00003-LRP and to ordain the following:

4.1.1 Amend the text in the JCLDO Chapter 6 Use Regulations, Section 6.2.2, Table 6.2-1 Table of Permitted Uses for Base Zoning Districts establishing Medical Marijuana Facilities as a permitted use, attached hereto as Exhibit 2.

4.1.2 Amend the text in the JCLDO Section 6.3 Additional Use-Specific Regulations, Subsection 6.3.3 Commercial/Office Uses establishing regulations related to Medical Marijuana Facilities, attached hereto as Exhibit 3.

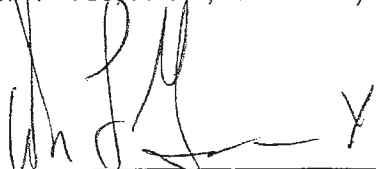
4.1.3 Amend the text in JCLDO Section 6.4 Accessory Uses and Structures, Subsections 6.4.3 Accessory Uses Prohibited, Subsection 6.4.4(C) Home Occupations and Subsection 6.4.4(D) Home Business as they relate to Medical Marijuana Facilities, attached hereto as Exhibit 4.


4.1.4 Amend the text in JCLDO Section 13.3 Definitions, incorporating a definition related to Medical Marijuana Facilities as permitted in Table 6.2-1, attached hereto as Exhibit 5.

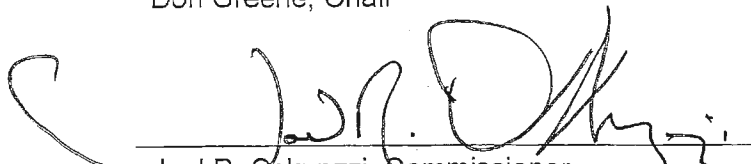
This recommendation for APPROVAL adopted this 12th day of March, 2015, at Medford, Oregon.


**JACKSON COUNTY PLANNING COMMISSION**

(Vote: Y=Yes; N=No; A=Abstain)

 Y  
\_\_\_\_\_  
Don Greene, Chair

 (Y)  
\_\_\_\_\_  
Richard B. Thierolf, Jr., Vice-Chair

 Y  
\_\_\_\_\_  
Joel R. Ockunzzi, Commissioner

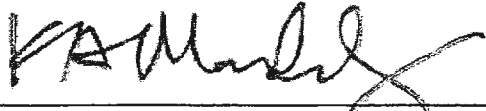
 (Y)  
\_\_\_\_\_  
Brad Bennington, Commissioner

 Y  
\_\_\_\_\_  
Tom Lavagnino, Commissioner

5-File No. 439-15-00003-LRP

Text Amendments to Jackson County Land Development Ordinance regarding Medical Marijuana Facilities

ATTEST:



Kelly Madding, Development Services Director

JCPC Exhibit 1: Staff Report

JCPC Exhibit 2: Section 6.2.2 Use Table for Base Zoning Districts, Table 6.2-1

JCPC Exhibit 3: JCLDO Subsection 6.3.3(T)

JCPC Exhibit 4: JCLDO Subsections 6.4.4(C) Home Occupations and 6.4.4(D) Home Business

JCPC Exhibit 5: JCLDO Section 13.3, Definitions

**6-File No. 439-15-00003-LRP**

**Text Amendments to Jackson County Land Development Ordinance regarding Medical Marijuana Facilities**

**JACKSON COUNTY DEVELOPMENT SERVICES DEPARTMENT  
LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT  
STAFF REPORT**

Consideration of an application identified as File No. 439-15-00003-LRP.

**PROJECT DESCRIPTION:** 439-15-00003-LRP is a Text Amendment to the Jackson County Land Development Ordinance (LDO), amending Chapter 6 Use Regulations, Section 6.2.2, Table 6.2-1, Table of Permitted Uses for Base Zoning Districts, establishing Medical Marijuana Facilities as a permitted use, Section 6.3 Additional Use-Specific Regulations, Subsection 6.3.3 Commercial/Office Uses establishing regulations related to Medical Marijuana Facilities, Section 6.4 Accessory Uses and Structures, Subsections 6.4.3 Accessory Uses Prohibited, Subsection 6.4.4 (C) Home Occupations and Subsection 6.4.4 (D) Home Business as they relate to Medical Marijuana Facilities, and Section 13.3 Definitions, incorporating a definition related to Medical Marijuana Facilities as permitted in Table 6.2-1.

**BACKGROUND INFORMATION:**

Medical Marijuana became legal in 1998 and in 1999 the Oregon Medical Marijuana Program (OMMP) was established. Currently, there are 104,053 OMMP patients and caregivers in the State of Oregon. Jackson County has the second highest number of patients, 8,247, in the state. Based upon Jackson County's population, 1 in 25 people in the County is an OMMP patient.

In 2013 the Oregon Legislature via House Bill 3460 required the Oregon Health Authority (OHA) to establish by rule a medical marijuana facility registration system, thereby allowing the legalization of medical marijuana facilities (MMFs).

On March 4, 2014 Senate Bill 1531, among other provisions, authorized local governments to enact a moratorium on MMFs until May 1, 2015.

On March 19, 2014 the Board of Commissioners adopted an Emergency Ordinance (and a permanent Ordinance taking effect 60 days from March 19<sup>th</sup>) adding Chapter 640, Medical Marijuana Dispensaries, to the Codified Ordinances of Jackson County, thereby enacting a moratorium on the operation of a marijuana dispensary, until May 1, 2015, in any area subject to the jurisdiction of Jackson County.

- I. **APPLICABLE CRITERIA:** The following criteria apply to amendments to the text of 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 purpose of the proposed changes is consistent with the applicable criteria. The Board of Commissioners initiated the proposed LDO text amendments via Board Order No. 13-15 adopted February 18, 2015. The procedures for the amendment are adhered to by the Planning Commission hearing and recommendation to the Board. All noticing has been prepared consistent with the required State statutes.

**OREGON REVISED STATUTES: OREGON MEDICAL MARIJUANA ACT, MEDICAL MARIJUANA FACILITY REGISTRATION; QUALIFICATIONS; INSPECTIONS; REVOCATION; RULES; FEES (ORS 475.314)**

**FINDINGS:** Oregon Revised Statute (ORS) 475.314 states the "The Oregon Health Authority shall establish by rule a medical marijuana facility registration system . . ." The Statute also identifies where a medical marijuana facility can be legally sited and the minimum distances these facilities can be from a public or private elementary, secondary or career school attended primarily by minors or from each other. Staff finds that the Oregon Health Authority did create rules that establish a medical marijuana facility

registration system which can be found in the Oregon Administrative Rule's (OAR) section 333-008-1000 through 333-008-0120 and that the proposed changes are consistent with, and are in some cases more restrictive than the OARs.

**OREGON ADMINISTRATIVE RULE: MEDICAL MARIJUANA, MARIJUANA FACILITIES, DEFINITIONS (OAR 333-008-1010)**

**FINDINGS:** The purpose of this Administrative Rule section is to provide definitions to be used in regulating medical marijuana facilities. Staff finds that the proposed changes are consistent with the Rule.

**OREGON ADMINISTRATIVE RULE: MEDICAL MARIJUANA, MARIJUANA FACILITIES, LOCATIONS OF MEDICAL MARIJUANA FACILITIES (OAR 333-008-1110)**

**FINDINGS:** The purpose of this Administrative Rule section is to identify where a medical marijuana facility can be legally sited and the minimum distances these facilities can be from a public or private elementary, secondary or career school attended primarily by minors or from each other. Staff finds that the proposed changes are consistent with, and are in some cases more restrictive than the Rule.

**II. PROPOSED CHANGES TO LDO**

A. Chapter 6. Use Regulations

*6.2.2: Use Table for Base Zoning Districts, Table 6.2-1*

*Addition of a new Specific Use under the Retail Sales Category:*

*Medical Marijuana Facility allowed only in the General Commercial zone under a Type 3 Permit. The new "Specific Use" is illustrated in the table in grey shading.*

**FINDING:** The proposed changes to Table 6.2-1 are illustrated in Attachment "A". The specific changes to this section are illustrated by gray shading or are in strikeout text.

Medical Marijuana Facilities (MMFs), per ORS 475.314 and OAR 333-008-1110, are allowed by State law to be located in areas as shown below:

	Medical Marijuana Facilities
Exclusive Farm Use (EFU)	X
Forest	
Commercial	X
Industrial	X
Residential	
Mixed Use	X

To begin the analysis on appropriate locations for MMFs Planning Division staff consulted with County Counsel and the Jackson County Sherriff. Staff developed, with their assistance, the following rationale as to where this use should and should not be allowed:

**Exclusive Farm Use (EFU):** the EFU zone does not permit retail sales unless it is tied to a “farm use.” Medical marijuana is not considered a “farm use” by the Oregon Department of Agriculture because a farm use is defined as “the current employment of land for the primary purpose of obtaining a profit in money . . .”. Currently a MMF, per OAR 333-008-1010(31), is not allowed to make a profit but rather can only cover their costs of employment, materials, etc. Therefore it is not lawful to allow a MMF on EFU zoned land.

**General Commercial:** Currently in LDO Table 6.2-1 a “drug store” is shown under the Category Retail Sales. Retail sales is defined in LDO Section 13.2.4 and “includes businesses that are involved in the sale, lease or rent of new or used projects to the general public.” While a drug store (or what may be referred to as a pharmacy) and a MMF are not regulated by the Oregon Health Authority in the same way, both uses offer the opportunity for the general public to purchase medicine via retail sales. Therefore, it is appropriate for a MMF to be considered under the retail sales category in the LDO Use Table 6.2-1. Staff is proposing that the permit type be a Type 3 permit. LDO Section 3.1.4 Type 3 Land Use Permits states that “the purpose of a Type 3 Land Use Permit is to allow the development of uses that may be suitable only in specific locations or if the site is regulated in a particular manner.” MMFs are regulated in a particular manner in terms of distance from schools and distance from each other. A Type 3 Permit also allows the County to ensure that “the proposed use will cause no significant adverse impact on existing or approved adjacent uses in terms of scale, site design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts.” A Type 3 permit will require that the applicant addresses impacts to ensure the uses compatibility with surrounding uses.

**White City Urban Residential 8 (WCUR-8) and White City Urban Residential 30 (WCUR-30):** LDO Section 12.3.1 states that any Type 2 use that is listed within the Neighborhood Commercial zoning district may be allowed in a WCUR-8 and WCUR-30 zoning district. This provision effectively allows these two zones to function as “mixed use” zones; allowing for both residential and commercial to exist on the same parcel. Staff is proposing that the permit type for a MMF be a Type 3 which would not allow a MMF in a WCUR-8 or WCUR-30 zoning district. However, should staff’s recommendation be changed and an MMF be allowed as a Type 2, staff would recommend that a MMF not be allowed in WCUR-8 or WCUR-30 zones. White City WCUR-8 and WCUR-30 lands are not developing as mixed-use, they continue to develop solely as residential uses. ORS 475.314 and OAR 333-008-1110 prohibit a MMF from siting in a residential zone. The build-out of the WCUR-8 and WCUR-30 is solely residential, therefore it would be inappropriate to allow a MMF in these zones. Finally, the Jackson County Sherriff provided input to Planning staff that allowing a MMF in a WCUR-8 and WCUR-30 zone would be injurious to the public’s safety.



**Interchange Commercial:** Due to marijuana being considered a controlled substance by the federal government, medical marijuana is a “cash” business and funds related to this type of business can not avail themselves of the banking industry. The Jackson County Sherriff does not recommend that MMFs be allowed in the Jackson County Interchange Commercial zone as these locations would increase the likelihood of theft, facilitated by easy freeway entrance and exit.

**Neighborhood Commercial:** The only property zoned Neighborhood Commercial is located on Antelope Road, east of 29<sup>th</sup> Street. This land is surrounded by residential uses. When talking with State Representative Peter Buckley, co-author of the legislation authorizing MMFs, staff asked him what was meant by “mix-use.” He stated, that he envisioned development patterns such as in Portland where there was commercial on the first floor and residences above it. This is not the development pattern of White City. Further White City is not an incorporated city with city-level law enforcement to address a use like a MMF surrounded by residential uses. The Jackson County Sherriff provided input to Planning staff that allowing a MMF in a Neighborhood Commercial zone would be injurious to the public’s safety.

**Rural Service including Applegate, Ruch, and Sams Valley Rural Service:** Jackson County has Rural Services zoned lands spread throughout the county, in areas such as Lincoln/Pinehurst and Lake Creek. The zone was created to monument small commercial establishments that had existed at the time of zoning of the county. Many of those businesses no longer exist but the land remains zoned Rural Service. The majority of these lands are remote and public safety response times are lengthy. The Jackson County Sherriff stated that it would not be appropriate for a MMF to be located in any of the County’s Rural Service zones. His reasoning included the remoteness of many of these zones as they relate to response times, as well as the nature of the MMF’s business being a cash business. The Jackson County Sherriff provided input to Planning staff that allowing a MMF in a Rural Service zone would be injurious to the public’s safety.

**General Industrial and Light Industrial:** Jackson County has a finite amount of industrial land. These lands are zoned for processing and manufacturing of materials and products. Currently there are very few retail uses allowed on General and Light Industrial zoned lands, examples include a wholesale establishment or an auction service whether temporary or permanent. Typical retail uses are not allowed in General Industrial or Light Industrial zoned lands. As a MMF is proposed to be categorized under “Retail Sales” in LDO Table 6.2-1, it would not be appropriate for this type of retail use to be treated any differently than other retail uses, and be allowed on General and Light Industrial zoned lands.

## B. 6.3.3 Commercial/Office Uses

T) **Medical Marijuana Facility**1) **A facility may not be located:**

a. **Within 1,000 feet from the Veterans Administration Domiciliary, and the Jackson County Correctional Facility.**

**FINDING:** Planning Division staff consulted with the Jackson County Sherriff to develop the proposed Section 6.3.3(T) of the LDO. The Sherriff had particular concerns about allowing a medical marijuana facility closer than 1,000 feet from certain sensitive populations, such as the Veterans Administration Domiciliary and the Jackson County Correctional Facility. This is due to the fact that marijuana remains a Schedule I controlled substance under federal law which prohibits the production, possession, delivery and use of marijuana. 21 U.S.C. Section 801, *et seq.*

b. **Within 1,000 feet from a real property comprising a public or private elementary, secondary or career school primarily attended by minors. For the purposes of a medical marijuana use a public or private elementary, secondary or career school is defined in OAR 333-008-1110.**

**FINDING:** This language is a direct application of Oregon Revised Statute (ORS) 475.314 (3)(d) and Oregon Administrative Rule (OAR) 333-008-1010 and 333-008-1110(3)(b).

c. **For the purposes of determining the distance the uses described in 6.3.3 (T)(1)(a) and (b) "within 1,000 feet" means a straight line measurement in a radius extending 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising the uses in 6.3.3 (T)(1)(a) and (b) to the closest point of the premises of a facility.**

**FINDING:** This language on determining the distances from schools as defined in OAR 333-008-1010 and comes directly from OAR 333-008-1110(5). The Sherriff had particular concerns about allowing a medical marijuana facility closer than 1,000 feet from certain sensitive populations, such as the Veterans Administration Domiciliary and the Jackson County Correctional Facility. This is due to the fact that marijuana remains a Schedule I controlled substance under federal law which prohibits the production, possession, delivery and use of marijuana. 21 U.S.C. Section 801, *et seq.* As such staff is proposing to prohibit a MMF any closer than 1,000 feet from Veterans Administration Domiciliary and the Jackson County Correctional Facility.

d. **Within 2,500 feet of another medical marijuana facility.**

**FINDING:** ORS 475-314(3)(e) and OAR 333-008-1110(3)(c) state that a medical marijuana facility may not be located within 1,000 feet of another medical marijuana

facility. Staff analyzed the General Commercial zones in Jackson County and found there to be approximately two miles of General Commercial zoned land in between White City and the City of Medford. Using the State's requirement of 1,000 feet, there could be 10 medical marijuana facilities in that area. While these proposed Ordinance changes are aimed at providing an opportunity for a medical marijuana facility to be permitted in Jackson County, allowing for the possibility of an inundation of them in this area would be a public safety concern, thus a damage to the public generally. Staff therefore recommends a spacing of 2,500 feet (slightly less than one-half a mile) between MMFs.

e. For the purposes of determining the distance between a registered facility and another registered facility "within 2,500 feet" means a straight line measurement in a radius extending 2,500 feet or less in every direction from the closest point anywhere on the premises of a registered facility to the closest point anywhere on the premises of a facility.

**FINDING:** This language is derived from the language ORS 475-314((3)(e) and OAR 333-008-1110(3)(c) but 2,500 feet is substituted for the State's 1,000 foot distance requirement. Staff analyzed the General Commercial zones in Jackson County and found there to be approximately two miles of General Commercial zoned land in between White City and the City of Medford. Using the State's requirement of 1,000 feet, there could be 10 medical marijuana facilities in that area. While these proposed Ordinance changes are aimed at providing an opportunity for a medical marijuana facility to be permitted in Jackson County, allowing for the possibility of an inundation of them in this area would be a public safety concern, thus a damage to the public generally. Staff therefore recommends a spacing of 2,500 feet (slightly less than one-half a mile) between MMFs.

2) The hours of operation will be limited to 9:00 a.m. to 7:00 p.m. Monday through Saturday.

**FINDING:** A medical marijuana facility is an establishment where medicine is distributed, much like from what would commonly be called a drug store or a pharmacy. Please note that medical marijuana is not regulated by the Oregon Health Authority as a licensed pharmacy, however in our culture one generally thinks of obtaining medicine at a drug store or pharmacy.

Staff surveyed local drug stores/pharmacies and found the following hours of operation:

The hours of pharmacies in our area in larger stores (Walmart, Walgreens, Bi Mart) range from:

M-F 8:00 a.m. to 9:00 a.m. to 7:00 p.m. or 9:00 p.m.  
 Sat 9:00 a.m. to 6:00 p.m. or 7:00 p.m.  
 Sun Closed or 10:00 a.m. to 6:00 p.m.

The hours of standalone drug store/pharmacies range from:

M-F 9:00 a.m. to 6:00 p.m. or 7:00 p.m.  
 Sat 9:00 a.m. to 4:00 p.m. to 5:00 p.m.  
 Sun Most are closed

As medical marijuana facilities are more akin to a standalone drug store/pharmacy it is more appropriate for a medical marijuana facility to keep similar hours.

**3) Drive-through use is prohibited.**

**FINDING:** Medical marijuana facilities are selling a federally controlled substance therefore certain security measures are appropriate, such as not allowing a drive-through option. It is not legal to drive while under the influence marijuana, therefore there is a potential public safety issue with allowing a drive-through opportunity. In addition a drive-through could create more of a risk of theft or of the facility being vandalized.

**4) No medical marijuana remnants or by-products shall be placed within the facilities exterior refuse containers.**

**FINDING:** Medical marijuana remains a federally controlled substance. Placing medical marijuana within an exterior refuse container would pose a public health and safety issue.

**UT) 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.

**VU) 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.

**WV) 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.

**XW) Pawn Shop or Secondhand Store**

In the GC district, the use will be conducted within an enclosed building.

**YX) 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.

**ZY) Winery, Tasting Room**

In the Rural Residential districts, this is a Type 3 review subject to the standards of Section 6.4.4(E).

**AAZ) 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.

**FINDING:** The uses listed in LDO 6.3.3 Commercial /Office Uses are in alphabetical order. To add "Medical Marijuana Facilities" to the listed uses those uses found after must be reassigned a different letter.

**B. 6.4.4 Accessory Uses and Structures Allowed****C) Home Occupations****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; and~~
- d) ~~Medical Marijuana Facilities~~

**FINDING:** The Jackson County LDO states that a home occupation "is to make a profit in money." Currently a MMF, per OAR 333-008-1010(31), is not allowed to make a profit but rather can only cover their costs of employment, materials, etc. Therefore on its face it appears that a MMF would not qualify as a home occupation. These facts could, however be disputed and staff recommends that the LDO be overt in where a MMF can and cannot be permitted. The LDO states that some uses " . . . have a character more suited to commercial and industrial districts." Staff believes that a MMF has a character more suited to a commercial district. In fact, the only retail sales that are permitted as a home occupation are those that are by appointment only. The appointment only provision would be almost impossible to enforce. Therefore, it is staff's recommendation that MMFs not be allowed as a home occupation.

If the Planning Commission finds that a MMF could be permitted as a home occupation because they find that a MMF could make a profit in money, staff's recommendation prohibiting a MMF as a home occupation does not change. ORS 475.314(3)(a) and OAR 333-008-1110(1) states that a MMF cannot be located on residentially zone lands. Therefore a MMF could not be located on a property within Jackson County zoned Rural Residential. However, they could be located on lands zoned EFU. Based on the

rationale above related to the character and the difficulty of enforcing the LDO's retail operational restrictions of this type of use, staff recommends that MMFs be prohibited as home occupations.

C. 6.4.4 Accessory Uses and Structures Allowed

D) **Home Business**

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; and
- d) **Medical Marijuana Facilities**

**FINDING:** The Jackson County LDO states that a home business is a more intensive kind of home occupation. As such, the purpose of a home occupation, to make a profit in money, is true for a home business. Currently a MMF, per OAR 333-008-1010(31), is not allowed to make a profit but rather can only cover their costs of employment, materials, etc. Therefore on its face it appears that a MMF would not qualify as a home business. These facts could, however be disputed and staff recommends that the LDO be overt in where a MMF can and cannot be permitted. The LDO states that some uses “. . . have a character more suited to commercial and industrial districts.” Staff believes that a MMF has a character more suited to a commercial district. In fact, the only retail sales that are permitted as a home business are those that are by appointment only. The appointment only provision would be almost impossible to enforce. Therefore, it is staff's recommendation that MMFs not be allowed as a home business.

If the Planning Commission finds that a MMF could be permitted as a home business because they find that a MMF could make a profit in money, staff's recommendation prohibiting a MMF as a home business does not change. ORS 475.314(3)(a) and OAR 333-008-1110(1) states that a MMF cannot be located on residentially zone lands. Therefore a MMF could not be located on a property within Jackson County zoned Rural Residential. However, they could be located on lands zoned EFU. Based on the rationale above related to the character and the difficulty of enforcing the LDO's retail operational restrictions of this type of use, staff recommends that MMFs be prohibited as home businesses.

D. 13.3 Terms Defined

**158) MEDICAL MARIJUANA: marijuana subject to regulation pursuant to the Oregon Medical Marijuana Act**

**FINDINGS:** In 1998 the people of the State of Oregon legalized medical marijuana. In 1999 the Oregon Medical Marijuana Act was codified in ORS 475.300 through 475.346.

**159) MEDICAL MARIJUANA FACILITY:** Any facility registered by the Oregon Health Authority pursuant to the Oregon Revised Statutes, Oregon Medical Marijuana Act and the Oregon Health Authority, Public Health Division, Division 8 Medical Marijuana Sections 333-008-0000 through 333-008-1400

**FINDING:** Per ORS 475.314(1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

The Oregon Health Authority adopted rules which were codified in the Oregon Health Authority, Public Health Division, Division 8 Medical Marijuana Sections 333-008-0000 through 333-008-1400.

**16058) MEDICAL SERVICES:** Uses that provide medical or surgical care to patients and offer either in-patient or out-patient care.

- a) **Emergency Medical Center:** A first-aid station or headquarters for an ambulance service that offers emergency outpatient treatment only.
- b) **Hospital:** An institution licensed by the state health department providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, or injury and including as an integral part of the institution related uses such as laboratories, out-patient or training facilities.
- c) **Medical/Dental/Optical Clinic:** A facility for examining, consulting with, and treating patients, including offices, laboratories, and out-patient facilities, but not including hospital beds for overnight care or treatment.

**16159) MINI-WAREHOUSE:** An area or areas located within an enclosed building that provides separate storage areas for rent for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager or security, and leasing office. These uses are also called self-service storage.

**1620) MOBILE FOOD VENDORS:** Any trailer, vehicle or wagon used for the preparation of, processing, or converting food for immediate consumption as a drive-through, or walk-up service that will remain on any one (1) site or parcel for less than a continuous 24 hours. The mobile food vendor vehicle, trailer, or wagon must be fully licensed and ready for highway use. The mobile food vendor, vehicle or wagon is considered ready for highway use if it is on its wheels



or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**1634) MODIFY/MODIFICATION:** Making a limited change in something without altering its primary purpose.

**1642) MORTUARY:** A facility where dead bodies are prepared and stored prior to burial or cremation and where funeral services may be conducted. A caretaker's residence may be an accessory use. See CEMETERY

**1653) MOTOR VEHICLE:**

a) **Impound facility:** A facility that provides temporary outdoor or indoor storage for motor vehicles to be claimed by titleholders or their agents. No vehicle may be stored for more than 45 days and must remain licensed at all times.

b) **Sales/rental:** Sale or rental of all-terrain vehicles, automobiles, motorcycles, snowmobiles, trucks, trailers, boats, and similar equipment, including incidental storage and incidental maintenance.

c) **Service/repair:** The use of a site for the repair of automobiles, commercial and noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. The use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, but does not include body or fender shops, dismantling, or salvage.

d) **Storage:** Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings. See MINI-WAREHOUSE

e) **Washing/detailing:** A facility for the washing, steam cleaning, and detailing of passenger automobiles and non-commercial trucks, including a self-service operation. When installed and operated in conjunction with another use, including a service station, only equipment installed solely for the purpose of washing and cleaning of automobiles is permitted.

**1664) MUSEUM:** A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing. Accessory uses may include parking, offices, and limited accessory retail sales associated with the primary use.

**1675) NATURAL GRADE/SLOPE:** The grade or elevation of the ground surface that exists or existed prior to man-made alterations such as grading, grubbing, filling, or excavation.

