Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 10, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment
DLCD File Number 002-06 A

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 19, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Sandy Mathewson, Jefferson County

<paa> ya/

FORM 2

DEPT OF

JAN 03 2007

LAND CONSERVATION AND DEVELOPMENT

D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

Jurisdiction: Jefferson County Local File No.: O-02-07 (If no number, use none)

Date of Adoption: 12-27-06 (Must be filled in) Date Mailed: 12-29-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4-17-06

___ Comprehensive Plan Text Amendment ___ Comprehensive Plan Map Amendment

X Land Use Regulation Amendment ___ Zoning Map Amendment

___ New Land Use Regulation ___ Other: _____ (Please Specify Type of Action)

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

Repealed Zoning Ordinance and Subdivision Ordinance. Adopted revised Zoning Ordinance, including provisions for land divisions.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Multiple changes to text. Copy showing all changes to draft submitted to DLCD on April 17, 2006 is enclosed

Plan Map Changed from: — to —

Zone Map Changed from: — to —

Location: Jefferson County Acres Involved: _____

Specify Density: Previous: — New: —

Applicable Statewide Planning Goals: 1-14

Was an Exception Adopted? Yes: ____ No: X

DLCD File No.: 002-06 (15154)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: X No: ____

If no, do the Statewide Planning Goals apply. Yes: ___ No: ____

If no, did The Emergency Circumstances Require immediate adoption. Yes: ___ No: ____

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT, ODF, ODFW, USFS, BLM, Dept of Aviation, DSL, OPRD, DEQ

Local Contact: Sandy Matheuson Area Code + Phone Number: 541-475-4462

Address: 85 SE 'D' St.

City: Madras Zip Code+4: 97741

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF THE REPEAL OF THE APRIL, 2003 JEFFERSON COUNTY ZONING ORDINANCE AND THE 2000 JEFFERSON COUNTY SUBDIVISION ORDINANCE, AND THE ADOPTION OF A NEW ZONING ORDINANCE	))))))	**Ordinance No. O-02-07**

WHEREAS, Jefferson County wishes to amend its land use and subdivision regulations to correct inconsistencies, to clarify terms and standards, to make the documents more user friendly for County citizens, to comply with state statutes and administrative rules, and to add certain uses allowed by state statute but not allowed in the County under the current regulations; and

WHEREAS, in late 2004 the Jefferson County Planning Commission began reviewing the Jefferson County Zoning Ordinance and Jefferson County Subdivision Ordinance for potential amendments, and was instrumental in developing a draft of a revised Zoning Ordinance which incorporated land division regulations; and

WHEREAS, in accordance with ORS 197.610, notice of the proposed revision, along with two copies of the draft Zoning Ordinance, was mailed to the Department of Land Conservation and Development on April 17, 2006, and was sent electronically on the same date; and

WHEREAS, on May 9, 2006 individual written notice, including a schedule of public hearings, was mailed to all property owners in the unincorporated areas of the County outside the boundaries of the Confederated Tribes of the Warm Springs Indian Reservation, in accordance with ORS 215.503; and

WHEREAS, the Jefferson County Planning Commission held public hearings on the proposed Zoning Ordinance revision on June 17, June 29, July 6 and July 22, 2006, and met to deliberate and consider the testimony on August 3, August 17 and August 23, 2006, after which they voted unanimously to recommend that the Board of Commissioners repeal the 2003 Jefferson Zoning Ordinance and 2000 Jefferson County Subdivision Ordinance, and adopt a new Zoning Ordinance; and

WHEREAS, the Jefferson County Board of Commissioners accepted testimony on the Zoning Ordinance revisions recommended by the Planning Commission at public hearings on September 6, September 13, September 27, October 4, October 11, November 8 and December 20, 2006; reviewed all written testimony submitted from May 9, 2006 until the close of the hearing on December 20, 2006; and met in work sessions to deliberate on the proposed revisions on October 25, November 29, December 6, December 13, and December 21, 2006; and

WHEREAS, notice of all public hearings and work sessions before the Planning Commission and Board of Commissioners was published in the Madras Pioneer at least ten days prior to each hearing and work session, in accordance with ORS 215.060.

NOW THEREFORE, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. **Adoption of Findings**

   The Findings of Fact and Conclusions in the attached Exhibit A are hereby adopted and incorporated herein by reference as the basis for the decision to adopt the revised Zoning Ordinance.

2. **Repeal of April, 2003 Zoning Ordinance**

   The April, 2003 Jefferson County Zoning Ordinance, as amended, is hereby repealed.

3. **Repeal of Ordinance O-160-00**

   The Jefferson County Subdivision Ordinance, adopted in December, 2000 by Ordinance #O-160-00, is hereby repealed.

4. **Adoption of New Zoning Ordinance**

   The 2007 Jefferson County Zoning Ordinance is hereby adopted as shown in Exhibit B, attached hereto and incorporated herein by this reference.

5. **Severability**

   The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or exhibit thereto is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

6. **Effective Date**

   The 2007 Jefferson County Zoning Ordinance shall take effect on January 1, 2007.

Dated this 27th day of December, 2006.

BOARD OF COMMISSIONERS:

Walter Ponsford, Commission Chair

Bill Bellamy, Commissioner

Mary Zenke

Mary Zenke, Commissioner

Attest:

Donna Jansen

Approved as to form:

Jacki Haggerty, County Counsel

EXHIBIT A

FINDINGS OF FACT AND CONCLUSIONS

1. The proposed action is a legislative amendment to the text of the Zoning Ordinance. ORS 215.110(2) authorizes a governing body to enact, amend or repeal ordinances to assist in carrying out a comprehensive plan.

2. Notice of the proposal to repeal the existing Zoning Ordinance and Subdivision Ordinance and adopt a new Zoning Ordinance was sent to all property owners in the unincorporated area of the county in accordance with the requirements of ORS 215.503, and to the following agencies: Oregon Departments of Transportation, Forestry, Aviation, Fish and Wildlife, State Lands, State Parks and Recreation, and Agriculture; Bureau of Land Management; Crooked River National Grassland; US Forest Service; Federal Emergency Management Agency; and all Fire Districts in the county.

3. The Planning Commission held four public hearings, on June 17, June 29, July 6 and July 22, 2006, including Saturday hearings at Crooked River Ranch and Camp Sherman, to take public testimony on the draft Zoning Ordinance. The Board of Commissioners held seven public hearings, on September 6, September 13, September 27, October 4, October 11, November 8 and December 20, 2006, including hearings at Crooked River Ranch and Camp Sherman, to take public testimony on the Planning Commission's recommended draft Ordinance.

4. Notice of all public hearings and work sessions before the Planning Commission and Board of Commissioners was published in the Madras Pioneer at least ten days prior to each hearing and work session, in accordance with ORS 215.060. The draft Zoning Ordinance was posted on the County website prior to the first Planning Commission hearing, hard copies were placed in the County library, Camp Sherman Post Office and Crooked River Ranch Administration building, and copies were available for purchase.

5. In response to testimony received, the Planning Commission made a number of changes to the April, 2006 draft Zoning Ordinance before forwarding a recommendation for approval to the Board of Commissioners. ORS 215.110(2) states that if an ordinance is recommended by a planning commission, the governing body may make any amendments to the recommendation required in the public interest. After conducting public hearings and deliberating, the Board of Commissioners made a number of changes to the draft of the Zoning Ordinance recommended by the Planning Commission. While all public testimony was considered, not all changes suggested by the public were made, in some cases because the suggested changes would not comply with state statutes or administrative rules, and in other cases because the suggested changes would be overly restrictive. The final adopted Zoning Ordinance incorporates provisions and regulations that are in the best interest of the County and its citizens.

6. Testimony was received that the public had insufficient time to review and comment on the draft Zoning Ordinance. Notice of the proposed revision was mailed to property owners on May 9, 2006. The final opportunity to provide comments and testimony was

December 20, 2006. A total of twelve public hearings were held. Copies of the draft Zoning Ordinance were placed at several public locations throughout the County, copies were available for purchase, and the draft could be reviewed on the County website. The Board finds that there was adequate time and opportunity for all concerned citizens to review the draft and provide written or oral testimony.

A. Testimony was received that the draft Zoning Ordinance, including the destination resort provisions, were required to be reviewed by the Camp Sherman Local Advisory Committee ("LAC"). The Board disagrees, because the revision of the Zoning Ordinance is a legislative amendment. The Board interprets Appendix 1, Part IV, "Function of the LAC" of the acknowledged Jefferson County Comprehensive Plan (ver. 1981, last amended March 8, 2006) to require LAC review only of quasi-judicial land use applications initiated by an applicant. Therefore, review by the LAC was not required for a legislative amendment initiated by the County.

(1) The Board's interpretation of Appendix 1, Part IV, is based on the underlined portions of the following text: "Upon receipt of an application for approval of any proposed use or development, the secretary of the LAC shall forward the application and all available information to the County Planning Department[.] . . . If the planning department is contacted by the applicant prior to contact with the LAC, the director will notify the secretary of the LAC and forward all available information." The Board interprets this section's references to "the applicant" to refer only to quasi-judicial, applicant-initiated land use actions.

B. Testimony was received from Gregory McLaren that there was inadequate time to review the modifications that the Board was considering making to the draft Zoning Ordinance recommended by the Planning Commission prior to the final hearing. The Board met for deliberation during Work Sessions on November 29, December 6 and December 13, 2006, before holding a final public hearing to take testimony on the modifications that had been discussed during the deliberation. All of the Work Sessions were properly noticed and were open to the public. Mr. McLaren attended all three Work Sessions. A hard copy of the modifications that had been discussed during the first two Work Sessions was available on December 13. A copy of the draft Zoning Ordinance showing the modifications being considered by the Board, including the modifications discussed at the December 13 Work Session, was placed on the County website on December 15 and was available for review or purchase in the Community Development Department. Mr. McLaren submitted written testimony concerning the modifications that was entered into the record on December 20. The Board concludes that Mr. McLaren was aware of all of the proposed modifications and had the opportunity to submit testimony. Furthermore, since this is a legislative amendment there is no legal requirement that the public be allowed to testify on modifications the Board decides to make to the Planning Commission's recommended draft Zoning Ordinance.

7. One member of the public commented that the Planning Commission's findings for their recommendation to the Board were inadequate. The Board has conducted many public hearings and work sessions of its own, and finds that written findings by the Board of Commissioners satisfy the requirements of statewide planning Goal 2 and ORS 197.615. In addition, no one has stated that they were specifically prejudiced by any omission from the Planning Commission's findings.

8. The Zoning Ordinance conforms to, and is intended to implement the policies of the 2007 Jefferson County Comprehensive Plan. The Zoning Ordinance complies with state statutes and administrative rules, including, but not limited to, ORS 92, 197 and 215 and OAR 660 Divisions 06, 11, 12, 13, 22, 23, and 33. The County has chosen to either conform with or be more restrictive than state statutes and administrative rules, but in no case is the Zoning Ordinance less restrictive than state requirements.

9. No lands were rezoned as part of the Zoning Ordinance revision. One zone was deleted - the Development Reserve zone. This zone was deleted from the revised Zoning Ordinance because there are no lands in the County with this zoning designation, and the County foresees no need for the zone in the future. One overlay zone was added – the Sensitive Bird Habitat Overlay. This zone contains provisions for protecting eagle and prairie falcon nesting sites. Nesting sites were mapped and designated as significant Goal 5 resources in 1997, and regulations for protecting the habitat were adopted as part of the Zoning Ordinance at that time. However, when the Zoning Ordinance was amended in 2003, it did not include the regulations for protecting bird habitat. The revised Zoning Ordinance corrects this error by adopting the new Overlay zone.

10. Chapter 1 of the revised Zoning Ordinance contains general provisions and definitions. The definition section was revised from the previous Zoning Ordinance to remove terms that are not used in the revised Zoning Ordinance, to add new terms that are used, and to modify the definitions of some terms. When a term is defined in state statute or administrative rule, the state definition is used in the revised Zoning Ordinance. Testimony was received requesting that the definitions of various other terms that are not defined in state statute or administrative rule be changed. The Board declines to act on that testimony, and finds that all such terms in the revised Zoning Ordinance have reasonable definitions that express the County's interpretation of the term.

11. Chapter 2 contains general information on zones and the Zoning Map. It has not been substantially revised.

12. Section 301 of the Zoning Ordinance has been revised to include all of the agricultural zones in the County – the Exclusive Farm Use A-1, Exclusive Farm Use A-2 and Range Land zones. All uses allowed by ORS 215.283 are permitted in these zones either as uses permitted outright, uses permitted subject to administrative review, or conditional uses. All three zones will include provisions for lot of record dwellings for the first time. Nonfarm dwellings pursuant to ORS 215.284 may be allowed in the A-2 and Range Land zones, but not in the A-1 zone. The A-1 zone consists of land within the boundaries of the North Unit Irrigation District. Because this is the most productive agricultural land in the County, non-agricultural uses that could conflict with farming activities should be

limited. The County has chosen to be more restrictive that state statute for both types of dwellings, by limiting nonfarm dwellings in the Range Land zone to parcels 40 acres or larger and requiring evidence of adequate facilities and services to serve lot of record dwellings on parcels less than two acres in size in the A-1 zone or less than ten acres in size in the Range Land zone. Section 301 implements Goal 3, Policies 1 through 1.4; and Goal 9, Policy 1.1 of the Comprehensive Plan.

A. Testimony was received that additional dwellings should not be allowed in the Range Land zone, particularly west of the Deschutes River, because of the potential impact on big game wildlife habitat. Although the 2003 Zoning Ordinance did not include provisions in the Range Land zone for dwellings that are not in conjunction with farm use, nonfarm dwellings were allowed in the zone from 1981 until 2003. Wildlife habitat protection standards found in Section 321 of the Zoning Ordinance were designed to mitigate the impact of development on big game. These provisions were adopted in 1993. Since nonfarm dwellings are authorized by state statute, and previous Zoning Ordinances that allowed nonfarm dwellings in wildlife habitat areas were acknowledged to be in compliance with both Goals 3 and 5, there is no legal requirement that would prohibit the County from again allowing nonfarm dwellings in the Range Land zone.

13. Section 303, the Forest Management zone, has been substantially revised and now complies with OAR 660-06 and ORS 215.700 to 215.780. Section 303 implements Goal 4, Policies 1 through 1.3 of the Comprehensive Plan.

A. Testimony was received that by adopting the revisions to the Forest Management zone the County will be allowing too much development on forest lands. The Forest Management zone has included provisions to allow dwellings since first being adopted in 1981. However, until now the County has not amended the zoning regulations to adopt the provisions for dwellings in ORS 215.700 to .780. Consequently, because the previous regulations for dwellings did not comply with these statutory requirements, the County effectively was not able to approve any new dwellings in the Forest Management zone after 1993. While the revised zone may allow additional dwellings, there is no legal requirement for the County to restrict such development when it is in compliance with state statutes.

B. Testimony was received that allowing additional development in the Forest Management zone will fragment the timber base and asserting that there has been an inadequate assessment of the increased fire risks and increased difficulties in combating fires if additional development is allowed in the zone. All of the uses proposed in the zone are allowed by OAR 660-006. Section 303 includes siting and fire safety standards in accordance with OAR 660-006-0035 and 660-006-0040. The fire safety standards of Section 426 will also apply to all new development in the zone. Prior to being approved, all new dwellings and structures will have to provide evidence that these standards can be met. Subsection 303.6(B) requires that all other uses that require administrative review or conditional use approval show that the proposed use will not significantly increase fire hazard, significantly increase fire suppression costs, or significantly

increase risks to fire suppression personnel, in accordance with OAR 660-006-0025(5)(b). OAR 660-006-0025(1)[1] indicates that zoning regulations consistent with the rule will conserve forest land. The Board finds that Section 303 complies with OAR 660-006 and ORS 215. 700 to 215.780, and there is no legal requirement to be more restrictive.

C. Testimony was received that destination resorts should not be allowed in the Forest Management zone. The County has chosen to adopt regulatory provisions for destination resorts separately from the revised Zoning Ordinance (Ordinance #O-04-07). However, subsection 303.4(I) includes destination resorts in the list of conditional uses that may potentially be allowed in the zone, and subsection 303.9(A)(17) lists residential lots in a destination resort as not being subject to the 80-acre minimum lot size. Subsection 303.4(I) states that the use is "subject to compliance with Section 430, only on lands identified as being eligible for a destination resort in the Comprehensive Plan", and subsection 303.9(A)(17) refers to subsection 303.4(I) and Section 430. Destination resorts are an allowable use under OAR 660-006-0025(3)(n), which gives the County the authority to include the use in the Forest Management zone. The provisions for destination resorts in subsections 303.4(I) and 303.9(A) are place holders only. Until both Section 430 and the Comprehensive Plan map of eligible lands are adopted, destination resorts will not and cannot be approved.

14. Section 304, the Rural Residential zone, has been reformatted but the regulations and allowed uses remain substantially the same as the previous Zoning Ordinance. The zone was revised to include provisions for an RR-20 zone, with a twenty acre minimum lot size. No lands in the County have been rezoned to RR-20, but the provision was put in place for future use when it may be appropriate to have a larger minimum lot size, such as for land inside an urban growth boundary or urban reserve or in areas of the County where higher density development is not appropriate. Section 304 implements Goal 10, Policies 1 and 1.1 of the Comprehensive Plan.

15. Section 305 to 311, the Service Community, Existing Rural Development, County Commercial and County Industrial zones have been reformatted but the regulations and allowed uses remain substantially the same as the previous Zoning Ordinance. Section 305 and 310 implement Goal 9, Policies 4 through 4.2; and Goal 14, Policy 2.1 of the Comprehensive Plan. Section 311 implements Goal 9, Policy 2; and goal 14, Policy 2.2 of the Comprehensive Plan.

16. Section 312, the Industrial Reserve zone, has been revised to specify that it is a holding zone. Industrial uses are no longer conditionally allowed. The property must be rezoned to County Industrial before industrial uses may be established. This conforms to the purpose of the zone, which has always been to reserve the land for future industrial use until such time as additional industrial land is needed.

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[1] OAR 660-006-0025(1): "Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. ..."

17. Section 313, the Airport Management zone, has been substantially revised to comply with OAR 660-013. Uses authorized by OAR 660-013-0100 are permitted outright. Other uses that may be conditionally approved were carried forward from the previous Section 313. These uses are authorized by OAR 660-013-0110. Provisions for protection of safety zones around airports were removed from the Airport Management zone and incorporated into the Airport Protection provisions of Section 418 because these provisions apply to lands and development outside the boundary of the Airport Management zone. The previous Section 313 included provisions for planned unit developments that were removed from the revised Section 313. Testimony was received asking that the use be added back. The Airport Management zone applies to two airports, the Madras City – County Airport and the Lake Billy Chinook Airport. The Board has determined that residential development is not desirable at the Madras City – County Airport because of conflicts with existing industrial and recreational uses at the airport. The Board has also determined that planned unit developments cannot be approved at the Lake Billy Chinook Airport because the area is subject to a big game winter range overlay, which imposes an 80-acre minimum lot size. Since planned unit developments are not feasible, the Board finds that there is no reason to include the use in the revised Section 313.

18. Section 314, the Park Management zone, was substantially revised to comply with OAR 660-034. The State Parks Department submitted testimony supporting the content of the zone.[2]

19. Section 315, the Limited Use Overlay zone, was revised to better explain the purpose of the overlay and when and how it is applied. No land in the County is currently subject to the overlay, but the provisions are necessary in order to comply with OAR 660-004-0018(4)(a).[3]

20. Section 316, Flood Plain Overlay zone, has been revised and reorganized to make it more user-friendly. The previous Section 316 required new development to have the lowest floor at or above the base flood elevation. The revised provisions require new development to have the lowest floor elevated one foot above the base flood elevation. This will increase the level of protection from flood hazard. Section 316 implements Goal 7, Policies 2 through 2.3 of the Comprehensive Plan.

21. The list of uses that are permitted in the Crooked River Ranch Commercial zone, Section 317, has been modified to provide more clarity in the type of businesses that are permitted and to reflect the type of businesses that are already established in the zone. Crooked River Ranch is an unincorporated rural community. The type of uses allowed in

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[2] Letter dated July 22, 2006 from Letha Sanderson, Natural Resource Specialist, Oregon Parks and Recreation Department, Area 5 office.

[3] OAR 660-004-0018(4)(a): "When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;"

the zone complies with OAR 660-022-0030(3) and (4).[4] Section 317 limits the size of commercial buildings to 4,000 square feet so that they will be small-scale and low impact, unless an exception to statewide planning Goal 14 has been approved or the use is intended to serve the local community, in accordance with OAR 660-022-0030(10). The size of industrial buildings is limited to 40,000 square feet in accordance with OAR 660-022-0030(11). The minimum lot size in the zone was changed from five acres to one acre. However, this will not lead to further development because there are only two lots in the zone that are large enough to be divided, and both are common areas owned by the Crooked River Ranch Club and Maintenance Association. The smaller minimum lot size reflects the size of the existing platted lots, and will not result in an urban scale of development. Section 317 implements Goal 9, Policies 4 through 4.2; and Goal 14, Policies 2 through 2.2 and 4 through 4.2 of the Comprehensive Plan.

22. Section 318, Crooked River Ranch Residential zone, has been reformatted to be consistent with the rest of the revised Zoning Ordinance. Uses which may be allowed in the zone remain substantially the same as the previous Section 318, with the exception that medical and dental clinics and hospitals may no longer be permitted since the Board finds that such uses are not appropriate in a rural residential zone. Restrictions on the number of livestock that are allowed have also been removed.