**1686) NONCONFORMING:** Something that was established (lawfully or otherwise) prior to adoption of a zoning regulation that would now prevent it. A building, structure, lot, parcel or use may be rendered nonconforming by subsequent adoption of zoning regulations. See CHAPTER 11 "NONCONFORMITIES"

- 1697) NONRESOURCE LAND: Land not subject to the statewide goals listed in OAR 660-004-0010, (1), (a - f), except subsection (c). Generally, lands that are not subject to statewide planning goals 3 (Agriculture) or 4 (Forest), or for which an exception to those goals has been taken are included. Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources) is however applicable. See RESOURCE LAND (See OAR 660-004-0005)
- 17068) OFFICE USE, COMMERCIAL: Uses characterized by activities conducted in an office setting and generally focused on the affairs of a business, profession, service industry or government. Office uses may include limited incidental sales of goods related to the business or profession. If goods or merchandise sold, either from the premises or for delivery off site, constitutes more than 20% of gross business revenue, the use is classified as a retail establishment. See PERSONAL SERVICE/SERVICE RETAIL.
- 17169) OUTDOOR STORAGE AREA: The keeping of personal or business property, or motor vehicles off a right-of-way in an open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.
- 1720) OWNER/LANDOWNER: A person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or an entity purchasing a parcel of property under written contract.
- 1734) PARCEL: A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect; or (3) validation of an unlawfully established unit of land under Section 10.2.1(C) of this Ordinance. The term parcel does not include a unit of land created solely to establish a separate tax account. (See ORS 92.010, 92.176 and 215.010) See DIVIDE, LOT, PARTITION LAND, TAX LOT, and Chapters 3 and 10 of this Ordinance.
- 1742) PARK-AND-RIDE LOT: A facility designed for parking the personal vehicles of persons traveling to and from work using carpools, vanpools, buspools, or mass transit.
- 1753) PARKING AREA, COMMERCIAL: The temporary storage of vehicles on an hourly, daily or monthly basis not associated with a specific use, even if the operator leases the facility from the principal use or charges a fee to the individuals who park in the facility. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a "commercial parking area."
- 1764) PARKS/RECREATION AREAS: Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. See AMUSEMENT ESTABLISHMENT

- ~~1775~~) PARTITION LAND: To divide land to create two (2) or three (3) parcels within a calendar year, not including: (1) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (2) the division of land resulting from the recording of a subdivision or condominium plat; (3) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes continues to be considered a single unit of land until such time as a subdivision or partition is approved by the County; (4) a sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property; (5) adjustment as defined in this Section in compliance with Section 3.4; (6) the surveying or deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use; (7) issuance of a mining patent or other lot created by the federal government; or (8) the creation of two (2) or more tracts or parcels of land by description in a single deed unless it is determined by the Director that said tracts or parcels of land were conveyed in fee separately prior to September 1, 1973, and provided that the tracts or parcels are identical to those separately conveyed prior to September 1, 1973. See also Section 3.3.1(B) (See ORS 92.010(9))
- ~~1786~~) PAVEMENT/PAVE/PAVING: Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.
- ~~1797~~) PAWN SHOP/SECOND HAND STORE: A facility for the sale of second hand or used household or commercial items. No outside display is permitted. A facility for the sale of recycled building materials is not a second hand store. See BUILDING MATERIALS/LUMBERYARD
- ~~18078~~) PERMIT: Any approval granted as the result of a Type 1 ministerial review as described in Section 3.1.2 and any approval granted as the result of a Type 2, Type 3 or Type 4 discretionary review as described in Sections 3.1.3, 3.1.4 and 3.1.5, respectively. Only Type 2, Type 3 and Type 4 approvals are land use decisions within the meaning of ORS 215.402. This distinction governs regardless of the terms used elsewhere in this Ordinance to describe any given approval. (See ORS 215.402)
- ~~18179~~) PERSONAL SERVICE/SERVICE RETAIL: An establishment or place of business primarily engaged in the provision of frequent or recurrent services to individuals on site, who may receive services by appointment or as walk-in customers. Such uses include but are not limited to: photocopy and blueprint service, beauty/barber shops, seamstress/tailor shops, massage/day spas. Sale of goods related to the services offered is an accessory use and may not exceed 20% of the establishment's gross revenue when the zoning district in which the use is located does not also allow retail commercial (i.e., shops/stores). Business services such as accounting, legal services and advertising are not included but are instead classified as office uses. See OFFICE USE, COMMERCIAL

- 1820) PET SHOP: An establishment or facility for the display and sale of small animals, fish, and birds as pets, but not involving commercial boarding, grooming or medical treatment of any animal, fish, or bird.
- 1834) PLAN, TENTATIVE: A diagram or drawing of a proposed land partition or subdivision illustrating the proposed layout of lots, location of roads, easements and common areas, which is submitted as part of an application for a land division. The term "preliminary map" may be used to refer to maps prepared for discussion purposes and are not "tentative plans" required by this Ordinance. See PLAT, FINAL
- 1842) PLANNED COMMUNITY: A large scale development with the following essential features: a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a single development entity; privately held, in-common ownership of recreational amenities; and enforcement of deed declarations, conditions, and restrictions (CC&Rs) by a community/homeowners association.
- 1853) PLANNED UNIT DEVELOPMENT (PUD): A residential, commercial, industrial, or mixed use development consisting of units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Uses within planned unit developments are integrated with each other and the site B creating areas for open space and preservation of natural features along with mixtures of housing types and land uses.
- 1864) PLANT NURSERY: Land used for growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building that do not exceed 20% of the combined wholesale and retail sales volume during any year. Examples of incidental items offered for sale include decorative structures/materials, packaged fertilizer, decorative stone and related materials.
- 1875) PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land division, or a parcel approved by a County decision pursuant to Section 10.2.1(C) or (D), that has been prepared for recordation. (See ORS 92.010 (9) and (18) and 92.176(5))
- 1886) PLOT PLAN: A diagram or drawing prepared to scale that illustrates the placement, location and dimensional relationship between existing and proposed structural improvements, septic systems and wells on a plot of land.
- 1897) PLAYGROUND: An area developed for active play and recreation owned or operated by a private entity, public agency, or school district, and available to the general public. Playgrounds may include restroom and other support facilities.
- 19088) POST ACKNOWLEDGMENT PLAN AMENDMENT (PAPA): The term encompasses actions taken in accordance with ORS 197.610 through 197.625,

including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation.

- 19189) POST OFFICE SUBSTATION: A commercial or public use that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
- 1920) PREEXISTING: Something that was lawfully established prior to adoption of current zoning regulations and which could be permitted under those regulations if applied for under current regulations. A building, structure, lot, parcel or use may be preexisting. See Section 1.7.5.
- 1934) PROPANE GAS/FUEL OIL DISTRIBUTOR: An establishment for the sale and distribution of fuel oil and gases, including propane.
- 1942) PROPERTY LINE: The division line between two (2) units of land. (See ORS 92.010) See LOT/PROPERTY LINE
- 1953) PROPERTY LINE ADJUSTMENT: The relocation or elimination of all or a portion of a common property line between abutting lots or parcels that does not create an additional lot or parcel. (See ORS 92.010) See BOUNDARY LINE AGREEMENT, PARTITION LAND.
- 1964) PUBLIC: As used in this Ordinance, the term "public" means owned and operated by a governmental or tax supported entity or a private entity that provides a utility service available to the general public. See QUASI-PUBLIC USE/FACILITY
- 1975) PUBLIC ASSEMBLY: A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities excluding air shows. Does not include places where people congregate for short periods of time such as parking lots, bus stops, or uses approved by the FAA in an adopted airport master plan. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking and maintenance facilities. Banquet halls that are part of hotels or restaurants are accessory to those uses; theaters or other recreation/entertainment uses conducted on a continuous basis are classified as commercial uses. (See OAR 660-013-0020)
- 1986) PUBLIC BODY: Any city, county, school district, special district, or other political subdivision or municipal or public corporation and any state or federal agency.
- 1997) PUBLIC TRANSPORTATION STOP: Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services
- 200498) PUBLIC TRANSPORTATION, TERMINAL AND STATION: Passenger terminals for regional bus and rail service, and bus and rail service stations for subregional service (e.g., mass transit transfer points and park-and-ride

facilities). Includes freight handling areas, concessions, offices, parking, maintenance and fueling facilities.

- ~~201499~~) PUBLIC USE/FACILITY: Institutional, academic, governmental, and community service uses publically owned and operated, or operated by nonprofit organizations within publically owned buildings. Regardless of ownership, hospitals and cemeteries are public uses. See QUASI-PUBLIC USE/FACILITY
- ~~2020~~) PUBLIC WORKS/BUILDINGS/FACILITIES: Buildings and uses of a public works, public service, or public utility nature, but only including equipment storage or repair yards, warehouses, or related activities when fully conducted within an enclosed building.
- ~~2034~~) QUASI-PUBLIC USE/FACILITY: A use conducted by, or a facility or structure owned or operated by a nonprofit, religious, or charitable institution that provides community service, cultural, educational, recreational, religious, or similar types of public services. See PUBLIC USE/FACILITY
- ~~2042~~) RACING FACILITY, COMMERCIAL MOTORIZED: Facility for motorized races, including, but not limited to, closed course, straight away, and/or acceleration runs. Drag strip, go-cart tracks and motor cross tracks are included.
- ~~2053~~) RECREATION/SPORTS CLUB, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain athletic and other facilities normally provided in a public park or playground.
- ~~2064~~) RECREATION/SPORTS CLUB, PUBLIC: A recreation center or sports club for use by the general public, including indoor and outdoor facilities. Recreation or sports clubs that are restricted to private membership are classified as a commercial use (recreation and entertainment).
- ~~2075~~) RECREATIONAL VEHICLE: See CAMPING/RECREATIONAL VEHICLE
- ~~2086~~) RECREATIONAL VEHICLE PARK OR CAMPGROUND: See CAMPGROUND
- ~~2097~~) REGISTERED GEOLOGIST: A person who is registered as a geologist in Oregon under the provisions of ORS 672.505 to 672.705.
- ~~21008~~) RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP: Uses include meeting areas for religious activities, Sunday school facilities, parking, and related incidental uses. The term includes but is not limited to churches, temples, synagogues, mosques. K-12 church affiliated schools, work-week day care facilities, and caretaker's or pastor's housing are not allowed as incidental or accessory uses, but instead require separate land use permits when sited in association with a religious assembly use.
- ~~21109~~) REMAND: As used in this Ordinance, remand refers to actions by the Land Use Board of Appeals or State court that directs the County to reconsider a final land use decision. (See ORS 197.835)

- 2129) RENTAL FACILITIES/EQUIPMENT RENTALS: An establishment primarily engaged in the rental of tools, automobiles, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Includes the incidental storage, maintenance, and servicing of rental equipment.
- 2134) REPLAT: The act of platting lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots or parcels. Neither a property line adjustment between two (2) lots on a recorded plat nor a partition of an existing lot are replats. See PLAN, TENTATIVE (See ORS 92.010)
- 2142) RESOURCE LAND: Any farm or forest land subject to the statewide goals in OAR 660-004-0010, (1), (a - f) except subsection (c). Uses on resource lands are described in Chapter 4 of this Ordinance. (See OAR 660-004-0005)
- 2153) RESTAURANT, LIMITED SERVICE: A restaurant serving only nonperishable beverages and individually portioned prepackaged foods prepared from an approved source by a commercial processor. (See ORS 624.010)
- 2164) RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm water main, street trees, or other special use designed and intended to benefit the public.
- 2175) RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.
- 2186) RIPARIAN AREA: The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. (See OAR 660-023-0090)
- 2197) RIPRAP: A layer, facing, or protective mound of rubble (e.g., broken concrete) or stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.
- 22018) ROADS: An improved thoroughfare created to accommodate vehicular transportation, but not including bicycle paths or driveways. See also DRIVEWAY

A) **General Terms**

- 1) Cul-de-sac: A local or limited use local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.
- 2) Hammerhead Turnaround: A "T" or "L" shaped dead-end street that allows for vehicles to reverse directions without using private property. Hammerhead turnarounds are often coupled with partial street improvements where a cul-de-sac would have been required if the entire street was initially developed.



3) **Partial Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street has been, or could later be, provided by another adjacent development.

4) **Street:** For purposes of this Ordinance, road and street are synonymous unless the context requires otherwise. A street is any vehicular way that: (1) is an existing municipal roadway; or, (2) is shown on a subdivision or partition plat approved pursuant to law. A street may be either dedicated for public or private use. A "local street" is a small-scale, low-speed thoroughfare designed primarily to provide access to commercial, residential and light industrial developments to higher level roads or streets (e.g., collectors, arterials). A street is urban in character with raised curbs, closed drainage, wide sidewalks, parallel parking, trees planted along the right-of-way, and buildings aligned on short setbacks.

5) **Street Plug/Reserve Strip:** A recorded instrument or physical strip of land that is used to control or prevent access to a public road.

6) **Stubbed Road:** A road having only one outlet, but which, unlike a cul-de-sac, is intended to be extended or continued.

7) **Through Road/Street:** A street that connects to another street in order to ultimately connect to a higher order transportation facility (e.g., arterial).

**B) Public Road Terms**

1) **Arterial:** Roads designed to move traffic as efficiently as possible. Direct access from adjoining properties is restricted and may be prohibited entirely. Arterials often have more than two (2) traffic lanes, no on-street parking, higher speed limits, and are controlled with traffic lights rather than stop signs.

2) **Bureau of Land Management Road:** A federally owned easement or public right-of-way maintained by the Bureau of Land Management (BLM). The primary purpose of a BLM road is to provide access to federally owned land for resource management or recreational purposes.

3) **Collector Road:** Roads designed to collect traffic from local streets and funnel it onto arterial roads, where it can move rapidly and efficiently to its destination. Collectors provide some access, but are primarily intended to move traffic. Collectors are usually wider than local roads or streets, have a moderate speed limits and may not provide on street parking.

4) **County Road:** A public road under the jurisdiction of and maintained by a county that has been designated as a county road under ORS 368.016.

5) **Dedicated Way:** A form of local access road dedicated to the public for residential purposes but not maintained by the County or any other public entity. At the time of creation, dedicated ways were shown on a map or plat approved by the County, and recorded in the records of Jackson County.

6) Frontage Road: A road parallel and adjacent to an arterial or other limited access road or a railroad right-of-way, which is designed and developed expressly to provide access to abutting properties in lieu of access being taken from the higher order transportation facility.

7) Local Access Road: A public roadway designed to provide access to adjoining properties and move local traffic onto collectors. Such roads usually have only two (2) lanes, and lower speed limits. A local access road is dedicated to the public for access but is not part of a public maintenance or improvement program and is not maintained by the County or any other public entity.

8) Principal Arterial: A road which provides for through traffic between major centers of activity in urban, suburban, and rural areas.

9) Public Road: A road over which the public has a right of use that is a matter of public record. (See ORS 368.001)

10) State Highway: A public road under the jurisdiction of the State of Oregon. Most State highways are also maintained by the State in their entirety.

11) U. S. Forest Service Road: A Federally owned easement or right-of-way maintained by the Forest Service, the primary purpose of which is to provide access to Federally owned land.

C) Private Road Terms

1) Private Access Easement: A private accessway, either existing or newly created, which serves two (2) or more EXISTING lawfully established units of land.

2) Prescriptive Easement: A right of access acquired through the uninterrupted use of another's land. A court order is required to establish a legally binding prescriptive access easement.

3) Private Road A County approved private accessway, either required through a land division process or requested through a private road review, which serves two (2) to twenty-five (25) lots or parcels. A private road remains part of the property acreage it crosses and is considered that portion of the lot or parcel used for access purposes as described by an easement. Private roads are not maintained by the County, nor will the County contract for their maintenance.

4) Way of Necessity (gateway road): An accessway from a public road to land that would otherwise have no access, or a landlocked parcel. An official action of the courts is required to establish an easement granting a way of necessity through public or private property.

22149) RURAL COMMUNITY: An unincorporated community primarily composed of permanent residential dwellings, which includes at least two (2) other uses that provide commercial, industrial, or public services (e.g., schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area. (See OAR 660-022-0010)

- 2220) **RURAL LAND:** Those areas outside Urban Growth Boundaries or Urban Unincorporated Communities that are not suitable, necessary or intended for urban use and that are: agricultural, forest or open space lands; or, other lands suitable for sparse settlement, small farms or acreage home sites with no or hardly any public services.
- 2231) **RURAL SERVICE CENTER:** An unincorporated community comprised primarily of commercial or industrial uses that provide goods and services to the surrounding rural area or to persons traveling through the area that also includes some permanent residential dwellings. (See OAR 660-022-0010)
- 2242) **SAFE HARBOR:** An optional course of action that satisfies certain Goal 5 requirements under a standard process. Safe harbor requirements in lieu of addressing specific requirements in the standard Goal 5 process (e.g., identify significant riparian corridors using safe harbor criteria in OAR 660-023-0090, (5) rather than requirements for determining significance in OAR 660-023-0030, (4), or, adopt a wetlands ordinance meeting OAR 660-023-0100, (4), (b) in lieu of an ESEE process in OAR 660-023-0040). (See OAR 660-023-0020)
- 2253) **SAFETY SERVICE:** Publicly owned uses that protect public safety and provide emergency response services such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service. Safety services often need to be located in or near the area where the service is provided and employees are regularly present on-site on a 24-hour basis.
- 2264) **SANITARY SERVICE INSTALLER:** A business that installs or repairs subsurface sewage disposal systems.
- 2275) **SCHOOLS:** Public and private schools at the primary, elementary, junior high, or high school (K-12) level that provide state mandated basic education, and institutions of higher learning. Secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree are also included. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Preschools are classified as commercial day care. See STUDIO
- a) College/University: An institution other than a business or trade school that provides full-time or part-time education beyond high school.
  - b) Commercial/Business: A business enterprise offering instruction and training in a service, or trade such as barber, beauty, machinery operation, real estate, secretarial, welding, and other similar trades.
  - c) Kindergarten: Public or private school or class for children usually from four (4) to six (6) years old.
  - d) Satellite Campus: An area of land making up the grounds of a college or university that is not physically contiguous to the main campus.
- 2286) **SEMINARY:** A religious institution for the training of candidates for the priesthood, ministry, rabbinate or similar callings.
- 2297) **SENSITIVE FISH AND/OR WILDLIFE HABITAT:** Areas identified as important to the survival of a plant or animal species, or group of species.

- 23028) SERIES PARTITION:** Multiple partitions of a single tract of land resulting in the creation of four (4) or more parcels over a period of more than one (1) calendar year. (See ORS 92.305)
- 23129) SERVICE STATION:** Commercial facility that offers petroleum products and limited vehicle repair service to the public, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories, and prepared food and beverages for off-site consumption. Body and fender work or repair of heavy trucks or vehicles are excluded.
- 2320) SETBACK:** The distance from a right-of-way or easement boundary of a public or private road or other easement, or the distance from a lot line to the nearest point of a structure. See LOT, ROAD and Section 8.5
- 2331) SEWERAGE FACILITY OR SEWAGE FACILITY:** The sewers, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, or other wastes.
- 2342) SEWERAGE FACILITY, COMMUNITY:** A sewerage facility, whether publicly or privately owned, which serves more than one parcel, and serves a predetermined level of development within a specific geographic area.
- 2353) SEWERAGE FACILITY, INDIVIDUAL:** A privately owned sewerage facility serving a single parcel for the purpose of disposal of domestic waste products.
- 2364) SEWERAGE FACILITY, PUBLIC:** A sewerage facility which serves two (2) or more uses for the purpose of disposal of sewage, and is provided for or is available for public use.
- 2375) SEWER SYSTEM:** A system that serves more than one (1) lot or parcel, or more than one (1) condominium unit, or more than one (1) unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. Does not include a system provided solely for collection, transfer and/or disposal of storm water runoff, or animal waste from a farm use as defined in ORS 215.303. (See OAR 660-011-0060(1)(f))
- 2386) SEWER SYSTEM, COMMUNITY:** A sewage disposal system for at least 15 permanent dwelling units, including manufactured homes, within an unincorporated community. (See OAR 660-022-0010)
- 2397) SHOOTING RANGE:** The use of a structure or land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.
- 24038) SIGN AREA AND USE:** Any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign structure, display surface and all other

component parts of a sign. When the dimensions of a sign are specified, the term includes panels and frames on all visible sides. (See ORS 377.710)

- a) **Billboard/Outdoor Advertising sign:** Typically, these signs direct attention to a business commodity, or other activity which is sold, offered or conducted elsewhere than the premises upon which the sign is located. Outdoor advertising signs may also include display of ideas, opinions or information of any nature meant for review by the public. SEE DIRECTIONAL SIGN
- b) **Banner sign:** A temporary sign having characters, letters or illustrations applied to cloth, paper or fabric of any kind, with only such non-rigid material for backing. Banner signs are non-structural and do not require building permits. See TEMPORARY SIGN
- c) **Building sign:** A sign affixed to an exterior wall of a building, including but not limited to signs mounted flush with or projecting from a building wall, murals, awnings, or other architectural features that contain messages.
- d) **Directional:** A sign with the primary purpose of providing directional information to: a business or activity; publicly or privately owned natural phenomena; or historic, cultural, scientific, educational and religious sites; or areas of natural scenic beauty; or areas naturally suited for outdoor recreation of interest to the traveling public.
- e) **Double Face:** A sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.
- f) **Free-Standing:** A sign that is not affixed to a building or other structure, including pole-mounted signs and monument signs mounted in the ground.
- g) **Identification (business):** A sign that identifies a business and displays only information necessary to adequately describe the business and the direction and distance to it.
- h) **Marquee:** A permanent, roofed, unenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.
- i) **Off-premise sign:** A sign that provides directions to a business, commodity, industry, or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located. See BILLBOARD/ADVERTISING.
- j) **On-premise sign:** A sign that directs attention to a business, commodity, industry, or other activity which is sold, offered, or conducted on the premises upon which the sign is located.
- k) **Temporary Sign:** A non-illuminated sign without permanent footings, but which is securely attached to an adequate anchorage. Temporary signs larger than 12 square feet must be converted to a permanent sign once emplaced for more than six (6) months. See BANNER SIGN

24139) **SIGNIFICANT OUTBUILDING:** An accessory building valued at 20% or more of the value of the primary structure on a property, or any accessory building over 400 square feet in size. For purposes of determining percentage of market value of the primary structure, the most current value as shown in the County Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal is used.

2420) **SIMILAR USE:** A use that has the same characteristics as the specifically cited use in terms of: trip generation and type of traffic, parking and circulation,

lighting and noise impacts, public service and utility demands, environmental impacts, physical space needs, and clientele.

- 2431) SITING STANDARD:** A clear and objective land use regulation that directs the physical location of a new or replacement building or structure on a parcel. See CHAPTER 8.
- 2442) SLOPE:** The inclination of the natural earth's surface expressed as a ratio of the horizontal (H) distance to vertical (V) distance. Slopes are expressed as a percentage. The percentage of slope refers to a given rise in elevation over a given run in distance, multiplied by 100 ( $V/H \times 100$ ). For example, a 40% slope is a 40-foot rise in elevation over a distance of 100 feet ( $40/100 \times 100$ ). A 100% slope equals a 45 degree angle.
- 2453) SLOPE EASEMENT:** An area adjoining a road that is affected by a road fill or cut, but is not within the road easement or right-of-way.
- 2464) SOIL ASSESSMENT:** An assessment prepared by an Oregon registered professional engineer or engineering geologist, who is qualified to evaluate soils for development suitability. The assessment shall include, but is not limited to, the soil's class of shrink-swell potential and furnish professional analysis of the information to assess the suitability of the site for development. The assessment shall also recommend design measures necessary to reduce the risks associated with development and to facilitate a safe and stable development.
- 2475) SOIL, EXPANSIVE:** Soils with a moderate to severe degree of shrink-swell potential, as identified in Table 9, Building Site Development, of the NRCS Soil Survey of Jackson County Area, Oregon, issued August, 1993.
- 2486) SOIL, SHRINK-SWELL POTENTIAL:** The potential for volume change in a soil with a loss or gain in moisture. Shrink-swell classes are based on the change in length of an unconfined clod as moisture content is increased from air-dry to field capacity. The change is based on the soil fraction less than two (2) millimeters in diameter. Table 14, Physical and Chemical Properties, Soil Survey of Jackson County, Oregon issued August, 1993, identify the classes of shrink-swell potential. The classes are low, a change of less than 3%; moderate, 3% to 6%; and high, more than 6%. Very high, more than 9%, is sometimes used. If shrink-swell is rated moderate to very high, shrinking and swelling can cause damage to buildings, roads, and other structures. Table 9, Building Site Development, of the above referenced soil study, shows the degree of soil limitation for development. A moderate degree of shrink-swell potential are those soils with properties or conditions not favorable to structures, residential and commercial, and special design or maintenance is needed to overcome or minimize the limitations. A severe degree of shrink-swell potential are those soils with properties or features so unfavorable or difficult to overcome that special design or maintenance is required. Soils identified as having a sever-moderate limitation will be considered as having a severe limitation to buildings.
- 2497) SOLAR ORIENTATION:** The layout and design of parcels and siting of a structure on building lots in order to take advantage of solar insulation for use of the sun as an energy source.

- 25048) START OF CONSTRUCTION:** Following issuance of a building permit, the first placement or permanent construction of a building or structure on a site, such as the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a mobile home on a temporary or permanent foundation. Installation of a septic system that will serve a permanent use is included in this term. Start of construction does not include: land preparation, such as clearing, grading, and filling; installation of streets, roads or walkways; excavation for a basement, footings, piers or foundations, or the erection of temporary forms. See DEVELOPMENT, INITIATE
- 25149) STEEP SLOPE:** Slopes greater than 20%.
- 2520) STOCK AUCTION YARD:** Facility for public sale to the highest bidder of animals, including but not limited to, horses, cows, and sheep. Term does not include slaughtering, rendering, or tannery operations.
- 2534) STREAM:** A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. (See OAR 660-023-0090)
- a) **Bankfull stage (top of bank):** The stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage. (See OAR 141-085-0010(2) & 660-023-0090)
  - b) **Class 1:** Waters that are valuable for domestic use, are important for angling or other recreation, or are used by significant numbers of fish for spawning, rearing, or migration routes as identified by the State of Oregon. Stream flows may be perennial or intermittent.
  - c) **Class 2:** Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as identified by the State. They are used by few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flows may be perennial or intermittent.
  - d) **Fish-bearing:** Watercourses where fish eggs are deposited and fertilized, where gravel emergence occurs and where at least some juvenile development occurs. Fish-bearing streams may be intermittent (e.g., seasonal) or perennial.
- 2542) STREET TREES:** Any tree located within a street right-of-way or private street easement that is listed in the User's Guide as appropriate for use along streets.
- 2553) STRUCTURAL ALTERATION:** Any change in the supporting members of a structure, such as the foundation, bearing walls, columns, beams, girders, floor or ceiling joists, or rafters.
- 2564) STRUCTURE:** A building or other major improvement that is built, constructed, or installed, not including minor improvements such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances. For land use regulatory purposes, the term structure

also includes gas or liquid storage tanks and anything of substantial value that requires permanent location on the ground. Swimming pools, fences, uncovered patios, tents, vehicles and travel trailers are not however considered structures. A permanent structure is built of materials in a manner that would commonly be expected to remain useful for a substantial period of time. A temporary structure is built of materials in a manner that would commonly be expected to have relatively short useful life, or is built for a purpose that would be expected to be relatively short-term in duration. (See OAR 660-023-0090 or Section 7.1.2 for alternate definition applicable to floodplain areas).

- ~~2575~~) STUDIO - ART/ DANCE/ MUSIC/ SKILLS: The instructing, coaching, or counseling in art, music, ceramics, drama, photography, speech, dance, martial arts, gymnastics or similar personal skills or arts. A facility where custom, artistic or decorative objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art are created.
- ~~2586~~) STUDIO - BROADCAST/RECORDING: A facility for broadcasting live or pre-recorded programs by radio or television; or for recording performances on records, tapes, video tapes, or other suitable recording media. Activities necessary for recording programming and receiving radio or television signals are included but the facility may not engage in manufacture of consumer products.
- ~~2597~~) SUBDIVIDE LAND: To divide an area, parcel, or tract of land to create four (4) or more lots within a calendar year. See DIVIDE (See ORS 92.101)
- ~~26058~~) SUBDIVISION: The act of dividing land into four (4) or more lots or parcels within a calendar year, or an area or a tract of land subdivided as defined above. (See ORS 92.010)
- ~~26159~~) SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
- ~~2620~~) SUBSTANTIAL CONFORMANCE: The situation when a development that was approved through a permit or tentative plan complies with or meets the objectives, standards, guidelines, and conditions for that permit or tentative plan.
- ~~2634~~) SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- ~~2642~~) SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: before the improvement or repair is started; or, if damaged, the value of the structure to be restored prior to being damaged. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. For purposes of determining percentage of market value of the



structure, the most current value as shown in the Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal is used. The term does not, however, include: any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or, any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. See START OF CONSTRUCTION

- ~~2653~~) **SUBSTANTIAL MODIFICATION:** A change or alteration that significantly alters the impacts or character of a structure, development, or activity. See SIMILAR USE
- ~~2664~~) **SWIMMING POOL, PRIVATE:** A swimming pool, constructed for the exclusive use of the residents and guests of single-family or multiple-family dwellings.
- ~~2675~~) **TANNING SALON:** A business that uses artificial lighting systems to produce a tan on an individual's body. This use excludes spas, gymnasiums, athletic and health clubs.
- ~~2686~~) **TAX LOT:** A unit of land created by the County Assessor for the purpose of taxation or at a property owner's request. See DIVIDE, LAWFULLY ESTABLISHED UNIT OF LAND, PARCEL, and Chapters 3 and 10.
- ~~2697~~) **TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT:** Unattended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.
- ~~27068~~) **TEMPORARY:** Temporary means 30 days or less in any 12-month period, unless otherwise specified by a provision of this Ordinance.
- ~~27169~~) **TEMPORARY FIELD OR CONSTRUCTION OFFICE:** Office and temporary material storage facilities employed in connection with development of property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.
- ~~2730~~) **TEMPORARY MEDICAL HARDSHIP:** Use of a mobile home, manufactured dwelling, or converted frame structure which is used as an additional dwelling on the same parcel for an infirm or disabled person who requires care according to certifications by Oregon licensed medical doctors or a responsible state licensed medical agency, or for the person providing that care. A recreational vehicle (RV) may be used during the term of a temporary medical hardship.
- ~~2724~~) **TENT/TEPEE:** A fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent residential, commercial or industrial purposes. See YURT
- ~~2742~~) **THEATER:** A structure used for showing motion pictures, or for dramatic, dance, musical, or other live performances.

- ~~2753~~) TIME COMPUTATION: Time deadlines in this Ordinance are computed by excluding the first day and including the last day. If the last day is Saturday, Sunday, or other state legal holiday, the time frame is computed to extend to the next working day. See DECISION, FINAL (See OAR 661-010-0075)
- ~~2764~~) TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.
- ~~2775~~) TRACT: One (1) or more contiguous lots or parcels in the same ownership. (See OAR 660-033-0020, and ORS 215.010, (2))
- ~~2786~~) TRANSMISSION FACILITY: Any facility constructed across contiguous zoning districts for the purpose of transmitting or transporting in any form; energy resources, telecommunications, persons, or goods (e.g., highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines). In particular, the following specifically-defined types of facilities are included: electric power transmission facilities carrying 115 KV or greater; gas pipelines carrying 300 psi capacity or greater; and new highway construction or improvements to existing highways that result in an increased traffic volume of 5,000 vehicles/day. Underground water pipelines, sewer trunk lines, and cable television facilities are not included. This definition also does not apply to facilities that have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities are located. See ROAD
- ~~2797~~) TRANSMISSION (TELECOMMUNICATIONS) TOWER: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.
- a) Building mounted towers: Any building-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a telecommunications antenna or similar apparatus above ground.
  - b) Co-location: Attachment of additional antenna or other receiver or transmitter to an existing monopole or transmission tower.
  - c) Concealed towers (stealth): Artificial trees, clock towers, and similar nontraditional structures that are compatible with the existing setting or structures and camouflage or partially conceal the presence of antennas or towers. This includes any antenna or array attached as part of the design of the structure.
  - d) Freestanding towers: Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a telecommunications antenna or similar apparatus above ground level.
- ~~28078~~) TRANSPORTATION IMPROVEMENTS: Individual modal or multi-modal conveyances and terminals that may be provided by a private entity or by a local, regional, state, or federal government (e.g., highways, bridges, culverts, streets, roads and pedestrian accessways). Accessory uses include maintenance yards, stockpile sites, weigh stations, or rest areas.

- ~~28179~~) TREE SPECIES, COMMERCIAL: Trees recognized under rules adopted under ORS 527.715 for commercial production. (See OAR 660-006-0027(5)(b))
- ~~2820~~) TREE TOPPING/SEVERE PRUNING: The severing of the trunk or cutting back of the trunk or a limb to a stub larger than three (3) inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- ~~2831~~) TRUCK TERMINAL/FREIGHT FORWARDING FACILITY: An area and building where buses, trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.
- ~~2842~~) UNINCORPORATED COMMUNITY: An unincorporated settlement outside the UGB of any city and composed primarily of land that has been identified as subject to a Goal 3 or 4 exception (or both). Unincorporated communities may be identified by the County (as urban or rural communities, service centers, rural centers, or resort communities), or listed in the DLCD 1-30-97 Survey of Oregon's Unincorporated Communities. (See OAR 660-022-0010)
- ~~2853~~) URBAN CONTAINMENT BOUNDARY (UCB): A site specific line appearing on the Official Comprehensive Plan and Zoning Maps of Jackson County that encompasses unincorporated urban and urbanizable lands that: have been determined to be suitable for infill development but not out-ward expansion; and are or can be economically served with basic urban level facilities and services within the parameters of the policies of the Jackson County Comprehensive Plan.
- ~~2864~~) URBAN FRINGE: Rural residential land within one (1) mile of the urban growth boundary for the cities of Ashland, Central Point, and Medford. (See OAR 660-004-0040 (8)(a))
- ~~2875~~) URBAN GROWTH BOUNDARY (UGB): A site specific line appearing on the Official Comprehensive Plan and Zoning maps of Jackson County and on each incorporated city Plan and Zoning map that identifies and encompasses urban and urbanizable lands within or adjacent to each incorporated city in the County.
- ~~2886~~) URBAN LAND: Those places within or adjacent to an incorporated city that have or are planned to provide municipal levels of public facilities and services, and which may contain concentrations of persons who generally reside and work in the area.
- ~~2897~~) URBANIZABLE LAND: Those lands within an adopted UGB that are identified and determined to be necessary and suitable for future urban uses by virtue of being (or planned to be) served by urban services and facilities, and their identification as areas needed for future expansion of an existing urban area.
- ~~29088~~) URBAN SERVICE: Sanitary sewers, water, municipal fire protection, parks, open space, recreation, streets, roads, and mass transit. (See ORS 195.065)
- ~~29189~~) URBAN UNINCORPORATED COMMUNITY: An unincorporated community that includes a minimum of 150 permanent residential dwelling units, a mixture of

land uses (i.e., three (3) or more public, commercial or industrial uses), and that has community sewer and water service available to residents and businesses. See UNINCORPORATED COMMUNITY (See OAR 660-022-0010)

- ~~2920~~) **USE:** The purpose for which land, accessways, buildings or structures are designed, arranged, or intended, or for which a building or structure is occupied or maintained, whether on a permanent or temporary basis.
- ~~2934~~) **USE, ACCESSORY:** A use, building or structure that is; (1) customarily incidental and subordinate to the principal use of a lot or the main building or structure thereon, (2) subordinate in extent, area and purpose to the principal use, and (3) located on the same lot as the principal use, building or structure. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use. See ACCESSORY BUILDING/STRUCTURE
- ~~2942~~) **USE, PRINCIPAL:** The primary use and chief purpose of land, buildings or structures.
- ~~2953~~) **UTILITIES, LOCAL:** The electric power, telephone, gas, water, sewer drainage lines, and those in-line facilities such as gas regulating stations and water pumping stations customarily associated with service provision to adjacent neighborhoods, commercial and industrial areas.
- ~~2964~~) **UTILITY FACILITY:** Those necessary appurtenances including related right-of-ways and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses). Additionally, a utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources. A utility facility must include equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility. The equipment need not be extensive or complex; however, at a minimum the facility must include some equipment or apparatus that performs the relevant production, transmission or similar function or service. (174 Or App at 343-45 "Sabroso") (See ORS 215.283(1)(d)(1997))
- ~~2975~~) **UTILITY FACILITY, MAJOR:** A service of a regional nature that normally entails the construction of new buildings or structures, and that typically requires frequent monitoring or maintenance by employees of the utility provider. Examples include water works, reservoirs, power or heating plants, and steam generating plants.
- ~~2986~~) **UTILITY FACILITY, MINOR:** A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not regularly needed at the site. Examples include electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and sewer pumping stations.
- ~~2997~~) **VIEWSHED:** The area observable from a defined geographic location.

300298) VIOLATION: A development action or land division by any person or entity that is prohibited or prevented by the Jackson County Comprehensive Plan, Land Development Ordinance or other applicable State or County law; or the failure of any person or entity to act as required by a specific County development approval (e.g., conditions of approval) or other State or County permit.

301299) VISION CLEARANCE AREA:

A triangular area at the intersection of two (2) streets, or of a street and a driveway or railroad property line, two (2) sides of which are 20-foot lines measured from the corner intersection. The third side of the triangle is a line across the corner of the lot joining the ends of the two (2) 20-foot sides. Where the lines at the intersections have rounded corners, the lines are extended in a straight line to a point of intersection. The vision clearance area is measured from the face of the curb and extends at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area is measured from the edge of the pavement and extends at right angles for the appropriate distance in both directions along the intersection.

3020) WALKWAY: Any road, path, or way that in some manner is specifically designated as being open to pedestrian travel.

3034) WAREHOUSE, FOOD STORAGE: A building designed and used for storage of foodstuffs, either in packaging or as bulk items. Food storage warehouses commonly include refrigeration, packaging, and loading facilities, but do not include food processing or cooking facilities, either for private use or retail sale. See WHOLESAL ESTABLISHMENT

3042) WASTE RELATED USES:

- a) Compost: The controlled biological decomposition of organic material or the product resulting from such a process. (See ORS 459.005)
- b) Composting Plant: A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes.
- c) Hazardous waste/material: Discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers that are classified as hazardous pursuant to ORS 459.410, OAR 340 63 100 to 135.
- d) Incinerator: A combustion device specifically designed for the reduction, by burning, of solid, semisolid or liquid combustible waste. See Codified Ordinance Ch. 1864
- e) Land disposal site: A disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond or lagoon. (See ORS 459.005)
- f) Landfill: A facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface. (See ORS 459.005)
- g) Putrescible material: Organic material that may decompose into foul-smelling or otherwise offensive products. See Codified Ordinance Ch. 1864

- h) Recycling dropbox: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.
- i) Recycling depot: A center, depot, drop box, or other place for receiving source separated recyclable materials with or without compensation. The term does not include salvage, junk, or auto wrecking yards. See Codified Ordinance Ch. 1864
- j) Recycling plant: A facility that is not a wrecking, junk, or salvage yard, and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they may again be used.
- k) Sanitary landfill: A disposal site operated by means of compacting and covering nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste at least once each operating day.
- l) Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts, including associated feedlots and storage of animal products and waste that results from the slaughtering process.
- m) Solid waste: All useless or discarded putrescible and non-putrescible materials, including but not limited to garbage rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. The term does not include: hazardous waste as defined in ORS 466.005; or materials used for fertilizer or for other productive purposes. (See ORS 459.005)
- n) Solid waste disposal site: Land and facilities used to dispose of or process solid wastes. Energy recovery, material recovery and recycling from solid waste is included. Examples of disposal sites are dumps, landfills, sludge lagoons, sludge treatment facilities, septic tank pumping or cesspool cleaning service disposal sites, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site. The term does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050 or 468B.053; a site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a collection service; or a site operated by a wrecker issued a certificate under ORS 822.110. (See ORS 459)
- o) Solid Waste Transfer station: A fixed or mobile facility other than a collection vehicle where solid waste is deposited temporarily after being removed from the site of generation but before being transported to a final disposal site. (See ORS 459.005)

- ~~3053~~) WATER AREA: The area which collects water between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds. (See OAR 660-023-0090)
- ~~3064~~) WATER, RECLAIMED: Treated effluent from a sewage treatment system which, as a result of treatment, is suitable for a direct beneficial purpose (e.g., irrigation) or a controlled use that could not otherwise occur. (See OAR 340-055-0010)
- ~~3075~~) WATER SYSTEM, COMMUNITY: A system that distributes potable water through pipes to at least 15 permanent dwelling units within an unincorporated community. (See OAR 660-022-0010)
- ~~3086~~) WATER SYSTEM, PUBLIC: A system supplying water for human consumption through four (4) or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day. The term includes any domestic water supply source and associated distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit or cluster development. (See OAR 660-023-0140)
- ~~3097~~) WELL: Any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure, or is artificially withdrawn or injected for beneficial consumptive purposes. This definition does not include natural artesian springs, or wells drilled for the purpose of exploration, production or monitoring of oil, gas, or geothermal resources.
- a) Agricultural/stock well: A well used, or intended to be used, to supply water for agricultural irrigation and/or stock use only.
  - b) Domestic well: A well used to serve three (3) or fewer dwelling units for the purpose of supplying water intended for human sanitation, consumption or any other household purposes, including non-commercial stock watering and irrigation of up to one-half (2) acre per dwelling, and which is not used as or part of a public water supply.
  - c) Flow test: A procedure for pumping water from a well for a specified period of time to establish well yield and/or basic ground water quantity information.
  - d) Major flow test (12-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of 12 hours while noting the effect on static water levels in the subject well and any existing wells within 500 feet of the subject well.
  - e) Minor flow test (4-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of four (4) hours while noting the effect on static water levels in the subject well.

- 31008) WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (See ORS 197.015, OAR 660-023-0100)
- 31109) WHOLESALE ESTABLISHMENT: A business primarily engaged in selling or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. The use emphasizes on-site sales or order-taking and often includes indoor and outdoor display areas. Products may be picked up on-site or delivered to the customer. The business may or may not be open to the general public, but sales to the general public are limited to less than 30% of gross receipts.
- 3120) WILDLIFE: Wild mammals, birds, reptiles, and amphibians.
- 3131) WILDLIFE HABITAT: An area upon which wildlife depends in order to meet their requirements for food, water, shelter and reproduction. (e.g., migration corridors, big game winter range, nesting and roosting sites). (See OAR 660-023-0010)
- 3142) WINERY: A facility for the preparation, processing, marketing, and distribution of wines. The use may include a tasting room for the purpose of marketing the winery's products but not those of other wineries, along with incidental food service and sales areas. In the Exclusive Farm Use zone, uses may include wine tours, wine tasting, wine clubs and similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or other wineries as in the case where a winery produces at least 150,000 gallons of wine. See WINE SHOP (See ORS 215.452)
- 3153) WINE SHOP: A retail establishment that sells wines, brandies and cordials, wine making equipment and items related to wine consumption as its primary merchandise. The use may include a tasting room, incidental food sales and a dining area that does not exceed 25% of the total area devoted to merchandise display. Incidental uses may include periodic wine tasting events, wine appreciation and culinary classes. See WINERY
- 3164) WRECKING YARD: Any establishment maintained, used, or operated for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded ferrous material or equipment. Scrap or discarded material includes, but is not limited to; inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers, and parts thereof, machinery, structural steel, equipment, and appliances. The term also includes junk, salvage, or scrap metal yards. See WASTE-RELATED USES
- 3175) XERISCAPING: Landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought-tolerant landscaping.



3186) YARD: See LOT LINE

- a) Front: The yard between side lot lines measured from the front lot line to the nearest point of a building or other structure.
- b) Rear: The yard between side lot lines measured from the rear lot line to the nearest point of a building or other structure.
- c) Required: Open space on a lot, which is unobstructed by buildings from the ground upward, except as otherwise allowed by this Ordinance.
- d) Side: A yard between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

3197) YOUTH CAMP: A facility (owned or leased) operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or facility. (See OAR 660-006-0031)

32018) YURT: A round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook up or internal cooking appliance. (See ORS 215.283(2)(c); OAR 660-033-0130(19) (c) See TENT/TEPEE

32119) ZERO LOT LINE SUBDIVISION:

A single family detached residential subdivision where each dwelling unit is placed on its lot in such a manner that one (1) exterior wall is located on a side yard lot line, thus creating a setback of zero (0) feet on one side.

**FINDING:** The definitions listed in LDO 13.3 Terms Defined are in alphabetical order. To add the definitions of "Medical Marijuana" and "Medical Marijuana Facility" to the listed definitions those uses found after must be reassigned a different letter.

**III. STAFF RECOMMENDATION**

Staff recommends that the above changes be approved by the Commissioners.

  
\_\_\_\_\_

Prepared by: Kelly A. Madding, Director

2/19/2015

Date

**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
		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 3 0	G C	I C	NC	R S	A R S	R R S	S V R S	G I	L I	
	Pawn/second hand store	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	6.3.3(X)
	Medical marijuana facilities	-	-	-	-	-	3	-	-	-	-	-	-	-	-	6.3.3(T)
	Wholesale establishment	-	-	-	-	-	1/2	-	-	-	-	-	-	1/2	1/2	
	Other retail sales	-	-	-	-	-	1/2	-	-	2/3	2/3	2/3	2	-	-	6.2.3; 6.3.3(AA)
Service and Repair Businesses	Appliance repair & incidental sales	-	-	-	-	-	-	-	1/2	2	2	3	2	-	-	6.3.3(C)
	Bicycle repair & incidental sales	-	-	-	-	-	1/2	-	1/2	2	2	3	2	-	-	
	Gun repair	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	

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, 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) **Medical Marijuana Facility**

- 1) A facility may not be located:

a. Within 0.75 mile from the Veterans Administration Domiciliary.

b. Within 1,000 feet of the Jackson County Correctional Facility.

- c. Within 1,000 feet from a real property comprising a public or private elementary, secondary or career school primarily attended by minors. For the purposes of a medical marijuana use a public or private elementary, secondary or career school is defined in OAR 333-008-1110.
  - d. For the purposes of determining the distance the uses described in 6.3.3 (T)(1)(a), (b) and (c) "within 0.75 mile" or "within 1,000 feet" means a straight line measurement in a radius extending the specified distance or less in any direction from the closest point anywhere on the boundary line of the real property comprising the uses in 6.3.3 (T)(1)(a), (b) and (c) to the closest point of the premises of a facility.
  - e. Within 1,000 feet of another medical marijuana facility.
  - f. For the purposes of determining the distance between a registered facility and another registered facility "within 1,000 feet" means a straight line measurement in a radius extending 1,000 feet or less in every direction from the closest point anywhere on the premises of a registered facility to the closest point anywhere on the premises of a facility.
- 3) The hours of operation will be limited to 9:00 a.m. to 7:00 p.m.
  - 4) No medical marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.

**UT) 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.

**VU) 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.

**WV) 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.

**XW) Pawn Shop or Secondhand Store**

In the GC district, the use will be conducted within an enclosed building.

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; and
- d) Medical Marijuana Facilities

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; and
- d) Medical Marijuana Facilities

5) *Standards*

hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and pharmaceuticals; and manufacture and fabrication of components, jewelry, clothing, trimming decorations and any similar item.

- 157) MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, food, marine supplies, and marine repairs.
- 158) MEDICAL MARIJUANA: Marijuana subject to regulations pursuant the Oregon Revised Statutes and Oregon Administrative Rules, Chapter 333, Division 8, Medical Marijuana.
- 159) MEDICAL MARIJUANA FACILITY: Any facility registered by the Oregon Health Authority pursuant to the Oregon Revised Statutes and applicable Oregon Administrative Rules, Chapter 333, Division 8.
- 16058) MEDICAL SERVICES: Uses that provide medical or surgical care to patients and offer either in-patient or out-patient care.
- a) Emergency Medical Center: A first-aid station or headquarters for an ambulance service that offers emergency outpatient treatment only.
  - b) Hospital: An institution licensed by the state health department providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, or injury and including as an integral part of the institution related uses such as laboratories, out-patient or training facilities.
  - c) Medical/Dental/Optical Clinic: A facility for examining, consulting with, and treating patients, including offices, laboratories, and out-patient facilities, but not including hospital beds for overnight care or treatment.
- 16159) MINI-WAREHOUSE: An area or areas located within an enclosed building that provides separate storage areas for rent for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager or security, and leasing office. These uses are also called self-service storage.
- 1629) MOBILE FOOD VENDORS: Any trailer, vehicle or wagon used for the preparation of, processing, or converting food for immediate consumption as a drive-through, or walk-up service that will remain on any one (1) site or parcel for less than a continuous 24 hours. The mobile food vendor vehicle, trailer, or wagon must be fully licensed and ready for highway use. The mobile food vendor, vehicle or wagon is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- 1634) MODIFY/MODIFICATION: Making a limited change in something without altering its primary purpose.
- 1642) MORTUARY: A facility where dead bodies are prepared and stored prior to burial or cremation and where funeral services may be conducted. A caretaker's residence may be an accessory use. See CEMETERY
- 1653) MOTOR VEHICLE:



## CHAPTER 6. USE REGULATIONS

<b>6.1</b>	<b>APPLICABILITY .....</b>	<b>1</b>
6.1.1	Resource Districts .....	1
6.1.2	All Other Districts .....	1
6.1.3	Overlay Districts .....	1
<b>6.2</b>	<b>TABLE OF PERMITTED USES.....</b>	<b>1</b>
6.2.1	Explanation of Table Abbreviations .....	1
	A) Type 1 .....	1
	B) Type 1/2 .....	1
	C) Type 2 .....	2
	D) Type 3 .....	2
	E) Type 4 .....	2
	F) Uses Not Allowed .....	2
	G) Numerical References .....	2
	H) Use Categories/Use Types .....	2
	I) Uses .....	2
6.2.2	Use Table for Base Zoning Districts .....	3
6.2.3	Unlisted Uses.....	13
	A) Procedure for Classifying Unlisted Uses .....	13
	B) Criteria for Approving Unlisted Uses .....	13
<b>6.3</b>	<b>ADDITIONAL USE-SPECIFIC REGULATIONS .....</b>	<b>14</b>
6.3.1	Resource Uses .....	14
	A) Agriculture .....	14
	B) Plant Nursery.....	15
6.3.2	Residential Uses .....	15
	A) Manufactured Dwelling Park.....	15
	B) Multiple Family Dwelling .....	19
	C) Detached Single-Family Dwelling, First .....	19
	D) Attached or Detached Single-Family Dwelling, Two or More .....	19
	E) Replacement Dwellings .....	21
6.3.3	Commercial/Office Uses.....	21
	A) Agriculture Produce Stand.....	21
	B) Animal Clinics, Hospitals, and Kennels.....	21
	C) Appliance Repair and Incidental Sales .....	21
	D) Auction Services, Commercial.....	22
	E) Auction Services, Temporary.....	22
	F) Barber or Beauty Shop .....	22
	G) Body and Fender Shop.....	22
	H) Building Material and Lumberyard .....	22
	I) Clothing or General Merchandise Store.....	22
	J) Food and Sundries, Convenience.....	22
	K) Adult Day Care, Child Care Center .....	22
	L) Drinking Establishment.....	22
	M) Firewood Retail Sales.....	22
	N) Flea Market .....	23
	O) Gift, Antique, or Specialty Shop .....	23
	P) Grocery Store .....	23
	Q) Hardware Store .....	23
	R) Hotel or Motel.....	23

S)	Laundromat or Dry Cleaner .....	23
T)	Medical Marijuana Facility .....	23
U)	Motor Vehicle Service and Repair .....	24
V)	Motor Vehicle Storage .....	25
W)	Parking Area, Commercial, or Park-and-Ride Lot .....	25
X)	Pawn Shop or Secondhand Store.....	25
Y)	Retail Florist Shop, Garden Shop, Drug Store, Bake Shop or Wine Shop.....	25
Z)	Winery, Tasting Room .....	25
AA)	Other Retail or Service Commercial Use Not Listed .....	25
6.3.4	Industrial/Manufacturing Uses .....	25
A)	Batch Plant, Concrete or Asphalt.....	26
B)	Machinery and Equipment Repair.....	26
C)	Mini-Warehouse .....	26
D)	Wrecking, Salvage, or Junk Yard.....	26
6.3.5	Transportation Uses .....	26
A)	Aviation Uses .....	26
B)	Bike Paths .....	27
C)	Transportation Improvements.....	27
6.3.6	Utility/Solid Waste Uses .....	28
A)	Transmission Facilities .....	28
B)	Utility Facilities.....	32
C)	Waste Disposal .....	32
D)	Waste Disposal, Modification of Existing Waste Disposal Facilities .....	34
6.3.7	Parks/Public/Quasi-Public Uses .....	34
A)	Firearm Training Facility/Shooting Range.....	34
B)	Library .....	35
C)	Park and Playground.....	35
D)	Public Works Buildings and Facilities.....	35
6.3.8	Destination Resorts.....	35
A)	Applicability .....	35
B)	Definitions.....	35
C)	Large Destination Resort Standards .....	36
D)	Small Destination Resort Standards .....	38
E)	Permitted Uses.....	39
F)	Accessory Uses and Standards.....	39
G)	Aggregate Operations .....	40
H)	Dimensional, Setback and Wildfire Safety Standards .....	41
I)	General Development Regulations .....	42
J)	Compliance with Transportation Planning Rule [OAR 660-012-0060].....	42
K)	Preliminary Development Plan.....	46
L)	Final Development Plan.....	50
M)	Modification of Approved Preliminary or Final Development Plan .....	51
N)	Land Divisions .....	52
<b>6.4</b>	<b>ACCESSORY USES AND STRUCTURES .....</b>	<b>52</b>
6.4.1	Purpose .....	52
6.4.2	General Standards and Limitations .....	52
A)	Applicability .....	52
B)	Compliance with Ordinance Requirements.....	52
C)	Approval of Accessory Uses and Structures; Deed Declaration.....	52
D)	Time of Establishment.....	53
E)	Dimensional Standards for Accessory Buildings and Structures .....	53

	F)	Signs .....	53
	G)	Temporary Accessory Uses and Structures.....	53
6.4.3		Accessory Uses Prohibited .....	53
	A)	Automotive Repair .....	53
	B)	Outdoor Storage of Inoperative Vehicles .....	53
	C)	Outdoor Parking/Storage of Large Commercial Vehicles .....	53
6.4.4		Accessory Uses and Structures Allowed .....	54
	A)	General .....	54
	B)	Detached Living Space.....	54
	C)	Home Occupations .....	54
	D)	Home Business .....	56
	E)	Commercial Activities or Special Events in Conjunction with Farm Use .....	59
	F)	Outdoor Display, Sales and Storage.....	60
	G)	Swimming Pool, Private.....	61
<b>6.5</b>		<b>TEMPORARY USES AND STRUCTURES .....</b>	<b>61</b>
6.5.1		Purpose .....	61
6.5.2		General Regulations .....	61
6.5.3		Uses Allowed .....	62
	A)	[Reserved].....	62
	B)	Response to Natural Disasters and Emergencies.....	62
	C)	Parking Lot Sales .....	62
	D)	Real Estate Sales Offices .....	62
	E)	Seasonal Outdoor Sales.....	62
	F)	Storage of Manufactured Dwelling .....	62
	G)	Temporary Medical Hardship Dwelling .....	63
	H)	Use of Recreational or Camping Vehicles .....	66
	I)	Yard Sales.....	66
	J)	Other Uses .....	66

# CHAPTER 6<sup>1</sup> 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 superceded by more restrictive standards established in the overlay district.

## 6.2<sup>2</sup> 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 1, 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 1/2*

A "1/2" in the Table indicates that such reviews may be either ministerial or part of an administrative review. A ministerial review is appropriate when the application can show all the development standards are met and this Ordinance does not require a higher level review. Development subject to discretionary review pursuant to Chapters 7 through 10 of this Ordinance requires an administrative review with opportunity for appeal.

---

<sup>1</sup>Ordinance 2006-10, effective 2-18-2007

<sup>2</sup>Ordinance 2013-3, effective 7-21-2013

- C) **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.
- D) **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.
- E) **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.
- F) **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.
- G) **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.
- H) **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.
- I) **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 Districts<sup>3</sup>**

**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, development subject to discretionary review pursuant to Chapters 7 through 10 requires a Type 2 administrative review, otherwise a new use or change of use on existing commercial or industrial sites are allowed subject to a Type 1 review.