    A. Testimony was received that approval from the Crooked River Ranch Architectural Review Committee should be required prior to issuance of building permits in the Crooked River Ranch Residential and Crooked River Ranch Commercial zones. The County has chosen not to require such approval because it does not want a private Homeowner's Association to have approval or regulatory authority for County regulations, and does not want to be responsible for enforcing private Covenants, Conditions and Restrictions (CC&Rs). The Zoning Ordinance contains provisions for Community Planning Advisory Committees (CPACs) to allow local input on planning and land use applications. If the local community requests that the Board appoint a CPAC for Crooked River Ranch, a member of the Architectural Review Committee could be a member of the CPAC.

23. Section 319, Three Rivers Recreation Area zone, was revised to limit community-type uses to common areas owned by the Homeowner's Association rather than being allowed throughout the zone. Setbacks were reduced to conform to other rural residential zones, going back to the setbacks that were in effect prior to adoption of the 2003 Zoning Ordinance.

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[4] OAR 660-022-0030(3): "County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities: (a) Uses authorized under goals 3 and 4; (b) Expansion of a use existing on the date of this rule; (c) Small-scale, low impact uses; (d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a); (e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage...."

OAR 660-022-0030(4): "County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities: (a) Uses authorized under goals 3 and 4; (b) Small-scale, low impact uses; (c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area."

A. Testimony was received that approval from the Three Rivers Architectural Committee should be required prior to issuance of building permits. The County has chosen not to require such approval because it does not want a private Homeowner's Association to have approval or regulatory authority for County regulations, and does not want to be responsible for enforcing private CC&Rs. The Zoning Ordinance contains provisions for Community Planning Advisory Committees (CPACs) to allow local input on planning and land use applications. If the local community requests that the Board appoint a CPAC for Three Rivers, a member of the Architectural Committee could be a member of the CPAC.

24. At the request of the owners of the two properties in the Three Rivers Recreation Area Waterfront zone, the provisions in Section 320 were not changed except for standardizing language and references to other Zoning Ordinance provisions. Section 319 implements Goal 9, Policies 4 through 4.2 of the Comprehensive Plan.

25. Section 321, the Wildlife Area Overlay zone, was reorganized for clarity but contains the same regulations for protection of designated big game winter range as the previous Zoning Ordinance. Section 321 implements Goal 5, Policies 4 through 4.3 of the Comprehensive Plan.

26. Section 322, the Sensitive Bird Habitat Overlay zone, is new. It contains provisions for protecting eagle and prairie falcon nesting sites that are listed in the Comprehensive Plan Goal 5 inventory of Sensitive Bird Habitat. The nesting sites were identified in 1997 and land use regulations to provide protection were adopted at that time, but the provisions were not included as part of the 2003 Zoning Ordinance. The new Section 322 corrects this error. It refers to the Program to Meet Goal 5, which was developed in 1997 to protect the nesting sites. These provisions comply with OAR 660-023-0110. Section 322 implements Goal 5, Policies 5 through 5.2 of the Comprehensive Plan.

27. Camp Sherman is an unincorporated resort community under OAR 660-022-0010(6).[5] It consists of various forms of visitor accommodations, vacation cabins, commercial uses and residential uses. There are four zones within the unincorporated community boundary – the Camp Sherman Rural Center zone, which is the central commercial area, the Vacation Rental zone, and two Rural Residential zones.

Section 341, the Camp Sherman Rural Center zone, was revised to add a fire station, temporary medical hardship dwelling, and utility and communication facilities as uses that may be allowed in the zone. Some uses that had been permitted subject to compliance with siting standards were made conditional uses, and single family dwellings are now permitted outright. Provisions that required a certain amount of acreage for some uses were eliminated. Lot coverage limitations for lodges, vacation rental units and RV parks were eliminated. Requirements for various state and federal

[5] OAR 660-022-0010(6): "Resort Community" is an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes; and (a) Includes residential and commercial uses; and (b) Provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

agencies to be on a Site Plan Review Committee were dropped. Instead, such agencies will be notified of the application in accordance with Section 903.4(A) of the revised Zoning Ordinance. Various other siting standards, building size and appearance, height, fencing, parking, setback and sign standards were retained. Section 341 implements Goal 8, Policy 3.2; Goal 9, Policies 4 through 4.2, 5 and 5.2; and Goal 14, Policies 2.1 and 4 through 4.3 of the Comprehensive Plan.

28. Section 342, the Camp Sherman Vacation Rental zone, was modified to reflect that the intended use of the zone is for vacation rentals. Single family dwellings are no longer permitted. Provisions were included to allow lodges and vacation rental units to be held under various ownership models, such as timeshares, provided the parcel remains in common ownership and units are not occupied as a principal residence. Units also must be available for rental to the general public at least 60 days per year. Lot coverage limitations for lodges and vacation rental units were eliminated. Requirements for various state and federal agencies to be on a Site Plan Review Committee were dropped. Instead, such agencies will be notified of the application in accordance with Section 903.4(A) of the revised Zoning Ordinance. The limitations of one unit and 1,400 square feet of building floor area per acre, and one acre of open space per developed acre were retained. The number of units allowed may be rounded to the next whole number when fractions of acres are involved. Section 341 implements Goal 8, Policy 3.2; Goal 9, Policies 5 and 5.2; and Goal 14, Policy 4.3 of the Comprehensive Plan.

A. Testimony was received that rounding the number of vacation rental units allowed to a higher number should not be allowed. The Board disagrees. Rounding of fractions to the nearest whole number is a common and mathematically correct practice.

B. Testimony was received that only de minimus owner occupancy of lodges and vacation rental units should be allowed. That testimony was based on previous LUBA and Court of Appeals opinions[6] that allowing more than de minimus owner occupancy would result in the vacation units being used as single family residences, and a residential density of one unit per acre would violate Goal 14. The LUBA and Court of Appeals opinions applied to a land use application that was subject to the requirements of the previous Zoning Ordinance. The Board determined that the previous Zoning Ordinance should be revised to reflect the Board's intent as to the type and scale of uses that should be allowed in the Vacation Rental zone, and how various terms related to those uses should be defined. The revised Section 342 contains language that specifically prohibits occupancy of vacation rental units as principal residences. The Vacation Rental zone provision for one rental unit per acre was acknowledged by DLCD in 1997 to be a rural rather than an urban use, in compliance with Goal 14. Even if vacation rental units were to be used as residences (which would be a violation of the provisions of Section 342), it would not violate Goal 14 because Camp Sherman is an unincorporated community. OAR 660-022-0030(2) states that county plans and land use regulations may authorize any residential use and

[6] *Friends of the Metolius v. Jefferson County*, 46 Or LUBA 509 (2004), 48 Or LUBA 466, *aff'd* 200 Or App 416, 116 P3d 220 (2005), 51 Or LUBA 188 (2006).

density in unincorporated communities. The Board finds that allowing fractional ownership of vacation rental units meets the intent of the zone and will have less overall impact on the area than if units are rented to the general public on a nightly or weekly basis because there will be less traffic to the area, and persons with a financial interest in the development will take greater care in preserving the quality of the surrounding landscape.

29. Sections 343 and 344 of the previous Zoning Ordinance, the Camp Sherman Rural Residential zones, have been consolidated into a single Section 343 in the revised Zoning Ordinance. Community hall and fire station were added to the zone as new conditional uses in order to reflect that these facilities are already located on lands in the zone. Siting standards were removed because the Board feels that dwellings and residential structures should be permitted without discretionary review in residential zones. Based on public testimony, other regulations for fencing, riparian setbacks, height limitations and building appearance were retained from the previous Zoning Ordinance.

30. Section 345, the Blue Lake zone, was reformatted and some uses that had required conditional use approval have been made administrative uses and vice versa, based on the potential impact and scale of the use. A requirement for the Oregon State Parks, Department of Fish and Wildlife, Department of Forestry and the US Forest Service to be included on a Site Plan Review Committee was deleted. Instead, such agencies will be notified of the application in accordance with Section 903.4(A) of the revised Zoning Ordinance. The section is otherwise substantially the same as the previous Section 345. The Section implements Goal 8, Policies 1.1 and 3.2 of the Comprehensive Plan.

31. Section 401 of the revised Zoning Ordinance has been substantially expanded from the previous Zoning Ordinance to reflect minimum standards for access. Section 402, Transportation Improvements, is a new section. It incorporates the list of transportation improvements from ORS 215.283 and OAR 660-012-0065, indicates the level of review required, and includes application requirements, procedures, and approval standards. Section 402 applies to transportation facilities and improvements in all zones. Sections 401 and 402 implement Goal 12, Policies 1 and 1.1 of the Comprehensive Plan.

32. Section 403, Clear-Vision Areas, consolidates provisions from Sections 402 and 403 of the previous Zoning Ordinance and revises them to provide more clarity. Sections 404, Fences; 405, Outdoor Lighting; and 406, Sign Regulations, have been revised but contain only local regulations that are not subject to state statute or administrative rules.

33. A significant amount of testimony was received about livestock regulations as they pertain to rural residential lands. The County has decided to remove any restrictions on the number or type of animals that are allowed from the Zoning Ordinance and make the keeping of livestock in nonresource zones subject to more general regulations in revised Section 407.

34. Section 408 contains standards for manufactured dwellings. The County has chosen to limit the placement of mobile homes and residential trailers except in circumstances when a mobile home or manufactured dwelling park is closed, as required by ORS

197.485(2).[7] Manufactured homes are allowed on any parcel where a single-family dwelling is permitted. Section 408 implements Goal 10, Policies 3 and 3.1 of the Comprehensive Plan.

35. Sections 409, 410 and 411 of the previous Zoning Ordinance, which related to manufactured homes and modular homes, have been deleted. (All provisions for manufactured homes are now in Section 408.) Section 409 of the revised Zoning Ordinance contains requirements for sewage disposal. The provisions comply with OAR 660-011-0060, and implement Goal 11, Policy 2 of the Comprehensive Plan.

36. Section 410 of the revised Zoning Ordinance contains provisions for home occupations. The provisions apply to all zones, but incorporate the requirements of ORS 215.448 pertaining to home occupations in agricultural zones.

37. Section 411 of the revised Zoning Ordinance is a new section containing regulations for mining operations. The regulations are clear and objective, as required by OAR 660-023-0180(5)(e). Section 411 implements Goal 5, Policies 11 through 11.2 of the Comprehensive Plan.

38. Section 412, Scenic and Natural Hazard Rim Set Back, has been revised to provide better clarity, to include a set back from the toe of a slope in addition to the set back from a rim, and to reference building code requirements. The Section implements Goal 7, Policies 3 and 3.1 of the Comprehensive Plan.

39. Section 413 of the previous Zoning Ordinance has been incorporated into Section 422 of the revised Zoning Ordinance. The new Section 413 contains provisions for improvement guarantees and bonding requirements. Section 414, Site Plan Review, has been revised to clarify requirements and procedures.

40. Section 415, Soil or Rapid Moving Landslide Hazard Procedures, has not been amended. Section 416 of the previous Zoning Ordinance has been deleted. The new Section 416, Grading, Fill and Removal, contains requirements for obtaining grading permits that are based primarily on building code regulations. Sections 415 and 416 implement Goal 7, Policy 3 of the Comprehensive Plan.

41. Section 417, Historic Resource Protection, has been substantially revised to incorporate requirements of OAR 660-023-0200. The requirements apply to resources listed in the Comprehensive Plan Inventory of Historic Resources and to resources listed in the National Register of Historic Places, as required by OAR 660-023-0200(8). Section 417 implements Goal 5, Policies 14 through 14.2 of the Comprehensive Plan.

42. Section 418, Airport Protection, has been substantially expanded to include the regulations for air space protection contained in OAR 660-013-0070 to 660-013-0080. Some of these regulations were included in Section 313 of the previous Zoning

[7] ORS 197.485(2): "A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park."

Ordinance, but have been moved to the revised Section 418 since they apply outside the boundaries of the Airport Management zone. OAR 660-013-0070(1) states that a local government shall adopt an Airport Safety Overlay zone to promote aviation safety by prohibiting structures, trees, and other objects from penetrating airport imaginary surfaces. To date, the County has not adopted an Airport Safety Overlay zone. As part of the decision to amend the Zoning Ordinance and Comprehensive Plan, the County decided to leave mapping and rezoning to 2007. OAR 660-013-0160(1) states that local government plans and land use regulations shall be updated to conform to this division at periodic review. The County is not in Periodic Review, and the previous Zoning Ordinance provisions for airport protection that were adopted in 2003 and that are substantially the same as the provisions in the revised Zoning Ordinance were acknowledged. Consequently, the County is not required to create an overlay zone as part of the current Zoning Ordinance amendment. Section 418 complies with the OAR requirements for prohibiting structures and other objects from penetrating airport imaginary surfaces, just without the use of an overlay zone. Section 418 implements Goal 12, Policies 2 and 2.1 of the Comprehensive Plan.

43. Section 419, Riparian Buffer, has been substantially revised. The section consolidates all provisions for protection of riparian areas and waterways that were in Sections 325 and 419 of the previous Zoning Ordinance, as well as provisions related to development involving a wetland and development near state scenic waterways and federal wild and scenic rivers. The revised section complies with OAR 660-023-0090, 660-023-0100, 660-023-0120 and 660-023-0130. Section 419 implements Goal 5, Policies 2 through 2.3, Policy 3, Policies 6 through 6.3, Policies 7 through 7.3, and Policies 12 and 12.1 of the Comprehensive Plan.

A. Testimony was received about Section 419.9, which contains requirements for development that will be within the regulatory boundary approved by the Federal Energy Regulating Commission (FERC) for the Pelton, Round Butte and Warm Springs reregulating dams. Several people testified in opposition to inclusion of this subsection because the regulatory boundary has not yet been determined. The subsection was modified to reflect that the regulations will only apply once the boundary has been adopted. The Board feels that it is important to retain the subsection to put property owners on notice that additional review and approval by the co-licensees will be required once the boundary has been approved by FERC.

B. Testimony was received that the County needs to adopt provisions to implement the Federal Wild and Scenic Rivers Act and State Scenic Waterway management plans. OAR 660-023-0120(4) and 660-023-0130(4) state that the local government shall adopt a program to protect Wild and Scenic Rivers, State Scenic Waterways and associated corridors "prior to or at the first periodic review following adoption of a management plan" for the river by the federal government or Oregon Parks and Recreation Commission. The County is not in periodic review, so is not required to adopt provisions to directly implement the federal and state management plans as part of the current Zoning Ordinance revision, provided that the Ordinance contains a program that provides adequate protection

to the rivers and associated corridors. Section 419 is the primary means the County will use to protect rivers and corridors. Subsections 419.1 through 419.5 contain regulations for protecting riparian areas adjacent to rivers. The regulations exceed the safe harbor provisions of OAR 660-023-0090(5) by requiring a greater setback from rivers and streams. Section 419.7 requires notification to the Oregon Parks and Recreation Department for any proposed development within ¼ mile of a State Scenic Waterway, and further requires that buildings within ½ mile of the river bank be finished in materials and colors that will allow it to blend with the surrounding landscape, in order to reduce visibility from the river. Section 419.8 contains similar provisions for Federal Wild and Scenic Rivers. These regulations provide an adequate means to protect the rivers and corridors.

44. Section 420 has not been amended. Section 421 of the previous Zoning Ordinance has been deleted. The new Section 421 explains the requirements for traffic impact studies. Section 422 has been revised to include provisions for various temporary uses. Included in this section are requirements for temporary medical hardship dwellings which incorporate requirements of OAR 660-033-0130(10) and OAR 660-006-0025(4)(t). Also included are requirements for mass gatherings in accordance with ORS 433.735 to 433.770.

45. Sections 423 and 424, Off-street Parking and Off-street Loading Requirements, have been revised to update the regulations. Section 425, Dock Design and Review Requirements, has not been substantially modified. These sections contain local regulations that are not subject to any state statutory requirements.

46. Section 426, Fire Safety Standards, has been substantially expanded to include provisions to minimize fire hazards in all zones. The Section incorporates provisions from OAR 660-006-0035 and 660-006-0040, the State Fire Code, OAR 629-044, and Oregon Department of Forestry recommended fire siting standards for dwellings and structures and design standards for roads. The Section was reviewed by all fire departments and fire protection agencies in the County, and they support its adoption. Section 426 implements Goal 7, Policies 4 and 4.1 of the Comprehensive Plan.

47. Section 427, Wireless Communication Towers, which contains local standards for towers, has been reformatted and revised for clarification. Section 428, Burial of Human Remains on Private Property, has not been amended. Section 429, Archaeological Preservation, has been revised to comply with ORS 97.740, 358.905 and 390.235. The Board made minor revisions to the zone as a result of testimony submitted by the Confederated Tribes of the Warm Springs Reservation of Oregon. Section 429 implements Goal 5, Policies 13 and 13.1 of the Comprehensive Plan.

48. Chapter 5 contains exceptions to other Zoning Ordinance provisions. Section 501, Nonconforming Uses, has been substantially rewritten to comply with ORS 215.130 and case law regarding verification and discontinuance of a nonconforming use. Minor changes to the previous Zoning Ordinance were made to Sections 502, 503 and 504, which contain provisions for exceptions to lot size, setback and height requirements.

Revised Zoning Ordinance Section 505 is new. It briefly states the requirements for taking a Goal exception. Section 506 contains exceptions for public projects that will not have land use impacts. Section 507, Authorization of Similar Uses in Non-Resource Zones, has been revised to include approval criteria for consideration of whether uses that are not specifically listed as being permitted in a non-resource should be allowed. The previous Section 508, Grading, Drainage and Erosion Control, has been deleted. (Provisions for such activities are included in Section 416 of the revised Zoning Ordinance.) Provisions for variances are now Section 508 of the revised Zoning Ordinance, having been moved from Article 7 of the previous Zoning Ordinance.

49. Chapter 6 contains procedures and approval criteria for consideration of conditional uses. The chapter has been revised to remove approval criteria that applied to specific uses, and now contains general criteria that will apply to applications for approval of a conditional use in all zones.

50. Chapter 7 of the revised Zoning Ordinance contains provisions for land divisions, replats, and property line adjustments. The County decided to no longer have a separate Subdivision Ordinance, but to incorporate those provisions into the general Zoning Ordinance. Chapter 7 complies with requirements for subdivisions and partitions in ORS 92. Section 702, Lawful Creation of Lots and Parcels, also includes the provisions of ORS 215.010(1) for determining whether a unit of land is a parcel, and Section 710, Planned Unit Development, includes the provisions for the division or rural residential lands found in OAR 660-004-0040(7)(e).

51. Chapter 8 contains requirements for amending the Zoning Ordinance or Zoning Map. The chapter has been substantially revised to no longer require submittal of an Environmental Impact Report, but to contain additional approval criteria for approval of a Zoning Map amendment. These criteria include the requirement that the rezone will not significantly affect a transportation facility, as required by OAR 660-012-0045(2)(g) and 660-012-0060(1). The criteria also include a requirement that land being rezoned from a resource zone to a rural residential zone must have a minimum lot size of at least ten acres unless an exception to Goal 14 is taken, as required by OAR 660-004-0018(7)(i).

52. Chapter 9 contains procedures for processing applications. The section has been reorganized and revised to comply with the notice and hearing regulations of ORS 215.402 through 215.435 and 197.763. The Chapter implements Goal 1, Policies 2 through 2.4; and Goal 2, Policies 2 and 3 of the Comprehensive Plan.

53. Chapter 10 contains local regulations regarding violations and enforcement. Section 1001, Violations, conforms with ORS 215.190.

54. Testimony was received regarding the level of review required for authorization of uses in various zones. Uses are either permitted outright, require administrative review, or require conditional use approval. Uses permitted outright are subject only to clear and objective standards, such as height limitations and setback requirements in a rural residential zone. Uses that require administrative review are those that are subject to discretionary approval criteria, but are likely to have minimal impact on the surrounding

area. Administrative review is done by the Planning Director, as outlined in Section 903.4 of the revised Zoning Ordinance. Notice of the Planning Director's decision is sent to surrounding property owners and persons who may be adversely affected or aggrieved, stating they have the right to appeal the decision, in accordance with the requirements of ORS 215.416(11). Uses that require conditional use approval are those that the County feels may have the greatest potential impact. Conditional uses are reviewed at a public hearing before the Planning Commission, and must comply with additional approval criteria, as outlined in Chapter 6 of the revised Zoning Ordinance. Consequently, the burden of proof is higher, and there is greater potential that uses will be denied. Some persons testifying felt that certain uses that are permitted outright or that are subject to administrative review should instead require conditional use approval. For the most part, the County has chosen not to act on this testimony. The division of uses into levels of review in the revised Zoning Ordinance is the result of a careful analysis of the types of uses that are appropriate in each zone, and consideration of the potential impacts that those uses may have on surrounding properties. The opportunity for a hearing is provided for any use where discretion is required in determining whether the use should be allowed. There is no legal requirement for all land use reviews to be conducted through a public hearing process or to be subject to the additional approval criteria for a conditional use.

55. The revised Zoning Ordinance complies with statewide planning Goal 1 because it provides various means for citizen involvement in the planning process. Sections 903.4(A) and 903.5(B) contain provisions for sending notices of land use applications to the Community Planning Advisory Committees. Public hearings before the Planning Commission, where citizens will have the opportunity to testify, are required for conditional uses, zoning map amendments, appeals, revisions to the text of the Zoning Ordinance, and other applications forwarded by the Planning Directory, as outlined in Section 903.5. Notice of all discretionary land use decisions and public hearings will be mailed to owners of property surrounding a parcel where development is proposed, as outlined in Section 906.

56. The revised Zoning Ordinance complies with Goal 2 because it contains regulations to implement and carry out the policies contained in the Jefferson County Comprehensive Plan. Chapter 8 contains provisions for amending the Zoning Ordinance regulations, as required by Goal 2.