		TABLE 6.2-1: USE TABLE FOR BASE ZONEING DISTRICTS														
		1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit														
CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	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	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
<b>RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)</b>																
Agriculture	Horse boarding & riding facilities	1	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Intensive Livestock	2	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Non intensive agriculture	1	1	1	1*	1*	1	1	1	1	1	1	1	1	1	6.3.1(A); 5.5.3; 12.3.1
	Plant nursery	1	2	3	-	-	2	-	-	2	2	2	2	-	-	6.3.1(B); 6.4.4(D)
Forestry	Manage, grow, harvest, process timber & forest products	1	1	1	-	-	-	-	-	-	-	-	-	-	-	
Mineral and aggregate	Aggregate or surface mining, stockpiling or processing (e.g. batch plants)	3	1	1	1	1	1	1	1	1	1	1	1	2	-	4.4.8; 6.3.4(A)
Fish and game	Fish hatchery/culture /game refuge or management	1	3	-	-	-	-	-	-	-	-	-	-	-	-	
<b>RESIDENTIAL USES</b>																

<sup>2</sup> Ordinance 2004-12, effective 2-6-2005; Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-14, effective 2-13-2005; Ordinance 2011-16, effective 2-26-2012; Ordinance 2015-7, effective 7-26-2015

\*See Section 6.3.1

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO	
		RU	RURAL RESIDENTIAL			URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-2.5 & RR-5A	UR-1 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI		
Household Living	Accessory dwelling	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	6.4.4(B)
	Co-housing	-	-	2	2	2	-	-	-	-	-	-	-	-	-	-	
	Detached single family dwelling, 1 <sup>st</sup>	1	1	1	1	2	2	-	2	2	2	3	2	2	2		6.3.2(C)
	Manufactured dwelling park	-	-	-	3	3	-	-	-	-	-	-	-	-	-	-	6.3.2(A)
	Multi-family dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6.3.2(B); 3.2
	Rectory/parsonage	2	1	1	1	1	2	-	2	2	2	3	2	2	2		6.3.2(C)
	Single-family dwelling, two or more (attached or detached)	2	2	2	2	2	-	-	-	-	-	-	-	-	-	-	6.3.2(D)
Group Living	Convent or monastery	2	3	3	3	-	-	-	-	-	-	-	-	-	-	-	3.2
	Farm Labor housing	1	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	1	1	ORS 197.660; 6.3.3(K); 12.3.1
	Substance abuse rehabilitation	-	3	3	3	-	-	-	-	-	-	-	-	-	-	-	
<b>COMMERCIAL/OFFICE USES</b>																	
Agricultural Sales and Services	Agriculture produce stand	1	3	3	-	-	-	-	-	2	2	-	2	-	-		6.3.3(A)
	Farm equipment repair	3	-	-	-	-	1/2	-	-	2	2	3	2	1/2	1/2		
	Farm equipment sales	3	-	-	-	-	1/2	-	-	-	-	-	2	1/2	1/2		6.3.4(C)
	Farm equipment storage	1	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2		6.3.4
	Firewood retail sales	1	2	2	-	-	1/2	-	-	-	-	-	-	1/2	-		6.3.3(M)
	Stock auction yard	3	-	-	-	-	-	-	-	-	-	-	-	3	-		
	Winery, tasting room	1	3	3	-	-	3	-	-	-	3	3	3	1/2	1/2		6.4.4(E)

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

CATEGORY	SPECIFIC USE	RU	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	IC	N C	R S	A R S	R R S	S V R S	GI		LI	
Animal Sales and Services	Small animal clinic/hospital	-	3	-	-	-	-	1/2	-	-	3	3	3	2	-	3	6.3.3(B)
	Large livestock/exotic animal clinic/hospital	3	3	3	-	-	-	-	-	-	-	-	-	-	1/2	1/2	6.3.3(B)
	Kennel	2	3	-	-	-	-	1/2	-	-	2	-	-	-	-	1/2	6.3.3(B)
	Pet shop	-	-	-	-	-	-	1/2	-	1/2	-	-	-	-	-	-	
Building Materials	Building material and lumberyard	-	-	-	-	-	1	-	-	3	3	-	2	1/2	1/2	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	6.3.3(K), 12.3.1; ORS 657A.440
	Child care center	-	3	3	3	3	1/2	-	1/2	2	2	2	2	1/2	1/2	6.3.3(K), 12.3.1	
Eating and Drinking Establishment	Community commercial kitchen	-	-	-	-	-	-	-	-	2	2	-	2	-	1/2		
	Eating establishment	-	-	-	-	-	1/2	1/2	1/2	2	2	2	2	-	3	5.5.3, 12.3.1	
	Drinking establishment	-	-	-	-	-	1/2	1/2	1/2	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 center	-	-	-	-	-	1/2	-	1/2	3	3	2	2	-	-	5.5.3, 12.3.1	
Food and Beverage Sales	Foods and sundries convenience	-	-	-	-	-	1/2	3	1/2	-	-	3	-	-	-	5.5.3, 6.3.3(J), 12.3.1	
	Famers Market	-	-	-	-	-	3	-	1/2	3	2	-	2	-	-	5.5.3, 12.3.1	
	Grocery Store	-	-	-	-	-	1/2	-	-	2/3	2/3	2	2	-	-	6.3.3(P)	
	Wine shop	-	-	-	-	-	1/2	-	1/2	2/3	2/3	2	2	-	-	5.5.3, 6.3.3(Y), 12.3.1	



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

CATEGORY	SPECIFIC USE	RU	ZONING DISTRICTS												SEE ALSO	
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-5A	UR-1 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI		LI
Landscaping Sales/Service	Landscaping contracting	2	-	-	-	-	1/2	-	-	3	3	3	3	1/2	1/2	
	Landscape Maintenance	3	3	3	-	-	-	-	-	-	-	-	-	1/2	1/2	
Medical Services	Emergency medical center	-	3	3	3	3	1/2	-	-	2	2	2	2	-	-	
	Hospital	-	-	-	3	3	-	-	-	-	-	-	-	-	-	
	Medical / dental / optical clinic	-	3	3	3	3	1/2	-	1/2	2	2	2	2	-	-	12.3.1
Office	Studio: Broadcasting / recording	-	-	3	-	-	1/2	-	-	3	3	-	3	-	-	
	Information Technology Center	-	3	3	-	-	1/2	-	-	-	-	-	-	2	1/2	
	Business or professional office	-	-	-	-	-	1/2	-	1/2	3	2	2	2	-	-	12.3.1
	Studio: art / dance / music/ skills	-	-	-	-	-	1/2	-	1/2	2	2	3	2	-	-	12.3.1
Personal Services	Barber or beauty shop	-	-	-	-	-	1/2	1/2	1/2	2	2	-	2	-	-	6.3.3(F), 12.3.1
	Laundromat or dry cleaner	-	-	-	-	-	1/2	-	1/2	3	3	-	3	-	-	5.5.3, 6.3.3(S)
	Mortuary	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Tanning salon	-	-	-	-	-	1/2	-	-	-	-	-	2	-	-	12.3.1
Recreation and Entertainment	Amusement establishment (indoors)	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Amusement establishment (outdoors)	-	-	-	-	-	3	-	-	-	-	-	-	-	-	6.3.7(C)
	Theater (indoors)	-	-	-	-	-	1/2	-	1/2	-	-	-	-	-	-	
Retail Sales	Auction services, commercial	-	-	-	-	-	1/2	-	-	-	-	-	1/2	1/2	6.3.3(D)	

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

CATEGORY	SPECIFIC USE	RU	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	IC	N C	R S	A R S	R R S	S V R S		GI	LI
	Auction services, temporary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(E), 12.3.1
	Feed / seed store	-	-	-	-	-	1/2	-	-	2	2	3	2	-	-	
	Flea market	-	-	-	-	-	-	-	-	-	-	-	-	-	3	6.3.3(N)
	Florist / garden shop, drug store, or bake shop	-	-	-	-	-	1/2	-	1/2	2/3	2/3	3	2	-	-	5.5.3, 6.3.3 (Y), 12.3.1
	Clothing / general merchandise store	-	-	-	-	-	1/2	-	1/2	2/3	2/3	2	2	-	-	6.3.3(I)
	Gift, antique or specialty shop	-	-	-	-	-	1/2	2/3	1/2	2	2	3	2	-	-	6.3.3(O), 12.3.1
	Hardware store	-	-	-	-	-	1/2	-	1/2	2	2	2	2	-	-	6.3.3(Q), 12.3.1
	Pawn/second hand store	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	6.3.3(X)
	Medical Marijuana Facility	-	-	-	-	-	3	-	-	-	-	-	-	-	-	6.3.3(T)
	Wholesale establishment	-	-	-	-	-	1/2	-	-	-	-	-	-	1/2	1/2	
	Other retail sales	-	-	-	-	-	1/2	-	-	2/3	2/3	2/3	2	-	-	6.2.3, 6.3.3(AA)
Services and Repair Businesses	Appliance repair & incidental sales	-	-	-	-	-	-	-	1/2	2	2	3	2	-	-	6.3.3(C)
	Bicycle repair & incidental sales	-	-	-	-	-	1/2	-	1/2	2	2	3	2	-	-	
	Gun Repair	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	
	Rental facilities & equipment rentals	-	-	-	-	-	1/2	-	-	-	-	-	2	-	-	
	Small engine repair, machine, welding shop	-	-	-	-	-	1/2	-	-	3	3	3	2	-	1/2	

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-5A	UR-1 & UR-4 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
	Other (e.g. well driller, cabinet shop, sanitary service installer, upholstery)	-	-	-	-	-	1/2	-	-	3	3	3	3	-	1/2	
Vehicles and Equipment	Body/fender shop	-	-	-	-	-	3	-	-	-	-	-	-	1/2	1/2	6.3.3(G)
	Manufactured dwelling, mobile home & RV sales	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Motor vehicle impound	-	-	-	-	-	3	-	-	-	-	-	-	1/2	1/2	
	Motor vehicle sales and rental	-	-	-	-	-	1/2	-	-	-	-	-	2	1/2	1/2	6.3.3(U)
	Motor vehicle services and repair	-	-	-	-	-	1/2	-	3	3	3	3	2	1/2	1/2	6.3.3(U)
	Motor vehicle storage	-	-	-	-	-	1/2	-	-	-	-	-	2	1/2	1/2	6.3.3(V)
	Motor vehicle washing and detailing	-	-	-	-	-	1/2	-	-	-	-	-	-	-	-	
	Parking area commercial	-	-	-	-	-	1/2	-	-	-	-	-	-	-	1/2	6.3.3(W)
	Service station	-	-	-	-	-	1/2	1/2	3	2	2	3	2	-	-	
Visitor Accommodation	Destination resort large	4 PDP 2 FDP	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PD 2 P 2 FDP	4 PD 2 P 2 FDP	-	-	-	-	-	-	-	6.3.8
	Destination resort small	4 PDP 2 FDP	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PD 2 P 2 FDP	4 PD 2 P 2 FDP	-	-	-	-	-	-	-	6.3.8
	Guest Ranch	3	3	3	-	-	-	-	-	-	-	-	-	-	-	
	Hotel or motel	-	-	-	-	-	1/2	1/2	-	3	-	-	-	-	-	6.3.3(R)

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO	
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-5A	UR-1 & UR-4 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI		LI
<b>INDUSTRIAL/MANUFACTURING USES</b>																
Equipment Storage and Repair	Equipment storage	-	-	-	-	-	1/2	-	-	-	-	-	-	1/2	1/2	6.3.4
	Heavy machinery /Equipment repair	-	-	-	-	-	1/2	-	-	3	3	3	2	1/2	1/2	6.3.4(B)
	Outdoor storage areas	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	6.3.4
	Wrecking/salvage or junk yard	-	-	-	-	-	3	-	-	-	-	-	-	1/2	1/2	6.3.4(E)
Industrial Services	Industrial services, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	6.3.4
	Industrial services, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	1/2	-	6.3.4
	Laundry/dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	
Manufacturing & Production	Firewood processing/sales	2	-	-	-	-	-	-	-	-	-	-	-	1/2	-	
	Manufacturing and production, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	6.3.4
	Manufacturing and production, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	6.3.4
	Manufacturing paper and allied products	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
	Manufacturing petroleum by products	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
Warehouse and Freight Movement	Feed mills / elevators / granaries	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	6.3.4
	Mini-warehouse	-	-	-	-	-	1/2	-	-	2	-	-	2	1/2	1/2	6.3.4(D)
	Truck terminal, freight forwarding facility or yard	-	-	-	-	-	-	3	-	-	-	-	-	1/2	1/2	
	Warehouse, food storage	-	-	-	-	-	-	-	-	-	-	-	-	-	1/2	6.3.4
<b>TRANSPORTATION USES</b>																
Aviation	Airport/heliport	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.5(A) . ORS Chapter 836
Bike Paths	All types	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(B), Chap. 9

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

CATEGORY	SPECIFIC USE	RU	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	IC	N C	R S	A R S	R R S	S V R S		GI	LI	
Public Transportation	Station only	-	-	-	-	-	3	-	-	2	2	3	-	-	-	3.2	
Public Transportation	Terminal/station	-	-	-	-	-	3	-	-	3	3	3	-	2	2	3.2	
Transportation Facility	Park-and-ride lot	-	-	-	2	2	1	1	1	2	2	2	2	-	-	3.2, 6.3.3(W)	
Transportation Improvements	All Types 4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(C), 12.3.1	
<b>UTILITY/SOLID WASTE USES</b>																	
Utility	Building-mounted transmission towers	2	2	2	2	2	2	2	2	2	2	2	2	1	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	2	6.3.6(B)	
	Major utility facilities	3	-	-	-	-	-	-	-	-	-	-	-	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)	
	Small scale energy production facility	3	3	3	-	-	-	-	-	-	-	-	-	2	2	6.3.6(B)	
Waste-Related Use	Composting plant	4	-	-	-	-	-	-	-	-	-	-	-	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	2	2	6.3.6(D)	
	Recycle drop-box	2	2	2	2	2	2	2	2	2	2	2	2	2	2	5.5.3, 6.3.6(C)	
	Recycle 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	4	-	-	-	-	3	-	-	-	-	-	-	3	3	3.2, 6.3.6(C)	
	<b>PARKS/PUBLIC/QUISI-PUBLIC USES</b>																

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO	
		RU	RURAL RESIDENTIAL			URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-2.5 & RR-5A	UR-1 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI		
Cemetery	Cemetery (including animals)	1	3	3	3	-	-	-	-	-	-	2	-	-	-	-	12.4.1(H)
Library	All types	2	3	3	3	3	1/2	3	3	3	2	2	2	1/2	1/2		6.3.7(B), 12.4.1(H)
Museum	All Types	2	3	3	3	-	1/2	-	1/2	2	2	-	-	-	-	-	12.4.1
Parks and Recreation	Campground/RV (new)	3	-	-	-	-	3	3	-	3	3	-	3	-	-	-	6.3.7(C), 12.4.1(H)
	Campground/RV (expand existing)	2	3	3	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Country club	-	3	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	-	-	-	3	-	-	6.3.7(A), 12.4.1(H)
	Golf course	3	3	3	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Park/playground	2	2	2	2	2	1/2	1/2	1/2	2	2	2	2	1/2	1/2		6.3.7(C), 12.3.1, 12.4.1(H)
	Recreation/sports club, private	3	3	3	3	3	1/2	-	1/2	-	-	-	-	1/2	1/2		12.4.1(H)
	Recreation/sports club, public	2	3	3	2	2	1/2	-	1/2	-	-	-	-	1/2	1/2		12.4.1(H)
Post Office	Post office substation	-	-	-	-	-	1/2	-	1/2	2	2	2	2	-	1/2		5.5.3, 12.3.1, 12.4.1(H)
Public Assembly	Community/town hall/grange	2	3	3	3	3	1/2	1/2	1/2	2	2	2	2	1/2	1/2		12.3.1, 12.4.1(H)
	Convention and exhibit hall	-	-	-	-	-	1/2	-	-	-	-	-	-	1/2	1/2		12.4.1(H)
Public Works	Public works building and facilities	2	3	3	3	3	1/2	3	3	3	3	3	2	1/2	1/2		6.3.7(D), 12.4.1(H)
Religion	Religious assembly, house of worship (church)	1	2	2	2	2	1/2	-	1/2	2	2	2	2	-	-		2.7.4(C), 12.4.1(H)
	Seminary	-	3	3	-	-	-	-	-	-	-	-	-	-	-		12.4.1(H)

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

CATEGORY	SPECIFIC USE	RU	ZONING DISTRICTS												SEE ALSO	
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL			
			RR 00 & 10	RR-5 & RR-5A	UR-1 UR-4 To UR-10	UR -30	G C	IC	N C	R S	A R S	R R S	S V R S	GI		LI
Safety Services	Emergency medical, ambulance services, fire/police stations	-	3	3	3	3	1/2	1/2	1/2	2	2	2	2	1/2	1/2	12.3.1, 12.4.1 (H)
Schools	Commercial or business school	-	-	-	-	3	1/2	-	3	-	-	-	-	1/2	1/2	12.4.1(H)
	College/university	-	-	-	3	3	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Public or private school (K thru 12)	1	3	3	3	3	-	-	-	-	1	-	-	-	-	12.4.1(H)
	Satellite campus	-	3	3	3	3	1/2	-	1/2	2	2	3	2	1/2	1/2	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. 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. Some farm animals and birds due to their nature and size are not permitted in the White City Urban Residential Districts. Within the White City Urban Residential Districts no owner or person in charge shall permit animals listed in Section 6.3.1 to run at large. 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; except in the White City Urban Residential Districts where large animals as described are not permitted;
- 2) Alpacas, sheep or goats, and miniature horses - three (3) per acre;
- 3) Poultry - 20 per acre; except roosters and peafowl in the White City Urban Residential Districts;
- 4) Ostriches - two (2) per acre; except in the White City Urban Residential Districts where ostriches are not permitted;
- 5) Emus and rheas - four (4) per acre; except in the White City Urban Residential Districts where emus and rheas are not permitted;

- 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, except in the White City Urban Residential Districts where swine are not permitted.

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.<sup>4</sup>
- 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 and Rural Use<sup>5</sup> 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;

---

<sup>4</sup> Ordinance 2004-12, effective 2-6-2005

<sup>5</sup> Ordinance 2008-1, effective 3-30-2008

- 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.
- j) In Rural Use Zones<sup>6</sup>: A written statement must be recorded in the public records with the deed or written contract, or its equivalent must be obtained from the land owner, binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief of cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

3) *Urban Residential Zones*<sup>7</sup>

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.

---

<sup>6</sup> Ordinance 2008-1, effective 3-30-2008

<sup>7</sup> Ordinance 2008-1, effective 3-30-2008

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 Establishment<sup>8</sup>***
- 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.

---

<sup>8</sup>Ordinance 2004-12, effective 2-6-2005

- 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, 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) ***Medical Marijuana Facility***
- 1) A facility may not be located:

- a. Within one mile of the Veterans Administration Southern Oregon Rehabilitation Center and Clinics, currently located on the parcel described as 361W17 tax lot 800 and any after acquired parcels.
  - b. Within 1,000 feet of the Jackson County Transition Center, currently located on the parcels described as 381w23B Tax Lots 103 and 300, and any after acquired parcels.
  - c. Within 250 feet of residentially zoned property within the White City Urban Unincorporated Community Boundary.
  - d. Within 1,000 feet of a public park, excluding the Bear Creek Greenway.
  - e. Within 1,000 feet of an Interstate 5 (I-5) interchange. The interchange is defined as the bridge structure over I-5 including all on and off ramp termini.
  - f. Within 1,000 feet from a real property comprising a public or private elementary, secondary or career school primarily attended by minors. For the purposes of a medical marijuana use a public or private elementary, secondary or career school is defined in OAR 333-008-1110.
  - g. For the purposes of determining the distance the uses described in 6.3.3 (T)(1)(a), (b), (c), (d), (e) and (f) "within 250 feet," "within 1,000 feet," or "within one mile" means a straight line measurement in a radius extending the specified distance or less in any direction from the closest point anywhere on the boundary line of the real property comprising the uses in 6.3.3 (T)(1)(a), (b), (c), (d), (e) and (f) to the closest point anywhere on the premises of a registered facility.
  - h. Within 0.5 miles of another medical marijuana facility.
  - i. For the purposes of determining the distance between a registered facility and another registered facility "within 0.5 miles" means a straight line measurement in a radius extending 0.5 miles or less in every direction from the closest point anywhere on the premises of a registered facility to the closest point anywhere on the premises of a registered facility.
- 3) The hours of operation will be limited to 9:00 a.m. to 7:00 p.m.
  - 4) No medical marijuana remnants or by-products shall be placed within the facility's exterior refuse containers.

U) ***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.
- V) **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.
- W) **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.
- X) **Pawn Shop or Secondhand Store**  
In the GC district, the use will be conducted within an enclosed building.
- Y) **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.
- Z) **Winery, Tasting Room**  
In the Rural Residential districts, this is a Type 3 review subject to the standards of Section 6.4.4(E).
- AA) **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:

<b>Table 6.3-1</b>	
<b>Building Height</b>	<b>Maximum Tower Height (not including antennae)</b>
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.

<b>Table 6.3-2 Height Bonus for Co-Location</b>		
<b>Additional Antennae or Devices</b>	<b>Bonus Height</b>	<b>Height After Bonus</b>
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:<sup>9</sup>

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

---

<sup>9</sup>Ordinance 2004-12, effective 2-6-2005

- 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.

**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 Resorts<sup>10</sup>**

**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:

---

<sup>10</sup> Ordinance 2007-7, effective 9-16-07

- 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 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 . 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 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:

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

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 section(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

#### 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<sup>11</sup>*

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; and
- d) Medical marijuana facilities

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

---

<sup>11</sup> Ordinance 2015-7, effective 7-26-15

- 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;
- c) Large appliance repair; and
- d) Medical marijuana facilities.

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:<sup>12</sup> [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)) 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.

---

<sup>12</sup>Ordinance 2004-12, effective 2-6-2005

## CHAPTER 13. DEFINITIONS

<b>13.1</b>	<b>GENERAL PROVISIONS.....</b>	<b>1</b>
13.1.1	Rules of Interpretation.....	1
	A) Multiple Definitions.....	1
	B) Conflicting Definitions .....	1
	C) Interpreting Words, Terms, and Phrases.....	2
	D) Approval Criteria and Impacts .....	2
<b>13.2</b>	<b>USE CLASSIFICATIONS.....</b>	<b>2</b>
13.2.1	General.....	2
	A) Purpose .....	2
	B) Applicability.....	2
	C) Procedure .....	3
	D) Developments with Multiple Principal Uses .....	3
	E) Structure of this Section .....	3
13.2.2	Resource Uses .....	3
	A) Agriculture .....	3
	B) Forestry .....	3
	C) Mineral and Aggregate.....	4
	D) Fish and Game .....	4
13.2.3	Residential Uses .....	4
	A) Household Living .....	4
	B) Group Living .....	4
13.2.4	Commercial/Office Uses .....	5
	A) Agricultural Sales and Services.....	5
	B) Animal Sales/Service .....	5
	C) Building Materials .....	5
	D) Day Care .....	5
	E) Eating and Drinking Establishments.....	5
	F) Financial Institutions .....	6
	G) Food and Beverage Sales.....	6
	H) Landscaping Sales/Service.....	6
	I) Medical Services.....	6
	J) Office .....	6
	K) Personal Service.....	7
	L) Recreation and Entertainment .....	7
	M) Retail Sales.....	7
	N) Service and Repair Businesses .....	8
	O) Vehicles and Equipment .....	8
	P) Visitor Accommodation .....	8
13.2.5	Industrial/Manufacturing Uses.....	8
	A) Equipment Storage and Repair .....	8
	B) Industrial Service .....	9
	C) Manufacturing and Production .....	9
	D) Warehouse and Freight Movement .....	9
13.2.6	Transportation Uses.....	10
	A) Aviation.....	10
	B) Public Transportation .....	10
	C) Transportation Facility.....	10
	D) Transportation Improvements .....	10
13.2.7	Utility/Solid Waste Uses .....	10
	A) Utility.....	10
	B) Waste-Related Use.....	11

13.2.8	Parks/Public/Quasi-Public Uses.....	11
	A) Parks and Recreation .....	11
	B) Public/Quasi-Public Uses.....	11
	C) Public Assembly .....	11
	D) Public Works.....	12
	E) Religious Assembly.....	12
	F) Safety Services.....	12
	G) Schools.....	12
<b>13.3</b>	<b>TERMS DEFINED .....</b>	<b>13</b>
<b>13.4</b>	<b>INDEX OF ABBREVIATIONS AND ACRONYMS .....</b>	<b>60</b>

### 13.1 GENERAL PROVISIONS

The definitions contained in this Chapter apply to the entire Ordinance unless otherwise specified. Words used in the masculine include the feminine. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory and is contextually synonymous with "will" and "must." Although Oregon Administrative Rules (OAR) Chapter 814, Division 23 separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" is considered synonymous with "mobile home" for land development regulatory purposes under this Ordinance unless otherwise specified within specific Ordinance provisions. Likewise, unless contextually necessary, the terms "street" and "road," and "lot" and "parcel" are synonymous throughout this Ordinance.

Where terms or words are not defined in this Ordinance, the Jackson County Comprehensive Plan, building codes, or State or Federal land use law, they are construed to have their ordinary accepted meanings in the context of their use. The contemporary edition of *Webster's Third New International Dictionary* (unabridged) (Merriam-Webster, Inc. Springfield MA 1986) as supplemented, is to be used as the source for these accepted meanings. Nothing in this Ordinance is meant to supersede definitions appearing in State or Federal land use law, which may also be directly applicable in land use decision-making.

#### 13.1.1 Rules of Interpretation

A) ***Multiple Definitions***

When terms, words or phrases are defined in more than one (1) way in this Chapter, or when terms, words or phrases are also defined within another Chapter of this Ordinance, the definition that is specifically associated with the Ordinance provision in question is the definition that applies to it. When two (2) or more definitions of the same term, word or phrase occur in this Ordinance only the most directly applicable definition applies. If appropriate, specific terms, words or phrases that are not defined in this Chapter but are otherwise defined in this Ordinance, the Comprehensive Plan, State or Federal land use law may be applied to general situations.

B) ***Conflicting Definitions***

When terms, words or phrases as defined in this Ordinance conflict with terms, words or phrases that are also defined in the Jackson County Comprehensive Plan, or applicable State or Federal land use law, the Comprehensive Plan or statutory definition supersedes any definition in this Ordinance. Multiple definitions may be applied simultaneously when words, terms, and phrases defined in this Ordinance do not conflict with definitions in the Jackson County Comprehensive Plan, or State and Federal land use law.

---

<sup>1</sup>Ordinance 2006-10, effective 2-18-07; Ordinance 2009-1, effective 8-16-2009; Ordinance 2010-9, effective 2-13-2011; Ordinance 2010-2a, effective 6-26-11; Ordinance 2012-2, effective 7-29-2012; Ordinance 2015-6, effective 7-26-2015

- C) ***Interpreting Words, Terms, and Phrases***  
When a word, term or phrase is not defined, or where multiple definitions may apply to a situation, the Director is authorized to interpret or define such words, terms, and phrases. When such an interpretation involves discretion in resolving apparent definitional conflicts, the interpretation will be made in accordance with Section 3.9. In making any interpretation or definition, the Director may consult secondary sources related to the planning profession, such as *A Survey of Zoning Definitions - Planning Advisory Service Report Number 421*, edited by Tracy Burrows (American Planning Association Chicago, IL 1989); and *The Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University NJ 3<sup>rd</sup> edition 1987) for technical words, terms and phrases; or *Webster's Third New International Dictionary* (unabridged) (Merriam-Webster, Inc. Springfield MA 1986) as supplemented. Grammatical interpretation should be based on standardized American grammar as described in *The Gregg Reference Manual, Seventh Edition* (Glencoe/McGraw-Hill 1995).
- D) ***Approval Criteria and Impacts***  
Unless otherwise stated in the Jackson County Comprehensive Plan, or State or Federal law, the terms "*no adverse impact or effect*," "*no greater adverse impact*," "*compatible*," "*will not interfere*," and other similar terms contained in the approval criteria of this Ordinance are not intended to be construed to establish an absolute test of noninterference or adverse effects of any type whatsoever with adjacent uses resulting from a proposed land development or division action, nor are they construed to shift the burden of proof to the County. Such terms and phrases are intended to allow the County to consider and require mitigating measures that will minimize any potential incompatibility or adverse consequences of development in light of the purpose of the zoning district and the reasonable expectations of other people who own or use property for permitted uses in the area.

## 13.2 USE CLASSIFICATIONS

### 13.2.1 General

- A) ***Purpose***  
Use classifications organize land uses and activities into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residences, how goods or services are sold or delivered, and site conditions. The use classifications provide a systematic basis for assigning present and future land uses into appropriate zoning districts, listing uses having similar characteristics for illustrative purposes. Specific definitions of use types and general terms are found in Section 13.3.
- B) ***Applicability***  
The use classifications in this Section refer to uses allowed in the general use districts set forth in Chapter 5 of this Ordinance and uses



allowed in the resource districts set forth in Chapter 4. This Section is intended to be used in conjunction with the use tables appearing in Chapters 4 and 6. Where a specific definition is required for consistency with State law (e.g., golf course) the term has been appropriately referenced. In cases where State land use law or administrative rules (i.e., OAR 660) provide a specific definition or description of uses allowed in a zoning district, the statutory definitions and descriptions will be used to guide land use decision-making.

C) ***Procedure***

The Director may determine whether a proposed use is deemed to be within one (1) or more use classifications, or not within any use classification, in accordance with the provisions of Section 6.2.3.

D) ***Developments with Multiple Principal Uses***

When all principal uses of a development fall within one (1) use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E) ***Structure of this Section***

1) ***Principal Use Characteristics***

The "Characteristics" subsection describes common characteristics of each use category. Principal uses are assigned to the category that most closely describes them. Also listed are examples of common accessory uses, which generally are allowed in conjunction with a principal use unless otherwise stated in this Ordinance.

2) ***Exclusion***

Uses that are not included in the Principal Use category are described in this subsection.

### 13.2.2 Resource Uses

A) ***Agriculture***

1) ***Characteristics; Accessory Uses***

Includes activities that primarily involve raising, producing, or keeping plants or animals, or cultivation and management of other natural resources. Accessory uses may include animal raising, barns, loafing sheds, storage of grain and other feed, feed preparation, and wholesale sales of products raised on-site.

B) ***Forestry***

1) ***Characteristics; Accessory Uses***

Includes activities that primarily involve management and harvest of timber, firewood and other forest products. Accessory uses may include truck scales, parking and storage for logging and firefighting equipment and areas used to store seedlings used in reforestation.

C) **Mineral and Aggregate**

1) *Characteristics; Accessory Uses*

Includes activities that primarily involve extraction of mineral and aggregate materials from below the subsoil of a site. On-site accessory uses and activities may include surface stockpiling of mined materials, processing and crushing, truck scales and office or caretaker's buildings necessary to conduct, or ensure the security of, on-site mining operations.

2) *Exclusion*

Permanent concrete and asphalt batch plants are classified as Industrial/Manufacturing uses.

D) **Fish and Game**

1) *Characteristics; Accessory Uses*

Includes activities that primarily involve land management for purposes of retaining or restoring habitat for identified native species. Accessory uses and activities may include storage of feed, loafing sheds, fish ladders and in-water placement of natural materials.

### 13.2.3 Residential Uses

A) **Household Living**

1) *Characteristics; Accessory Uses*

Includes residential occupancy of a dwelling unit by a family. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational and hobby activities, raising pets, gardens, personal storage buildings, and parking of the occupants' vehicles. Home Occupations, Home Businesses, Detached Living Space and Accessory Dwelling Units are accessory uses that are subject to additional regulations (See Section 6.4).

2) *Exclusion*

Lodging in a dwelling unit where more than two-thirds (2/3) of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified as a "Visitor Accommodation."

B) **Group Living**

1) *Characteristics; Accessory Uses*

Includes residential occupancy of a structure by a group of people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and care givers may or may

not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

#### 13.2.4 Commercial/Office Uses

##### A) ***Agricultural Sales and Services***

- 1) *Characteristics; Accessory Uses*  
Includes retail sales of agricultural products, livestock, wood fuel, or farm equipment. Rental of agricultural supplies and equipment is included. Establishments may have indoor or outdoor storage areas. Accessory uses may include offices, parking, storage areas, and equipment maintenance and servicing.

##### B) ***Animal Sales/Service***

- 1) *Characteristics; Accessory Uses*  
Involves the selling, boarding, or care of animals on a commercial basis.

##### C) ***Building Materials***

- 1) *Characteristics; Accessory Uses*  
Includes retail and wholesale sales of lumber and building supplies, and rental of construction equipment. This classification includes tool and equipment sales or rental establishments. Establishments may have indoor or outdoor storage areas. Accessory uses may include offices, parking, storage areas, and equipment maintenance and servicing.

##### D) ***Day Care***

- 1) *Characteristics; Accessory Uses*  
Includes uses that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Accessory uses include offices, recreation areas, and parking.
- 2) *Exclusion*  
Day Care does not include public or private schools or facilities accessory to a principal use at which children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity by shopping, recreational or religious activities.

##### E) ***Eating and Drinking Establishments***

- 1) *Characteristics; Accessory Uses*  
Includes businesses serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Eating and drinking establishments may or may not have drive-through service, as permitted in the zoning district.

F) ***Financial Institutions***

1) *Characteristics; Accessory Uses*

Includes establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking. Financial Institutions may or may not have drive-through service, as permitted in the zoning district.

2) *Exclusion*

Financial Institutions do not include bail bond brokers.

G) ***Food and Beverage Sales***

1) *Characteristics; Accessory Uses*

Includes retail sales of food and beverages for off-site preparation and consumption. Accessory uses may include offices, parking, and food preparation areas.

2) *Exclusion*

Establishments at which 20% or more of the transactions are sales of prepared food for on-site or take-out consumption are classified as "Eating and Drinking Establishments."

H) ***Landscaping Sales/Service***

1) *Characteristics; Accessory Uses*

Commercial sale of plants and related lawn and garden materials, including decorative structures and materials, packaged fertilizer, decorative stone, and related materials. Accessory uses may include offices, outdoor storage yards, equipment storage buildings, and parking.

I) ***Medical Services***

1) *Characteristics; Accessory Uses*

Uses that provide medical or surgical care to patients and offer either in-patient or out-patient care. Accessory uses may include parking, offices, and storage areas.

J) ***Office***

1) *Characteristics; Accessory Uses*

Includes uses characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, insurance, or financial services. Accessory uses may include cafeterias, health facilities, employee childcare, parking, or other amenities primarily for the use of employees in the firm or building.

- 2) *Exclusion*  
Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category (e.g., manufacturing), are considered part of the other category.

K) ***Personal Service***

- 1) *Characteristics; Accessory Uses*  
Includes businesses that provide services directly to individuals that enhance or support physical well-being, household or hobby activities. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, and parking.

L) ***Recreation and Entertainment***

- 1) *Characteristics; Accessory Uses*  
Includes uses that provide continuous indoor or outdoor recreation or entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

M) ***Retail Sales***

- 1) *Characteristics; Accessory Uses*  
Includes businesses that are involved in the sale, lease or rent of new or used products to the general public. No outdoor display is permitted unless specifically authorized by this Ordinance. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.
- 2) *Exclusions*
  - a) The sale of agricultural products and equipment is classified as "Agricultural Sales and Service."
  - b) The sale of animals is classified as "Animal Sales/Service."
  - c) The sale of food or beverages for consumption on the premises is classified as "Eating and Drinking Establishments."
  - d) The sale of food or beverages for consumption off premises is classified as "Food and Beverage Sales."
  - e) Lumber yards and other building material sales that sell to contractors as well as retail customers are classified under "Building Materials."
  - f) Sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as "Vehicles and Equipment."

N) ***Service and Repair Businesses***

1) *Characteristics; Accessory Uses*

Includes establishments that provide product repair or services for consumer and business goods, excluding automotive equipment and heavy machinery. Accessory uses may include offices, storage of parts or other goods, manufacture or repackaging of goods for on-site sale, and parking.

2) *Exclusion*

Businesses whose primary activity is repair and service of motor vehicles, motorcycles, light and medium trucks, and industrial or agricultural vehicles and equipment, are classified either under Vehicles and Equipment (below), or under Industrial/Manufacturing Uses: Equipment Storage and Repair.

O) ***Vehicles and Equipment***

1) *Characteristics; Accessory Uses*

Includes a broad range of uses involving the sale and rental of motor vehicles and related equipment. Large parking areas and outdoor storage areas may be included with these uses. Accessory uses may include incidental repair and storage, maintenance facilities, offices, and sales of parts or tires.

2) *Exclusion*

- a) "Heavy Machinery and Equipment Repair" is classified as an Industrial Use.
- b) "Wrecking Yard (Salvage or Junk)" is classified as an Industrial Use.

P) ***Visitor Accommodation***

1) *Characteristics; Accessory Uses*

Includes facilities provide lodging where tenancy may be arranged for periods of less than 30 days. Accessory uses may include restaurants, offices, parking, and recreational uses, including swimming pools.

2) *Exclusion*

- a) Lodging where the residents meet the definition of a family and where tenancy is arranged at a minimum on a month-to-month basis is classified as "Household Living."
- b) Lodging where the residents do not meet the definition of a family and where tenancy is arranged at a minimum on a month-to-month basis is classified as "Group Living."

**13.2.5 Industrial/Manufacturing Uses**

A) ***Equipment Storage and Repair***

- 1) *Characteristics; Accessory Uses*  
Includes uses involving indoor or outdoor storage and maintenance of vehicles and large industrial equipment. Large parking areas and outdoor storage areas may be included with these uses. Accessory uses may include indoor parts storage, offices, and equipment washing facilities.

**B) *Industrial Service***

- 1) *Characteristics; Accessory Uses*  
Includes firms primarily engaged in the indoor repair or servicing of non-vehicular agricultural, industrial, business, or consumer machinery, equipment, or products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets or to individual businesses. Few customers, especially the general public, come to the site. Accessory activities may include offices, limited retail sales, parking and storage.

- 2) *Exclusion*

When major equipment, and materials are not stored at the site and fabrication or similar work is not carried out there, contractors and others who perform services off-site (e.g., building maintenance services) are included in the "Office" category under Commercial Uses.

**C) *Manufacturing and Production***

- 1) *Characteristics; Accessory Uses*  
Includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Relatively few customers come to the manufacturing site and goods are generally not sold on site, although limited display of "sample" products may occur. Accessory activities may include offices, limited retail sales, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, and truck fleets.

- 2) *Exclusion*

Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Services.

**D) *Warehouse and Freight Movement***

- 1) *Characteristics; Accessory Uses*

Includes firms that are involved in the storage or movement of goods for themselves, other businesses or individuals. Goods are generally delivered to other firms or the final consumer, except for occasional will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

### 13.2.6 Transportation Uses

#### A) *Aviation*

##### 1) *Characteristics; Accessory Uses*

Includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas and passenger terminals for aircraft. Aviation facilities may be improved or unimproved. Accessory uses include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.

##### 2) *Exclusion*

Private airstrips or helicopter landing facilities that are accessory to another use are not considered primary Aviation uses. However, they are subject to all the regulations and approval criteria for airports or heliports.

#### B) *Public Transportation*

##### 1) *Characteristics; Accessory Uses*

Includes facilities for the loading and unloading of passengers from motor coaches operating on a fixed route system. Passenger terminals, bus transfer stations and bus stops, which may be improved or unimproved, are included. Accessory uses may include concessions, offices, parking, maintenance, and fueling facilities.

#### C) *Transportation Facility*

##### 1) *Characteristics; Accessory Uses*

Includes facilities for long and short term parking of motor vehicles not associated with a principal use. Accessory uses include bus stops, restrooms and attendant/information kiosks.

#### D) *Transportation Improvements*

##### 1) *Characteristics; Accessory Uses*

Includes individual modal or multi-modal conveyances, which may be provided by a private entity or by a public agency. Accessory uses may include maintenance yards, stockpile sites, weigh stations, and rest areas.

### 13.2.7 Utility/Solid Waste Uses

#### A) *Utility*

##### 1) *Characteristics; Accessory Uses*



Includes buildings or structures used or intended to be used by any public or private utility. This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, communication signals, or other similar services on a local level; and other in-line facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

- 2) *Exclusion*  
Operations where employees or customers are generally present are classified under "Commercial: Office" or as a Public/Quasi-Public use.

B) ***Waste-Related Use***

- 1) *Characteristics; Accessory Uses*  
Includes uses that receive solid or liquid wastes from others for disposal on site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste Related uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

**13.2.8 Parks/Public/Quasi-Public Uses**

A) ***Parks and Recreation***

- 1) *Characteristics; Accessory Uses*  
Includes uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

B) ***Public/Quasi-Public Uses***

- 1) *Characteristics; Accessory Uses*  
Includes a broad range of uses (e.g. libraries, museums, post offices) that may have operating characteristics or impacts similar to commercial retail, entertainment or light industrial uses. Accessory uses may include offices, meeting areas, inside storage, parking and loading docks.

C) ***Public Assembly***

- 1) *Characteristics; Accessory Uses*  
Includes spaces of a public or nonprofit nature for the periodic gathering of large numbers of people for specific events or shows (e.g. fairgrounds and stadiums). Activities may be of a spectator nature. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities.

D) **Public Works**

- 1) *Characteristics; Accessory Uses*  
Includes a broad range of activities that have operating characteristics or impacts similar to commercial office or light industrial uses. Accessory uses may include offices, meeting areas, indoor and outdoor storage, parking, and maintenance facilities.

E) **Religious Assembly**

- 1) *Characteristics; Accessory Uses*  
Includes uses that primarily provide meeting areas for religious activities (e.g. churches, temples, synagogues, and mosques). Accessory uses include parking, "Sunday school" and child care facilities and seminaries. In non-resource zones, group living facilities such as convents and monasteries may be developed as an accessory use. (See ORS 215.441)
- 2) *Exclusion*  
Private K-12 religious schools and preschool facilities are classified under "Schools" and Commercial Use, "Day care", respectively.

F) **Safety Services**

- 1) *Characteristics; Accessory Uses*  
Includes activities that protect public safety and provide emergency response services. Such uses must often be located in or near the area where service is provided. Employees are regularly present on-site, often on an around the clock basis. Accessory uses include offices, parking, inside storage, food preparation, bathing and sleeping areas, and maintenance facilities.

G) **Schools**

- 1) *Characteristics; Accessory Uses*  
Includes institutions of higher learning, as well as public and private schools at the primary, elementary, junior high, or high school level that provide state mandated basic education. Secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree are also included. Accessory uses may include play areas, cafeterias,

recreational and sport facilities, auditoriums, outdoor training facilities, and before or after school day care.

- 2) *Exclusion*
  - a) Preschools are classified as "Day Care" under Commercial Uses.
  - b) Seminaries are classified under "Religious Assembly".

### 13.3 TERMS DEFINED

The definitions contained in this Section apply to terms used throughout this Ordinance. In some cases, more than one (1) definition may appear because a specific meaning is to be used in the context of a particular situation or implementation of a land use regulation. When a term is defined within a subset of a numbered term (e.g., "expansion" under AGGREGATE AND MINERAL RESOURCES) the subset definition is the one used in determinations relating to that numbered term.

- 1) ABUT/ADJOIN: To lie next to or in contact with, having a common border with or to touch along a border. See CONTIGUOUS OWNERSHIP.
- 2) ACCESS: A legally defined area available, and practical at the time of development, for motor vehicle ingress and egress to a lot or parcel. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.
- 3) ACCESSORY BUILDING/STRUCTURE: A building or structure that is detached from but located on the same lot or parcel as the principal use or building, the use of which is incidental and accessory to that of the principal building, structure or use. See USE, ACCESSORY; USE, PRINCIPAL
- 4) ACCREDITED ASSESSOR, (SB 360): An individual certified by the Oregon Department of Forestry to: evaluate property; develop a plan to comply with the administrative rules for wildland fire suppression or prevention; complete a certification form and return it to the Oregon Department of Forestry.
- 5) ADJACENT: Not distant, nearby.
- 6) AGGREGATE AND MINERAL RESOURCES:
  - a) Aggregate resources: are naturally occurring concentrations of stone, rock, sand gravel, decomposed granite, limestone, pumice, cinders, and other naturally occurring solid materials commonly used in road building or other construction.
  - b) Conflicting use is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in subsection (5)(b) and section (7) of OAR 660-023-0180).
  - c) Extraction area: The area of identified significant mineral and aggregate reserves in which extraction and processing of the resource is permitted.
  - d) Mineral resources: Those materials and substances described in ORS 517.750(7) but excluding materials and substances described as "aggregate resources".

- e) Mining: The extraction of sand, gravel, clay, rock, or other similar mineral deposits. Mining does not include: (1) excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of constructing or maintaining access roads; (2) excavation or grading conducted in the process of farm or cemetery operations; (3) excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance; or, (4) removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the County.
  - f) Processing: The extraction, washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt and portland cement.
  - g) Significant Aggregate Resource: Aggregate or stone materials commonly used in construction purposes which:
    - (i) Meet Oregon Department of Transportation specifications for construction grade material or meet city, County, state, or federal specifications for structural fill material. Oregon Department of Transportation quality specifications for aggregate include: (1) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 211C loss of not more than 30% by weight); (2) the Oregon Air Degradation test (OSHD TM 208C loss of not more than 20% by weight); and, (3) the Sodium Sulfate Soundness test (OSHD TM 206C not more than 12% by weight); and,
    - (ii) Are located within an ownership or long-term lease containing reserves in excess of 500,000 tons (this standard is not absolute; the County may consider the significance of a site based on unique circumstances even though the volume threshold may not be met); or,
    - (iii) Are located on property owned by, or under long-term lease to a city, county, or state jurisdiction for the primary purpose of excavating aggregate or stone materials for road maintenance and road construction.
  - h) Significant Mineral Resource: Metallic and non-metallic minerals, other than aggregate, commonly used in construction, that have been determined to be significant based upon an analysis and findings that the resource represents a marketable and valuable resource.
- 7) AGGRIEVED PARTY: Any person(s) or entity(ies) who can demonstrate that their property will be injured by a land use decision of the County; or anyone requiring notice pursuant to this Ordinance.
- 8) AGRICULTURE, AGRICULTURE USE: The use of the land for crop and tree farming; the raising of livestock, poultry, fur-bearing animals, or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries and greenhouses, and the necessary uses for storing produce that is incidental to that of normal agricultural activity. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use; and disposal by

marketing or otherwise. Agriculture use shall not include auction yards, slaughter houses, or rendering plants. When located outside of a commercial or industrial zone, a plant nursery or greenhouse involving wholesale or commercial sales is an agricultural use only if the products offered for sale are produced by the farm use of the property as defined by this Ordinance and ORS 215.203.

- a) Agricultural Produce Stand (farm stand): A facility for the marketing of produce grown on the subject parcel or other farm operations in the local agricultural area.
  - b) Commercial Agricultural Enterprise: Farm operations that will contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm products. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state. (See OAR 660-033-0020(2))
  - c) Exempt Agricultural Building: A structure located on a farm outside any floodplain and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting, and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such farms for man's use and animal use and disposal by marketing or otherwise. See the *BUILDING CODE*.
  - d) Horse Boarding/Riding Facilities: A facility for the boarding, care, and exercise of horses and related equestrian activities including facilities for instruction in horseback riding, and horse training including rings, stables and exercise areas. Periodic horse shows, when not the primary purpose of the facility, are an incidental use.
  - e) Intensive Agriculture: The use of parcels or tracts to actively grow specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture or Jackson County 2001 aerials. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa.
- 9) AIRPORT/HELIPORT: The strip of land used for taking off and landing aircraft, together with all adjacent land and airspace used in connection with the aircraft landing or taking off from the strip of land, including but not limited to any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. (See ORS 836.005)
- a) Aircraft: Helicopters, other rotorcraft and airplanes, but not hot air balloons or ultra-lights. (See OAR 660-013-0020)
  - b) Airport Imaginary Surfaces: Surfaces established with relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft. Buildings, structures and other obstructions are generally

- prohibited from extending above the imaginary surfaces. Imaginary surfaces include the primary surface, approach surface, conical surface (concern overlay), horizontal surface and transitional surface. The airspace boundaries to use are those indicated on the most recent airport Master Plan and/or the most recent Oregon Department of Aviation specifications. (See OAR 738.070.0120 and 0130)
- c) **Airspace Obstruction:** Any structure, tree, land mass, smoke or steam, or use of land which penetrates the protected airspace of an airport. (See OAR 738.070.0100, 0120, ORS 836.005)
  - d) **Airstrip:** The strip of land used for taking off and landing of aircraft other than helicopters.
  - e) **Concern Overlay:** The overlay affects land uses which occur within the area defined by an airport's conical surface, not including lands within the runway protection zone and approach surface, which are more strictly regulated. (See OAR 738.070.120(1), (a), (A), (B))
  - f) **Helipad:** The surface used for taking off and landing of helicopters.
  - g) **Runway Protection Zone (RPZ):** An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The RPZ extends from each end of the primary surface for a horizontal distance of: (1) 1,000 feet for utility runways; (2) 1,700 feet for other than utility runways having non-precision instrument approaches; (3) 2,500 feet for precision instrument runways. The RPZ is defined on the airport's Master Plan.
  - h) **Sponsor:** The owner, manager, or other person or entity designated to represent the interests of an airport. (See OAR 660-013-0020)
  - i) **Water Impoundment:** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action. (See ORS 836.623)
- 10) **ALTER/ALTERATION:** To make different without changing into something else. For purposes of decisions made regarding nonconformities, "alteration" means a change in use, structure, or physical improvements of no greater adverse impact to the surrounding areas. (See ORS 215.130) See MODIFY.
- 11) **ALL-WEATHER SURFACE:** A solid base rock of six (6)-inch shale, with crushed rock surface, or a concrete or asphalt surface
- 12) **AMUSEMENT ESTABLISHMENT:** Any amusement enterprise in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee, charge or donation. This term includes, but is not limited to, archery range, bowling alley, driving range, a miniature golf course, motorized vehicle course or race tracks, movie theater, laser tag and paint ball facilities, or pool hall. (Amended by Ordinance 2004-12, effective 2-6-2005)
- 13) **ANIMAL CLINIC/HOSPITAL, LARGE:** A facility with or without outside runs for diagnosis, treatment, or hospitalization of large and exotic animals and livestock including, but not limited to cows, horses, ostrich, and llama. The use may also

offer care for small animals as an incidental component of the practice, provided it does not include boarding of animals other than those being treated.

- 14) ANIMAL CLINIC/HOSPITAL, SMALL: A facility with or without outside runs for diagnosis, treatment, or hospitalization of small animals including, but not limited to dogs, cats, and birds. Use as a kennel is limited to short-time boarding and may be offered only as an incidental component of the hospital use.
- 15) APPLIANCE REPAIR/INCIDENTAL SALES: An establishment primarily engaged in the repair of household appliances, with incidental sales of new and used appliances.
- 16) APPLICANT: The person or entity who applies for a land use permit, including person(s) holding legal and/or equitable title to the property; their designee, successors or assigns; their authorized agent; or a condemner who has been granted immediate possession by a court of competent jurisdiction. A public agency may also be an applicant when the land use approval sought involves land or infrastructure for which the agency is responsible. The rights and responsibilities of a land use approval are jointly and severally vested in the applicant and person(s) holding legal and/or equitable title to the property and their successors or assigns.
- 17) AUCTION SERVICE: An indoor establishment where goods, not including livestock, are sold by auction. See STOCK AUCTION YARD.
- 18) BARBER/BEAUTY SHOP: A facility, licensed by the state, where hair cutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.
- 19) BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.
- 20) BATCH PLANT: An apparatus used in the mixing of asphalt or cement products, including any auxiliary apparatus used in such mixing process. Batch plants may be sited as either permanent or temporary facilities.
- 21) BEST MANAGEMENT PRACTICES: Conservation practices or systems incorporating management measures that: (1) control soil loss and reduce water-quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (3) ensure safe use and storage of fertilizers/pesticides.
- 22) BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for non-motorized traffic.
- 23) BICYCLE REPAIR/INCIDENTAL SALES: An establishment primarily engaged in the repair of bicycles, with incidental sales of new and used bicycles, scooters, accessories, riding gear, and the like.
- 24) BIKEWAY: Facilities with rights-of-way for bicycle use, with cross flows by motorists minimized.
- 25) BIOSWALE: A vegetative area that removes pollutants from storm water runoff

as it flows through.

- 26) BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
- 27) BODY AND FENDER SHOP: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding, and major painting service. The use does not include salvage, junk, or wrecking yards.
- 28) BOUNDARY LINE AGREEMENT: A contractual agreement between two (2) abutting property owners establishing a surveyable common property boundary where no recorded surveyable boundary exists.
- 29) BUILDABLE: A lot or parcel where a building site can be physically located to meet all minimum setback requirements for structures, wells and on-site septic disposal systems, including septic system repair areas, if required.
- 30) BUILDABLE LANDS: Vacant and developed land likely to be redeveloped in urban and urbanizable areas that are suitable, available and necessary for residential uses. (See ORS 197.295)
- 31) BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios. See STRUCTURE and Section 7.1.2 for the alternate definition applicable to floodplain areas.
- 32) BUILDING ENVELOPE: The land area specified on an approved development plan within which a primary structure will be located. Or in the case of an existing primary structure, the land area within 50 feet the existing structure, unless otherwise specified on an approved development plan.
- 33) BUILDING FLOOR AREA: The maximum horizontal area of a building at the finished floor line(s), including any storage areas.
- 34) BUILDING HEIGHT: The vertical distance from the natural grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.
- 35) BUILDING MATERIALS/LUMBERYARD: A facility for stocking and selling new or used lumber, building materials, and related hardware and supplies. Establishments which exclusively sell paint and hardware are classified as "retail sales."
- 36) BUSINESS OR PROFESSIONAL OFFICE: An office of a professional providing a service to the public, including but not limited to: medical or dental offices; architectural, engineering or surveying offices; certified public accountant or tax preparer's office; realty or insurance office; or, business or computer consulting office.
- 37) CABINET, CARPENTRY AND WOODWORK SHOP: A shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.



- 38) CAMPGROUND: Generally, an area of land or water that provides facilities for temporary overnight use by tents, yurts, recreational vehicles, or other types of shelter suitable and intended for use in a temporary or seasonal manner. Accessory uses may include, but are not limited to, bathing and sanitation facilities, picnic shelters, play areas and structures, and other amenities or support facilities intended for the use of visitors and employees. Campgrounds in forest zones are regulated under OAR 660-006-0025 (4)(e) and (5). Campgrounds in Exclusive Farm Use zones are regulated under ORS 215.283 (2).
- 39) CAMPING/RECREATIONAL VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- 40) CEMETERY: A place used for internment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, or a combination thereof. See MORTUARY
- 41) CHURCH: See RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP
- 42) CLUSTER DEVELOPMENT: A subdivision in which lot sizes are reduced below those normally required in the zoning district and that concentrates buildings in specific areas in order to provide permanent open space, preserve historically or environmentally sensitive features, or to mitigate for hazardous site conditions (e.g., steep slopes, wildfire hazard areas). The County may authorize such development by permitting smaller lot sizes when a specified portion of the land is kept in permanent open space to provide natural habitat or open space uses through public or private dedication.
- 43) COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: For-profit accessory uses and activities conducted for the primary purpose of maintaining a “commercial agricultural enterprise” as defined in OAR 660-033-0020. See Sections 4.2.7, 6.3.3 and 6.4.4
- 44) COMMERCIAL USE: The retail sale of products or services, including offices. Not including factories, warehouses, freight terminals or wholesale distribution centers. (See OAR 660-022-0010)
- 45) COMMUNITY CENTER/TOWN HALL/GRANGE: A facility owned and operated by a governmental agency or a nonprofit community organization for the purpose of public assembly, provided that no permanent for-profit commercial eating or drinking facilities open to the general public are operated on the premises.
- 46) COMMUNITY COMMERCIAL KITCHEN: A public facility with a kitchen approved by the State for commercial use to prepare locally grown produce for sale (e.g., canned goods, jams, jellies, etc.).
- 47) CONDITIONAL USE: An activity that may be suitable only in specific locations, or if the site is regulated in a particular manner. See Type 3 land use permits in Section 3.1.4
- 48) CONFLICTING USE: A land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5

resource (except as in OAR 660-023-0180, (1), (b)). (See OAR 660-023-0010)

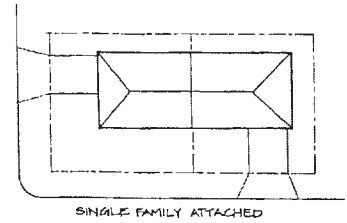
- 49) CONNECTIVITY: In transportation planning, the principal of connecting local streets to each other, collectors and arterials for purposes of increasing options available to move through an area for motorists, bicyclists and pedestrians.
- 50) CONSOLIDATION: The act of aggregating two (2) or more tax lots or tracts of land into one (1) or more parcels.
- 51) CONSTRUCTION SITE: A site on which alteration, demolition, erection fabrication, installation, or removal of any structure, facility, or addition thereto, occurs including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.
- 52) CONTIGUOUS OWNERSHIP: Lots or parcels in a single ownership that have a common boundary and that are connected in a manner that forms a single block of land. Lots or parcels are not contiguous in any zone if their common boundary is the Rogue River or Interstate Five (I-5). (See OAR 660-033-0020)
- 53) CONVENTION/EXHIBIT HALL: A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions.
- 54) COUNTRY CLUB: A for-profit organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes.
- 55) CREATION DATE: The recordation date of a document that creates a lot(s) or parcel(s), or the date of execution of an unrecorded land sale contract, deed or other instrument intended to create new lots or parcels. A lawfully created lot or parcel remains discrete unless the lot or parcel lines are vacated, or the lot or parcel is further divided as provided by law. (ORS 92.017) In addition, in resource zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract. (See OAR 660-006-0005 & 033-0020) See LAWFULLY CREATED PARCEL
- 56) CUBIC FOOT PER ACRE: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked standards the culmination of mean annual increment as reported by the USDA NRCS. Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Dept. of Forestry. (See OAR 660-006-0005)
- 57) DAY: Unless otherwise specified by this ordinance or statute, all references to days shall mean calendar days.
- 58) DAY CARE: A use that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care uses are regulated by ORS 657A. Accessory uses include offices, recreation areas, and parking. Day care does not include public or private schools. See also GROUP LIVING.