57. The revised Zoning Ordinance complies with Goal 3, which states that "counties may authorize farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices" (OAR 660-015-0000(3)). Section 301, the regulations for the Exclusive Farm Use A-1, Exclusive Farm Use A-2 and Range Land zones, allows only those uses allowed by OAR 660-033. Subsection 301.5 states that uses will only be approved where the use 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, as required by OAR 660-033-0130(5). Section 409 prohibits the extension of sewer service to serve lands or uses in the agricultural zones, in accordance with the implementation measures in OAR 660-

015-0000(3)(B)(1) and (3). No agricultural lands have been rezoned by the Zoning Ordinance revision.

58. Section 303 of the revised Zoning Ordinance complies with Goal 4 because it allows forest operations, practices and auxiliary uses to provide for timber production and harvesting, and only such other uses as are permitted under OAR 660-006. Uses are subject to compliance with siting and fire safety standards to limit the impact on surrounding forest lands, in accordance with OAR 660-006-0025(5), 660-006-0035 and 660-006-0040. Although testimony was received that the County should not allow additional development on forest lands, there is no legal requirement for the County to be more restrictive than state statutes and administrative rules. Section 303 allows only those uses allowed by OAR 660-006 and ORS 215.700 to 215.780. No forest lands have been rezoned as part of the Zoning Ordinance revision.

59. The revised Zoning Ordinance complies with Goal 5. Section 321 contains provisions to limit impacts to big game winter range wildlife habitat; Section 322 contains provisions to protect sensitive bird nesting sites; Section 411 contain clear and objective standards to allow mining operations on lands listed on the Comprehensive Plan inventory of Mineral and Aggregate Sites; Section 417 contains provisions to protect historic resources; Section 419 contains provisions to protect wetlands, streams, rivers, and other water bodies and adjacent riparian vegetation, and also to regulate uses near Federal Wild and Scenic Rivers and State Scenic Waterways; and Section 429 contains provisions to protect cultural and archaeological resources. The protection measures are in conformance with the requirements of OAR 660-023.

60. Several sections of the revised Zoning Ordinance contain provisions to protect air, water and land resource qualify in compliance with Goal 6. Sections 414.4 and 705.1(H) require new development and subdivisions to provide drainage systems to prevent surface runoff from adversely affecting water quality; Section 803.2(C) requires a showing that a proposal to rezone land will not cause a significant adverse impact due to water quality, drainage, air quality or noise; and Section 409 contains provisions requiring development to meet DEQ regulations for sewage disposal in order to protect water quality.

61. Several sections of the revised Zoning Ordinance are designed to implement Goal 7. Section 316 contains provisions to minimize flood hazards; Sections 412, 415 and 416 contain provisions to protect development from land hazards and erosion; and Section 426 contains standards to protect lands and development from wild fire risk.

62. The revised Zoning Ordinance complies with Goal 8 because it allows development of parks in most zones. Sections 341, Camp Sherman Rural Center zone; 342, Camp Sherman Vacation Rentals zone; 345, Blue Lake Zone; and 321, Three Rivers Recreation Area Waterfront zone, all allow various types of overnight accommodations and other facilities for recreational and visitor use. Section 314, the Park Management zone, is also designed to comply with the goal of satisfying recreational needs.

63. The revised Zoning Ordinance complies with Goal 9 because Section 311, County Industrial zone, allows various kinds of industrial development, and Sections 309, County

Commercial zone, 317, Crooked River Ranch Commercial zone, 320, Three Rivers Recreation Area Waterfront zone, and 341, Camp Sherman Rural Center zone, allow various commercial uses. In addition, home occupations may be approved in all zones.

64. Although Goal 10 primarily applies to lands within urban growth boundaries, the revised Zoning Ordinance complies with the goal because it allows for various kinds of housing, including manufactured homes and farm worker housing.

65. The revised Zoning Ordinance complies with Goal 11 because Section 409 prohibits the establishment or extension of sewer services outside urban growth boundaries or unincorporated community boundaries, in accordance with OAR 660-015-000(11). Although much of the County receives water from the Deschutes Valley Water District, the Zoning Ordinance does not allow for increased density based on the availability of water service.

66. The County will be adopting a Transportation System Plan to comply with Goal 12. The revised Zoning Ordinance contains several provisions for implementing the goal. Section 402, Transportation Improvements, contains regulations for authorizing new transportation facilities in accordance with ORS 215.283 and OAR 660-012-0065. Subsections 414.6(C), 602(D), 705.1(E) and 803.2(F) contain approval criteria requiring that new development not significantly affect a transportation facility.

67. The revised Zoning Ordinance does not contain any specific standards related to Goal 13. Goal 14 is implemented through a number of sections. Section 703.2(O) requires that a conversion plan be submitted to show how a property can be redeveloped at an urban density if lots less than ten acres in size are being created inside an urban growth boundary. Each unincorporated community in the County has its own specific zoning regulations. For instance, the Crooked River Ranch Commercial and Residential zones apply only to the unincorporated community of Crooked River Ranch. The regulations for each community comply with requirements of OAR 660-022. Single family dwellings are allowed on lawfully created parcels in all rural residential zones, in accordance with OAR 660-015-0000(14). Throughout the revised Zoning Ordinance, regulations are designed to limit development to a rural scale.

CONCLUSIONS

1. Substantial opportunity for citizen input on the proposed Zoning Ordinance revision was provided.

2. The Zoning Ordinance implements policies of the Jefferson County Comprehensive Plan.

3. The Zoning Ordinance complies with state statutes and administrative rules and statewide planning goals.

EXHIBIT B

JEFFERSON COUNTY ZONING ORDINANCE

Adopted December 27, 2006
By Ordinance #O-02-07

TABLE OF CONTENTS

Chapter 1 General Provisions
Section 101 - Code Adoption and Authority 1
Section 102 - Purposes 1
Section 103 - Repealer 1
Section 104 - Short Title And Revision Policy 1
Section 105 - Definitions 1
Section 106 - Compliance With Ordinance Provisions 21
Section 107 - Zoning Permit 21
Section 108 - Scope of Land Use Decisions 22
Section 109 - Conflict with Private Agreements 22
Section 110 - Severability 22

Chapter 2 Establishment of Zones and Maps
Section 201 - Establishment Of Zones 23
Section 202 - Location of Zones 24
Section 203 - Zoning Map 24
Section 204 - Zone Boundaries 24

Chapter 3 Land Use Zones
Section 301 - Exclusive Farm Use Zones (EFU A-1, EFU A-2 and RL) 25
Section 303 - Forest Management (FM) 57
Section 304 - Rural Residential (RR-2, RR-5, RR-10, RR-20) 74
Section 305 - Service Community (SC) 76
Section 306 - Existing Rural Development (ERD) 78
Section 309 - County Commercial (CC) 80
Section 311 - County Industrial (CI) 82
Section 312 - Industrial Reserve (IR) 83
Section 313 - Airport Management (AM) 84
Section 314 - Park Management (PM) 88
Section 315 - Limited Use Overlay Zone (LU) 90
Section 316 - Flood Plain Overlay Zone (FP) 91
Section 317 - Crooked River Ranch Commercial Zone (CRRC) 101
Section 318 - Crooked River Ranch Residential Zone (CRRR) 104
Section 319 - Three Rivers Recreation Area Zone (TRRA) 106
Section 320 - Three Rivers Recreation Area Waterfront Zone (TRRAW) 108
Section 321 - Wildlife Area Overlay Zone (WA) 110
Section 322 - Sensitive Bird Habitat Overlay Zone (BH) 113
Section 341 - Camp Sherman Rural Center Zone (CSRC) 115
Section 342 - Camp Sherman Vacation Rentals Zones (CSVR) 118
Section 343 - Camp Sherman Rural Residential Zone (CSRR-3, CSRR-5) 121
Section 345 - Blue Lake Zone (BL) 123

Chapter 4 Supplementary Provisions
Section 401 - Access 126
Section 402 -Transportation Improvements 128
Section 403 - Clear Vision Areas 136
Section 404 - Fences 137
Section 405 - Outdoor Lighting 137
Section 406 - Sign Regulations 138
Section 407 - Livestock Restrictions 140
Section 408 - Manufactured Dwellings 141
Section 409 - Sewage Disposal 143
Section 410 - Home Occupations 145
Section 411 - Mining Regulations 148
Section 412 - Scenic and Natural Hazard Rim Set Back 153
Section 413 - Improvement Guarantees and Bonding Requirements 155
Section 414 - Site Plan Review 157
Section 415 - Soil or Rapid Moving Landslide Hazard Procedures 162
Section 416 - Grading, Fill and Removal 163
Section 417 - Historic Resource Protection 165
Section 418 - Airport Protection 167
Section 419 - Riparian Protection 178
Section 420 - Endangered Species 183
Section 421 - Traffic Impact Studies 183
Section 422 - Temporary Uses 184
Section 423 - Off-Street Parking Requirements 190
Section 424 - Off-Street Loading Requirements 194
Section 425 - Dock Design and Review Requirements 196
Section 426 - Fire Safety Standards 197
Section 427 - Wireless Communication Towers 203
Section 428 - Burial of Human Remains on Private Property 206
Section 429 - Archaeological Preservation 207

Chapter 5 Exceptions
Section 501 - Nonconforming Uses 209
Section 502 - General Exceptions to Lot Size Requirements 212
Section 503 - General Exceptions to Setback Requirements 212
Section 504 - General Exceptions to Height Requirements 212
Section 505 - Goal Exceptions 213
Section 506 - Exceptions for Public Projects 213
Section 507 - Authorization of Similar Uses in Non-Resource Zones 213
Section 508 - Variances 214

Chapter 6 Conditional Uses
Section 601 - Authorization To Grant Or Deny Conditional Uses 216
Section 602 - Approval Criteria 216
Section 603 - Conditions of Approval 217

Chapter 7 Land Divisions
Section 701 - General Provisions 219
Section 702 - Lawful Creation of Lots and Parcels 219
Section 703 - Land Division Application Requirements 222
Section 704 - Land Division Procedures 224
Section 705 - Standards and Criteria for Approval 225
Section 706 - Dedication Requirements 228
Section 707 - Final Plats 229
Section 708 - Improvement Guarantees and Bonding Requirements 234
Section 709 - Replats 235
Section 710 - Planned Unit Development (PUD) 236
Section 711 - Division of Manufactured Dwelling Park 238
Section 712 - Reapproval of Expired Tentative Plan 239
Section 713 - Property Line Adjustments 240

Chapter 8 Amendments
Section 800 - Types of Amendments 243
Section 801 - Authorization to Initiate Amendments 243
Section 802 - Authorization to Approve or Deny Proposed Amendments 243
Section 803 - Approval Criteria. 243

Chapter 9 Administration and Application Review Provisions
Section 901 - Administration 246
Section 902 - Application Procedures 246
Section 903 - Decision Process 248
Section 904 - Public Hearings 251
Section 905 - Conditions of Approval 254
Section 906 - Notice Requirements 254
Section 907 - Appeals 257
Section 908 - Remands 258
Section 909 - Revocation 258
Section 910 - Expiration and Extension of Permits 259

Chapter 10 Violations and Enforcement
Section 1001 - Violations 260
Section 1002 - General Enforcement Provisions 260
Section 1003 - Enforcement Procedures 260
Section 1004 - Repeal Of Ordinances As Affecting Existing Liabilities 260

CHAPTER 1
GENERAL PROVISIONS

Section 101 - Code Adoption and Authority

There is hereby adopted, as provided herein, an ordinance for Jefferson County, a political subdivision of the State of Oregon. This Ordinance is adopted pursuant to authority granted to Jefferson County by Oregon Revised Statutes Chapters 92 (Subdivisions and Partitions), 197 (Comprehensive Land Use Planning Coordination) and 215 (County Planning; Zoning; Housing Codes).

Section 102 – Purposes

This Ordinance establishes land use zones and regulations for the purpose of implementation of the Jefferson County Comprehensive Plan adopted by the Board of County Commissioners. The provisions of this ordinance are necessary to promote the public health, safety, and welfare of the citizens of Jefferson County.

Section 103 - Repealer

This ordinance shall replace and supersede all prior ordinances. All such ordinances or provisions are repealed effective on the date of acknowledgement of this ordinance.

Section 104 - Short Title And Revision Policy

This ordinance shall be known as the Jefferson County Zoning Ordinance and is referred to throughout this document as "this ordinance." This ordinance shall be reviewed and, if necessary, revised periodically to be consistent with legislative changes.

Section 105 - Definitions

The definitions of words in the ordinance, and the construction of the words in provisions thereof, shall be as follows:

A. CONSTRUCTION OF WORDS:
The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.

1. Tense: Words used in the present tense shall include the future tense.

2. Number: Words used in the singular shall include the plural, and words used in the plural shall include the singular.

3. Shall and May: The word 'shall' is mandatory. The word "may" is permissive.

4. Gender: The masculine shall include the feminine and neuter.

5. Headings: In the event there is any conflict or inconsistency between the heading of a Chapter, section or paragraph of this ordinance and the text thereof, the text shall control.

B. DEFINITIONS:
As used in this ordinance, the following words and phrases shall mean:

Accepted Farming Practice: A mode of operation that is common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches to obtain a profit in money and customarily utilized in conjunction with farm use.

Access: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Accessory Use or Accessory Structure: A use or structure located on the same lot, which is incidental and subordinate to the main use of the property.

Adjacent: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Land Use Decision: A land use decision made by the Planning Director using limited discretion based upon and limited to specific Ordinance criteria, and that does not require a scheduled public hearing before the Planning Commission or Board of Commissioners as required by this Ordinance, State Statutes or Oregon Administrative Rules.

Adversely Affected or Aggrieved Person: Any person(s) or entity(ies) who has a legally recognized interest and to which a land use decision will have an adverse practical effect.

Aggregate Resources: 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.

Agricultural Land: (A) Lands classified by the National Resource Conservation Service (NRCS) as predominately Class I-VI soils. (B) Lands in other soil classes which are suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required, and accepted farming practices. Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in other capability classes other than I-VI that is adjacent to or intermingled with lands in capability classes I-VI within a farm unit shall be identified as agricultural lands even though this land may not be cropped or grazed.

Aircraft: Any contrivance used or designed for navigation of or flight in the air, including helicopters and airplanes, but not including hot air balloons, ultra lights or one-person motorless gliders that are launched from the earth's surface solely by the operator's power.

Airport: The strip of land or area of water used for taking off and landing aircraft, together with all adjacent areas used in connection with the aircraft landing or taking off and any appurtenant areas that 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.

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 approach surface, conical surface, horizontal surface, primary surface and transitional surface. Dimensions of each type of imaginary surface and where they apply depend upon the type of runway, as outlined in Section 418.

Argument: Assertions and analysis regarding a land use application that discusses the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision.

Bank-Full Stage: The elevation at which water overflows the natural banks of a stream, river, or lake and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate Bank-Full Stage.

Base Flood Elevation: The crest elevation, in relation to mean sea level or an assumed elevation tied to a benchmark, expected to be reached by a 100-year flood.

Basement: A story of a building that is partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.

Bed or Banks of Stream or River: The physical container of the waters of a stream or river lying below bank-full stage, and the land 10 feet on either side of the container.

Bed and Breakfast Inn: An accessory use carried on within a building designed for and occupied as a single family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 30 consecutive days, for the use of travelers or transients for a fee. Provision of a morning meal is customary.

Boarding of Horses: The Boarding of horses for profit shall include the following;

A. The stabling, feeding and grooming for a fee or the renting of stalls for and the care of horses not belonging to the owner of the property; and,

B. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

A. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;

B. The incidental stabling of not more than four (4) horses;

C. The boarding of horses for friends or guests where no charge is made; and

D. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Boundary Line Agreement: A contractual agreement between two abutting property owners establishing a surveyable common property boundary where no recorded surveyable boundary exists.

Buffer: An area of planted or natural vegetation, berms, fences or structures intended to separate and partially obscure the view from off-site at eye level. Also used to describe riparian setbacks.

Building: A structure built, used or intended for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, and consisting of a floor, a roof, and at least three walls.

Building Floor Area: The total horizontal area of all stories of a building, measured from the exterior walls. Decks and exterior architectural features such as porches, chimneys, and eaves are not included in the calculation of building floor area.

Campground: An area consisting of a minimum of three (3) acres with no more than ten (10) spaces per acre and designed for short-term overnight use for vacation, recreational or emergency purposes but not for residential purposes. A campground shall not include campsite utility hook-ups, intensively developed recreational uses such as swimming pools or tennis courts, or commercial activities such as retail stores or gas stations. Spaces for tents, campers, and recreational vehicles are allowed. No more than one-third, or a maximum of ten campsites, whichever is smaller, may include a yurt.

Church: An institution that has nonprofit status as a church established with the Internal Revenue Service. A nonresidential building or buildings intended for religious worship and activities customarily associated with the practices of the religious activity, including worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

Clear-Vision Area: A triangular area on a lot at the intersection of two roads, a road and a driveway, or a road and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in this Ordinance. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. The vision clearance area contains no plantings, walls exceeding three and one-half (3 1/2) feet in height

measured from the road surface, or sight-obscuring fences, in order to provide adequate visibility for vehicles entering the intersection.

Commercial Activities in Conjunction with Farm Use: For-profit activities conducted for the primary purpose of maintaining commercial agricultural enterprises. Includes commercial activities that are either exclusively or primarily a customer or supplier of farm uses; commercial activities that provide products and services essential to the practice of agriculture by surrounding agricultural operations; or commercial activities and/or events that significantly enhance the agricultural enterprises of the local agricultural community.

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.

Commercial Amusement Establishment: An intensively developed or largely open space recreation facility that charges admission or participation fees.

Commercial Use: An activity that provides merchandise or services for the consumption of the community at-large through retail and/or wholesale outlets, including but not limited to retail shopping, business and professional services. For example; bakeries, banks, hardware stores, offices, restaurants, theaters, vehicle sales and repairs, and veterinary hospitals.

Communication Facilities: Telephone, telegraph, television, radio, cable, commercial broadcasting, microwave, transmission or retransmission facilities and substations, and similar communication conveyances.

Comprehensive Plan: The Jefferson County Comprehensive Plan, as may be amended.

Conditional Use: A use that would not be permitted outright generally or without restriction throughout the zone, but which may be approved if, with conditions as to number, area, location, or relation to the surrounding uses, the use is found to have a minimal adverse impact on the surrounding area and not be detrimental to public health, safety, or general welfare.

Cubic Foot Per Acre: For purposes of the Forest Management zone, means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). When 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 Department of Forestry.

Cubic Foot Per Tract Per Year: For purposes of the Forest Management zone, means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). When 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 Department of Forestry.

Date of Creation: 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. 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.

Day Care Facility: A facility 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 includes the following subcategories:

> Adult day 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.
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> Child care center: Any facility licensed by the state that provides child care outside the provider's home either as a for-profit or non-profit operation.
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> Mini-Day Care Center: Means a day care facility for the care of 12 or fewer children in a facility other than the family dwelling of the person(s) providing the care.
>
> Day Care Center: Provides for care of 13 or more children. If located in a private family residence, the portion where the children have access must be separate from the family living quarters, or that portion where the children have access must be exclusively used for their care during the hours that the child day care is operating.

Day Care Home: A business involving the care of 10 or fewer children located in the family dwelling of the provider. The home shall meet Oregon State day care licensing requirements.

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 commercial equipment or materials.

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.

Driveway: Physically developed access from a road, providing lawful ingress to and egress from a parcel.

Dwelling Unit: A structure that is designed or intended to be used for human habitation, and provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

Dwelling Types: For the purposes of this Ordinance, dwellings are separated into the following categories as defined below:

A. Single Family Detached: A single dwelling unit that is free standing and physically separate from other dwelling units.

B. Duplex: One building containing two (2) dwelling units which share a common wall or ceiling.

C. Multiple Family Attached (Multiplex): Three (3) or more dwelling units with common walls or ceilings common to another unit.

Easement: A grant of the right to a person, government agency, public utility company or other legal entity to use pubic or private land owned by another for specific purposes, where ownership of the land is not transferred.

Evidence: Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards relevant to a land use decision.

Exception Area: An area where the land has been excluded from the requirements of one or more applicable statewide planning goals, as set forth in the Comprehensive Plan.

Family: An individual, two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than three additional unrelated persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one kitchen.

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.

Farm Use: As defined in ORS 215.203. 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).

A. "Current employment" of land for farm use includes:
   1. Farmland, the operation or use of which is subject to any farm-related government program;
   2. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
   3. Land planted in orchards or other perennials, other than land specified in subparagraph (D) of this paragraph, prior to maturity;
   4. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
   5. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
   6. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u);
   7. Water impoundments lying in or adjacent to and in common ownership with farm use land;
   8. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
   9. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
   10. Any land described under ORS 321.267 (3) or 321.824 (3); and
   11. Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

B. "Cultured Christmas trees" means trees:
   1. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
   2. Of a marketable species;
   3. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

4. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

C. "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products.

D. "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

Fence, Sight Obscuring: A fence or planting arranged in such a way as to effectively prevent vision of objects which are screened by it.

FIRM (Flood Insurance Rate Map): An official map distributed by the Federal Emergency Management Agency (FEMA) that depicts areas that are subject to inundation from a 100-Year (Base) flood. Jefferson County's Flood Hazard Ordinance is based on this map.

Flaglot: A lot or parcel that has the bulk of its area set back some distance from a road, and that is connected to the road via a thin strip of land (the flagpole).

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area: The relatively flat area or lowland adjoining the channel of a river, stream, or other watercourse, lake or reservoir which has been or may be covered by a base flood. Also referred to as the 100-year Flood plain. Such an area is subject to a one percent (1%) or greater chance of flooding in any given year.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Forest Lands: Lands composed of existing and potential forest lands which are suitable for commercial forest uses, other forested lands needed for watershed protection, wildlife, and fisheries habitat and recreation, lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species. "Forest tree species" means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.