- a) Adult day care/in-home child care: A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. A structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours. (See ORS 410.495(3))
  - b) Child care center: Any facility licensed by the state that provides child care outside the providers home either as a for-profit or non-profit operation. (See ORS 657A.440)
- 59) DECISION, FINAL: A local land use decision is final once all time frames for local appeal have expired, whether or not an appeal to LUBA or the Oregon Court of Appeals has been filed. For purposes of development permitting, the date the decision is mailed to the parties, which date is set forth in the decision, is the date of the final decision of the County. If a final land use decision is appealed and subsequently remanded to the County for reconsideration, the reconsidered local decision becomes final on the date notice of the decision is mailed to the parties.
- 60) DEFERRED IMPROVEMENT AGREEMENT: A written agreement recorded with the County Clerk in which the property owner agrees to make road improvements or to contribute a fair share toward road improvements at a later date. This agreement may take the form of an irrevocable consent to participate in a Local Improvement District (LID) or may be a contract between the property owners, their successors or assigns, and the County through the Board of Commissioners.
- 61) DENSITY: A measure of dwellings or people per specified area (e.g., dwelling units per acre). Density can be expressed in either gross or net terms, to wit:
- a) Gross: The numerical value obtained by dividing the total number of dwelling units, employees, etc. in a development by the gross area of the tract or parcel of land (in acres) or gross area of a building (in square feet).
  - b) Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract or parcel of land (in acres) dedicated to the development, including common open space and associated recreational facilities within the area, private streets or roads, drainage-ways, and the like. Net density calculations exclude rights-of-way of publicly dedicated streets, areas that cannot be developed because of environmental constraints, and areas reserved for the exclusive use of non-residential components of a project.
- 62) DESTINATION RESORT: A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities, as provided for in ORS 197.435-467 and Statewide Planning Goal 8, and as approved under Section 6.3.8 of this Ordinance.
- 63) DETACHED LIVING SPACE: One (1) or more rooms designed for occupancy by one (1) or more persons either as a separate building or within a lawfully established accessory building that is not a dwelling. Structures may be plumbed, but may not contain permanent provisions that would constitute a separate dwelling unit, and must meet requirements of the most recent edition of the State of Oregon building code. See Section 6.4.4(B).

- 64) DEVELOPER: An individual or business that prepares land for development.
- 65) DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 66) DEVELOPMENT, INITIATE: Development is initiated when conditions necessary to obtain a development permit to commence a project or use approved through a land use application are met and any building or sanitation permits necessary to begin construction are obtained or, if construction is not required, that any conditions of approval have been satisfied and the use has begun. Once a land use approval has expired, any building or sanitation permits previously issued in reliance on the land use decision must be perfected to retain the right to proceed. Any activity on the property, including construction, that could be legally undertaken without first obtaining the land use approval at issue does not initiate development.
- 67) DEVELOPMENT PERMIT: Written authorization from the County to proceed with development through issuance of building or sanitation permits. See LAND USE PERMIT
- 68) DIVIDE: To separate land into two (2) or more lots or parcels for the purpose of transferring a substantial interest in land. See PARTITION LAND and SUBDIVISION.
- 69) DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors.
- 70) DRIVE-THROUGH: Service from a building to persons in vehicles or pedestrians through an outdoor service window.
- 71) DRIVEWAY: Practical, physical access that serves a single lawfully established unit of land or tract of land from: (1) a publicly maintained road or street; (2) a County approved private road; or, (3) a private access easement. Access to a single parcel or tract that traverses other private property may be considered a driveway when the parcel served has been granted an exclusive right of access easement, and no other parcel, including the parcel(s) the access traverses, uses it. See also ROAD.
- 72) DWELLING: A building, combination of buildings, or portions thereof, designed or used for human occupancy for residential purposes. See Sections 4.2.6 and 4.3.6 for additional standards applicable to dwellings in resource zones.
- a) Accessory dwelling: Accessory use to an existing single family dwelling. See Chapter 6.
- b) Co-Housing: A collection of dwellings in which each dwelling unit is individually owned, but some facilities and resources are shared by all individuals and families within the co-housing community. Such development is subject to the density provisions of the zoning district.
- c) Dwelling unit: A single unit containing no more than one (1) kitchen, and providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating,

cooking and sanitation.

- d) Multi-family: Attached housing where all dwelling units are located on the same lot or parcel. Multi-family may be owner occupied or rental housing.
- e) Rectory (parsonage): A place of residence for the pastor of a church.
- f) Single-family: A building, either detached or attached, designed or used for residential purposes by not more than one (1) family. A manufactured dwelling is considered a single-family dwelling.
- g) Single family (attached): Common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot or parcel. (See OAR 660-007 & 008-0005)
- h) Single family (detached): A dwelling unit that is free standing and physically separate from other dwelling units.



- 73) EASEMENT: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- 74) EATING ESTABLISHMENT: A for profit business serving prepared food and non-alcoholic beverages for consumption on or off the premises.
- 75) ENERGY FACILITY, SMALL SCALE: Energy production facilities that are incidental and subordinate to a principal use established on a property. These systems include, but are not limited to, solar, wind, hydrologic, and biomass systems.
- 76) ENGINEER, (LICENSED, PROFESSIONAL, OR REGISTERED): A person who is registered in the State of Oregon and holds a valid certificate to practice engineering in Oregon as provided under ORS 672.002 to 672.325.
- 77) ENGINEERING GEOLOGIST: Any Oregon Registered Geologist who is certified in the specialty of Engineering Geology. (See ORS 672.505 to 672.705)
- 78) ENGINEERING GEOLOGY REPORT: A report prepared by an Oregon Engineering Geologist. An engineering geology report must provide a detailed description of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. An engineering geology report must be prepared in accordance with the Guidelines for Preparing Engineering Geology Reports in Oregon adopted by the Oregon State Board of Geologist Examiners. The engineering geology report may incorporated into or included as an appendix to the geotechnical report.
- 79) ESEE CONSEQUENCES: In the Goal 5 context, the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. An ESEE analysis is the process by which recognition of the ESEE consequences influences the decision to limit or not limit conflicting uses.
- 80) EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.
- 81) EXCEPTION: A decision to exclude certain land from the requirements of one (1)

or more applicable statewide planning goals in accordance with the process specified in Goal 2, Part II, Exceptions. (See OAR 660-004-0000)

- 82) EXPANSION: A change in use, structure, or physical improvements that increase impacts on the surrounding area.
- 83) FAIRGROUNDS OR RODEO GROUNDS: An area where a fair, circus, or exhibition is held, or a facility for public rodeo performance that may feature bronco riding, calf roping, steer wrestling, Brahma bull riding, and other similar activities.
- 84) FAMILY: An individual, two (2) or more persons related by blood, marriage, or law; or a group of not more than any five (5) unrelated persons living together in a dwelling unit; or a combination of related and unrelated persons where the total number of unrelated persons does not exceed five (5). Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or more persons related by blood, marriage, or law are a part of the family for purposes of this Ordinance.
- 85) FARMLAND, HIGH VALUE:
- a) Land in a tract composed predominantly of soils that are:
    - (i) Irrigated and classified prime, unique, Class I or II; or
    - (ii) Not irrigated and classified prime, unique, Class I or II.
  - b) In addition to that land described above, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa. (See OAR 660-033-0020(8)(a)-(b), and (f)-(h))
- 86) FARM/RANCH OPERATION: All lots or parcels of land in the same ownership (contiguous or non-contiguous) that are used as a unit by the farm or ranch operator for farm uses defined in ORS 215.203. (See OAR 660-033-0135(11)(b))
- 87) FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products raised on such land for human use or animal use. Farm Use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission to the extent allowed by the rules adopted by the Commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the

activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3), or land described in ORS 321.267 (1)(e) or 321.415 (5). (See ORS 215.203 (2)(a))

- 88) FARM EQUIPMENT:
- a) Repair: Outdoor storage areas and/or buildings primarily used in the repair or servicing of farm tools and implements.
  - b) Sales: Outdoor storage areas and/or buildings primarily used in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies.
  - c) Storage: Outdoor storage areas and/or buildings primarily used in the long-term storage of farm tools and implements.
- 89) FARM WORKER: See GROUP LIVING
- 90) FARMING PRACTICES, ACCEPTED: The mode of operation that is common to farms of a similar nature, necessary for operation of such farms to obtain gross farm income, and customarily used in conjunction with farm use.
- 91) FARMER'S MARKET: An open air market where the majority of items offered for retail sale are locally produced fresh agricultural products available directly to the consumer as a community activity.
- 92) FEED AND SEED STORE, RETAIL (no mill): Facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items.
- 93) FINANCIAL INSTITUTION: Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses (banks, credit unions, etc.). This classification includes those institutions engaged in the on-site circulation of cash money (e.g., check cashing centers). Automatic teller machines, offices, parking, and drive-through services are accessory uses. Does not include bail bond brokers.
- 94) FIREARMS TRAINING FACILITY: An outdoor or indoor facility that provides training courses and issues certifications required: for law enforcement personnel, by the State Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting and safety. Any firearms training facility in existence on September 9, 1995 is allowed to continue operating until such time as the facility is no longer used as a firearms training facility. (See ORS 197.770)
- 95) FIREWOOD, PROCESSING: Cutting, trimming, or splitting harvested timber for use as fuel. May include a temporary portable facility for processing forest products.
- 96) FIREWOOD, RETAIL SALES: The sale of firewood that has been cut and processed off-site.
- 97) FISH HATCHERY/ FISH CULTURE/ GAME OR REFUGE MANAGEMENT:  
A facility for hatching eggs, breeding animals or fish, or land management activities in areas maintained primarily for the purpose of retaining/enhancing wildlife habitat.

- 98) FLAGPOLE: That part of a lot or parcel that is thinner than and connects the main area of the lot or parcel to a road for purposes of access. The flagpole is considered part of the total acreage of the lot or parcel. See LOT, FLAG
- 99) FLEA MARKET: An occasional or periodic market held inside a building or other enclosure where goods are offered for sale to the general public by individual sellers. Open air display of sample items offered for sale inside the market is an incidental use.
- 100) FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland waters; and/or, (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- a) Accessory Structure: A structure on the same or adjacent parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.
  - b) Addition: An improvement that increases the square footage of a structure.
  - c) Adequate opening(s) (Fences): The openings in the fence that allow flood waters to pass without creating a backwater condition.
  - d) Annual period of flood risk: Late October to May.
  - e) Area of shallow flooding: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
  - f) Area of Special Flood Hazard: The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. Also referred to as the 100-year floodplain. Designation on maps always includes the letter A. Also known as the Special Flood Hazard Area (SFHA).
  - g) Bankfull stage: The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage (top of bank). (OAR 141-085-0010(2) & 660-023-0090)
  - h) Base flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, i.e., the 100-year flood.
  - i) Base flood elevation (BFE): The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.
  - j) Basement: The portion of a structure with its floor subgrade (below ground level) on all sides.
  - k) Below-grade Crawlspace: An enclosed area below the base flood elevation in which the interior grade is not more than two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.
  - l) Building: See "Structure".
  - m) Critical facility:



- (i) Hospitals and other medical facilities having surgery and emergency treatment areas;
  - (ii) Fire and police stations;
  - (iii) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or critical or hazardous facilities or special occupancy structures;
  - (iv) Emergency vehicle shelters and garages;
  - (v) Structures and equipment in emergency-preparedness centers;
  - (vi) Standby power generating equipment for critical facilities; and
  - (vii) Structures and equipment in government communication centers and other facilities required for emergency response.
- n) Datum: The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).
- o) Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.  
Development does not include<sup>2</sup>:
- (i) Signs, markers, aids, etc. placed by a public agency to serve the public.
- p) Digital FIRM (DFIRM): Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.
- q) Encroachment: The advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a floodway which may impede or alter the flow capacity of the floodplain.
- r) Elevated building: A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- s) Existing building or structure: a structure for which the "start of construction commenced before April 1, 1982."
- t) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program (NFIP).
- u) Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.
- v) Flood Insurance Study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.
- w) Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

---

<sup>2</sup> Work exempt from Oregon Residential Specialty Code requires a Floodplain Development Permit unless specifically exempted by definition in this ordinance.

- x) Floodway: The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- y) Floodway fringe: That area of the floodplain lying outside of the floodway, but still subject to inundation by waters of a base flood.
- z) Highest adjacent grade (HAG): The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevations Certificate, FEMA Form 81-31, for more HAG information.
- aa) Historic structure: Any historic structure listed on the *Jackson County Register of Historic Landmarks* or the *National Register of Historic Places*.
- bb) Letter of Map Change (LOMC): An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:
  - (i) Letter of Map Amendment (LOMA)  
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area;
  - (ii) Letter of Map Revision (LOMR)  
A revision based on technical data showing, usually due to manmade changes, changes to flood zones, flood elevations, or floodplain and floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the special flood hazard area;
  - (iii) Conditional Letter of Map Revision (CLOMR)  
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- cc) Lowest floor: The lowest floor of the lowest enclosed area (including basement). This includes any interior finishes, all floor framing, wood floor joist systems, beams, girders, or ducts. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Specialty Codes and this ordinance. The lowest floor of a manufactured dwelling is the bottom of the longitudinal chassis frame beam in A zones.
- dd) Manufactured dwelling or manufactured home: A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The terms "Manufactured Dwelling" and "Manufactured Home" do not include a "Recreational Vehicle."
- ee) Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.
- ff) New construction: A structure for which the "start of construction"

commenced after April 1, 1982, and includes subsequent substantial improvements to the structure.

- gg) Nonresidential building: A building used for commercial, industrial, or other accessory uses. A building which is not used as a dwelling.
- hh) Priority Persistent Pollutant: A substance that is toxic and either persists in the environment or accumulates in the tissues of humans, fish, wildlife or plants. Oregon DEQ has developed a Priority Persistent Pollutant List that meets this definition.
- ii) Reasonably safe from flooding: Base flood waters will not inundate the land or damage structures and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- jj) Recreational vehicle: A vehicle which is:
  - (i) Built on a single chassis;
  - (ii) 400 square feet or less when measured at the largest horizontal projection;
  - (iii) Designed to be self-propelled or permanently towed by a light duty truck, and;
  - (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- kk) Rehabilitation & Reconstruction: An improvement to an existing structure which does not affect the external dimensions of the structure.
- ll) Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home or manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- mm) Structure: A walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.
- nn) Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.
- oo) Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:
  - (i) The appraised real market value of the structure prior to the start

- of the initial repair or improvement, or
- (ii) In the case of damage, the appraised real market value of the structure prior to the damage occurring.

The term does not include either:

- (i) A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (ii) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

For this definition, the value of improvements, modifications, additions and reconstruction of an existing building will be counted cumulatively for a period of ten (10) years.

- pp) Variance: A grant of relief from the floodplain requirements of this ordinance.
  - qq) Water dependent use: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
  - rr) Water surface elevation: The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the flood plains of riverine areas.
- 101) FLOOR AREA RATIO (FAR): The total horizontal floor area of all buildings on a lot or parcel divided by the area of the lot or parcel.
- 102) FOODS/SUNDRIES, CONVENIENCE: Any retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items for the convenience of the neighborhood.
- 103) FOREST LABOR CAMP (temporary): An area of land that provides temporary living facilities for workers employed for forest management, forestry operations, or fire suppression purposes. Portable or pre-existing sanitation, bathing and cooking facilities may be provided in conjunction with temporary living facilities, which may include tents, yurts, recreational vehicles or other types of shelter suitable and intended for use in a temporary or seasonal manner. Forest labor camps may be used throughout the term of an operation or activity (e.g., forest fire) and must cease once the operation or activity is concluded.
- 104) FORESTRY OPERATIONS: The use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels.
- 105) GARAGE: A permanently constructed attached or detached accessory structure, designed primarily for storage of personal use motor vehicles.
- 106) GENERAL MERCHANDISE/CLOTHING STORE: A use devoted exclusively to the retail sale of a commodity or commodities.
- 107) GEOLOGICAL ASSESSMENT: An assessment prepared by an Oregon

Engineering Geologist or Oregon registered professional engineer, who by training, education, and experience, is qualified in the practice geologic or soils engineering practices. The assessment shall detail the surface and subsurface conditions of a site, delineating areas of a property that may be subject to specific geologic hazards, and furnish professional analysis of information to assess the suitability of the site for development. The geologic assessment may be incorporated into or included as an appendix to the geotechnical report.

- 108) GEOTECHNICAL ENGINEER: A professional Engineer registered in the State of Oregon , who by training, education, and experience, is qualified in the practice of geotechnical or soils engineering practices.
- 109) GEOTECHNICAL REPORT: A report prepared by an Oregon Geotechnical Engineer evaluating the site conditions and recommending design measures necessary to reduce the risks associated with development and to facilitate a safe and stable development. A geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report.
- 110) GIFT/ANTIQUA/SPECIALTY SHOP: An establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have a value and significance as a result of age, design, or sentiment.
- 111) GOAL 5 PROCESS: A several step process specified by Oregon Administrative Rule intended to: identify resource sites; assess the significance of each resource site; identify uses that may conflict with the protection of significant resource sites; develop a program to protect the significant resource, as guided by an analysis of the ESEE consequences of limiting or not limiting conflicting uses; and to implement that program. (See OAR 660-023-0000)
- 112) GOLF COURSE: An area of land with highly maintained natural turf laid out for the game of golf. In an EFU zone, a golf course must include a series of nine (9) or more holes, each including a tee, a fairway, a putting green, and often one (1) or more natural or artificial hazards. (See OAR 660-033-0130(20))
- 113) GROCERY STORE: Food market, or combination food market and department store with 3,000 square feet or more of gross floor area. Establishments where a majority of the transactions are sales of prepared food for on-site or take-out consumption are classified as a commercial "eating and drinking establishment."
- 114) GROUNDWATER: Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of this State, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves. (See ORS 537.515)
- 115) GROUP LIVING: The residential occupancy of a structure by a group of unrelated people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. See also DAYCARE.

- a) Convent/monastery: The dwellings of a religious order or congregation. New convents/monasteries must comply with the density provisions of the zoning district.
  - b) Farm worker housing: Residences for individuals or families participating in the harvesting of agricultural crops. (See ORS 315.164)
  - c) Nursing/convalescent home: Facility providing care, rehabilitation services, and minor treatment for more than five (5) persons under the direction of a physician, licensed by the state. May furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanitarium.
  - d) Residential facility: A residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to 15 individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the facility. (See ORS 197.660)
  - e) Residential home: A residential treatment or training, or an adult foster home licensed by or under the authority of the State (ORS 443.400, to 443.825), a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (See ORS 197.660)
  - f) Substance abuse rehabilitation: An establishment offering resident or out-patient treatment for substance abuse patients.
- 116) GUEST RANCH: Vacation resort offering activities that are typical of ranching and offering sleeping and eating accommodations in conjunction with existing ranching operations.
- 117) GUN REPAIR: An establishment primarily engaged in the repair and modification of firearms.
- 118) HABITABLE: A house or a space in a lawfully established building for living, sleeping, eating or cooking, and in the case of a dwelling meets the definition of a dwelling established in Section 4.2.6(1) of the LDO.
- 119) HARDWARE STORE: A facility primarily engaged in the retail sale of various basic hardware items such as tools, builders' hardware, plumbing and electrical supplies, paint, glass, house wares and household appliances, garden supplies and cutlery.
- 120) HIGH VALUE FARM LAND (HVFL): See FARMLAND, HIGH VALUE
- 121) HISTORIC LANDMARK: Any historic resource, including its site or a geographic area, listed on the *Jackson County Register of Historic Landmarks*, the *National Register of Historic Places*, or as otherwise described in Section 7.1.1 (F) ASC 90-4.

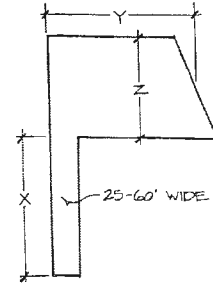
- a) Preservation, historic: The act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
  - b) Renovation/Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.
  - c) Resource, historic: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.
- 122) HOME BUSINESS: The most intensive type of home occupation, which allows up to five (5) non-resident employees. See Section 6.4.4, (D).
- 123) HOME OCCUPATION: A limited business, accessory to a residential use, allowed in noncommercial zones. The purpose of a home occupation is to make a profit in money. See Section 6.4.4, (C).
- 124) HOTEL OR MOTEL: An establishment offering six (6) or more guest rooms or units on a temporary basis, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture. This term does not include Bed and Breakfast facilities as set forth in Section 6.4.4 (D)(5).
- 125) IMPACT, ADVERSE: A negative consequence to the physical, social, or economic environment resulting from an action or project.
- 126) IMPACT AREA: A geographic area within which conflicting uses could adversely affect a significant Goal 5 resource. An impact area is used as an area of conflicting use analysis in Goal 5 review, with consideration for impacts to the identified resource and to the other existing or approved uses therein. (See OAR 660-023-0010)
- 127) INDUSTRIAL PARK: A planned, coordinated development on a tract or parcel of land with two (2) or more separate industrial buildings, which are designed, constructed, and managed on an integrated and coordinated basis. Special attention is given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space in permitting industrial parks.
- 128) INDUSTRIAL SERVICE, HIGH IMPACT: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- 129) INDUSTRIAL SERVICE, LOW IMPACT: Research and development activities, the manufacturing compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

- 130) INDUSTRIAL USE: The use of land for the manufacture, processing, storage, or wholesale distribution of products, goods or materials (not including commercial uses). (See OAR 660-022-0010)
- 131) IRRIGATED LAND: Cropland watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is “irrigated” if it is currently watered, or has established rights to use water for irrigation, including lands that receive water for irrigation from a water or irrigation district or other provider. For development review purposes, a parcel or tract within a water or irrigation district that was once irrigated continues to be considered “irrigated” even if the irrigation water was removed or transferred to another tract. (See OAR 660-033-0020(9))
- 132) KENNEL: A place of business or a facility (not including an animal clinic/hospital) in which dogs and/or cats are given training, boarded, or groomed for profit or compensation; or which is maintained by public or private funds to serve as a temporary shelter for holding lost, strayed, surrendered, or abandoned dogs and cats until disposition by redemption, adoption, or euthanasia is made.
- 133) KITCHEN: Any room, all or any part of which is designed, built, equipped, used or intended to be used for cooking food. Typically, kitchens contain a sink (excluding bar sinks), combined with a range, stove, or microwave. The size and location of counter and cabinet space (which would allow food storage), space designed to accommodate a refrigerator, location of electrical outlets in excess of those normally used for general household purposes, and separation of a plumbed area from the main living space so as to form a room not suitable for a bathroom are also determinative of whether a space is considered a kitchen for purposes of this Ordinance.
- 134) LAND DIVISION: The act or process of dividing land, or a tract that has been divided.
- 135) LANDLOCKED PARCEL: A parcel without lawful access to a road.
- 136) LANDSCAPE CONTRACTING: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such businesses may engage in the installation and construction of underground improvements (e.g., drainage facilities) as necessary to support or sustain the landscaped surface of the ground. Accessory uses may include offices, outdoor storage yards, equipment storage buildings and parking.
- 137) LAND USE DECISION: A final decision/determination that concerns the adoption, amendment or application of: (1) the Goals; (2) a Comprehensive Plan provision; (3) an existing or new land use regulation; or (4) a decision of the Planning Commission made under ORS 433.763. (See ORS 197.015)
- 138) LAND USE PERMIT: A development authorization issued in compliance with the provisions of this Ordinance, including permits issued by the County certifying a proposed development meets local or State land use standards and criteria. Permits may be time limited and include conditions that apply to future development or use of the land, regardless of ownership changes. Advisory statements issued in compliance with ORS 197.180 (e.g., land use compatibility statements) or at the request of a citizen (e.g., zoning information sheet) are not land use permits. See DEVELOPMENT PERMIT, PERMIT (See ORS 215.402)



- 139) LAUNDROMAT/DRY CLEANER, SMALL: A self-service fabric cleaning establishment, or an establishment for the drop-off and pick-up of laundry that does not dry clean on the premises, or an establishment for the custom cleaning of individual garments, fabrics, rugs, draperies or other similar items that is not a bulk or commercial type plant.
- 140) LAUNDRY/DRY CLEANER, PLANT: A plant for dry or wet cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.
- 141) LAWFULLY CREATED/ESTABLISHED: Any building, structure, use, lot or parcel that complied with land use laws and local standards, if any, in effect at the time of its creation or establishment, whether or not it could be created/established under this Ordinance.
- 142) LAWFULLY ESTABLISHED UNIT OF LAND: A lot or parcel created pursuant to ORS 92.010 to 92.190; or a unit of land created (1) in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations, or (2) by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations. "Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account. When multiple descriptions of non-contiguous parcels are included on a single deed instrument properly recorded prior to the date of enactment of this Ordinance, all parcels so described are considered lawfully established separate parcels, provided that they complied with any dimensional standards in effect at the time of execution of the deed. Similarly, when a deed instrument properly recorded prior to September 1, 1973 includes multiple parcel descriptions, all parcels so described are considered lawfully established separate parcels, regardless of their contiguity.
- 143) LIBRARY: A public facility primarily for the use of literary, musical, artistic, or reference materials. Accessory uses may include parking, offices and limited retail sales associated with the primary use.
- 144) LIMITED LAND USE DECISION: A final decision/determination relating to land within an Urban Growth Boundary that concerns; (1) a subdivision/partition; or (2) a decision based on discretionary standards that regulate the physical characteristics of a Type 1 permitted use, including site and design review. (See ORS 197.015)
- 145) LIVING SPACE, DETACHED: One or more rooms designed for occupancy by one (1) or more persons in a lawfully established accessory building that is not a dwelling. Structures may be plumbed but may not contain permanent provisions that would constitute a separate dwelling unit, and must meet requirements in the most recent edition of the State of Oregon building code.
- 146) LONG-TERM ROAD ACCESS USE PERMIT/AGREEMENT: A use permit granted by the government agency with jurisdiction over the road to permit access for development purposes.
- 147) LOT: A unit of land created by a subdivision. Except in relation to land division, "lot" is generally synonymous with "parcel" for purposes of development regulation. See DIVIDE, PARCEL, PARTITION LAND and TAX LOT.
- a) Area: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.

- b) Corner: A lot or parcel abutting two (2) roads at their intersection, or on a single road at its right angle turn.
- c) Depth: The average horizontal distance between the front lot line and the most distant rear lot line.
- d) Double frontage: A term used to describe a lot or parcel which has road frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three (3) sides. Alley access is not considered "frontage" in this context.
- e) Width: The diameter of the biggest circle that can fit entirely inside the lot boundary lines.



148) LOT, FLAG: A lot or parcel that has the bulk of its area set back some distance from a road or street and that is connected to the road or street via a thin strip of land (i.e., the "panhandle" or "flagpole"). See FLAGPOLE

149) LOT/PROPERTY LINE: The property line bounding a lot or parcel. A boundary line dividing one (1) parcel from another or dividing a parcel from a street, alley or road. As used in this subsection, lot and parcel are synonymous. See YARD.