Forest practice: Any operation conducted on or pertaining to forestland, including but not limited to reforestation, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

Forest Uses: Includes the production of trees and the processing of forest products, open space, buffers from noise, visual separation of conflicting uses, watershed protection, wildlife and fisheries habitat, soil protection from wind and water, outdoor recreational activities and related support services and wilderness values compatible with these uses, and grazing of livestock.

Frontage: All property fronting on one side of a road right-of way, waterway, railroad or other feature.

Fuel Break: A natural or man-made area immediately adjacent to a structure or driveway, where material capable of allowing a fire to spread either does not exist or is cleared, modified or treated to significantly reduce the rate of spread and intensity of an advancing fire.

Functional Classification: The system by which roads are categorized according to the level of service they provide and the construction standards that are required.

Grade (Ground Level), Finished: The average elevation of the finished ground elevation at the centers of all walls of a building.

Grade (slope), Natural: The grade or elevation of the ground surface that exists or existed prior to man-made alterations such as grading, grubbing, filling, or excavation.

Grandfathered Use: (See Nonconforming Structure or Use)

Height of Building: The vertical distance from the average grade to the highest point of the roof.

High-value Farmland: Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or II or not irrigated and classified prime, unique, Class I or II. 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.

Historic Resources: Buildings, districts, sites, structures and objects that have a relationship to events or conditions of the human past and are of local, regional, statewide or national historic significance.

Home Occupation: A business carried on by a resident of the property in the dwelling or in an accessory building on the same parcel in such a manner that does not impair the outward appearance of the property in the ordinary meaning of the term, does not cause or lead to an unreasonable increase in the flow of traffic in the neighborhood, or the production of noise or other forms of environmental pollution.

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 purposes of review of applications in farm zones, 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.

Kennel: A place of business, a facility or private residence, housing five or more adult dogs, not including an animal hospital:

A. In which dogs owned by persons other than the business or facility owner are given training, boarded or groomed for compensation; or

B. Maintained by public or private funds which serves as a temporary shelter for holding lost, strayed, surrendered, or abandoned dogs and cats until disposition by redemption, adoption, or euthanasia is made; or

C. A facility which trains dogs as guides for the visually, physically, or hearing impaired; or

D. Which is maintained and operated as a business for breeding, buying, selling or bartering of dogs and cats for profit or compensation; or

E. Which is a private residence in which dogs are owned and kept by the property owner(s), their family members, renters or agents.

Ladder Fuel: Branches, leaves, needles and other combustible vegetation that may allow a fire to spread from lower growing vegetation to higher growing vegetation.

Land Use Decision: A final decision or determination that concerns the adoption, amendment or application of: (1) the statewide planning 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.

Landscaping: The improvement of land by contouring, planting of vegetation, placement of ground cover and similar means for the purpose of improving the physical appearance of a

property, promoting the natural percolation of storm water, and providing a buffer or screening between incompatible uses.

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 or established under this Ordinance.

Legislative Decision: Any action which involves the making of laws of general applicability, such as an amendment to the text of the Zoning Ordinance, or that affects a large area or multiple properties under different ownership, such as an amendment to the boundaries of an overlay zone.

Livestock: Horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated fowl and any fur-bearing animal customarily raised or kept on farms for profit or other purposes.

Livestock Feedlot: An enclosure or structure designed or used for the purpose of the concentrated feeding of livestock.

Livestock Sales Yard: An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

Lodge: A building or series of buildings located on a parcel of land under common ownership, consisting of individual units of one or more rooms, each without cooking facilities, that shall be made available for rental to visitors on a temporary basis for recreational or vacation purposes. A lodge complex may include a central kitchen and dining facilities designed for the preparation and serving of meals to unit occupants and the public.

Lot: A unit of land that is created by a subdivision of land. Except in relation to land divisions, "lot" is synonymous with "parcel" for purposes of this Ordinance.

Lot, Corner: A lot abutting on two or more roads at their intersection; provided the angle of intersection does not exceed 135 degrees.

Lot Line: The property lines bounding a lot. A boundary line dividing one parcel from another or dividing a parcel from a road.

Lot Line, Front: The lot line separating a lot from a road. In the case of a flag lot or landlocked parcel, the interior lot line most parallel to and nearest the road from which access is obtained. On a corner lot, the shorter lot line abutting a road. On a double frontage lot, the lot line abutting the road providing the primary access to the lot or parcel.

Lot Line, Rear: The lot line which is opposite and most distant from the front lot line. In the case of an irregular triangular, or other odd shaped lot, a line ten (10) feet in length within the lot, parallel to, and at a maximum distance form the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line bounding a lot.

Lot Size: The total horizontal net area within the lot lines of a lot or parcel. When a road or railroad right-of-way lies entirely within the boundaries of a lot, it is included for the purpose of determining the total lot size. When a road borders a lot, the area to the centerline of the right-of-way shall be included for the purpose of determining total lot size. Lots that are described as sections or fractions of sections shall be considered to be the standard size for that unit of land (i.e., a ¼ section is 160 acres).

Lot, Through or Double Frontage: A lot having frontage on two parallel or approximately parallel roads.

Lot Width: The average horizontal distance between the side lot lines.

Lowest Floor: The lowest floor of the lowest enclosed area of a building (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Major Rivers: Streams with an average annual stream flow greater than 1,000 cubic feet per second (cfs), including the Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River and John Day River.

Manufactured Dwelling: (See Section 408.1)

Manufactured Dwelling Park: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the county.

Marina: A facility developed along a body of water which includes docks, boat slips or moorings for motorboats, sailboats, houseboats and yachts, and offering services to boaters such as fuel, food and beverage service, marine supplies, boat rentals, restrooms and marine repairs. Does not include moorage for live-aboard boats or houseboats.

Mineral Resources: Includes soil, coal, clay, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits, but excluding materials and substances defined as aggregate resources.

Mining: All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. For purposes of Exclusive Farm Use and Range Land zones, a permit is required to mine more than 1,000 cubic yards of material or to excavate preparatory to mining a surface area of more than one acre. For all other zones, a

permit is required to mine more than 5,000 cubic yards of mineral or more than one acre of land within a period of 12 consecutive calendar months. Mining does not include: (1) excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of construction, reconstruction or maintenance of access roads; (2) excavation or grading conducted in the process of farm or cemetery operations; (3) excavation or grading conducted for on-site road construction or other on-site construction; or, (4) nonsurface impacts of underground mines.

Mobile Food Vendor: The operator of a mobile food unit who is licensed by the Jefferson County Public Health Department to dispense food.

Mobile Food Unit: Any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, road, or waterway, on which food is prepared, processed or converted or is used in selling and dispensing food to the ultimate consumer, and which remains on any one site for less than 24 continuous hours.

Mobile Home: (See Section 408.1)

Mobile Home Park: (See Manufactured Dwelling Park)

Natural Hazard Areas: An area that is subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ground water, flash flooding, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

Nonconforming Structure or Use: A building, structure, use or parcel that was lawfully created or established, but which does not conform to current zoning regulations.

Nonresource Land: Land not subject to statewide planning Goal 3, Agricultural Lands or Goal 4, Forest Lands, or for which an exception to those goals has been taken.

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, roads or parking areas.

Owner: A person(s), or other legal entity possessing fee title to real property.

Parcel: Includes a unit of land created:

A. By partitioning land as defined in ORS 92.010;

B. In compliance with all applicable planning, zoning or partitioning ordinances or regulations;

C. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

Does not include a unit of land created solely to establish a separate tax account.

Park: A publicly or privately owned outdoor recreation facility which contains development and improvements necessary for the enjoyment of the park environment, but which is largely retained in and devoted to open space.

Parking Space: A clear, off-street area for the temporary parking or storage of one automobile, having an all-weather surface of width not less than nine (9) feet and a length of not less than fifteen (15) feet, with a clearance of not less than eight and one half feet (81/2) feet when with in a building or structure.

Partition Land: Means to divide land to create two or three parcels of land within a calendar year, but does not include:

A. A division of land resulting from a lien foreclosure, foreclosure of contract for the sale of real property or the creation of cemetery lots;

B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

C. The division of land resulting from the recording of a subdivision or condominium plat;

D. 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 provided that such road or right-of-way complies with the Comprehensive Plan and ORS 215.283(2)(q) to (s). Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes after 1991 shall continue to be considered a single unit of land until such time as a subdivision or partition is approved by the County; or

E. 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. The property line adjustment must be approved by the County.

Planned Unit Development: A residential development that is planned and developed as a whole in a single development operation or programmed series of development stages, consisting of dwelling units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and creating common areas for open space and preservation of natural features.

Plat: A final subdivision plat, replat or partition plat, including a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a partition or subdivision.

Principal Use: The main use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses.

Processing, Mineral and Aggregate: Includes, but is not limited to, 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.

Property Line Adjustment: The relocation or elimination of a common property line between abutting properties, where no new lots or parcels are created. Also referred to as a lot line adjustment.

Public Use: A building, structure or use owned and operated by a governmental or tax supported entity, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter. Does not include landfill or solid waste disposal sites, garbage dumps or utility facilities.

Quasi-judicial Decision: An action based on an individual land use application involving the administration of land use regulations to a single tract or a small number of contiguous parcels, or a proposed change such as an amendment to the Zoning Map involving a single tract or a small number of contiguous parcels. A quasi-judicial decision: (1) applies pre-existing criteria to concrete facts; (2) is bound to result in a decision; and (3) is directed at a closely circumscribed factual situation or a relatively small number of persons.

Recycling Facilities: Any parcel of land or portion thereof, or building or structure commercially used for the storage, collection, processing, purchase, or sale of wastepaper, rags, scrap metal, or other scrap or discarded materials. Excluded from this definition shall be areas used for the storage of materials or objects accumulated by the manufacturer as an integral part of the manufacturing process, and non-commercial recycling centers or sub-stations established for the collection of materials for transport to a commercial recycling facility

Recreational Vehicle: A vacation trailer or other unit with or without motive power which is designed for human occupancy and is to be used temporarily for recreational, seasonal or emergency purposes, including camping trailers, motor homes, park trailers, travel trailers and truck campers, as defined in OAR 918-650-0005, and "Park Model" manufactured homes.

Recreational Vehicle Park: A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public on a temporary basis for recreational or vacation purposes. The spaces may be used for tents, tent vehicles and other recreational vehicles.

Replat: The act of platting the 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 in the subdivision. A property line adjustment between two lots in a recorded plat and the partition of an existing lot are not replats.

Reserve Strip: A recorded instrument or physical strip of land that is used to control or prevent access to a road.

Residential Facility: A residential care, residential training, or residential treatment facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A residential treatment, residential training, or 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.

Resource Land: Land subject to statewide planning Goal 3, Agricultural Lands, and Goal 4, Forest Lands. In Jefferson County resource lands are zoned Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land, and Forest Management.

Right-of-Way: A strip of land occupied or intended to be occupied by a road, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use designed and intended to benefit the public.

Rim: A ledge, outcropping or top or overlying stratum of rock which forms a slope steeper than one unit vertical in three units horizontal (33.3 percent slope), and which is in excess of ten feet in height.

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.

Road: The entire right-of-way of any public or private way that provides ingress to or egress from one or more lots, parcels, areas or tracts of land, or that provides travel between places by means of vehicles, including road related structures that are in the right-of-way such as tunnels, culverts or similar structures, and structures that provide for continuity of the right-of-way such as bridges. "Road" does not include bicycle paths, individual driveways, or a private way that is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes. Types of roads include the following:

A. Bureau of Land Management Road: A federally owned road 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.

B. 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.

C. Cul-de-sac: A short road having one end open to traffic and terminated by a vehicle turnaround at the opposite end.

D. Local Access Road: A public road that is not a county road, state highway or federal road.

E. Private Road: A private right-of-way for road purposes created by a recorded easement or other instrument and not dedicated to the public or a road district. A private road remains part of the acreage of the property it crosses.

F. Public Road: The entire right-of-way of any road over which the public has a right of use that is a matter of public record.

G. State Highway: A public road under the jurisdiction of the State of Oregon.

H. Street: A city road. However, for purposes of this Ordinance, road and street are synonymous unless the context requires otherwise.

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

School: 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. Also secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree.

Seasonal: A time period of 6 months or less in any 12 month period.

Septic System: A system for the treatment of sewage that serves a single lot or parcel, or one condominium unit, or one unit within a planned unit development, and includes a septic tank and absorption area.

Setback: A distance, measured horizontally from, and running parallel to, a property line, rim, water body or other feature.

Sewer System: A system that serves more than one lot or parcel, or more than one condominium unit, or more than one 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. A system provided solely

for the collection, transfer and/or disposal of storm water runoff or animal waste from a farm as defined in ORS 215.303 is not a sewer system.

Sign: A display, illustration, or device which is affixed to, painted on, or placed adjacent to a building, structure, or land, and which identifies or directs attention to a product, place, activity, person, institution, idea, or business.

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 x 100). For example, a 40% slope is a 40 foot rise in elevation over a distance of 100 feet (40/100 x 100).

Start of Construction: Application for and issuance of a building permit by the County for the purpose of permanent construction of a structure on a site, such as the pouring of a 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 on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms.

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.

Stream, Intermittent: Any stream that flows during a portion of every year and which provides spawning, rearing or food-producing areas for food and game fish.

Stream, Perennial: A stream with flow that lasts throughout the year.

Structure: A building or other major improvement that is built, installed or constructed. Among other things, structures include buildings, retaining walls, decks, communication towers, and bridges, but do not include minor improvements such as fences, swimming pools, utility poles, flagpoles, irrigation system components and similar items that are not customarily regulated through zoning ordinances.

Subdivide Land: To divide an area or tract of land to create four (4) or more lots within a calendar year.

Temporary: A time period of 6 months or less in any 12 month period, unless otherwise specified in this Ordinance.

Tentative Plan: A diagram or drawing of a proposed land division or site development, illustrating the proposed layout of lots, buildings, roads, easements, common areas and other site features.

Top of Bank: The stage or elevation at which water overflows the natural banks of streams or other water bodies and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Tract: One or more contiguous lots or parcels under the same ownership.

Traffic Impact Study: An analysis prepared by a licensed professional engineer with expertise in traffic engineering which addresses the direct and indirect impacts of traffic that will be generated by a proposed development on the surrounding transportation system.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Easement: An easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public utility infrastructure for the provision of water, power, heat or telecommunications to the public.

Utility Facility: Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone. Includes 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, and necessary appurtenances including related rights-of-way 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).

Vacation Rental Units: A building or series of buildings having one or more rooms, with or without cooking facilities in each unit, which are available for rental for recreational or vacation purposes. A central kitchen and dining facilities designed for the preparation and serving of meals to unit occupants and the public may be included in the development.

Violation: A development action or land division by any person or entity that is prohibited or not authorized by the Comprehensive Plan, Zoning Ordinance, or other applicable State or County law; or the failure of any person or entity to comply with a specific County development approval (e.g., conditions of approval) or other State or County permit.

Water Area: The area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

Water-Dependent Use: A use or portion of a use that cannot exist in any other location and requires a location on the shoreline and is dependent on the water by reason of the inherent nature of its operation.

Water-Related Use: A use or portion of a use which is not fundamentally dependent on a waterfront location, but whose operation cannot occur economically without a shoreline location. These activities demonstrate a logical, functional, connection to a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, and log storage.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and other similar areas.

Yurt: A round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

Section 106 - Compliance With Ordinance Provisions

A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

B. The provisions of this Ordinance apply to all land, buildings, structures, and uses thereof within the unincorporated area of Jefferson County, including land owned by local, state, or federal agencies, but not including the following:

   1. Activities on lands within the Confederated Tribes of the Warm Springs Reservation of Oregon.

   2. Activities conducted by the federal government on federally-owned land.

C. No lot area, setback area or other open space that is required by this ordinance for one use may be substituted for the required lot area, setback area or open space for another use.

Section 107 - Zoning Permit

A. A zoning permit shall be obtained from the Planning Director prior to the construction, reconstruction, alteration, or change of use of any structure or lot for which planning approval is required.

B. Any person or public agency desiring to initiate an activity which the state may regulate or control and which occurs upon federally-owned land in Jefferson County shall apply for a land use permit when such permit would be required to initiate similar activities on private land. If the County finds after review of the application that the proposed activity complies with all requirements of this Ordinance, the application shall be approved and a permit for the activity issued to the person or public agency applying for the permit.

Section 108 – Scope of Land Use Decisions

Land use decisions made by Jefferson County under this Ordinance are limited to the County's review of applicable zoning rules and land use law, as outlined in the Jefferson County Comprehensive Plan, this Ordinance, and the Oregon Administrative Rules and Revised Statutes relating to land use. Other County, State and Federal agencies may have regulatory review authority for development projects. County land use decisions and permits neither imply nor guarantee compliance with the requirements of any other regulatory agency. Property owners and developers are responsible for compliance with the requirements of any other regulatory agency or provisions of law prior to initiating development.

Section 109 – Conflict with Private Agreements

This Ordinance is not intended to abrogate any easement, deed declaration, or other private agreement. However, the County is not obligated to enforce the provisions of any easement, deed declaration or agreement between private parties unless directly required as a condition of approval of a land use decision.

Section 110 - Severability

The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 2
ESTABLISHMENT OF ZONES AND MAPS

Section 201 - Establishment Of Zones

The following table shows all zones established for the purposes of this Ordinance, and the Ordinance section containing the regulations for each zone:

ZONE:	ABBREVIATED DESIGNATION:	SECTION
Exclusive Farm Use	EFU A-1, EFU A-2	301
Rangeland	RL	301
Forest Management	FM	303
Rural Residential	RR-2, RR-5, RR-10	304
Service Community	SC	305
Existing Rural Development	ERD	306
County Commercial	CC	309
County Industrial	CI	311
Industrial Reserve	IR	312
Airport Management	AM	313
Park Management	PM	314
Limited Use Overlay	LU	315
Flood Plain Overlay	FP	316
Crooked River Ranch Commercial	CRR-C	317
Crooked River Ranch Residential	CRR-R	318
Three Rivers Recreation Area	TRRA	319
Three Rivers Recreation Area Water Front	TRRAW	320
Wildlife Area Overlay	WA	321
Sensitive Bird Habitat Overlay	BH	322
Camp Sherman Rural Center	CSRC	341
Camp Sherman Vacation Rentals	CSVR	342
Camp Sherman Rural Residential	CSRR–3, CSRR-5	343
Blue Lake	BL	345

Section 202 - Location of Zones

The designation, location and boundaries for the zones listed in this Ordinance are indicated on the Jefferson County Zoning Map acknowledged February 10, 1999, or any revised future map. The boundaries shall be modified in accordance with procedures prescribed in Chapter 8.

Section 203 - Zoning Map

The Jefferson County Zoning Map is intended to implement the Comprehensive Plan. It is incorporated by reference into this Ordinance. A certified print of the adopted map or map amendment shall be maintained in the office of the County Clerk as long as this Ordinance remains in effect.

Section 204 - Zone Boundaries

Unless otherwise specified, zone boundaries are section lines, subdivision lot lines, center lines of road or railroad right-of-ways or water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or such lines extended. Whenever uncertainty exists as to the boundary of a zone as shown on the Zoning Map or amendment thereto, the following regulations shall control:

A. Where a boundary line is indicated as following a road, waterway, canal, or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.

B. Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line.

C. If a zone boundary as shown on the Zoning Map divides a lot or parcel between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies.

CHAPTER 3
LAND USE ZONES

Section 301 - Exclusive Farm Use Zones (EFU A-1, EFU A-2 and RL)

301.1 Purpose

This Section sets forth regulations for land use and development within the County's three exclusive farm use zones: Exclusive Farm Use A-1 (EFU A-1), Exclusive Farm Use A-2 (EFU A-2) and Range Land (RL).

A. The EFU A-1 zone has been established to preserve areas containing predominantly irrigated agricultural soils for existing and future farm uses related to the production of agricultural crops or products.

B. The EFU A-2 Zone has been established to recognize and preserve areas of agricultural land which are less productive than lands in the EFU A-1 zone due to soil class and lack of irrigation water.

C. The RL zone has been established to recognize and preserve areas containing predominantly non-irrigated agricultural soils which are being used, or have the capability of being used, for livestock grazing.

D. All three agricultural zones recognize the right to farm for all land owners within the zone, and provide regulations that are reasonable and prudent in order to protect the performance of typical farm use practices, growing various farm crops, conducting animal husbandry, and producing horticultural or other farm related products for the purpose of obtaining a profitable income for the property owner.

301.2 Permitted Uses

The following uses are permitted outright in the EFU A-1, EFU A-2 and RL zones:

A. Farm use, as defined in Section 105 and ORS 215.203.

B. Nonresidential buildings customarily provided in conjunction with farm use.

C. Farm Stand, provided:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings, or public entertainment.

3. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area; "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product, but not prepared food items; "local agricultural area" includes Oregon.

D. Facility for processing farm crops. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage, or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.

E. The transportation of biosolids by vehicle to a tract on which the biosolids will be applied to the land, under a license, permit or approval issued by the DEQ under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468.095.

F. Propagation or harvesting of a forest product.

G. Creation, restoration or enhancement of wetlands.

H. Breeding, kenneling and training of greyhounds for racing, except the use is not allowed on high-value farmland.

I. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

J. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

K. Fire service facilities for rural fire protection.

L. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

301.2

M. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right-of-way;

2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or

3. The property to be served by the utility.

N. On-site filming and accessory activities for 45 days or less. The use is permitted, provided activities will involve no more than 45 days on any site within a one year period and will not involve erection of sets that would remain in place for longer than any 45-day period.

1. The use includes:
   a. Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming;
   b. Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.

2. The use does not include:
   a. Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or
   b. Construction of new structures that requires a building permit.