X = FLAGPOLE LENGTH  
 Y = LOT WIDTH (AVERAGE)  
 Z = LOT DEPTH  
 $X < 2.5(Y)$  OR  $2(Z)$   
 WHICHEVER IS LESS

- a) Front: On a lot with no more than one (1) property line abutting a street or road, the lot line abutting the street or road; or in the case of a flag lot or landlocked parcel, the interior lot line most parallel to and nearest the street or road from which access is obtained. On a corner lot, the shorter lot line abutting a street or road; or, on a double frontage lot, the lot line abutting the street providing the primary access to the lot or parcel.
- b) Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, an imaginary line at least 10 feet in length located within the lot that is parallel to, and at a maximum distance from, the front lot line.
- c) Side: Any property line that is not a front or rear lot line.

150) MACHINE SHOP: Facility in which material is processed by machining, cutting, grinding, welding, or similar processing. Term includes blacksmith shop, electric motor repair, small engine repair, welding shop and gun shop. See GUN REPAIR.

151) MACHINERY/EQUIPMENT REPAIR, HEAVY: A facility for repairing equipment and selling and/or servicing heavy machinery. Material is processed by machining, cutting, grinding, welding, or similar processing. The use includes blacksmith shops and engine and motor repair shops.

152) MANUFACTURED DWELLING/MOBILE HOME: A structure or vehicle designed for use as a dwelling that is fabricated on a permanent chassis that is transportable in one (1) or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities: sleeping, living, eating, cooking, and plumbing. Mobile homes for purposes of this Ordinance are those which were constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction. The term "mobile home" does not include "camping vehicle," "travel trailer," "park trailer," "tip-out" and any other similar vehicle which is not intended, designed, or constructed to be used as a permanent residence. See DWELLING

- 153) MANUFACTURED DWELLING PARK/MOBILE HOME PARK: Any place where four (4) or more such homes are located within 500 feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is: (1) to rent or lease space for manufactured dwellings for a charge or fee paid; (2) to be paid for the rental, lease, or use of facilities for manufactured dwellings; or (3) to offer space free for location of manufactured dwellings in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps. For floodplain management purposes, any parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale is subject to the requirements of Section 7.1.2.
- 154) MANUFACTURED DWELLING/MOBILE HOME/RV SALES/RENTAL: Sale or rental of manufactured homes for occupation off-site, including incidental storage and incidental maintenance.
- 155) MANUFACTURING/PRODUCTION, HIGH IMPACT: The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials used in the manufacturing process, and may involve outdoor storage and operations. These activities may impact adjacent properties by creating noise, odor, vibration, dust, or hazards. Examples include, but are not limited to: lumber, plywood and hardboard manufacturing; rolling, drawing, or extruding of metals; and log decking, storage, and pond storage.
- 156) MANUFACTURING/PRODUCTION, LOW IMPACT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Examples include, but are not limited to: manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and pharmaceuticals; and manufacture and fabrication of components, jewelry, clothing, trimming decorations and any similar item.
- 157) MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, food, marine supplies, and marine repairs.
- 158) MEDICAL MARIJUANA: Marijuana subject to regulations pursuant to the Oregon Revised Statutes and Oregon Administrative Rules, Chapter 333, Division 8, Medical Marijuana.
- 159) MEDICAL MARIJUANA FACILITY: Any facility registered by the Oregon Health Authority pursuant to the Oregon Revised Statutes, and applicable Oregon Administrative Rules, Chapter 333, Division 8.
- 160) MEDICAL SERVICES: Uses that provide medical or surgical care to patients and offer either in-patient or out-patient care.
- a) Emergency Medical Center: A first-aid station or headquarters for an ambulance service that offers emergency outpatient treatment only.
- b) Hospital: An institution licensed by the state health department providing primary health services and medical or surgical care to persons, primarily

in-patients, suffering from illness, disease, or injury and including as an integral part of the institution related uses such as laboratories, out-patient or training facilities.

- c) Medical/Dental/Optical Clinic: A facility for examining, consulting with, and treating patients, including offices, laboratories, and out-patient facilities, but not including hospital beds for overnight care or treatment.
  
- 161) MINI-WAREHOUSE: An area or areas located within an enclosed building that provides separate storage areas for rent for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses may include living quarters for a resident manager or security, and leasing office. These uses are also called self-service storage.
  
- 162) MOBILE FOOD VENDORS: Any trailer, vehicle or wagon used for the preparation of, processing, or converting food for immediate consumption as a drive-through, or walk-up service that will remain on any one (1) site or parcel for less than a continuous 24 hours. The mobile food vendor vehicle, trailer, or wagon must be fully licensed and ready for highway use. The mobile food vendor, vehicle or wagon is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
  
- 163) MODIFY/MODIFICATION: Making a limited change in something without altering its primary purpose.
  
- 164) MORTUARY: A facility where dead bodies are prepared and stored prior to burial or cremation and where funeral services may be conducted. A caretaker's residence may be an accessory use. See CEMETERY
  
- 165) MOTOR VEHICLE:
  - a) Impound facility: A facility that provides temporary outdoor or indoor storage for motor vehicles to be claimed by titleholders or their agents. No vehicle may be stored for more than 45 days and must remain licensed at all times.
  - b) Sales/rental: Sale or rental of all-terrain vehicles, automobiles, motorcycles, snowmobiles, trucks, trailers, boats, and similar equipment, including incidental storage and incidental maintenance.
  - c) Service/repair: The use of a site for the repair of automobiles, commercial and noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. The use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, but does not include body or fender shops, dismantling, or salvage.
  - d) Storage: Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings. See MINI-WAREHOUSE
  - e) Washing/detailing: A facility for the washing, steam cleaning, and detailing of passenger automobiles and non-commercial trucks, including a self-service operation. When installed and operated in conjunction with another use, including a service station, only equipment installed solely for the purpose of washing and cleaning of automobiles is permitted.

- 166) MUSEUM: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing. Accessory uses may include parking, offices, and limited accessory retail sales associated with the primary use.
- 167) NATURAL GRADE/SLOPE: The grade or elevation of the ground surface that exists or existed prior to man-made alterations such as grading, grubbing, filling, or excavation.
- 168) NONCONFORMING: Something that was established (lawfully or otherwise) prior to adoption of a zoning regulation that would now prevent it. A building, structure, lot, parcel or use may be rendered nonconforming by subsequent adoption of zoning regulations. See CHAPTER 11 "NONCONFORMITIES"
- 169) NONRESOURCE LAND: Land not subject to the statewide goals listed in OAR 660-004-0010, (1), (a - f), except subsection (c). Generally, lands that are not subject to statewide planning goals 3 (Agriculture) or 4 (Forest), or for which an exception to those goals has been taken are included. Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources) is however applicable. See RESOURCE LAND (See OAR 660-004-0005)
- 170) OFFICE USE, COMMERCIAL: Uses characterized by activities conducted in an office setting and generally focused on the affairs of a business, profession, service industry or government. Office uses may include limited incidental sales of goods related to the business or profession. If goods or merchandise sold, either from the premises or for delivery off site, constitutes more than 20% of gross business revenue, the use is classified as a retail establishment. See PERSONAL SERVICE/SERVICE RETAIL.
- 171) OUTDOOR STORAGE AREA: The keeping of personal or business property, or motor vehicles off a right-of-way in an open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.
- 172) OWNER/LANDOWNER: A person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or an entity purchasing a parcel of property under written contract.
- 173) PARCEL: A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect; or (3) validation of an unlawfully established unit of land under Section 10.2.1(C) of this Ordinance. The term parcel does not include a unit of land created solely to establish a separate tax account. (See ORS 92.010, 92.176 and 215.010) See DIVIDE, LOT, PARTITION LAND, TAX LOT, and Chapters 3 and 10 of this Ordinance.
- 174) PARK-AND-RIDE LOT: A facility designed for parking the personal vehicles of persons traveling to and from work using carpools, vanpools, buspools, or mass transit.

- 175) PARKING AREA, COMMERCIAL: The temporary storage of vehicles on an hourly, daily or monthly basis not associated with a specific use, even if the operator leases the facility from the principal use or charges a fee to the individuals who park in the facility. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a “commercial parking area.”
- 176) PARKS/RECREATION AREAS: Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker’s quarters, and parking. See AMUSEMENT ESTABLISHMENT
- 177) PARTITION LAND: To divide land to create two (2) or three (3) parcels within a calendar year, not including: (1) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (2) the division of land resulting from the recording of a subdivision or condominium plat; (3) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes continues to be considered a single unit of land until such time as a subdivision or partition is approved by the County; (4) a sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property; (5) adjustment as defined in this Section in compliance with Section 3.4; (6) the surveying or deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use; (7) issuance of a mining patent or other lot created by the federal government; or (8) the creation of two (2) or more tracts or parcels of land by description in a single deed unless it is determined by the Director that said tracts or parcels of land were conveyed in fee separately prior to September 1, 1973, and provided that the tracts or parcels are identical to those separately conveyed prior to September 1, 1973. See also Section 3.3.1(B) (See ORS 92.010(9))
- 178) PAVEMENT/PAVE/PAVING: Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.
- 179) PAWN SHOP/SECOND HAND STORE: A facility for the sale of second hand or used household or commercial items. No outside display is permitted. A facility for the sale of recycled building materials is not a second hand store. See BUILDING MATERIALS/LUMBERYARD
- 180) PERMIT: Any approval granted as the result of a Type 1 ministerial review as described in Section 3.1.2 and any approval granted as the result of a Type 2, Type 3 or Type 4 discretionary review as described in Sections 3.1.3, 3.1.4 and 3.1.5, respectively. Only Type 2, Type 3 and Type 4 approvals are land use decisions within the meaning of ORS 215.402. This distinction governs regardless of the terms used elsewhere in this Ordinance to describe any given approval. (See ORS 215.402)

- 181) PERSONAL SERVICE/SERVICE RETAIL: An establishment or place of business primarily engaged in the provision of frequent or recurrent services to individuals on site, who may receive services by appointment or as walk-in customers. Such uses include but are not limited to: photocopy and blueprint service, beauty/barber shops, seamstress/tailor shops, massage/day spas. Sale of goods related to the services offered is an accessory use and may not exceed 20% of the establishment's gross revenue when the zoning district in which the use is located does not also allow retail commercial (i.e., shops/stores). Business services such as accounting, legal services and advertising are not included but are instead classified as office uses. See OFFICE USE, COMMERCIAL
- 182) PET SHOP: An establishment or facility for the display and sale of small animals, fish, and birds as pets, but not involving commercial boarding, grooming or medical treatment of any animal, fish, or bird.
- 183) PLAN, TENTATIVE: A diagram or drawing of a proposed land partition or subdivision illustrating the proposed layout of lots, location of roads, easements and common areas, which is submitted as part of an application for a land division. The term "preliminary map" may be used to refer to maps prepared for discussion purposes and are not "tentative plans" required by this Ordinance. See PLAT, FINAL
- 184) PLANNED COMMUNITY: A large scale development with the following essential features: a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a single development entity; privately held, in-common ownership of recreational amenities; and enforcement of deed declarations, conditions, and restrictions (CC&Rs) by a community/homeowners association.
- 185) PLANNED UNIT DEVELOPMENT (PUD): A residential, commercial, industrial, or mixed use development consisting of units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Uses within planned unit developments are integrated with each other and the site ■ creating areas for open space and preservation of natural features along with mixtures of housing types and land uses.
- 186) PLANT NURSERY: Land used for growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building that do not exceed 20% of the combined wholesale and retail sales volume during any year. Examples of incidental items offered for sale include decorative structures/materials, packaged fertilizer, decorative stone and related materials.
- 187) PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land division, or a parcel approved by a County decision pursuant to Section 10.2.1(C) or (D), that has been prepared for recordation. (See ORS 92.010 (9) and (18) and 92.176(5))
- 188) PLOT PLAN: A diagram or drawing prepared to scale that illustrates the placement, location and dimensional relationship between existing and proposed structural improvements, septic systems and wells on a plot of land.

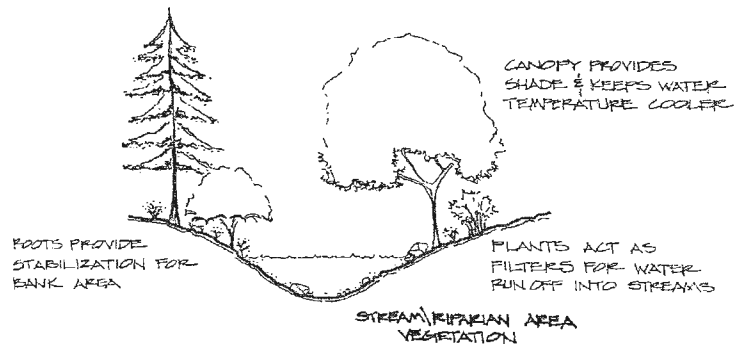
- 189) PLAYGROUND: An area developed for active play and recreation owned or operated by a private entity, public agency, or school district, and available to the general public. Playgrounds may include restroom and other support facilities.
- 190) POST ACKNOWLEDGMENT PLAN AMENDMENT (PAPA): The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation.
- 191) POST OFFICE SUBSTATION: A commercial or public use that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
- 192) PREEXISTING: Something that was lawfully established prior to adoption of current zoning regulations and which could be permitted under those regulations if applied for under current regulations. A building, structure, lot, parcel or use may be preexisting. See Section 1.7.5.
- 193) PROPANE GAS/FUEL OIL DISTRIBUTOR: An establishment for the sale and distribution of fuel oil and gases, including propane.
- 194) PROPERTY LINE: The division line between two (2) units of land. (See ORS 92.010) See LOT/PROPERTY LINE
- 195) PROPERTY LINE ADJUSTMENT: The relocation or elimination of all or a portion of a common property line between abutting lots or parcels that does not create an additional lot or parcel. (See ORS 92.010) See BOUNDARY LINE AGREEMENT, PARTITION LAND.
- 196) PUBLIC: As used in this Ordinance, the term “public” means owned and operated by a governmental or tax supported entity or a private entity that provides a utility service available to the general public. See QUASI-PUBLIC USE/FACILITY
- 197) PUBLIC ASSEMBLY: A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities excluding air shows. Does not include places where people congregate for short periods of time such as parking lots, bus stops, or uses approved by the FAA in an adopted airport master plan. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking and maintenance facilities. Banquet halls that are part of hotels or restaurants are accessory to those uses; theaters or other recreation/entertainment uses conducted on a continuous basis are classified as commercial uses. (See OAR 660-013-0020)
- 198) PUBLIC BODY: Any city, county, school district, special district, or other political subdivision or municipal or public corporation and any state or federal agency.
- 199) PUBLIC TRANSPORTATION STOP: Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services



- 200) PUBLIC TRANSPORTATION, TERMINAL AND STATION: Passenger terminals for regional bus and rail service, and bus and rail service stations for subregional service (e.g., mass transit transfer points and park-and-ride facilities). Includes freight handling areas, concessions, offices, parking, maintenance and fueling facilities.
- 201 service uses publically owned and operated, or operated by nonprofit organizations within publically owned buildings. Regardless of ownership, hospitals and cemeteries are public uses. See QUASI-PUBLIC USE/FACILITY
- 202) PUBLIC WORKS/BUILDINGS/FACILITIES: Buildings and uses of a public works, public service, or public utility nature, but only including equipment storage or repair yards, warehouses, or related activities when fully conducted within an enclosed building.
- 203) QUASI-PUBLIC USE/FACILITY: A use conducted by, or a facility or structure owned or operated by a nonprofit, religious, or charitable institution that provides community service, cultural, educational, recreational, religious, or similar types of public services. See PUBLIC USE/FACILITY
- 204) RACING FACILITY, COMMERCIAL MOTORIZED: Facility for motorized races, including, but not limited to, closed course, straight-away, and/or acceleration runs. Drag strip, go-cart tracks and motor cross tracks are included.
- 205) RECREATION/SPORTS CLUB, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain athletic and other facilities normally provided in a public park or playground.
- 206) RECREATION/SPORTS CLUB, PUBLIC: A recreation center or sports club for use by the general public, including indoor and outdoor facilities. Recreation or sports clubs that are restricted to private membership are classified as a commercial use (recreation and entertainment).
- 207) RECREATIONAL VEHICLE: See CAMPING/RECREATIONAL VEHICLE
- 208) RECREATIONAL VEHICLE PARK OR CAMPGROUND: See CAMPGROUND
- 209) REGISTERED GEOLOGIST: A person who is registered as a geologist in Oregon under the provisions of ORS 672.505 to 672.705.
- 210) RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP: Uses include meeting areas for religious activities, Sunday school facilities, parking, and related incidental uses. The term includes but is not limited to churches, temples, synagogues, mosques. K-12 church affiliated schools, work-week day care facilities, and caretaker's or pastor's housing are not allowed as incidental or accessory uses, but instead require separate land use permits when sited in association with a religious assembly use.
- 211) REMAND: As used in this Ordinance, remand refers to actions by the Land Use Board of Appeals or State court that directs the County to reconsider a final land use decision. (See ORS 197.835)

- 212) RENTAL FACILITIES/EQUIPMENT RENTALS: An establishment primarily engaged in the rental of tools, automobiles, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Includes the incidental storage, maintenance, and servicing of rental equipment.
- 213) REPLAT: The act of platting lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots or parcels. Neither a property line adjustment between two (2) lots on a recorded plat nor a partition of an existing lot are replats. See PLAN, TENTATIVE (See ORS 92.010)
- 214) RESOURCE LAND: Any farm or forest land subject to the statewide goals in OAR 660-004-0010, (1), (a - f) except subsection (c). Uses on resource lands are described in Chapter 4 of this Ordinance. (See OAR 660-004-0005)
- 215) RESTAURANT, LIMITED SERVICE: A restaurant serving only nonperishable beverages and individually portioned prepackaged foods prepared from an approved source by a commercial processor. (See ORS 624.010)
- 216) RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm water main, street trees, or other special use designed and intended to benefit the public.
- 217) RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.
- 218) RIPARIAN AREA: The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. (See OAR 660-023-0090)

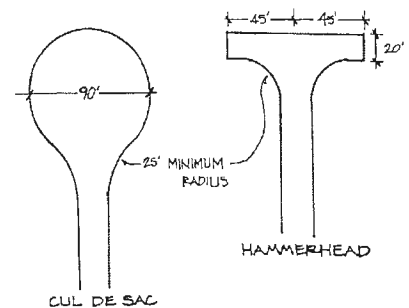
- 219) RIPRAP: A layer, facing, or protective mound of rubble (e.g., broken concrete) or stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.



- 220) ROADS: An improved thoroughfare created to accommodate vehicular transportation, but not including bicycle paths or driveways. See also DRIVEWAY

A) **General Terms**

- 1) Cul-de-sac: A local or limited use local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.
- 2) Hammerhead Turnaround: A "T" or "L" shaped dead-end street that allows for vehicles to reverse directions without using private property. Hammerhead turnarounds



are often coupled with partial street improvements where a cul-de-sac would have been required if the entire street was initially developed.

3) Partial Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street has been, or could later be, provided by another adjacent development.

4) Street: For purposes of this Ordinance, road and street are synonymous unless the context requires otherwise. A street is any vehicular way that: (1) is an existing municipal roadway; or, (2) is shown on a subdivision or partition plat approved pursuant to law. A street may be either dedicated for public or private use. A "local street" is a small-scale, low-speed thoroughfare designed primarily to provide access to commercial, residential and light industrial developments to higher level roads or streets (e.g., collectors, arterials). A street is urban in character with raised curbs, closed drainage, wide sidewalks, parallel parking, trees planted along the right-of-way, and buildings aligned on short setbacks.

5) Street Plug/Reserve Strip: A recorded instrument or physical strip of land that is used to control or prevent access to a public road.

6) Stubbed Road: A road having only one outlet, but which, unlike a cul-de-sac, is intended to be extended or continued.

7) Through Road/Street: A street that connects to another street in order to ultimately connect to a higher order transportation facility (e.g., arterial).

B) **Public Road Terms**

1) Arterial: Roads designed to move traffic as efficiently as possible. Direct access from adjoining properties is restricted and may be prohibited entirely. Arterials often have more than two (2) traffic lanes, no on-street parking, higher speed limits, and are controlled with traffic lights rather than stop signs.

2) Bureau of Land Management Road: A federally owned easement or public right-of-way maintained by the Bureau of Land Management (BLM). The primary purpose of a BLM road is to provide access to federally owned land for resource management or recreational purposes.

3) Collector Road: Roads designed to collect traffic from local streets and funnel it onto arterial roads, where it can move rapidly and efficiently to its destination. Collectors provide some access, but are primarily intended to move traffic. Collectors are usually wider than local roads or streets, have a moderate speed limits and may not provide on-street parking.

4) County Road: A public road under the jurisdiction of and maintained by a county that has been designated as a county road under ORS 368.016.

5) Dedicated Way: A form of local access road dedicated to the public for residential purposes but not maintained by the County or any other public entity. At the time of creation, dedicated ways were shown on a map or plat approved by the County, and recorded in the records of Jackson County.

6) Frontage Road: A road parallel and adjacent to an arterial or other limited access road or a railroad right-of-way, which is designed and developed expressly to provide access to abutting properties in lieu of access being taken from the higher order transportation facility.

7) Local Access Road: A public roadway designed to provide access to adjoining properties and move local traffic onto collectors. Such roads usually have only two (2) lanes, and lower speed limits. A local access

road is dedicated to the public for access but is not part of a public maintenance or improvement program and is not maintained by the County or any other public entity.

8) Principal Arterial: A road which provides for through traffic between major centers of activity in urban, suburban, and rural areas.

9) Public Road: A road over which the public has a right of use that is a matter of public record. (See ORS 368.001)

10) State Highway: A public road under the jurisdiction of the State of Oregon. Most State highways are also maintained by the State in their entirety.

11) U. S. Forest Service Road: A Federally owned easement or right-of-way maintained by the Forest Service, the primary purpose of which is to provide access to Federally owned land.

C) ***Private Road Terms***

1) Private Access Easement: A private accessway, either existing or newly created, which serves two (2) or more EXISTING lawfully established units of land.

2) Prescriptive Easement: A right of access acquired through the uninterrupted use of another's land. A court order is required to establish a legally binding prescriptive access easement.

3) Private Road: A County approved private accessway, either required through a land division process or requested through a private road review, which serves two (2) to twenty-five (25) lots or parcels. A private road remains part of the property acreage it crosses and is considered that portion of the lot or parcel used for access purposes as described by an easement. Private roads are not maintained by the County, nor will the County contract for their maintenance.

4) Way of Necessity (gateway road): An accessway from a public road to land that would otherwise have no access, or a landlocked parcel. An official action of the courts is required to establish an easement granting a way of necessity through public or private property.

221) RURAL COMMUNITY: An unincorporated community primarily composed of permanent residential dwellings, which includes at least two (2) other uses that provide commercial, industrial, or public services (e.g., schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area. (See OAR 660-022-0010)

222) RURAL LAND: Those areas outside Urban Growth Boundaries or Urban Unincorporated Communities that are not suitable, necessary or intended for urban use and that are: agricultural, forest or open space lands; or, other lands suitable for sparse settlement, small farms or acreage home sites with no or hardly any public services.

223) RURAL SERVICE CENTER: An unincorporated community comprised primarily of commercial or industrial uses that provide goods and services to the surrounding rural area or to persons traveling through the area that also includes some permanent residential dwellings. (See OAR 660-022-0010)

224) SAFE HARBOR: An optional course of action that satisfies certain Goal 5 requirements under a standard process. Safe harbor requirements in lieu of addressing specific requirements in the standard Goal 5 process (e.g., identify significant riparian corridors using safe harbor criteria in OAR 660-023-0090, (5)

rather than requirements for determining significance in OAR 660-023-0030, (4), or, adopt a wetlands ordinance meeting OAR 660-023-0100, (4), (b) in lieu of an ESEE process in OAR 660-023-0040). (See OAR 660-023-0020)

- 225) SAFETY SERVICE: Publicly owned uses that protect public safety and provide emergency response services such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service. Safety services often need to be located in or near the area where the service is provided and employees are regularly present on-site on a 24-hour basis.
- 226) SANITARY SERVICE INSTALLER: A business that installs or repairs subsurface sewage disposal systems.
- 227) SCHOOLS: Public and private schools at the primary, elementary, junior high, or high school (K-12) level that provide state mandated basic education, and institutions of higher learning. Secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree are also included. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Preschools are classified as commercial day care. See STUDIO
- a) College/University: An institution other than a business or trade school that provides full-time or part-time education beyond high school.
  - b) Commercial/Business: A business enterprise offering instruction and training in a service, or trade such as barber, beauty, machinery operation, real estate, secretarial, welding, and other similar trades.
  - c) Kindergarten: Public or private school or class for children usually from four (4) to six (6) years old.
  - d) Satellite Campus: An area of land making up the grounds of a college or university that is not physically contiguous to the main campus.
- 228) SEMINARY: A religious institution for the training of candidates for the priesthood, ministry, rabbinate or similar callings.
- 229) SENSITIVE FISH AND/OR WILDLIFE HABITAT: Areas identified as important to the survival of a plant or animal species, or group of species.
- 230) SERIES PARTITION: Multiple partitions of a single tract of land resulting in the creation of four (4) or more parcels over a period of more than one (1) calendar year. (See ORS 92.305)
- 231) SERVICE STATION: Commercial facility that offers petroleum products and limited vehicle repair service to the public, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories, and prepared food and beverages for off-site consumption. Body and fender work or repair of heavy trucks or vehicles are excluded.
- 232) SETBACK: The distance from a right-of-way or easement boundary of a public or private road or other easement, or the distance from a lot line to the nearest point of a structure. See LOT, ROAD and Section 8.5
- 233) SEWERAGE FACILITY OR SEWAGE FACILITY: The sewers, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, or other wastes.

- 234) SEWERAGE FACILITY, COMMUNITY: A sewerage facility, whether publicly or privately owned, which serves more than one parcel, and serves a predetermined level of development within a specific geographic area.
- 235) SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility serving a single parcel for the purpose of disposal of domestic waste products.
- 236) SEWERAGE FACILITY, PUBLIC: A sewerage facility which serves two (2) or more uses for the purpose of disposal of sewage, and is provided for or is available for public use.
- 237) SEWER SYSTEM: A system that serves more than one (1) lot or parcel, or more than one (1) condominium unit, or more than one (1) unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. Does not include a system provided solely for collection, transfer and/or disposal of storm water runoff, or animal waste from a farm use as defined in ORS 215.303. (See OAR 660-011-0060(1)(f))
- 238) SEWER SYSTEM, COMMUNITY: A sewage disposal system for at least 15 permanent dwelling units, including manufactured homes, within an unincorporated community. (See OAR 660-022-0010)
- 239) SHOOTING RANGE: The use of a structure or land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.
- 240) SIGN AREA AND USE: Any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign structure, display surface and all other component parts of a sign. When the dimensions of a sign are specified, the term includes panels and frames on all visible sides. (See ORS 377.710)
- a) Billboard/Outdoor Advertising sign: Typically, these signs direct attention to a business commodity, or other activity which is sold, offered or conducted elsewhere than the premises upon which the sign is located. Outdoor advertising signs may also include display of ideas, opinions or information of any nature meant for review by the public. SEE DIRECTIONAL SIGN
  - b) Banner sign: A temporary sign having characters, letters or illustrations applied to cloth, paper or fabric of any kind, with only such non-rigid material for backing. Banner signs are non-structural and do not require building permits. See TEMPORARY SIGN
  - c) Building sign: A sign affixed to an exterior wall of a building, including but not limited to signs mounted flush with or projecting from a building wall, murals, awnings, or other architectural features that contain messages.
  - d) Directional: A sign with the primary purpose of providing directional information to: a business or activity; publicly or privately owned natural phenomena; or historic, cultural, scientific, educational and religious sites; or areas of natural scenic beauty; or areas naturally suited for outdoor recreation of interest to the traveling public.

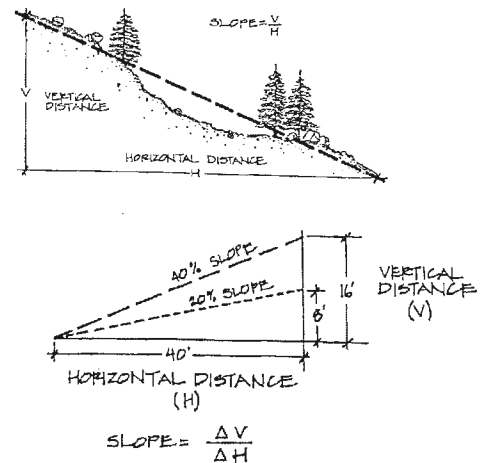
- e) Double Face: A sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.
- f) Free-Standing: A sign that is not affixed to a building or other structure, including pole-mounted signs and monument signs mounted in the ground.
- g) Identification (business): A sign that identifies a business and displays only information necessary to adequately describe the business and the direction and distance to it.
- h) Marquee: A permanent, roofed, unenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.
- i) Off-premise sign: A sign that provides directions to a business, commodity, industry, or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located. See BILLBOARD/ADVERTISING.
- j) On-premise sign: A sign that directs attention to a business, commodity, industry, or other activity which is sold, offered, or conducted on the premises upon which the sign is located.
- k) Temporary Sign: A non-illuminated sign without permanent footings, but which is securely attached to an adequate anchorage. Temporary signs larger than 12 square feet must be converted to a permanent sign once emplaced for more than six (6) months. See BANNER SIGN

241) SIGNIFICANT OUTBUILDING: An accessory building valued at 20% or more of the value of the primary structure on a property, or any accessory building over 400 square feet in size. For purposes of determining percentage of market value of the primary structure, the most current value as shown in the County Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal is used.

242) SIMILAR USE: A use that has the same characteristics as the specifically cited use in terms of: trip generation and type of traffic, parking and circulation, lighting and noise impacts, public service and utility demands, environmental impacts, physical space needs, and clientele.

243) SITING STANDARD: A clear and objective land use regulation that directs the physical location of a new or replacement building or structure on a parcel. See CHAPTER 8.

244) SLOPE: The inclination of the natural earth's surface expressed as a ratio of the horizontal (H) distance to vertical (V) distance. Slopes are expressed as a percentage. The percentage of slope refers to a given rise in elevation over a given run in distance, multiplied by 100 ( $V/H \times 100$ ). For example, a 40% slope is a 40-foot rise in elevation over a distance of 100 feet ( $40/100 \times 100$ ). A 100% slope equals a 45 degree angle.



245) SLOPE EASEMENT: An area adjoining a road that is affected by a road fill or cut, but is not within the road easement or right-of-way.

246) SOIL ASSESSMENT: An assessment prepared by an Oregon registered

professional engineer or engineering geologist, who is qualified to evaluate soils for development suitability. The assessment shall include, but is not limited to, the soil's class of shrink-swell potential and furnish professional analysis of the information to assess the suitability of the site for development. The assessment shall also recommend design measures necessary to reduce the risks associated with development and to facilitate a safe and stable development.

- 247) SOIL, EXPANSIVE: Soils with a moderate to severe degree of shrink-swell potential, as identified in *Table 9, Building Site Development*, of the NRCS *Soil Survey of Jackson County Area, Oregon*, issued August, 1993.
- 248) SOIL, SHRINK-SWELL POTENTIAL: The potential for volume change in a soil with a loss or gain in moisture. Shrink-swell classes are based on the change in length of an unconfined clod as moisture content is increased from air-dry to field capacity. The change is based on the soil fraction less than two (2) millimeters in diameter. *Table 14, Physical and Chemical Properties, Soil Survey of Jackson County, Oregon* issued August, 1993, identify the classes of shrink-swell potential. The classes are *low*, a change of less than 3%; *moderate*, 3% to 6%; and *high*, more than 6%. *Very high*, more than 9%, is sometimes used. If shrink-swell is rated moderate to very high, shrinking and swelling can cause damage to buildings, roads, and other structures. *Table 9, Building Site Development*, of the above referenced soil study, shows the degree of soil limitation for development. A moderate degree of shrink-swell potential are those soils with properties or conditions not favorable to structures, residential and commercial, and special design or maintenance is needed to overcome or minimize the limitations. A severe degree of shrink-swell potential are those soils with properties or features so unfavorable or difficult to overcome that special design or maintenance is required. Soils identified as having a sever-moderate limitation will be considered as having a severe limitation to buildings.
- 249) SOLAR ORIENTATION: The layout and design of parcels and siting of a structure on building lots in order to take advantage of solar insulation for use of the sun as an energy source.
- 250) START OF CONSTRUCTION: Following issuance of a building permit, the first placement or permanent construction of a building or structure on a site, such as the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a mobile home on a temporary or permanent foundation. Installation of a septic system that will serve a permanent use is included in this term. Start of construction does not include: land preparation, such as clearing, grading, and filling; installation of streets, roads or walkways; excavation for a basement, footings, piers or foundations, or the erection of temporary forms. See DEVELOPMENT, INITIATE
- 251) STEEP SLOPE: Slopes greater than 20%.
- 252) STOCK AUCTION YARD: Facility for public sale to the highest bidder of animals, including but not limited to, horses, cows, and sheep. Term does not include slaughtering, rendering, or tannery operations.
- 253) STREAM: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. (See OAR 660-023-0090)



- a) Bankfull stage (top of bank): The stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage. (See OAR 141-085-0010(2) & 660-023-0090)
  - b) Class 1: Waters that are valuable for domestic use, are important for angling or other recreation, or are used by significant numbers of fish for spawning, rearing, or migration routes as identified by the State of Oregon. Stream flows may be perennial or intermittent.
  - c) Class 2: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as identified by the State. They are used by few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flows may be perennial or intermittent.
  - d) Fish-bearing: Watercourses where fish eggs are deposited and fertilized, where gravel emergence occurs and where at least some juvenile development occurs. Fish-bearing streams may be intermittent (e.g., seasonal) or perennial.
- 254) STREET TREES: Any tree located within a street right-of-way or private street easement that is listed in the User's Guide as appropriate for use along streets.
- 255) STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as the foundation, bearing walls, columns, beams, girders, floor or ceiling joists, or rafters.
- 256) STRUCTURE: A building or other major improvement that is built, constructed, or installed, not including minor improvements such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances. For land use regulatory purposes, the term structure also includes gas or liquid storage tanks and anything of substantial value that requires permanent location on the ground. Swimming pools, fences, uncovered patios, tents, vehicles and travel trailers are not however considered structures. A permanent structure is built of materials in a manner that would commonly be expected to remain useful for a substantial period of time. A temporary structure is built of materials in a manner that would commonly be expected to have relatively short useful life, or is built for a purpose that would be expected to be relatively short-term in duration. (See OAR 660-023-0090 or Section 7.1.2 for alternate definition applicable to floodplain areas).
- 257) STUDIO - ART/ DANCE/ MUSIC/ SKILLS: The instructing, coaching, or counseling in art, music, ceramics, drama, photography, speech, dance, martial arts, gymnastics or similar personal skills or arts. A facility where custom, artistic or decorative objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art are created.
- 258) STUDIO - BROADCAST/RECORDING: A facility for broadcasting live or pre-recorded programs by radio or television; or for recording performances on records, tapes, video tapes, or other suitable recording media. Activities necessary for recording programming and receiving radio or television signals are included but the facility may not engage in manufacture of consumer

products.

- 259) SUBDIVIDE LAND: To divide an area, parcel, or tract of land to create four (4) or more lots within a calendar year. See DIVIDE (See ORS 92.101)
- 260) SUBDIVISION: The act of dividing land into four (4) or more lots or parcels within a calendar year, or an area or a tract of land subdivided as defined above. (See ORS 92.010)
- 261) SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
- 262) SUBSTANTIAL CONFORMANCE: The situation when a development that was approved through a permit or tentative plan complies with or meets the objectives, standards, guidelines, and conditions for that permit or tentative plan.
- 263) SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- 264) SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: before the improvement or repair is started; or, if damaged, the value of the structure to be restored prior to being damaged. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. For purposes of determining percentage of market value of the structure, the most current value as shown in the Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal is used. The term does not, however, include: any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or, any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. See START OF CONSTRUCTION
- 265) SUBSTANTIAL MODIFICATION: A change or alteration that significantly alters the impacts or character of a structure, development, or activity. See SIMILAR USE
- 266) SWIMMING POOL, PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family or multiple-family dwellings.
- 267) TANNING SALON: A business that uses artificial lighting systems to produce a tan on an individual's body. This use excludes spas, gymnasiums, athletic and health clubs.
- 268) TAX LOT: A unit of land created by the County Assessor for the purpose of taxation or at a property owner's request. See DIVIDE, LAWFULLY ESTABLISHED UNIT OF LAND, PARCEL, and Chapters 3 and 10.
- 269) TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT:

Unattended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

- 270) TEMPORARY: Temporary means 30 days or less in any 12-month period, unless otherwise specified by a provision of this Ordinance.
- 271) TEMPORARY FIELD OR CONSTRUCTION OFFICE: Office and temporary material storage facilities employed in connection with development of property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.
- 272) TEMPORARY MEDICAL HARDSHIP: Use of a mobile home, manufactured dwelling, or converted frame structure which is used as an additional dwelling on the same parcel for an infirm or disabled person who requires care according to certifications by Oregon licensed medical doctors or a responsible state licensed medical agency, or for the person providing that care. A recreational vehicle (RV) may be used during the term of a temporary medical hardship.
- 273) TENT/TEPEE: A fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent residential, commercial or industrial purposes. See YURT
- 274) THEATER: A structure used for showing motion pictures, or for dramatic, dance, musical, or other live performances.
- 275) TIME COMPUTATION: Time deadlines in this Ordinance are computed by excluding the first day and including the last day. If the last day is Saturday, Sunday, or other state legal holiday, the time frame is computed to extend to the next working day. See DECISION, FINAL (See OAR 661-010-0075)
- 276) TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.
- 277) TRACT: One (1) or more contiguous lots or parcels in the same ownership. (See OAR 660-033-0020, and ORS 215.010, (2))
- 278) TRANSMISSION FACILITY: Any facility constructed across contiguous zoning districts for the purpose of transmitting or transporting in any form; energy resources, telecommunications, persons, or goods (e.g., highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines). In particular, the following specifically-defined types of facilities are included: electric power transmission facilities carrying 115 KV or greater; gas pipelines carrying 300 psi capacity or greater; and new highway construction or improvements to existing highways that result in an increased traffic volume of 5,000 vehicles/day. Underground water pipelines, sewer trunk lines, and cable television facilities are not included. This definition also does not apply to facilities that have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities are located. See ROAD
- 279) TRANSMISSION (TELECOMMUNICATIONS) TOWER: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.

- a) Building mounted towers: Any building-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a telecommunications antenna or similar apparatus above ground.
  - b) Co-location: Attachment of additional antenna or other receiver or transmitter to an existing monopole or transmission tower.
  - c) Concealed towers (stealth): Artificial trees, clock towers, and similar nontraditional structures that are compatible with the existing setting or structures and camouflage or partially conceal the presence of antennas or towers. This includes any antenna or array attached as part of the design of the structure.
  - d) Freestanding towers: Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a telecommunications antenna or similar apparatus above ground level.
- 280) TRANSPORTATION IMPROVEMENTS: Individual modal or multi-modal conveyances and terminals that may be provided by a private entity or by a local, regional, state, or federal government (e.g., highways, bridges, culverts, streets, roads and pedestrian accessways). Accessory uses include maintenance yards, stockpile sites, weigh stations, or rest areas.
- 281) TREE SPECIES, COMMERCIAL: Trees recognized under rules adopted under ORS 527.715 for commercial production. *(See OAR 660-006-0027(5)(b))*
- 282) TREE TOPPING/SEVERE PRUNING: The severing of the trunk or cutting back of the trunk or a limb to a stub larger than three (3) inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- 283) TRUCK TERMINAL/FREIGHT FORWARDING FACILITY: An area and building where buses, trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.
- 284) UNINCORPORATED COMMUNITY: An unincorporated settlement outside the UGB of any city and composed primarily of land that has been identified as subject to a Goal 3 or 4 exception (or both). Unincorporated communities may be identified by the County (as urban or rural communities, service centers, rural centers, or resort communities), or listed in the DLCD 1-30-97 *Survey of Oregon's Unincorporated Communities*. *(See OAR 660-022-0010)*
- 285) URBAN CONTAINMENT BOUNDARY (UCB): A site specific line appearing on the Official Comprehensive Plan and Zoning Maps of Jackson County that encompasses unincorporated urban and urbanizable lands that: have been determined to be suitable for infill development but not outward expansion; and are or can be economically served with basic urban level facilities and services within the parameters of the policies of the Jackson County Comprehensive Plan.
- 286) URBAN FRINGE: Rural residential land within one (1) mile of the urban growth boundary for the cities of Ashland, Central Point, and Medford. *(See OAR 660-004-0040 (8)(a))*
- 287) URBAN GROWTH BOUNDARY (UGB): A site specific line appearing on the Official Comprehensive Plan and Zoning maps of Jackson County and on each

incorporated city Plan and Zoning map that identifies and encompasses urban and urbanizable lands within or adjacent to each incorporated city in the County.

- 288) URBAN LAND: Those places within or adjacent to an incorporated city that have or are planned to provide municipal levels of public facilities and services, and which may contain concentrations of persons who generally reside and work in the area.
- 289) URBANIZABLE LAND: Those lands within an adopted UGB that are identified and determined to be necessary and suitable for future urban uses by virtue of being (or planned to be) served by urban services and facilities, and their identification as areas needed for future expansion of an existing urban area.
- 290) URBAN SERVICE: Sanitary sewers, water, municipal fire protection, parks, open space, recreation, streets, roads, and mass transit. (See ORS 195.065)
- 291) URBAN UNINCORPORATED COMMUNITY: An unincorporated community that includes a minimum of 150 permanent residential dwelling units, a mixture of land uses (i.e., three (3) or more public, commercial or industrial uses), and that has community sewer and water service available to residents and businesses. See UNINCORPORATED COMMUNITY (See OAR 660-022-0010)
- 292) USE: The purpose for which land, accessways, buildings or structures are designed, arranged, or intended, or for which a building or structure is occupied or maintained, whether on a permanent or temporary basis.
- 293) USE, ACCESSORY: A use, building or structure that is; (1) customarily incidental and subordinate to the principal use of a lot or the main building or structure thereon, (2) subordinate in extent, area and purpose to the principal use, and (3) located on the same lot as the principal use, building or structure. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use. See ACCESSORY BUILDING/STRUCTURE
- 294) USE, PRINCIPAL: The primary use and chief purpose of land, buildings or structures.
- 295) UTILITIES, LOCAL: The electric power, telephone, gas, water, sewer drainage lines, and those in-line facilities such as gas regulating stations and water pumping stations customarily associated with service provision to adjacent neighborhoods, commercial and industrial areas.
- 296) UTILITY FACILITY: Those necessary appurtenances including related right-of-ways and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses). Additionally, a utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources. A utility facility must include equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility. The equipment need not be extensive or complex; however, at a minimum the facility must include some equipment or apparatus that performs the relevant production, transmission or similar function or service. (174 Or App at 343-45 "Sabroso") (See ORS 215.283(1)(d)(1997))

297) UTILITY FACILITY, MAJOR: A service of a regional nature that normally entails the construction of new buildings or structures, and that typically requires frequent monitoring or maintenance by employees of the utility provider. Examples include water works, reservoirs, power or heating plants, and steam generating plants.

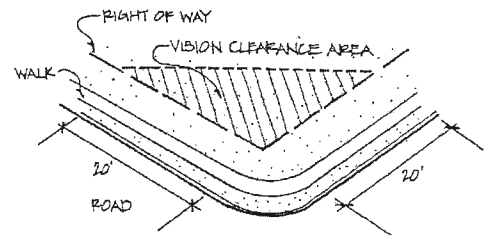
298) UTILITY FACILITY, MINOR: A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not regularly needed at the site. Examples include electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and sewer pumping stations.

299) VIEWSHED: The area observable from a defined geographic location.

300) VIOLATION: A development action or land division by any person or entity that is prohibited or prevented by the Jackson County Comprehensive Plan, Land Development Ordinance or other applicable State or County law; or the failure of any person or entity to act as required by a specific County development approval (e.g., conditions of approval) or other State or County permit.

301) VISION CLEARANCE AREA:

A triangular area at the intersection of two (2) streets, or of a street and a driveway or railroad property line, two (2) sides of which are 20-foot lines measured from the corner intersection. The third side of the triangle is a line across the corner of the lot joining the ends of the two (2) 20-foot sides. Where the lines at the intersections have rounded corners, the lines are extended in a straight line to a point of intersection. The vision clearance area is measured from the face of the curb and extends at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area is measured from the edge of the pavement and extends at right angles for the appropriate distance in both directions along the intersection.



302) WALKWAY: Any road, path, or way that in some manner is specifically designated as being open to pedestrian travel.

303) WAREHOUSE, FOOD STORAGE: A building designed and used for storage of foodstuffs, either in packaging or as bulk items. Food storage warehouses commonly include refrigeration, packaging, and loading facilities, but do not include food processing or cooking facilities, either for private use or retail sale. See WHOLESALE ESTABLISHMENT

304) WASTE RELATED USES:

a) Compost: The controlled biological decomposition of organic material or the product resulting from such a process. (See *ORS 459.005*)

b) Composting Plant: A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes.

c) Hazardous waste/material: Discarded, useless, or unwanted materials or

residues in solid, liquid, or gaseous state and their empty containers that are classified as hazardous pursuant to ORS 459.410, OAR 340-63-100 to 135.

- d) Incinerator: A combustion device specifically designed for the reduction, by burning, of solid, semisolid or liquid combustible waste. See *Codified Ordinance* Ch. 1864
- e) Land disposal site: A disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond or lagoon. (See *ORS 459.005*)
- f) Landfill: A facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface. (See *ORS 459.005*)
- g) Putrescible material: Organic material that may decompose into foul-smelling or otherwise offensive products. See *Codified Ordinance* Ch. 1864
- h) Recycling dropbox: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.
- i) Recycling depot: A center, depot, drop box, or other place for receiving source separated recyclable materials with or without compensation. The term does not include salvage, junk, or auto wrecking yards. See *Codified Ordinance* Ch. 1864
- j) Recycling plant: A facility that is not a wrecking, junk, or salvage yard, and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they may again be used.
- k) Sanitary landfill: A disposal site operated by means of compacting and covering nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste at least once each operating day.
- l) Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts, including associated feedlots and storage of animal products and waste that results from the slaughtering process.
- m) Solid waste: All useless or discarded putrescible and non-putrescible materials, including but not limited to garbage rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. The term does not include: hazardous waste as defined in ORS 466.005; or materials used for fertilizer or for other productive purposes. (See *ORS 459.005*)
- n) Solid waste disposal site: Land and facilities used to dispose of or process solid wastes. Energy recovery, material recovery and recycling from solid waste is included. Examples of disposal sites are dumps, landfills, sludge lagoons, sludge treatment facilities, septic tank pumping or cesspool cleaning service disposal sites, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site. The term does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050 or 468B.053; a site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable

- material, unless the site is used by the public either directly or through a collection service; or a site operated by a wrecker issued a certificate under ORS 822.110. (See ORS 459)
- o) Solid Waste Transfer station: A fixed or mobile facility other than a collection vehicle where solid waste is deposited temporarily after being removed from the site of generation but before being transported to a final disposal site. (See ORS 459.005)
- 305) WATER AREA: The area which collects water between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds. (See OAR 660-023-0090)
- 306) WATER, RECLAIMED: Treated effluent from a sewage treatment system which, as a result of treatment, is suitable for a direct beneficial purpose (e.g., irrigation) or a controlled use that could not otherwise occur. (See OAR 340-055-0010)
- 307) WATER SYSTEM, COMMUNITY: A system that distributes potable water through pipes to at least 15 permanent dwelling units within an unincorporated community. (See OAR 660-022-0010)
- 308) WATER SYSTEM, PUBLIC: A system supplying water for human consumption through four (4) or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day. The term includes any domestic water supply source and associated distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit or cluster development. (See OAR 660-023-0140)
- 309) WELL: Any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure, or is artificially withdrawn or injected for beneficial consumptive purposes. This definition does not include natural artesian springs, or wells drilled for the purpose of exploration, production or monitoring of oil, gas, or geothermal resources.
- a) Agricultural/stock well: A well used, or intended to be used, to supply water for agricultural irrigation and/or stock use only.
- b) Domestic well: A well used to serve three (3) or fewer dwelling units for the purpose of supplying water intended for human sanitation, consumption or any other household purposes, including non-commercial stock watering and irrigation of up to one-half (.) acre per dwelling, and which is not used as or part of a public water supply.
- c) Flow test: A procedure for pumping water from a well for a specified period of time to establish well yield and/or basic ground water quantity information.
- d) Major flow test (12-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of 12 hours while noting the effect on static water levels in the subject well and any existing wells within 500 feet of the subject well.
- e) Minor flow test (4-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of four (4) hours while noting the effect on static water levels in



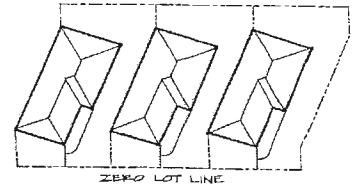
the subject well.

- 310) WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (See ORS 197.015, OAR 660-023-0100)
- 311) WHOLESALE ESTABLISHMENT: A business primarily engaged in selling or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. The use emphasizes on-site sales or order-taking and often includes indoor and outdoor display areas. Products may be picked up on-site or delivered to the customer. The business may or may not be open to the general public, but sales to the general public are limited to less than 30% of gross receipts.
- 312) WILDLIFE: Wild mammals, birds, reptiles, and amphibians.
- 313) WILDLIFE HABITAT: An area upon which wildlife depends in order to meet their requirements for food, water, shelter and reproduction. (e.g., migration corridors, big game winter range, nesting and roosting sites). (See OAR 660-023-0010)
- 314) WINERY: A facility for the preparation, processing, marketing, and distribution of wines. The use may include a tasting room for the purpose of marketing the winery's products but not those of other wineries, along with incidental food service and sales areas. In the Exclusive Farm Use zone, uses may include wine tours, wine tasting, wine clubs and similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or other wineries as in the case where a winery produces at least 150,000 gallons of wine. See WINE SHOP (See ORS 215.452)
- 315) WINE SHOP: A retail establishment that sells wines, brandies and cordials, wine making equipment and items related to wine consumption as its primary merchandise. The use may include a tasting room, incidental food sales and a dining area that does not exceed 25% of the total area devoted to merchandise display. Incidental uses may include periodic wine tasting events, wine appreciation and culinary classes. See WINERY
- 316) WRECKING YARD: Any establishment maintained, used, or operated for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded ferrous material or equipment. Scrap or discarded material includes, but is not limited to; inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers, and parts thereof, machinery, structural steel, equipment, and appliances. The term also includes junk, salvage, or scrap metal yards. See WASTE-RELATED USES
- 317) XERISCAPING: Landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought-tolerant landscaping.
- 318) YARD: See LOT LINE
- a) Front: The yard between side lot lines measured from the front lot line to the nearest point of a building or other structure.

- b) Rear: The yard between side lot lines measured from the rear lot line to the nearest point of a building or other structure.
  - c) Required: Open space on a lot, which is unobstructed by buildings from the ground upward, except as otherwise allowed by this Ordinance.
  - d) Side: A yard between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.
- 319) YOUTH CAMP: A facility (owned or leased) operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or facility. (See OAR 660-006-0031)
- 320) YURT: A round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. (See ORS 215.283(2)(c); OAR 660-033-0130(19) (c) See TENT/TEPEE

321) ZERO LOT LINE SUBDIVISION:

A single family detached residential subdivision where each dwelling unit is placed on its lot in such a manner that one (1) exterior wall is located on a side yard lot line, thus creating a setback of zero (0) feet on one side.



**13.4 INDEX OF ABBREVIATIONS AND ACRONYMS**

This section includes abbreviations and acronyms that may appear in this Ordinance, the Jackson County Comprehensive Plan, or State and Federal laws. It should be noted that the abbreviations and acronyms that appear below are provided to assist users of this Ordinance, and their meaning when they appear may be context dependent.

- 1) AQMA: Air Quality Management Area
- 2) ASC: Area of Special Concern
- 3) BCVSA: Bear Creek Valley Sanitary Authority (now Rogue Valley Sanitary Services, (RVSS))
- 4) BLM: Bureau of Land Management
- 5) BoC: Board of Commissioners
- 6) CAC: Citizens Advisory Committee
- 7) CRS: Community Rating System for National Flood Insurance Program
- 8) CUP: Conditional Use Permit
- 9) DEQ: Department of Environmental Quality
- 10) DLCD: Department of Land Conservation and Development

- 11) DOGAMI: Department of Geology and Mineral Industries
- 12) DSL: Division of State Lands
- 13) EPA: Environmental Protection Agency
- 14) ESEE: Economic, Social, Environmental and Energy. Positive and negative consequences that could result from a decision to allow, limit or prohibit a conflicting use. (See OAR 660-016-0005 & 660-023-0010)
- 15) FAA: Federal Aviation Administration.
- 16) FAR: Floor Area Ratio
- 17) FCC: Federal Communication Commission
- 18) FBFM: Flood Boundary and Floodway Maps
- 19) FEMA: Federal Emergency Management Agency
- 20) FIRM: Flood Insurance Rate Map
- 21) GIS: Geographic Information System
- 22) HVFL: High Value Farm Land
- 23) JCPC: Jackson County Planning Commission
- 24) JCPP: Jackson County Public Park
- 25) LCDC: Land Conservation and Development Commission
- 26) LDO: Land Development Ordinance of Jackson County
- 27) LID: Local Improvement District
- 28) LOD: Limits of Disturbance
- 29) LOMA: Letter of Map Amendment reviewed by FEMA
- 30) LOMR: Letter of Map Revision reviewed by FEMA
- 31) LUBA: Land Use Board of Appeals
- 32) MPO: Metropolitan Planning Organization
- 33) NFIP: National Flood Insurance Program
- 34) NRCS: USDA Natural Resource Conservation Service, formerly the Soil Conservation Service. (See OAR 660-006-0005)
- 35) OAR: Oregon Administrative Rule
- 36) ODF: Oregon Department of Forestry

- 37) ODFW: Oregon Department of Fish and Wildlife
- 38) ODOT: Oregon Department of Transportation
- 39) ORS: Oregon Revised Statute
- 40) PAPA: Post Acknowledgment Plan Amendment. Actions in accordance with ORS 197.610-625, including amendments to an acknowledged Comprehensive Plan or land use regulation and the adoption of any new plan or land use regulation. Does not include periodic review actions in accordance with ORS 197.628-650. (See OAR 660-023-0010)
- 41) PUD: Planned Unit Development
- 42) RPS: Regional Problem Solving
- 43) RPZ: Runway Protection Zone
- 44) RVCOG: Rogue Valley Council of Governments
- 45) RVSS: Rogue Valley Sewer Services (aka, BCVSA)
- 46) RVTD: Rogue Valley Transit District
- 47) SDC: Systems Development Charge
- 48) TAC: Technical Advisory Committee
- 49) TPR: Transportation Planning Rule
- 50) TSP: Transportation System Plan
- 51) UCB: Urban Containment Boundary
- 52) UGB: Urban Growth Boundary
- 53) UGBMA: Urban Growth Boundary Management Agreement
- 54) USDA: United States Department of Agriculture
- 55) USFS: United States Forest Service
- 56) USGS: United States Geological Survey
- 57) UUCB: Urban Unincorporated Community Boundary
- 58) WCPC: White City Planning Commission
- 59) WCUUC: White City Urban Unincorporated Community



Development Services

10 S Oakdale Ave. Room 100  
Medford, OR 97501

Master

06/02/2015

USPS POSTAGE

\$06.35<sup>00</sup>



ZIP 97501  
011D11642039

DEPT OF



JUN 4 2015

USPS TRACKING #

LAND CONSERVATION  
AND DEVELOPMENT



9114 9014 9645 0109 5049 12

Label 400 Jan. 2013  
7690-16-000-7948

PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL ST NE STE 150  
SALEM OR 97301-2540