O. A site for the takeoff and landing of model aircraft, including such buildings or facilities as are reasonably necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility existed prior to establishment of the takeoff and landing site. The site shall not include an aggregate surface or hard surface area unless the surface existed prior to establishment of the takeoff and landing site. As used in this Section "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible, or balloon that is used or intended to be used for flight and controlled by radio, lines, or design by a person on the ground.

301.3 Uses Permitted Subject to Administrative Review
The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, subject to findings of compliance with the listed standards and criteria and any other applicable requirements of this ordinance:

A. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill, or other

similar methods of initial treatment of a forest product in order to enable its shipment to market. Approval is subject to compliance with Section 301.5 and the following:

1. The timber being processed shall be grown on the parcel where the processing facility is located or on contiguous land.

2. The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 105.

3. The facility must be intended to be only portable or temporary in nature.

4. The facility may be approved for a one-year period, which is renewable.

B. Parking no more than seven log trucks, subject to compliance with Section 301.5.

C. Commercial activity in conjunction with farm use. Approval is subject to compliance with Section 301.5. A commercial activity is considered in conjunction with a farm use when any of the following criteria are met:

1. The commercial activity is either exclusively or primarily a customer or supplier of farm uses;

2. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or

3. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part.

D. Winery. A winery is a facility that produces wine with a maximum annual production of:

1. Less than 50,000 gallons and that:
   a. Owns an on-site vineyard of at least 15 acres;
   b. Owns a contiguous vineyard of at least 15 acres;
   c. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
   d. Obtains grapes from any combination of paragraphs (a), (b), or (c) above; or

2. At least 50,000 gallons and no more than 100,000 gallons and that:
   a. Owns an on-site vineyard of at least 40 acres;
   b. Owns a contiguous vineyard of at least 40 acres;

c. Has a long-term contract for the purchase of all the grapes from at least 40 acres of a vineyard contiguous to the winery; or
d. Obtains grapes from any combination of paragraphs (a), (b), or (c) above.

The applicant must show that a qualifying vineyard described in subsection (1) or (2) above has been planted or that the contract has been executed.

3. Product sales at a winery approved in accordance with this Section shall be limited to:
   a. Wines produced in conjunction with the winery; and,
   b. Items directly related to wine, the sales of which are incidental to retail sale of wine on site. Such items include those served by a limited service restaurant. "Limited service restaurant" means a restaurant serving only individually portioned prepackaged foods prepared from an approved source by a commercial processor and nonperishable beverages.

Conditions of approval shall include language limiting the winery to the sale of the items listed above.

4. Standards imposed on the siting of a winery shall be limited to the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
   a. Establishment of a setback not to exceed 100 feet from all property lines for the winery and all public gathering places.
   b. Direct road access and adequate internal circulation and parking.

E. Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation, subject to a determination by DEQ that the application rates and site management practices for the land application ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

1. Uses allowed under this Section include:
   a. The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application.
   b. The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment that are accessory to and reasonably necessary for the land application to occur on the subject tract; and
   c. The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or

industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

i. A public right-of-way; or

ii. Other land if the landowner provides written consent and the owner of the facility is responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility; and

2. Uses not allowed under this Section include:

a. The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

b. The establishment and use of utility facility service lines allowed under Section 301.2(M).

3. If the Planning Director's decision to allow the use is appealed, prior to the County making a final decision the applicant shall explain in writing how any alternatives identified in public comments were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives. A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives.

4. The use of a tract on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred may not be changed to allow a different use unless:

a. The tract is within an acknowledged urban growth boundary;

b. The tract is rezoned to a zone other than EFU A-1, EFU A-2 or RL;

c. The different use of the tract is a farm use as defined in Section 105; or

d. The different use of the tract is a use allowed under ORS 215.283(1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x) or 215.283(2)(a), (j), (l), or (p) to (s).

F. Operations for the extraction and bottling of water from a natural water source on the parcel where the operation will occur. Approval is subject to compliance with Section 301.5.

301.3

G. Home occupation, subject to compliance with Sections 301.5, 410 and the following:

1. The home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.

2. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

H. Dog kennel. New dog kennels are not permitted on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval is subject to compliance with Section 301.5 and findings that the kennel will have a minimal adverse impact on abutting properties and the surrounding area.

I. Public or private schools, including all buildings essential to the operation of a school, subject to the following:

1. New schools are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

2. Public or private schools and school facilities shall not be approved within three miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved.

3. For the purposes of this Section, "public and private schools" means schools providing elementary and secondary education only, and does not include adult career education, colleges or universities.

J. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, subject to the following:

1. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

2. The use shall not be approved within three miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved.

K. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. Approval is subject to compliance with Section 301.5.

L. Firearms training facility in existence on September 9, 1995. The facility may continue operating until such time as the facility is no longer used as a firearms

training facility. A "firearms training facility" is an indoor or outdoor facility that provides training courses and issues certifications required:

1. For law enforcement personnel;

2. By the State Department of Fish and Wildlife; or

3. By nationally recognized programs that promote shooting matches, target shooting and safety.

M. Living history museum. Approval is subject to compliance with Section 301.5. "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and are located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the Board of Commissioners and organized under ORS Chapter 65.

N. On-site filming and accessory activities for more than 45 days. Approval is subject to compliance with Section 301.5 and the following:

1. Approval under this Section is required when on-site filming and accessory activities will involve: (1) activities for more than 45 days on any site within a one-year period; or (2) erection of sets that will remain in place longer than 45 days.

2. The use includes:
   a. Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming;
   b. Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.

3. The use does not include:
   a. Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or
   b. Construction of new structures that requires a building permit.

4. When approved under this Section, these activities may include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or similar temporary facilities. Such temporary facilities may be used as temporary housing for security personnel.

O. A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

P. A residential home or facility as defined in ORS 197.660 may be allowed in an existing lawfully established dwelling, subject to compliance with Section 301.5. A condition of approval shall require that the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or 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.

Q. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. Approval is subject to the following. Approval of a wireless communication tower is also subject to the requirements of Section 427:

1. A utility facility is necessary for public service if the facility must be sited in the EFU A-1, EFU A-2 or RL zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the EFU A-1, EFU A-2 or RL zone due to one or more of the following factors:
   a. Technical and engineering feasibility;
   b. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
   c. Lack of available urban and non-resource lands;
   d. Availability of existing rights-of-way;
   e. Public health and safety; and
   f. Other requirements of state and federal agencies.

2. Costs associated with any of the factors listed in subsection (1) above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

3. The owner of a utility facility approved under this Section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

4. The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding agricultural lands.

5. In addition to the provisions of subsections (1) to (4) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.

6. The provisions of this Section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

301.4 Conditional Uses

The following uses may be approved in the EFU A-1, EFU A-2 and RL zones unless specifically stated otherwise. Applications will be reviewed at a public hearing before the Planning Commission in accordance with the procedures in Section 903.5. In order to be approved, the use must comply with the criteria in Section 301.5, Section 602, any standards and criteria listed under the specific use and any other applicable requirements of this ordinance.

A. Propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission, or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The County shall provide notice of all applications under this Section to the State Department of Agriculture at least 20 calendar days prior to any administrative decision on the application.

B. Parks and playgrounds. The use is not allowed on any portion of a parcel that is high-value farmland unless an exception to applicable statewide planning goals is approved, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract. A public park may be established consistent with the provisions of ORS 195.120, and may include only the uses specified under OAR 660-034-0035 or 660-034-0040.

301.4

C. Private parks, playgrounds and hunting and fishing preserves. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

D. Campground. New campgrounds are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval of a campground is subject to the following:

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

2. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. The campground shall provide opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding, and other similar activities. Outdoor recreation, as used in this Section, does not include off-road vehicle or other motorized recreation use.

4. A campground shall be designed and integrated into the rural agriculture and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized in this zone shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.

5. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (6) below. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six (6) month period.

6. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

301.4

E. Golf course. New golf courses are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Expansion of an existing golf course shall comply with all of the requirements of this section, but shall not be expanded to contain more than 36 total holes.

"Golf course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course for the purposes of this section means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

1. A regulation 18-hole golf course is generally characterized by a site of approximately 120 to 150 acres of land, with a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

2. A regulation 9-hole golf course is generally characterized by a site of approximately 65 to 90 acres of land, with a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

3. Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in sections (1) and (2) above, including but not limited to executive golf courses, Par three (3) golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges.

4. Accessory uses provided as a part of a golf course shall be limited to those uses consistent with all of the following:
   a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners' course as part of an 18-hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing, such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
   b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to play golf. An accessory use that provides

commercial service (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

F. Guest ranch. "Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services as set forth in this section, that are incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. "Guest lodging unit" means guest rooms in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence. An application for a guest ranch must be submitted before January 2, 2010 when Chapter 728, Oregon Laws 1997 is repealed, unless that law is extended. Approval of a guest ranch is subject to the following:

1. The guest ranch shall be in conjunction with an existing and continuing livestock operation, using accepted livestock practices. "Livestock" means cattle, sheep, horses and bison.

2. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres and is not high-value farmland;

3. The guest ranch shall be located on the parcel containing the dwelling of the person conducting the livestock operation.

4. The guest lodging units cumulatively shall include not less than 4 nor more than 10 overnight guest lodging units, and shall not exceed a total of 12,000 square feet of building floor area excluding the kitchen area, rest rooms, storage and other shared indoor space. However, for each doubling of the initial 160 acres required under subsection (1), up to 5 additional overnight guest lodging units not exceeding a total of 6,000 square feet of building floor area may be added to the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of building floor area.

5. The guest ranch may provide recreational activities that can be provided in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding, camping or swimming. Intensively developed recreational facilities, such as golf courses, shall not be allowed. A campground as described

in Section (C) shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course under Section (D) or with an existing campground.

6. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch, an individual accompanying a guest or an individual attending a special event at the guest ranch.

7. A proposed division of land for a guest ranch, or to separate a guest ranch from the dwelling of the person conducting the livestock operation, shall not be approved.

G. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. "Personal use airport" means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Dept. of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Dept. of Aviation.

H. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4, or more than 12 acres if the land is high-value farmland.

I. Transmission towers over 200 feet in height. Approval is subject to compliance with Section 427.

J. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise allowed by Section 301.2(I). Approval is subject to compliance with Section 411.

K. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and subsurface resources. Aggregate sites that have been reviewed under the procedures in OAR 660-023-0180(3) and (5) are <u>not</u> subject to compliance with the criteria in Sections 301.5 and 602. Approval of all

operations under this section are subject to compliance with Section 411 and the following:

1. County approval is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre.

2. A permit for mining may be approved only for a site included in the Comprehensive Plan Inventory of significant Mineral and Aggregate Resources.

3. No part of the operation may occur on any portion of the parcel that is high-value farmland.

L. Operations conducted for processing of aggregate into asphalt or Portland cement. Approval is subject to compliance with Section 411 and the following:

1. The use is not allowed within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

2. No part of the operation may occur on any portion of the parcel that is high-value farmland.

M. Operations conducted for processing of other mineral and subsurface resources, subject to compliance with Section 411. No part of the operation may occur on any portion of the parcel that is high-value farmland.

N. Composting facilities for which a permit has been granted by the DEQ under ORS 459.245 and OAR 340-96-020. Composting facilities are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Except for those composting facilities that are a farm use as defined in OAR 660-033-0020(7), composting facilities on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2), or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

O. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the DEQ together with equipment, facilities or building necessary for its operation. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. The Planning Commission shall make a recommendation to the Board of

Commissioners as to whether the conditional use permit should be approved. The Board of Commissioners shall make the final decision on whether to approve the permit after holding a public hearing in accordance with the procedures in Section 903.6.

301.5 Approval Criteria

Uses listed in Section 301.4 and specified uses in Section 301.3 may be approved only where the use:

A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

B. 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 these criteria will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective.

301.6 Dwellings

A dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed standards and criteria and any other applicable requirements of this ordinance. The County Assessor will be notified when a dwelling is approved. A condition of approval will require that the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or 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.

A. "Large Tract" Farm Dwelling

On land not identified as high-value farmland a dwelling shall be considered customarily provided in conjunction with farm use if:

1. The parcel on which the dwelling will be located is at least 160 acres if in the EFU A-1 or EFU A-2 zone or 320 acres if in the Range Land zone;

2. The subject tract is currently employed for farm use, as defined in Section 105;

3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

4. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract.

B. "Income Test" Farm Dwelling
A dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use, as defined in Section 105, at a level that produced in the last two years or three of the last five years one of the following:
   a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or
   b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products.

2. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1); and

3. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation. "Farm or ranch operation" means all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in Section 105.

4. In determining the gross income required by subsection (1), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

5. Noncontiguous lots or parcels zoned for farm use in Jefferson, Deschutes, Crook, Wheeler or Wasco Counties may be used to meet the gross income required by subsection (1). If one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation has been used to comply with the gross farm income requirement, within 12 days of receiving a tentative approval the applicant shall provide evidence that irrevocable deed restrictions have been recorded with the county clerk of the county where the property subject to the deed declarations, conditions and restriction is located. The deed declarations, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary medical hardship dwellings or replacement dwellings on the lots or parcels that make up the farm or ranch operation or to use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling. The deed declarations, conditions and restrictions are irrevocable unless a statement of release is signed by the Planning Director.

301.6

C. "Median Test" Farm Dwelling
On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract;

2. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (1);

3. The subject tract is currently employed for a farm use, as defined in Section 105, at a level capable of producing the annual gross sales required in subsection (2), or, if no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of a farm use at a level capable of producing the required annual gross sales;

4. The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;

5. Except for seasonal farmworker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; and

6. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

D. "Relocated Farm Operation" Dwelling
A dwelling may be considered customarily provided in conjunction with farm use if:

1. Within the previous two years, the applicant owned and operated a farm or ranch operation that earned in each of the last five years or four of the last seven years one of the following, whichever is applicable:
   a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or
   b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products;

2. The subject lot or parcel on which the dwelling will be located is currently employed for farm use, as defined in Section 105, at a level

that produced in the last two years or three of the last five years one of the following, whichever is applicable:

a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or

b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products;

3. The subject lot or parcel on which the dwelling will be located is at least 80 acres in size if in the EFU A-1 or EFU A-2 zone or at least 160 acres if in the RL zone;

4. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; and

5. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1).

6. In determining the gross income required by subsections (1) and (2), the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.

E. "Commercial Dairy" Farm Dwelling

A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

1. The subject tract will be employed as a commercial dairy. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk:

   a. On land identified as high-value farmland, at least $80,000 in gross annual income; or

   b. On land not identified as high-value farmland, at least $40,000 in gross annual income.

2. The dwelling will be sited on the same lot or parcel as the buildings required by the commercial dairy;

3. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;

4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

301.6

5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

6. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230 and a Producer License for the sale of dairy products under ORS 621.072.

F. Accessory Farm Dwelling for a Relative
A dwelling on real property used for farm use may be approved if:

1. The dwelling will be located on the same lot or parcel as the dwelling of the farm operator;

2. The dwelling will be occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, step sibling, niece, nephew or first cousin of either;

3. The farm operator does or will require the assistance of the relative in the management of the existing commercial farming operation; and

4. The farm operator will continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

Notwithstanding ORS 92.010 to 92.190 or the minimum lot size under Section 301.8, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purposes of this Section, "foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(7)(a).

G. Accessory Farm Dwellings
A second or subsequent farm dwelling for year-round and seasonal farm workers may be allowed if each accessory farm dwelling meets all of the following:

1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use,

such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling;

3. The primary farm dwelling to which the proposed dwelling would be accessory is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 105, and that met one of the following:
   a. On land not identified as high-value farmland, the farm or ranch operation produced in the last two years or three of the last five years at least $40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
   b. On land identified as high-value farmland, the farm or ranch operation produced at least $80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
   c. It is located on a commercial dairy farm and:
      i. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
      ii. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to .230 and a Producer License for the sale of dairy products under ORS 621.072.

   A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk:
      i. On land identified as high-value farmland, at least $80,000 in gross annual income; or
      ii. On land not identified as high-value farmland, at least $40,000 in gross annual income.

4. The accessory farm dwelling will be located:
   a. On the same lot or parcel as the primary farm dwelling; or,
   b. On the same tract as the primary farm dwelling if the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other lots and parcels in the tract; or,

c. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only a manufactured home and a deed restriction is recorded with the County Clerk requiring that the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain on the land when the land is conveyed to another party if the dwelling is re-approved as a primary farm dwelling under Section 301.6(A), (B), (C), (D) or (E); or,

d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code, or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. If approved under this subsection, a condition of approval will require that all accessory farm dwellings be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in size in the EFU A-1 or EFU A-2 zone or 160 acres in the Range Land zone and the lot or parcel complies with the gross farm income requirements of Section 301.6(B).

5. No land division may be approved for an accessory farm dwelling unless an application is made and approved converting the accessory farm dwelling to a primary farm dwelling under Section 301.6(A), (B), (C), (D) or (E), and both parcels satisfy the 80-acre or 160-acre minimum lot size requirement of Section 301.8.

6. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a nonfarm dwelling under Section 301.6(I).

7. For the purposes of this Section, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

H. Lot of Record Dwelling

1. A dwelling may be approved subject to the following:
   a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:

i. Since prior to January 1, 1985; or
ii. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;

b. The tract on which the dwelling will be sited does not include a dwelling;

c. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, Zoning Ordinance and other provisions of law;

e. The lot or parcel on which the dwelling will be sited is not high-value farmland, except as provided in subsection (4) below;

f. When the lot or parcel on which the dwelling will be sited lies within a Wildlife Habitat Overlay Zone, the siting of the dwelling shall be consistent with the limitations on density upon which Section 321 is based;

g. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed; and

h. The lot or parcel on which the dwelling will be sited is at least ten (10) acres in size if in the RL zone, or at least two (2) acres in size in the EFU A-1 zone, except as provided in subsection (7) below.

2. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

3. When the County approves an application for a lot of record dwelling under this Section, the approval may be transferred by a person who has qualified under this Section to any other person after the decision is final.

4. Applications for lot of record dwellings on high-value farmland will be forwarded directly to the Planning Commission for a public hearing. Notwithstanding the requirements of subsection (1)(e), a single-family dwelling may be sited on high-value farmland if it meets the other requirements of this section and the Planning Commission determines that:

a. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel

can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary" circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, road, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

b. The dwelling 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; and

c. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 301.6(I)(2).

5. The County shall provide notice of all applications for lot of record dwellings on high value farm land to the State Department of Agriculture at least 20 calendar days prior to the Planning Commission hearing.

6. For purposes of lot of record dwelling applications only, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

   a. Submits a statement of agreement from the Natural Resources Conservation Service that the soil class, soil rating or other soil designation should be adjusted based on new information; or

   b. Submits a report from an ARCPACS certified soils scientist that the soil class, soil rating or other soil designation should be changed, and a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

7. An application for a lot of record dwelling on a parcel less than ten (10) acres in size in the RL zone or less than two (2) acres in size in the EFU A-1 zone will be forwarded directly to the Board of Commissioners for a public hearing. The dwelling may be approved if it meets the other requirements of this section and the Board of Commissioners determines that the dwelling will not exceed the facilities and service capabilities of the area, including, but not limited to, road maintenance, law enforcement, school bus service and fire protection. If approved, a condition of approval may be imposed requiring the property owner to

sign and record in the deed records for the County a document acknowledging that specified facilities and services will not be provided to the property by the County or other agency.

I. Nonfarm Dwelling

A single-family dwelling, not provided in conjunction with farm use, may be approved in the EFU A-2 zone or RL zone if the following standards are met. Nonfarm dwellings are not permitted in the EFU A-1 zone.

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

2. The dwelling and all amenities to serve the dwelling, including but not limited to a driveway and septic system, will be situated upon a lot or parcel, or portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.
   a. A lot or parcel, or portion of a lot or parcel, shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
   b. A lot or parcel, or portion of a lot or parcel, is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel, or portion of a lot or parcel, can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, then the lot or parcel, or portion of the lot or parcel, is not "generally unsuitable." A lot or parcel, or portion of a lot or parcel, is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel, or portion of a lot or parcel, is unsuitable for one farm use does not mean it is not suitable for another farm use; or
   c. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as part of forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere

with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the area, the cumulative impact of possible new nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. To address this standard, the applicant shall:

a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under Section 301.9(B) or (C). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwelling under this subparagraph; and

c. Determine whether approval of the proposed non-farm/lot-of-record dwellings, together with existing non-farm dwellings, will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

4. The dwelling will be situated on:
   a. A lot or parcel lawfully created before January 1, 1993; or
   b. A lot or parcel lawfully created on or after January 1, 1993, as allowed under Section 301.9(B) or (C);

5. The lot or parcel on which the dwelling will be located does not contain a dwelling; and

6. If in the RL zone, the lot or parcel on which the dwelling will be located is at least forty (40) acres in size.

7. Final approval shall not be granted and septic or building permits shall not be issued on a lot or parcel which is, or has been, receiving special assessment until evidence has been submitted that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308A.050 to 308A.128, or for other special assessment under ORS 308A.315, 321,257 to 321.381, 321.730, or 321.815, and that any additional taxes that have been imposed as a result of the disqualification have been paid. Final approval under this section will not change the date the County's decision becomes final or the permit expiration period under Section 301.7.

J. Replacement Dwelling

Alteration, restoration or replacement of a lawfully established dwelling may be approved subject to the following:

1. The lawfully established dwelling to be altered, restored, or replaced shall have:
   a. Intact, exterior walls and roof structure;
   b. Indoor plumbing including a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
   c. Interior wiring for interior lights; and,
   d. A heating system.

2. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

3. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this Section shall comply with all applicable siting standards of this Ordinance. However, such standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records of the County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the County. The

release shall be signed by the County and shall state that the provisions of this Section regarding replacement dwellings have changed to allow the siting of another dwelling.

4. The dwelling being replaced shall not have been established as a temporary medical hardship dwelling. However, at such time as the hardship ends, the temporary dwelling may replace the permanent dwelling, provided the permanent dwelling is removed, demolished or converted to an allowable nonresidential use as required by subsection (2).

5. An accessory farm dwelling authorized pursuant to Section 301.6(G)(4)(c), may only be replaced by a manufactured dwelling.

6. Approval of a replacement dwelling is valid for the time period specified in Section 301.7(A). However, an applicant may request a deferred replacement permit to allow construction of the replacement dwelling at any time. If a deferred replacement permit is approved, the existing dwelling shall be removed or demolished within three months after the deferred replacement permit is issued or the permit becomes void. A deferred replacement permit may not be transferred, by sale or otherwise, except to the spouse or a child of the applicant.

K. Historic Dwelling Replacement
A replacement dwelling to be used in conjunction with farm use may be allowed provided the existing dwelling has been listed on the county inventory of historic property as defined in ORS 358.480 and is listed on the National Register of Historic Places.

L. Temporary Medical Hardship Dwelling
One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to the requirements of Section 422.3 and compliance with the approval criteria in Section 301.5.

301.7 Permit Expiration

A. Approval of a lot of record, nonfarm or replacement dwelling under Sections 301.6(H), (I) or (J) will be void four (4) years from the date of the final decision if the development has not been initiated. An extension of up to two (2) years may be granted pursuant to the provisions in subsection (C).

B. All other land use decisions approving dwellings and other uses in the EFU A-1, EFU A-2 and RL zones will be void two (2) years from the date of the final decision if development has not been initiated, or if the use has not been established in cases where no new construction is proposed. An extension of up to 12 months may be granted pursuant to the provisions in subsection (C).

C. The County may grant an extension of the approval periods specified in subsections (A) and (B) provided:

1. The extension request is made in writing and is filed with the Community Development Department prior to the expiration of the original approval period;

2. The written request states reasons that prevented the applicant from beginning or continuing development within the approval period; and

3. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Additional one year extensions may be authorized where applicable criteria for the decision have not changed. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4.

301.8 Minimum Lot Size

The minimum size of a new parcel shall be 80 acres in the EFU A-1 and EFU A-2 zones, and 160 acres in the RL zone, except as allowed in Section 301.9. If the parcel is in a Wildlife Overlay Zone, the minimum parcel size requirements of Section 321 supersede this section if they require a larger minimum lot size. Compliance with the minimum parcel size does not mean that a dwelling is permitted outright on the parcel.

301.9 Land Divisions for Nonfarm Uses

A partition to create new parcels less than the minimum lot size specified in Section 301.8 may be approved for the nonfarm uses listed in this section, subject to all land division requirements of Chapter 7. If the parcel is in a Wildlife Overlay Zone, the minimum parcel size requirements of Section 321 supersede this section:

A. A new parcel may be created for any of the following nonfarm uses, provided the use has been approved by the County and the parcel created from the division is the minimum size necessary for the use:

1. A facility for the primary processing of forest products, as described in Section 301.3(A).
2. Commercial activities that are in conjunction with farm use, as described in Section 301.3(C).
3. Operations for the extraction and bottling of water, as described in Section 301.3(F).
4. Dog kennel, as described in Section 301.3(H).
5. Community center, as described in Section 301.3(K).
6. Living history museum, as described in Section 301.3(M).
7. The propagation, cultivation, maintenance and harvesting of aquatic or insect species, as described in Section 301.4(A).
8. Parks and playgrounds, as described in Section 301.4(B).

9. Private parks, playgrounds and hunting and fishing preserves, as described in Section 301.4(C).
10. Campground, as described in Section 301.4(D).
11. Golf course, as described in Section 301.4(E).
12. Personal use airport, as described in Section 301.4(G).
13. Commercial utility facility, as described in Section 301.4(H).
14. Transmission tower over 200 feet in height, as described in Section 501.4(I).
15. Operations conducted for mining and processing of geothermal resources, oil or gas, as described in Section 301.4(J).
16. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and subsurface resources, as described in Section 301.4(K).
17. Operations conducted for processing of aggregate into asphalt or Portland cement, as described in Section 301.4(L).
18. Operations conducted for processing other mineral and subsurface resources, as described in Section 301.4(M).
19. A site for the disposal of solid waste, as described in Section 301.4(O).

B. Up to two new parcels may be created in the EFU A-2 zone only (and not in the EFU A-1 or RL zones), each to contain a dwelling not in conjunction with farm use, if:
1. The nonfarm dwellings have been approved under Section 301.6(I);
2. The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001;
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is more than 80 acres in size;
4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will be at least 80 acres in size; and
5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

C. A lot or parcel in the EFU A-2 zone only (and not in the EFU A-1 or RL zones) may be partitioned into two parcels, each to contain one nonfarm dwelling if:
1. The nonfarm dwellings have been approved under Section 301.6(I);
2. The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001;
3. The parcels for the nonfarm dwellings will be divided from a lot or parcel that is between 40 and 80 acres in size;
4. The parcels for the nonfarm dwellings are:
   a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and
   b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils

that are not capable of producing adequate herbaceous forage for grazing livestock.

5. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
6. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

D. A new parcel which contains an existing dwelling may be created if the existing dwelling has been listed in a County inventory as historic property and is listed on the National Register of Historic Places.

E. A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels may be approved, provided that:

1. Any parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel; and
2. Any parcel created by the land division that does not contain a dwelling:
   a. Is not eligible for siting a dwelling, except as may be authorized in a state park under ORS 195.120;
   b. May not be considered in approving an application for siting any other dwelling;
   c. May not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space, or other natural resource use; and
   d. May not be smaller than 25 acres unless the purpose of the land division is:
      i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
      ii. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
   e. As a condition of approval, the owner of any parcel not containing a dwelling shall sign and record in the county deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

F. A land division to create a parcel for a nonfarm use under subsections (A) through (E) of this Section shall not be approved unless any additional tax imposed for the change in use has been paid.

G. The following land divisions are prohibited:

1. Subdivisions.

2. A division for the purpose of creating a new parcel for an accessory farm help dwelling for relatives as described in Section 301.6(G).

3. A division to create a new parcel for a temporary medical hardship dwelling as described in Section 301.6(L).

4. A division that would have the effect of separating a farm crop processing facility from the farm operation that provides at least one-quarter of the farm crops processed at the facility, as described in Section 301.2(D).

5. A land division for the land application of reclaimed water, agricultural or industrial process water or biosolids, as described in Section 301.3(E).

6. A division for a guest ranch, or to separate a guest ranch from the dwelling of the person conducting the livestock operation, as described in Section 301.4(F).

H. This Section does not apply to the creation or sale of cemetery lots, if a cemetery was within the boundaries designated for a farm use zone at the time the zone was established, or to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

301.10 Setback Requirements (minimum): Front – 30 feet, Side – 30 feet, Rear – 30 feet.

Section 303 - Forest Management (FM)

303.1 Purpose

The purpose and intent of the Forest Management Zone is to provide for timber production, harvesting, and related activities, and to help protect timber areas from fire, pollution, and encroachment of non-forestry activities. This zone is also intended to preserve and protect watersheds, scenic areas, and wildlife habitats, and to provide for recreational opportunities and agriculture.

303.2 Uses Permitted Outright

In a Forest Management Zone the following uses are permitted outright. However, any use involving the construction of a building must be reviewed by the Planning Director under the Administrative Review procedures of Section 903.4 for compliance with the siting standards in Section 303.7, the fire safety standards in Section 426 and any other requirements of this ordinance:

A. Management, propagation, and harvesting of forest products in conformance with the Oregon Forest Practices Act including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.

B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

E. Farm use as defined in Section 105.

F. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.

G. Temporary portable facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill, or other similar methods of initial treatment of a forest product in order to

enable its shipment to market. The processing facility shall be located on the parcel on which the forest products are grown, or on a contiguous parcel.

H. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

I. Private hunting and fishing operations without any lodging accommodations.

J. Towers and fire stations for forest fire protection.

K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

L. Caretaker residences for public parks and public fish hatcheries.

M. Uninhabitable structures accessory to fish and wildlife enhancement.

N. Temporary forest labor camps.

303.3 Uses Permitted Subject to Administrative Review

The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, if found to comply with the approval criteria in Section 303.5, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.

A. Permanent facility for the primary processing of forest products.

B. Permanent logging equipment repair and storage.

C. Log scaling and weigh stations.

D. Television, microwave and radio communication facilities and transmission towers. Approval of a wireless communication tower is also subject to the requirements of Section 427

E. Fire stations for rural fire protection.

F. Aids to navigation and aviation.

G Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

H. Reservoirs and water impoundments. As a condition of approval, a written statement shall be recorded with the deed or written contract with the county which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

I. Cemeteries.

J. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

K. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

L. Home occupations, subject to the standards in Section 410. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

M. Expansion of existing airports.

N. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations. This use includes research and experimentation instituted and carried on by the State Board of Higher Education to aid in the economic development of the State of Oregon, to develop the maximum yield from the forest lands of Oregon, to obtain the fullest utilization of the forest resource, and to study air and water pollution as it relates to the forest products industries.

303.4 Conditional Uses

In a Forest Management Zone, the following uses may be approved after review by the Planning Commission at a public hearing in accordance with the procedures in Section 903.5. In order to be approved, the use must comply with the criteria in Section 303.5 and Section 602, the siting standards in Section 303.7, the fire safety standards in Section 426 and any other applicable requirements of this ordinance.

A. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

B. Private parks and campgrounds. Recreational activities associated with a private park must be appropriate in a forest environment. Campgrounds in private parks shall comply with the following:

1. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.

2. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a

park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

4. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. No more than one-third, or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

5. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except electrical service may be provided to yurts.

6. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

7. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

8. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

C. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head, subject to the standards in Section 411.

D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under subsection (C), above, (e.g., compressors, separators and storage serving multiple wells), subject to the standards in Section 411.

E. Mining and processing of aggregate and mineral resources as defined in ORS Chapter 517. Approval **is** <u>not</u> subject to compliance with the criteria in Sections 303.5 and 602. All operations are subject to the standards in Section 411.

F. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004.

303.4

G. Firearms training facility.

H. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

I. Destination resort, subject to compliance with Section 430, only on lands identified as being eligible for a destination resort in the Comprehensive Plan.

J. Private seasonal accommodations for fee hunting operations subject to the following requirements:

1. Accommodations shall be limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted; and

3. Accommodations shall be occupied only temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

K. Private accommodations for fishing occupied on a temporary basis subject to the following requirements:

1. Accommodations shall be limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted;

3. Accommodations shall be occupied only temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

4. Accommodations must be located within 1/4 mile of fish bearing Class I waters.

5. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

L. Youth camps. A youth camp is a facility either owned or leased, and 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 twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Youth camps shall comply with the following:

1. The number of overnight camp participants that may be accommodated shall be determined by the Planning Commission or Board of Commissioners, but shall not exceed overnight accommodations for more than 350 youth camp participants, including staff. However, if requested in the application and approved by the County, the number of overnight participants may exceed the approved number for up to eight (8) nights during the calendar year.

2. Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

3. A campground as described in Section 303.4(B) shall not be established in conjunction with a youth camp.

4. A youth camp shall not be allowed in conjunction with an existing golf course.

5. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

6. The youth camp shall be located on a lawfully created parcel that is:
   a. At least 80 acres;
   b. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as the number of overnight participants and type and number of proposed facilities;
   c. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f); and
   d. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the County determines that a proposed lesser setback will:
      i. Prevent conflicts with commercial resource management practices;
      ii. Prevent a significant increase in safety hazards associated with vehicular traffic; and

iii. Provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

7. A youth camp may include the recreational, cooking, eating, bathing, laundry, sleeping, administrative and other facilities listed in OAR 660-006-0031(6). A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the property.

8. A fire safety protection plan that includes the following shall be developed for the youth camp:

   a. Fire prevention measures;

   b. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire; and

   c. On-site pre-suppression and suppression measures. At a minimum, the on-site fire suppression capability shall include:
      i. A 1,000 gallon mobile water supply that can access all areas of the camp;
      ii. A 30-gallon per minute water pump and an adequate amount of hose and nozzles;
      iii. A sufficient number of fire fighting hand tools; and
      iv. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

   d. An equivalent level of fire suppression facilities may be approved if the camp is within an area protected by the Oregon Department of Forestry (ODF). The equivalent capability shall be based on the ODF Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel.

   e. The on-site fire suppression measures in (c) may be waived if the youth camp is within a fire district that provides structural fire protection and the fire district indicates in writing that on-site fire suppression at the camp is not needed.

303.5 Approval Criteria

Uses listed in Sections 303.3 and 303.4 may be approved if they comply with the following criteria:

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

303.6 Dwellings

A dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the criteria in this section, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.

A. Alteration, restoration or replacement of a lawfully established dwelling may be approved if the existing dwelling meets all of the following:

1. Has intact exterior walls and roof structures;

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3. Has interior wiring for interior lights;

4. Has a heating system; and

5. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

6. A temporary medical hardship dwelling may not be replaced. However, at such time as the hardship ends the temporary dwelling may replace the permanent dwelling provided the permanent dwelling is removed, demolished or converted to an allowable nonresidential use as required in subsection (5).

B. Temporary Medical Hardship Dwelling.

A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling, may be approved as a temporary use for the term of a hardship suffered by the existing resident or a relative, subject to compliance with Section 422.3 and the following:

1. The dwelling complies with the approval criteria in Section 303.5; and

2. As a condition of approval, a written statement shall be recorded with the deed or written contract with the county which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

303.6

C. Large Tract Forest Dwelling

A large tract dwelling may be approved if all of the following criteria are met:

1. The dwelling will be sited on a tract:

   a. Of at least 240 contiguous acres; or

   b. Of at least 320 noncontiguous acres that are under the same ownership, are located in Jefferson County or adjacent counties, and are zoned for forest use.

   A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

2. The tract on which the dwelling will be sited does not currently include a dwelling;

3. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and

4. No dwellings will be allowed on other lots or parcels that make up the tract under subsection (1)(a), or on the noncontiguous parcels that were used to meet the acreage requirement in subsection (1)(b). Irrevocable deed restrictions precluding all future rights to construct a dwelling on the other lots or parcels that make up the tract or to use the noncontiguous parcels to total acreage for future siting of dwellings for present and any future owners shall be recorded with the deed for each lot and parcel. The deed restrictions shall remain in effect until the parcels are no longer subject to protection under the goals for agricultural lands or forest lands.

D. Lot of Record Dwelling

A lot of record dwelling may be approved if all of the following criteria are met:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (2) below:

   a. Since prior to January 1, 1985; or

   b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;

2. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in- law,

son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members;

3. The tract on which the dwelling will be sited does not include a dwelling;

4. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling currently exists on another lot or parcel that was part of that tract;

5. The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species;

6. The tract on which the dwelling will be sited is located within 1,500 feet of a maintained public road that is either paved or surfaced with rock. The road shall not be a U.S. Bureau of Land Management (BLM). The road shall not be a U.S. Forest Service (USFS) road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and landowners adjacent to the road, a local government or a state agency;

7. When the lot or parcel on which the dwelling will be sited lies within a designated big game habitat area, the siting of the dwelling shall be consistent with the standards in Section 321;

8. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law;

9. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel.

10. No dwellings shall be allowed on the other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the other lots or parcels that make up the tract or to use the lot or parcel to meet acreage requirements for future siting of a dwelling for present and any future owners, unless the tract is no longer subject to protection under the goals for agricultural lands or forest land, shall be recorded with the deed for each lot and parcel; and

11. If the dwelling is approved, the approval may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.

303.6

E. Forest Template Dwelling

A forest template dwelling may be approved if all of the following criteria are met:

1. The tract on which the dwelling will be sited does not include a dwelling;

2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:

   a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber and all or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels;

   b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber and all or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels; or,

   c. Capable of producing more than 50 cubic feet per acre per year of wood fiber and all or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

   d. Lots or parcels within an urban growth boundary shall not be used to satisfy the eligibility requirements under this subsection.

3. If the tract on which the dwelling will be sited abuts a road that existed on January 1, 1993, the measurement required by subsection (2) above may be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible aligned with the road;

4. If the tract on which the dwelling will be sited is 60 acres or larger and abuts a road or perennial stream, the measurement required by subsection (2) above shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible aligned with the road. However,

one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

a. Be located within the 160-acre rectangle; or

b. Be within one-quarter (¼) mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

c. A dwelling is considered to be in the 160-acre rectangle if any part of the dwelling is in the rectangle.

5. If a road crosses the tract on which the dwelling will be sited, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling;

6. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and

7. No dwellings will be allowed on other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the lots or parcels that make up the tract or to use the tract to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forest lands shall be recorded with the deed for each lot and parcel.

303.7 Siting Standards:

The following siting standards shall apply to all new dwellings and structures in the Forest Management zone. The standards are designed to make uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards shall not be used to deny a structure that would otherwise be allowed, but shall be considered to identify the most appropriate building site. Replacement dwellings and accessory structures that will be located within 100 feet of the existing dwelling are presumed to comply with the siting standards.

A. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands;

2. Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

4. The risks associated with wildfire are minimized.

B. Criteria in section (A) may be met through setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

C. The applicant must provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For purposes of this section, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

2. A water use permit issued by the Water Resources Department for the use described in the application if water will be obtained from a stream, creek, river, lake or other surface water source; or

3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

D. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of an easement or long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

E. If the lot or parcel is more than 30 acres, a condition of approval for a dwelling will require the following:

1. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules. The Community Development Department will notify the county assessor of the above condition at the time the dwelling is approved;

2. The property owner shall submit a stocking survey report to the county assessor. The Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor will inform the Department of Forestry if

the survey report indicates that minimum stocking requirements have not been met.

3. Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

F. As a condition of approval for a dwelling, the owner shall sign and record in the deed records for the county the following declaration:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this deed declaration, or the acceptance and recording of this instrument, that the property herein described is situated on or near farm and or forest land, and as such may be subject to common, customary, and accepted agricultural and forest practices, which ordinarily and necessarily may produce noise, dust, smoke, and other types of visual, odor, and noise pollution. This deed declaration binds the land owner and the land owner's successors in interest, prohibiting them from pursuing a claim for relief or 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."

Section 303.8 Permit Expiration

A. Approval of a permanent dwelling in the Forest Management zone will be void four (4) years from the date of the final decision if development has not been initiated. An extension of up to two (2) years may be granted pursuant to the provisions in subsection (C).

B. A decision approving a temporary medical hardship dwelling or any other administrative or conditional use in the Forest Management zone is void two (2) years from the date of the final decision if development has not been initiated, or if the use has not been established in cases where no new construction is proposed. An extension of up to 12 months may be granted pursuant to the provisions in subsection (C).

C. The County may grant an extension of the approval periods specified in subsections (A) and (B) provided:

1. The extension request is made in writing and is filed with the Community Development Department prior to the expiration of the original approval period;

2. The written request states reasons that prevented the applicant from beginning or continuing development within the approval period; and

3. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Additional one year extensions may be authorized where applicable criteria for the decision have not changed. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4.

Section 303.9 Minimum Parcel Size

The minimum parcel size in the Forest Management zone is 80 acres or one-eighth Section, except as specified in this Section. If the parcel is in a Wildlife Overlay Zone, the minimum lot size requirements in Section 321 supersede this section if they require a larger minimum lot size. Land divisions to create new parcels less than the 80 acre minimum parcel size may be approved subject to the requirements and procedures of Chapter 7 and compliance with the following standards:

A. A new parcel may be created for the following uses, provided that the use has been approved by the County and the parcel created from the division is the minimum size necessary for the use:
   1. Permanent facility for the primary processing of forest products, as described in Section 303.3(A).
   2. Permanent logging equipment repair and storage, as described in Section 303.3(B).
   3. Log scaling and weigh station, as described in Section 303.3(C).
   4. Television, microwave and radio communication facilities and transmission towers, as described in Section 303.3(D).
   5. Fire station, as described in Section 303.3(E).
   6. Aids to navigation and aviation, as described in Section 303.3(F).
   7. Water intake facilities, related treatment facilities, pumping stations, and distribution lines, as described in Section 303.3(G).
   8. Reservoirs and water impoundments, as described in Section 303.3(H).
   9. Cemetery, as described in Section 303.3(I).
   10. Disposal site for solid waste, as described in Section 303.4(A).
   11. Private parks and campgrounds, as described in Section 303.4(B).
   12. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, as described in Section 303.4(C).
   13. Mining and processing of oil, gas, or other subsurface resources, as described in Section 303.4(D).
   14. Utility facilities for the purpose of generating power, as described in Section 303.4(F).
   15. Firearms training facility, as described in Section 303.4(G).
   16. Public parks, as described in Section 303.4(H).
   17. Residential lots in a destination resort, as described in Sections 303.4(I) and 430.

B. A new parcel may be created for an existing dwelling provided:

1. The new parcel shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten acres;

2. The dwelling existed prior to June 1, 1995; and

3. The remaining parcel, not containing the dwelling:
   a. Meets the 80 acre minimum lot or parcel size, or is consolidated with another parcel and together the parcels meet the minimum lot size; and
   b. Is not entitled to a dwelling unless subsequently authorized by law or goal.

4. The applicant for a division under this subsection shall provide evidence that a restrictive deed declaration on the remaining parcel not containing the dwelling has been recorded with the Jefferson County Clerk. The restriction shall prohibit a dwelling on the parcel, unless authorized by law or goal. The restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to Statewide Planning Goals pertaining to agricultural land or forest land.

C. A new parcel may be created to facilitate a forest practice as defined in ORS 527.620. Approval shall be based on findings which demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the 80 acre minimum lot or parcel size in order to conduct the forest practice. Parcels created pursuant to this subsection:

1. Shall not be eligible for siting of a new dwelling;

2. Shall not serve as justification for the siting of a future dwelling on other lots or parcels;

3. Shall not, as a result of the land division, be used to justify rezoning of resource lands; and

4. Shall not result in a parcel of less than 35 acres, unless:
   a. The purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or,
   b. The purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

5. If associated with the creation of a parcel where a dwelling is involved, the division shall not result in a parcel less than 80 acres, or 160 acres if

the dwelling was approved as a large tract forest dwelling under subsection 303.6(C).

D. When there is more than one dwelling on a parcel, a new parcel may be created for each dwelling if the following requirements are met

1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

2. Each dwelling complies with the standards for a replacement dwelling pursuant to subsection 303.6(A);

3. Except for one lot or parcel, each lot or parcel created will be between two and five acres in size;

4. At least one dwelling will be located on each lot or parcel;

5. None of the dwellings were approved under a land use regulation that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; and

6. The applicant shall provide evidence that a restrictive deed declaration has been recorded with the County Clerk prohibiting the landowner and the land owner's successors in interest from further dividing the lot or parcel. The restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the Director indicating that the Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to Statewide Planning Goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in Statewide Planning Goal 4.

E.. A landowner granted approval of a land division under subsections (A) through (D) shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 303.10 Setback Requirements:

A. In the Forest Management Zone, the minimum setback from all property lines shall be 40 feet. However, a larger setback may be required to comply with the siting standards in Section 303.7 and the fire safety standards in Section 426.

B. Stream Setbacks: All residences, buildings or similar permanent fixtures shall be set back from streams or lakes in accordance with the standards in Section 419.

Section 304 - Rural Residential (RR-2, RR-5, RR-10, RR-20)

Purpose: The Rural Residential (RR) Zones are intended to provide for low-density rural residential home-sites in sparse settlements in an open space environment. RR zones provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources.

In RR Zones, the following regulations shall apply:

A. Uses Permitted Outright.
The following uses and their accessory uses are permitted outright:

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Crop cultivation or farm gardens.

3. Raising of livestock, subject to Section 407.

4. Day Care Home.

5. Residential homes.

6. Limited Home Occupation, pursuant to Section 410.1.

7. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.

3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Conditional Uses
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Public buildings, structures and uses

2. Church, grange, cemetery, community center, school and similar uses.

3. Day Care Facility.

4. Golf Course.

D. Minimum Lot Size:
1. The minimum lot size for new parcels shall be 2 acres in the RR-2 zone.
2. The minimum lot size for new parcels shall be 5 acres in the RR-5 zone.
3. The minimum lot size for new parcels shall be 10 acres in the RR-10 zone.
4. The minimum lot size for new parcels shall be 20 acres is the RR-20 zone.

E. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.

F. Height Requirements: The maximum structure height shall be 35 feet, except as authorized by Section 504.

G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

H. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

Section 305 - Service Community (SC)

Purpose. The purpose of the Service Community Zone is to provide for continued rural residential living in existing rural communities, including but not limited to Gateway and Ashwood; to provide standards for rural land use development consistent with desired rural character and the capability of the land and natural resources; and to manage the extension of public services.

A. Uses Permitted Outright.
The following uses and their accessory uses are permitted outright:

1. A single-family dwelling, or a manufactured home subject to Section 408.

2. Day care Home.

3. Crop cultivation or farm gardens.

4. Raising of livestock, subject to Section 407.

5. Limited Home Occupation, pursuant to Section 410.1.

6. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.

3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Conditional Uses
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Public buildings, structures and uses.

2. Church, grange, cemetery, community center, school and similar uses.

D. Minimum Lot Size: The minimum lot size for new parcels shall be two acres.

E. Setback Requirements: Buildings shall be located a minimum of 12 feet from any property line abutting a road right-of-way, and a minimum of 8 feet from any other property line.

F. Stream Setback: All structures, buildings or similar permanent fixtures shall be sited in a manner that complies with the riparian protection standards of Section 419, if applicable.

G. Dimensional Standards: The following dimensional standards shall apply:

1. Lot Coverage. The main building and accessory buildings shall not cover in excess of 60 percent of the total lot area.

2. Height. No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height, except as authorized by Section 504.

H. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

I. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

Section 306 - Existing Rural Development (ERD)

The intent of the ERD Zone is to acknowledge existing rural development, both residential and commercial, and to allow for continuation of those existing uses without the encumbrances of a nonconforming use designation. Designation of an ERD area determines legitimacy only for existing situations and their modification as described below.

A. Uses Permitted Outright:

1. All uses which were legally established on the property before March 11, 1981 and that continue to exist, including normal maintenance and upkeep.

2. Day care home.

3. Limited home occupation, pursuant to Section 410.1.

4. One single-family residence or a manufactured home subject to Section 408.

5. Crop cultivation or farm gardens including the keeping of domestic animals subject to Section 407

6. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Uses Permitted Subject to Administrative Review
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Alteration or expansion of commercial or industrial uses and structures, or a change in the type of commercial or industrial use, subject to findings of compliance with the following:
   a. a commercial or industrial use was legally established before March 11, 1981 and continues to exist on the property;
   b. the alteration, expansion or change in use will have no significant adverse impact on the surrounding area, taking into consideration noise and other emissions and visual appearance of the property;
   c. the use will not adversely affect agricultural or forestry uses;
   d. the use will be consistent with the identified function, capacity and level of service of transportation facilities serving the property.
   e. a building or buildings for an expanded commercial use shall not exceed 4,000 square feet of building floor area, and a building or buildings for an expanded industrial use shall not exceed 40,000 square feet of building floor area unless an exception to statewide planning Goal 14 has been approved.

2. Home Occupation, subject to Section 410.

3. Temporary Medical Hardship Dwelling, subject to Section 422.3.

4. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Limitations on ERD
No rezoning of additional land to ERD or expansion of ERD boundaries onto adjacent land shall be permitted.

D. Land Divisions
Division of land in an ERD Zone is not permitted except under the following circumstances:

1. The parcel to be divided has two or more permanent habitable dwellings on it;

2. The dwellings were legally established prior to March 11, 1981;

3. Each parcel to be created will contain at least one of the dwellings;

4. The division will not create any vacant parcels on which a new dwelling could be established;

5. Each parcel will be at least two acres in size; and

6. Each parcel will have access in the form of at least 50 feet of frontage on a public road or an easement at least 25 feet in width.

E. Setback Requirements (minimum): Front - 30 Feet, Side - 15 Feet, Rear - 15 Feet.

F. Height Requirements: No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height, except as authorized by Section 504.

G. Riparian Protection: All structures and uses shall comply with the riparian protection standards in Section 419, if applicable.

H. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

I. Fire Protection Standards: Development shall comply with the fire safety standards in Section 426.

J. Signs: Signs shall comply with the standards in Section 406.

Section 309 - County Commercial (CC)

In a CC Zone, the following regulations shall apply:

A. Uses Permitted Subject to Administrative Review.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the Site Plan Review standards in Section 414 and the standards in this section:

1. Retail trade establishment.

2. Personal and business service.

3. Gas station.

4. Storage facility.

5. Restaurants.

6. Utility and communication facilities. Approval of a wireless communication tower is also subject to the requirements of Section 427.

B. Building Size Limitation: Buildings shall comply with the following size limitations:

1. On land outside an Urban Growth Boundary, a building or buildings for a commercial use shall not exceed 3,500 square feet of building floor area unless an exception to statewide planning Goal 14 has been approved.

2. On land inside an Urban Growth Boundary, commercial buildings may meet city Zoning Ordinance standards upon written approval of the city, and subject to compliance with any requirements or conditions of the city.

C. Landscaping Requirements:
Commercial uses on land inside an Urban Growth Boundary shall comply with city landscaping standards. Development on lands outside the Urban Growth Boundary shall comply with the following:

1. A landscaped strip at least five (5) feet in width shall be provided along property lines adjacent to roads.

2. Landscaping shall be continuously maintained and weeded. Xeriscaping is encouraged, but provision shall be made for watering planting areas when needed.

3. Undeveloped areas of a parcel that are not required to be landscaped shall be kept free of brush and weeds and shall otherwise be maintained to provide a tidy appearance.

D. Minimum Lot Size: The minimum lot size shall be two (2) acres.

E. Setback Requirements (minimum): Buildings and accessory structures shall be a minimum of ten feet from any property line that abuts a road or residential zone.

F. Signs: Signs shall comply with the sign regulations in Section 406.

G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

Section 311 - County Industrial (CI)

In a CI Zone, the following regulations shall apply:

A. Uses Permitted Subject to Administrative Review.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the Site Plan Review standards in Section 414:

1. Assembly and manufacture of consumer goods or articles used by other industries.

2. Assembly, repair, and storage of heavy vehicles and machinery.

3. Storage and processing of agricultural products.

4. Warehouse and freight terminal operations.

5. Aggregate processing and storage.

6. Utility or communication facilities. Approval of a wireless communication tower is also subject to the requirements of Section 427.

7. Storage Facilities.

B. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602 and the site plan review standards in Section 414:

1. Any process, storage, or manufacturing which emits odors, fumes, gasses, or treated liquids. All State or federal agencies having authority of enforcement procedures regarding any of these uses shall be notified by the applicant and requested to provide any comments prior to any land use decision.

C. Building Size Limitation: On land outside an Urban Growth Boundary, a building or buildings for an industrial use shall not exceed 35,000 square feet of building floor area unless an exception to statewide planning Goal 14 has been approved.

D. Setback Requirements: Buildings and accessory structures shall be a minimum of ten feet from any property line that abuts a road or residential zone.

E. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

F. Signs: Signs shall comply with the sign regulations in Section 406.

Section 312 - Industrial Reserve (IR)

The purpose of the Industrial Reserve Zone is to reserve land for future industrial use. Industrial Reserve land may be rezoned to County Industrial Zone (CI) when additional industrial land is needed. Only one property in the County is zoned Industrial Reserve. Once it has been rezoned this section shall be repealed.

A. Uses Permitted Outright:
The following uses are permitted outright:

1. Farm uses.

2. Propagation or harvesting of a forest product.

3. Maintenance and upkeep of existing structures and continuation of existing uses.

B. Rezoning to County Industrial: Land in an IR zone may be rezoned to County Industrial (CI) following the procedures for rezoning property in Chapter 8. The rezone may be approved if it complies with the following:

1. Additional industrial land is needed either to meet the needs of a specific industrial use or because there is a lack of vacant industrial land in the County, including industrial lands inside cities; and

2. Adequate utilities and services, including water, sewage disposal and transportation, are available or will be provided.

C. Minimum lot size: Land in an IR zone shall not be divided.

D. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

Section 313 - Airport Management (AM) Zone

313.1 Purpose

The purpose of the Airport Management (AM) zone is to encourage and support continued operation and vitality of airports in the county by allowing uses that are compatible with aviation activities. The AM zone implements ORS 836.600 through 836.630, OAR 660-013 and Statewide Planning Goal 12.

313.2 Applicability

A. The AM zone applies to the Madras City - County Airport and the Lake Billy Chinook Airport.

B. The Ochs private airport is subject to the planning requirements of ORS 836.608.

C. All other airports in the county are subject to the requirements of the zone in which they are located.

313.3 Permitted Uses

The following uses and their accessory uses are permitted in the AM zone, subject to compliance with the airport protection procedures of Section 418. Any use involving construction of a new structure is subject to the Site Plan Review provisions of Section 414 and will be processed under the Administrative Review procedures of Section 903.4:

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed based operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing and other uses are not "customary and usual aviation-related activities" except as provided in section.

B. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

C. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

D. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

E. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills; to maintain, service, refuel or repair aircraft or aircraft components; and to assemble aircraft and aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft related products for sale to the public.

F. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

G. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public.

H. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins, glider flights, hot air ballooning, ultralight aircraft flights, displays of aircraft, aeronautic flight skills contests, gyrocopter flights, flights carrying parachutists, and parachute drops onto an airport. Evidence must be submitted that the airport owner, manager, or other person designated to represent the interests of the airport has authorized the use. As used herein, parachuting and parachute drops include all forms of skydiving. Parachuting businesses are permitted only where they have secured approval to use a drop zone that is at least ten contiguous acres roughly approximating a square or circle.

I. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

J. Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in Section 105 or "farming practice" as defined in ORS 30.390.

K. Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state Airport System Plan.

L. Golf course, excluding the designated clubhouse.

M. Automobile parking facilities.

N. Utility and communication facilities. Approval of a wireless communication tower is also subject to the requirements of Section 427.

O. Expansion or alteration of the airport that does not permit service to a larger class of airplanes.

313.4 Conditional Uses

The following uses and their accessory uses may be allowed in the AM zone if approved by the Planning Commission after a public hearing, in accordance with the procedures in Section 903.5. Approval is subject to compliance with the conditional use criteria in Section 602, the airport protection procedures of Section 418, the site plan review standards of Section 414, and findings that the use will not create a safety hazard or otherwise limit approved airport uses.

A. Expansion or alteration of the airport that will allow service to a larger class of airplanes.

B. Commercial, industrial, manufacturing or other uses deemed appropriate for the area, subject to compliance with the following:

1. The use is consistent with applicable provisions of the Comprehensive plan, statewide planning goals and OARs;

2. The use will not create a safety hazard or otherwise limit approved airport uses;

3. Adequate types and levels of facilities and services and transportation systems are available to serve the use;

4. The use will not seriously interfere with existing land uses in areas surrounding the airport; and

5. The use 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.

C. The following uses may be allowed or expanded at the Madras City – County airport only:

1. Executive Hanger for temporary overnight lodging of pilots only.

2. Drag Strip

3. Motor Cross Track

4. Gun Club

5. Round Track

6. Vehicular Road Testing

313.5 Outdoor Lighting. Outdoor lighting shall comply with Section 405 and the following:

A. Outdoor lighting shall not project directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel.

B. Outdoor lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

313.6 Minimum Lot Size
There is no minimum lot size in the AM zone.

Section 314 - Park Management (PM)

Purpose: The purpose of the Park Management zone is to protect designated areas for park purposes; to provide for recreational development while restricting development in areas with fragile, unusual or unique qualities; to protect and improve the quality of air, water and land resources and to plan for future park development.

In a PM zone, the following regulations shall apply:

A. Uses Permitted in Parks with Master Plans.

1. Uses and projects listed in an adopted state or local park master plan are permitted outright provided the proposed project is consistent with the conceptual design and description of the project in the adopted master plan.

2. Minor variations to uses and projects listed in the adopted master plan may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if the Oregon Parks and Recreation Department Director determines that the proposed variation is "minor" using the criteria in OAR 736-018-0040 and the Planning Director concurs.

B. Uses Permitted in State Parks without Master Plans.

1. General maintenance and daily operation of public park facilities are permitted outright.

2. The renovation and repair of facilities which existed in the park on July 25, 1997 are permitted outright.

3. The replacement of facilities and services which existed in the park on July 25, 1997 are permitted outright. Minor location change of such uses and facilities may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if the Oregon Parks and Recreation Department Director determines that the location change or expansion is "minor" using the criteria in OAR 736-018-0043 and the Planning Director concurs.

4. The minor expansion of uses and facilities which existed in the park on July 25, 1997 may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if the Oregon Parks and Recreation Department Director determines that the expansion is "minor" using the criteria in OAR 736-018-0043 and the Planning Director concurs.

C. Uses Permitted in Local Parks without Master Plans.

1. Any use or facility approved at the time the property was zoned PM, including general maintenance and repair of park facilities, is permitted outright.

2. The following uses may be approved in parks that do not have an adopted master plan following a public hearing by the Planning Commission in accordance with the procedures in Section 903.5, if found to comply with the criteria in Section 602:

   a. Improvements or upgrading of existing facilities that can be expected to result in an increase in overall visitor capacity or significantly increase visitation in specific areas of the park.

   b. New uses not proposed at the time the property was zoned PM.

D. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

E. Signs: Signs shall comply with the standards in Section 406.

Section 315 - Limited Use Overlay Zone (LU)

Purpose: The purpose of the Limited Use Overlay (LU) Zone is to limit the list of permitted uses and general activities allowed in the underlying zone to only those uses and general activities which are justified in the Comprehensive Plan 'reasons' exception statement under ORS 197.732 (1)(c) as required by OAR 660-004-0018(4)(a). Where appropriate, the LU Zone may be applied to 'physically developed' and 'irrevocably committed' exceptions under ORS 197.732 (1)(a) & (b).

A. When a 'reasons' exception is taken to a statewide planning goal, the Comprehensive Plan and zone designation must limit uses, densities, public facilities, services and activities to only those that are justified by the exception. When a 'physically developed' or 'irrevocably committed' exception is taken, the Comprehensive Plan and zone designation must limit uses to the existing types of development in the exception area. Uses permitted in the LU Zone shall be limited to those specifically referenced in the ordinance adopting the goal exception. The LU Zone cannot be used to authorize uses not allowed in the underlying zone.

B. On a particular property, certain uses may be suitable and compatible with nearby land use, and other uses may be objectionable. Rather than deny the appropriate use because the proposed zone would permit an objectionable use outright, the LU Zone can be applied to identify the appropriate uses and require a conditional use permit for other uses normally permitted outright in the zone. Conditions may also be imposed by the LU Zone when necessary to carry out the provisions of the Comprehensive Plan and this ordinance. Until the LU zone has been removed or amended through the Zoning Map amendment process outlined in Chapter 8 and the Comprehensive Plan amendment process, the only permitted uses and general activities in the zone shall be those specifically referenced in the adopting ordinance.

C. The LU Zone shall be applied through the Comprehensive Plan Map amendment and Zoning Map amendment process at the time the underlying plan map designation and zone is being changed. The official Zoning map shall be amended to show an LU suffix on any parcel where the Limited Use Zone has been applied.

Section 316 - Flood Plain Overlay Zone (FP)

316.1 Purpose and Warning

The purpose of the Flood Plain Overlay Zone is to promote the public health, safety, and general welfare, and to minimize private losses and public costs due to flood conditions in specific areas which engineering or historical information indicates are likely to be inundated by flood waters at some time. The degree of flood protection required by this Section is required in order to participate in the National Flood Insurance Program. This participation is in the public interest, and the requirements of this Section are considered reasonable for regulatory purposes and are based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the 100-year flood plain, or uses within such areas, will be free from flooding or flood damages for any size flood. This section shall not create liability on the part of Jefferson County, an officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any decision lawfully made hereunder.

316.2 Applicability:

This section shall apply to all flood hazard areas within the jurisdiction of Jefferson County as shown on the Flood Boundary and Floodway Maps or Federal Insurance Rate Maps (FIRM). Flood hazard areas coincide with the 100-year flood plain. These standards are in addition to the requirements of the underlying zone and the riparian protection standards of Section 419. Where there is a conflict between regulations, the more restrictive shall apply.

316.3 Determining Flood Hazard Location and Base Flood Elevation:

A. The flood hazard areas identified by the Federal Insurance Administration, in a scientific and engineering report entitled the "Flood Insurance Study for Jefferson County, Oregon", dated July 17, 1989, with accompanying FIRMs, is hereby adopted by reference and declared to be a part of this Ordinance. These documents will be the means for establishing the location of flood hazard areas. The Flood Insurance Study is on file with the County.

B. In areas where the base flood elevation is shown on the FIRM or the Flood Insurance Study profiles, the base flood elevation at the proposed building site shall be extrapolated from the elevations that are immediately upstream and downstream from the location of the proposed use.

C. When base flood elevation data is not provided on the FIRM or the Flood Insurance Study, the applicant shall employ an Oregon registered professional engineer to prepare a report certifying the base flood elevation in accordance with Federal Emergency Management Agency (FEMA) standards. The report shall set forth the elevation of the 100-year flood, and cite the evidence relied upon in making such determination. The calculated base flood elevation may be from mean sea level or may be based on an assumed elevation when tied to a benchmark. The location of the benchmark shall be described in the report and

shown on a map that must be included with the report. The report may be accepted or rejected by the County.

316.4 Flood plain Development Permit Required

A. A flood plain development permit is required before construction or development begins within any flood hazard area, unless specifically exempted under Section 316.5. Development includes, but is not limited to, substantial improvement, the placement of manufactured dwellings, stream crossings, mining, dredging, filling, grading, paving, excavation, drilling operations and other land-altering activities. For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred.

B. Flood plain development permits will be administratively reviewed by the Planning Director, in accordance with the provisions in Section 903.4.

316.5 Exemptions

A. A flood plain development permit is not required for the following uses:

1. Parking areas, bike paths and roadways, unless fill will be placed in the flood hazard area or the development will be in the floodway.

2. Agriculture and grazing, or managing, growing, and harvesting of timber and other forest products.

3. The placement of root wads and other stream restoration projects to improve fish habitat conducted or approved by the Oregon Department of Fish and Wildlife, provided certification from a qualified hydraulic or hydrological engineer, fisheries specialist, natural resource professional, or a water resources agency is submitted showing that the design will keep any rise in the 100-year flood levels as close to zero (0) as possible.

4. Floating, fishing or swimming platforms that will either be removed during high-water periods or are anchored so that they will not be swept downstream in the event of a flood.

5. Picnic tables, play structures, and "camp place fireplaces" that are designed and anchored to prevent flotation, collapse, or lateral movement.

6. Incidental storage of material or equipment which is mobile and readily removable from the flood plain area after flood warning. Incidental material or equipment includes only items which will not create a hazard

to the health or safety of persons and property should the storage area be inundated by flood water.

7. Water gauging station.

8. Electric distribution and/or transmission facilities provided that no fill, rip-rap, or revetments are used.

9. Diversion points for irrigation purposes provided that no structures are used.

10. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

11. Any emergency or disaster response operations activated by the County to respond to flooding.

12. Temporary emergency alteration of stream beds or banks as flood control measures immediately preceding or following periods of high water. The stream bed or bank shall be restored to its pre-flood state within 30 days after the high water period unless an application for a development permit for the alteration has been submitted.

13. Additions to, or remodeling of, an existing structure, when the cumulative value of the improvements to the structure do not exceed 50 percent of the market value of the structure prior to the improvements. 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 shall be used.

14. The improvement of a lawfully existing structure to comply with state or county health, sanitary or safety code specifications which is necessary solely to assure safe occupancy conditions.

15. Underground public utility lines.

B. A property owner who submits a Letter of Map Amendment (LOMA) approved by FEMA establishing that a portion of a lot or parcel, or a structure, is above the base flood elevation is exempt from the requirement for a flood plain development permit. LOMAs are approved for specific building sites, and may not be used to exempt a building in a different location from the requirement for a flood plain development permit.

C. A property owner who submits a Letter of Map Revision (LOMR) approved by FEMA establishing that the flood plain boundary is in a different location than shown on the FIRM is exempt from the requirements for a flood plain

development permit if the proposed development will not be in the revised flood hazard area.

316.6 Application Requirements

A. An application for a flood plain development permit shall contain the following information:

1. An accurate, scaled site plan showing the property boundaries, the location of all existing and proposed structures, the location of the stream, river or other water body, and the location of the floodway and flood plain as shown on the FIRM or as calculated by an Oregon registered professional engineer.

2. Information from a licensed Oregon surveyor showing the ground elevation at the proposed building site.

3. Construction drawings and cross-sections or other evidence showing the height above ground elevation and the height above the base flood elevation that the lowest floor of any building will be constructed, details of openings or floodproofing measures as required by Sections 316.8(A) or (B), and the amount of fill, if any, that will be used to elevate the structure.

4. In areas where the base flood elevation is not shown on the FIRM or Flood Insurance Study, a copy of an engineer's report calculating the base flood elevation as outlined in Section 316.3(C).

5. A copy of any required state or federal permit, or a copy of the application for same.

6. Evidence that all applicable development standards in Section 316.8 will be met.

B. The County shall notify adjacent communities, the Oregon Department of State Lands, U.S. Army Corps of Engineers, and the Regional FEMA office prior to any alteration or relocation of a watercourse.

C. The County shall send all applications received for review for development within a designated floodway to the Regional FEMA office.

316.7 Approval Criteria

A flood plain development permit may be approved provided that:

A. All applicable development standards of Section 316.8 can feasibly be met;

B. Applications have been submitted or all necessary permits have been obtained from those federal, state, or local governmental agencies from which approval is

required by law. Copies of all permits must be submitted to the County prior to initiation of the development.

C. The proposed development will not be dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or in flood heights or velocities.

316.8 Development Standards

A. Residential Construction

1. New construction or the substantial improvement of any residential building, including manufactured homes, shall have the lowest floor, including the basement, elevated one foot above the base flood elevation. This includes floor framing, wood floor joist systems, beams, girders, ducts and all electrical components. If a substantial improvement includes a second story addition or the removal of a wall between a new addition and the existing dwelling, then both the existing dwelling and the addition must be elevated one foot above the base flood elevation. If the wall between a new addition and the existing dwelling will remain intact except for the addition of a standard doorway, then only the addition must be elevated.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. These fully enclosed areas shall not be used for human habitation and shall only be used as building access, storage, or vehicle parking. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum standards:
   a. A minimum of two openings shall be provided having a total net area of not less than one square inch for every square foot of otherwise enclosed floor area subject to flooding (i.e., below base flood elevation). A window, door or garage door is not considered an opening.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

3. Where base flood elevation data is not shown on the FIRM or Flood Insurance Study, in lieu of a report by an Oregon registered professional engineer as outlined in Section 316.3(C), the applicant may choose to elevate the building at least three feet above the highest adjacent natural grade, provided that it will not be located in the floodway. All other

development standards of this Section shall be met. Use of this elevation standard could result in increased flood insurance premium rates.

B. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either meet the standards for residential construction outlined in Section 316.8(A), or, together with attendant utility and sanitary facilities shall:

1. Be floodproofed, so that the structure is watertight below the base flood elevation, with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. Be certified by an Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County. Flood insurance premiums for nonresidential buildings that are floodproofed may be based on rates that are one foot below the floodproofed level (e.g., a building constructed at the base flood elevation will be rated as one foot below that level).

C. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured dwellings must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

D. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices which minimize flood damage.

3. Electrical, heating, ventilation, plumbing, ducts, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Underground public sewer and water lines shall be certified by an Oregon registered professional engineer to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

5. All other underground public utility lines shall be certified by an Oregon registered professional engineer to minimize or eliminate infiltration of flood waters into the systems.

6. All utility control panels and heating, air conditioning and ventilation equipment must be located above the base flood elevation.

F. Floodway Development

In areas designated as floodways, the following standards apply due to the extreme hazard resulting from velocity of flood waters which carry debris, potential projectiles, and have erosion potential:

1. New buildings are prohibited in the floodway, except when replacing an existing lawfully established building.

2. Replacement of an existing building in a floodway is prohibited unless there is no other location on the parcel that is out of the floodway where the replacement building could be located. In no event shall the replacement building's footprint exceed the size of the original building.

3. Sand filter septic systems are prohibited in the floodway.

4. All encroachments, including fill, roadways, placement of culverts or bridges are prohibited in the floodway unless certification by an Oregon registered professional engineer is submitted demonstrating that the encroachment will not result in any increase in flood levels during the occurrence of the 100-year flood (no-rise analysis and certification). Culverts used in stream crossings where floodways are mapped and/or 100-year flood plain elevations have been determined shall require a no-rise analysis and certification. Culverts used in stream crossings where

base flood elevations and floodways have not been determined (Approximate A zone) shall be of sufficient size to minimize the rise of flood waters within the presumed floodway. Evidence must be provided by an Oregon registered professional engineer showing the size of the proposed culvert will pass the flood waters of the 100-year flood. Culverts and bridges must be anchored so that they will resist being washed out during a flood event.

G. Fill in the Flood plain

Prior to placement of fill within the flood plain or floodway, a report from an Oregon registered professional engineer determining the effect the fill will have on the 100-year flood plain shall be submitted. Fill in the flood plain cannot cumulatively raise the base flood elevation more than one foot at any given point. Fill in the floodway must comply with the requirements in (F). The fill shall be engineered to resist erosion by flood waters.

H. Alteration or Relocation of a Watercourse

1. The alteration or relocation of a stream channel or other watercourse is prohibited unless certification by an Oregon registered professional engineer is provided demonstrating that the alteration or relocation will not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The alteration or relocation of a stream channel or watercourse is prohibited unless the applicant submits written verification from the Oregon Department of Fish and Wildlife that the proposal will have minimal adverse impact on fish habitat.

3. Altered riparian areas shall be restored with native vegetation in accordance with a landscape plan that has been approved by the Oregon Department of Fish and Wildlife.

4. The alteration or relocation shall not occur until a permit is obtained from the Department of State Lands and/or U.S. Army Corps of Engineers.

5. The altered or relocated portion of a watercourse shall be maintained so that the flood carrying capacity is not diminished.

I. Mining

1. Aggregate removal or surface mining operations within the 100-year flood plain or floodway shall not cause an increase in flooding potential or stream bank erosion adjacent to, upstream or downstream from the operation.

2. All mining and processing equipment and stockpiles of mined or processed materials shall be removed from the flood hazard area during the period of December 1 through April 30, unless the operation will be protected by a dike that is of sufficient width and height to prevent flood waters from inundating the site.

J. Subdivisions and Manufactured Home Parks

1. Applications for new subdivisions and manufactured home parks consisting of 50 lots or five acres, whichever is less, shall include evidence showing the base flood elevation in accordance with the requirements of Section 316.3.

2. Applications for new subdivisions and manufactured home parks shall be consistent with the need to minimize flood damage.

3. Utilities and facilities, such as sewer, water, gas and electrical systems shall be located and constructed to minimize or eliminate flood damage, in accordance with the standards in (E).

4. Adequate drainage shall be provided to reduce exposure to flood hazards.

316.9 Variances

A variance may be granted for nonresidential construction in very limited circumstances to allow a lesser degree of floodproofing than the requirements of Section 316.8(B). All other applicable standards of this Section shall be met. The variance application will be reviewed by the Planning Director under the Administrative Review procedures in Section 903.4, and is subject to compliance with Section 508 and the following:

A. A variance may be permitted if all of the following criteria are met:

1. The proposed use or structure will not be within a designated floodway;

2. Any proposed structure will not be used as living space;

3. There will be low damage potential in the event of a flood;

4. The variance is the minimum necessary, considering the flood hazard, to afford relief;

5. Failure to grant the variance will result in exceptional hardship to the applicant, other than economic, which can be relieved only by modifying the requirements of this Ordinance;

6. There are no other locations where the structure could be located on the tract which are outside the flood plain; and

7. Granting the variance will not result in increased flood heights, additional threats to public health or safety, extraordinary public expense, or create nuisances to the public.

B. The County shall notify the applicant in writing that issuance of a variance to construct a structure below the base flood elevation could result in increased flood insurance rates and increased risks to life and property.

C. The County shall report all flood plain variances to FEMA and maintain a record of all variance actions.

D. Limitations, conditions and safeguards may be imposed if deemed appropriate to meet the intent of this Ordinance and secure public safety.

316.10 Records and Documentation

A. Prior to pouring a building foundation, an Elevation Certificate showing the ground elevation at the building site and the elevation of the top of the foundation shall be submitted to the Building Official.

B. Prior to the final inspection or occupancy of the structure, an Elevation Certificate showing the actual, as-built elevation of the lowest floor, including basement, shall be submitted to the Community Development Department. The Elevation Certificate must indicate whether or not the structure contains a basement or crawlspace.

C. For all new or substantially improved floodproofed nonresidential structures, a record of the actual elevation to which the structure is floodproofed shall be submitted to the Community Development Department. Floodproofing Certificates prepared by an Oregon registered professional engineer or architect shall also be submitted for all floodproofed structures.

D. All elevations required by this Section shall be determined and certified by an Oregon registered professional engineer or licensed land surveyor. The County will keep a permanent record of all Elevation and Floodproofing Certificates.

Section 317 - Crooked River Ranch Commercial Zone (CRRC)

Purpose: The purpose of the Crooked River Ranch Commercial Zone is to permit the location or the continuation of certain limited service commercial and rural community support uses, which are developed in ways that are in harmony with the rural and rustic character and the unique environmental quality of this area.

A. Uses Permitted Subject to Administrative Review.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the Site Plan Review standards in Section 414 and other standards in this section:

1. Retail trade establishment.

2. Business or professional office.

3. Public buildings, structures and uses.

4. Church, community center, school, day care facility and similar uses.

5. Personal, financial and other service businesses.

6. Commercial amusement establishments.

7. Enclosed Storage.

8. Restaurant or other food or beverage provider.

9. Recreational vehicle park.

10. Utility and communication facilities. Approval of a wireless communication tower is also subject to the requirements of Section 427.

11. Bed and Breakfast Inn.

12. Assisted living facility.

13. On-site living quarters for the manager or caretaker of a business. Approval of the living quarters shall be in conjunction with a specific business on the parcel. If the type of business changes a new application for conditional use approval of the living quarters must be approved. The living quarters may not be occupied if the business is discontinued.

B. Conditional Uses
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Light industrial, warehousing or manufacturing business, provided the business will not generate excessive noise, dust or odors that are discernable from any adjoining property.

C. Uses not permitted:

1. Recycling sorting or processing facilities.

2. Commercial Bulk fuel loading and storage facilities. On-site fuel storage for vehicles and equipment used by a business on the property is permitted.

D. Siting Standards:
Uses listed in Subsection (A) and (B) of this section shall be approved in a CRRC Zone only after review for conformance with the following siting standards.

1. Limitations of soils shall be considered, including erosion, flooding and contamination of water, along with provisions to reduce adverse effects to minimal levels.

2. Evidence shall be submitted that a water supply system adequate for the proposed use is available.

3. Any outside storage of materials or supplies of the business shall be screened by fencing if visible from existing roadways.

4. A building or buildings for a commercial use shall not exceed 4,000 square feet of building floor area unless an exception to statewide planning Goal 14 has been approved or the use is intended to serve the local community. A building or buildings for a warehousing, manufacturing, light industrial or storage use shall not exceed 40,000 square feet of building floor area unless an exception to statewide planning Goal 14 has been approved.

5. Existing native vegetation should be preserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety in Section 426.

6. Structures and uses shall comply with the riparian protection standards of Section 419, if applicable, including the requirement that buildings within one-half mile of a state scenic waterway or federal wild and scenic river be finished in natural wood or earth tone colors if the building will be visible from the river.

7. Fences shall comply with the standards in Section 404.

8. Outdoor lighting shall comply with the standards in Section 405.

E. Minimum Lot Sizes: The minimum lot size for new lots shall be one (1) acre.

F Setback Requirements: All commercial buildings or accessory structures shall be a minimum of ten (10) feet from any property line that abuts a residential zone, except when the abutting land is owned by the Crooked River Ranch Club and Maintenance Association.

G. Signs: All signs shall be constructed and placed in accordance with the requirements of Section 406.

Section 318 - Crooked River Ranch Residential Zone (CRRR)

A. Uses Permitted Outright:
The following uses and their accessory uses are permitted outright.

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Crop cultivation or farm gardens.

3. Public Parks.

4. Residential Home.

5. Day Care Home.

6. Raising of Livestock, subject to compliance with the standards in Section 407.

7. Limited Home Occupation, pursuant to Section 410.1.

8. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Administrative Uses:
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary Medical Hardship Dwelling, subject to Section 422.3.

3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Conditional Uses:
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Church, grange, cemetery, community center, school and similar uses.

2. Public buildings, structures and uses.

3. Day care facility, rest homes, or nursing homes.

D. Occupancy of Recreational Vehicles

1. Seasonal occupancy of a Recreational Vehicle on a vacant parcel by the property owner or an invited guest is permitted to continue as a nonconforming use, provided:

   a. A septic permit was issued and an onsite septic system was installed prior to July 8, 1994;

   b. An RV permit was issued by the County; and

   c. The use has not been discontinued for a period of more than one year.

2. For purposes of this section, "seasonal" means a period of six months or less in any calendar year.

3. Seasonal occupancy of a Recreational Vehicle is considered to be a nonconforming residential use of the property, which shall end when a permanent residence is placed on the property.

E. Riparian Protection Standards:
All structures and uses shall comply with the riparian protection standards of Section 419, if applicable, including the requirement that buildings within one-half mile of a state scenic waterway or federal wild and scenic river be finished in natural wood or earth tone colors if the building will be visible from the river.

F. Minimum Lot Size: Minimum lot size for new lots and parcels shall be ten (10) acres.

G. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.
Rim setback distance shall be in accordance with the standards in Section 412

H. Height Requirements: No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height, except as authorized by Section 504.

I. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

J. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

Section 319 - Three Rivers Recreation Area Zone (TRRA)

In a TRRA Zone, the following regulations shall apply:

A. Uses Permitted:
The following uses and their accessory uses are permitted on any parcel in the TRRA zone:

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Seasonal RV and/or tent camping, subject to installation of a septic system or vault toilet and gray water sump constructed to Department of Environmental Quality standards.

3. Individual on-site RV storage facility.

4. Day care home.

5. Limited Home Occupation, pursuant to Section 410.1.

6. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

7. Raising of livestock, subject to compliance with the standards in Section 407 and the fencing standards in Section 321.4.

B. Uses Permitted in Common Area.
The following uses and their accessory uses are permitted in common areas owned by the Three Rivers Recreation Area Homeowners Association:

1. RV dumping/waste disposal facility.

2. Park, playground, golf course and similar community recreational facilities, including accessory uses such as a concession stand.

3. Community fire station.

4. Gate house.

5. Laundromat.

C. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.

3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

D. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602:

1. Public buildings, structures and uses.

2. Church, grange, cemetery, community center, school and similar uses.

3. Airport.

E. Minimum Lot Size: The minimum lot size for new lots shall be five (5) acres.

F. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.
Rim setback distance shall be in accordance with the standards in Section 412.

G. Riparian Protection Standards: All structures and uses shall comply with the riparian protection standards of Section 419, if applicable.

H. Fire Protection Standards: All new construction shall comply with the fire safety standards in Section 426.

I. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

J. Exterior Building Materials: Exterior walls, trim and roof on any building within ½ mile of Lake Billy Chinook shall be finished in a non-reflective, flat tone in earth colors to blend with the surrounding landscape.

Section 320 - Three Rivers Recreation Area Waterfront Zone (TRRAW)

The purpose of the Three Rivers Recreation Area Waterfront Zone is to allow commercial uses of a type and scale appropriate to serve the needs of the rural community, water oriented recreation and limited tourist needs. The zoning requirements are to insure that such commercial activities are harmonious with the rural character of the area.

In a TRRAW Zone, the following regulations shall apply:

A. Uses Permitted Outright:

1. The following uses are permitted subject to the standards of Jefferson County:

   a. Marina/Boat Launch Facilities, including dock, floating breakwaters, boat slips, and fueling areas existing on September 1, 1992, in the area designated TRRAW Zone.

   b. Houseboat/Water Oriented Craft Rental Business, business office and caretaker's residence existing on September 1, 1992, in the area designated TRRAW Zone.

   c. Parks, Playground, Community Beach & Recreation Facility existing on September 1, 1992, in the area designated TRRAW Zone.

   d. Grocery/General Store and caretaker's residence existing on September 1, 1992, in the area designated TRRAW Zone.

   e. Mobile Food Vendor, subject to Section 422.5.

2. Any permitted use in the TRRAW Zone may be continued, but may not be altered or expanded except in accordance with the requirements for a conditional use in Chapter 6.

   a. If any existing permitted use in the TRRAW Zone is destroyed by any cause the use may be replaced in substantially the same condition and the use continued as existing prior to the destruction.

   b. Alteration or expansion of permitted uses shall be limited by the following:

      1. Fueling areas shall be limited to 2 locations.

      2. Boat slips shall be limited to 300 for watercraft under 24 feet in length and an additional maximum of 100 boat slips for watercraft exceeding 24 feet in length.

      3. Grocery/General store shall not exceed 3,000 square feet.

B. Conditional Uses

The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602 and the Site Plan Review standards in Section 414:

1. Fuel Storage Tanks not to exceed a total of 15,000 gallons storage.

2. RV Campsite (for temporary/seasonal use as caretaker quarters for any approved use) not to exceed two RVs.

3. RV Dumping/Waste Disposal Facility.

4. RV Storage Facility not to exceed 50 stored units.

5. Restaurant not to exceed 2,500 square feet of building floor area.

6. Grocery/General Store not to exceed 3,000 square feet of building floor area.

7. Retail Sporting Goods Outlet not to exceed 2,500 square feet of building floor area.

8. One Gasoline Station.

9. Single-Family Dwelling (to serve as caretaker quarters for a permitted or conditional use).

10. Self-Service Laundry Facility not to exceed 1,000 square feet of building floor area.

C. Minimum Lot Size and Setback Requirements: There is no minimum lot size or setbacks in the TRRAW zone, except as required by Section 419.

D. Building Size Limitations: No separate building containing a single permitted or conditional use may exceed 3,000 square feet of building floor area. Buildings containing two or more permitted or conditional uses may not exceed 5,500 square feet of building floor area.

E. Fire Protection Standards: Development shall comply with the fire safety standards in Section 426.

F. Riparian Protection: All structures and uses shall comply with the riparian protection standards in Section 419, if applicable.

G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

H. Signs: Signs shall comply with the standards in Section 406.

Section 321 - Wildlife Area Overlay Zone - (WA)

321.1 Purpose:
The purpose of the Wildlife Area Overlay Zone (WA) is to conserve important wildlife areas in Jefferson County; to protect an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

321.2. Applicability

A. The provisions of this section apply to the areas identified on the Jefferson County Zoning Map as the Metolius Deer Winter Range, Metolius Elk Winter Range, Grizzly Deer Winter Range, Grizzly Elk Winter Range and the Grizzly Antelope Winter Range.

B. In a WA Zone, the requirements and standards of this section apply in addition to the requirements of the underlying zone.

321.3 Minimum Lot Size
The minimum lot size for new lots and parcels in a WA zone shall be as follows, unless the underlying zone requires a larger minimum lot size:

A. In the Metolius Deer Winter Range and Grizzly Deer Winter Range the minimum lot size shall be 80 acres.

B. In the Metolius Elk Winter Range and Grizzly Elk Winter Range the minimum lot size shall be 160 acres.

C. In the Grizzly Antelope Winter Range the minimum lot size shall be 320 acres.

321.4 Fencing Standards

A. Fences in the WA zone, except as specified in subsection (B), shall comply with the following standards unless evidence is submitted that the Oregon Department of Fish and Wildlife (ODFW) has approved an alternative design:

1. The distance between the ground and bottom strand or board of the fence shall be at least 18 inches.

2. The height of the fence shall not exceed 42 inches above the ground level.

B. Exemptions:

1. Fences encompassing less than 10,000 square feet, which surround or are adjacent to residences or structures.

2. Corrals used for working livestock.

321.5 Building Location

A. New buildings and structures in the WA zone shall be located entirely within 300 feet of at least one of the following, except as provided in (B):

1. An existing lawfully established dwelling that existed as of August 31, 1995; or

2. A public road or county-approved private road that existed as of August 31, 1995; or

3. A driveway that existed as of August 31, 1995 that provides the primary access to an existing dwelling either on the same parcel or on another parcel.

B. A building may be placed in a location that does not comply with the standards in (A) if ODFW agrees with the proposed development and if the applicant can demonstrate that the habitat values and migration corridors are afforded equal or greater protection through a different development pattern.

321.6 Approval Criteria for Other Development

A. When the requirements of the underlying zone require that a land use application be submitted for a proposed use, the application shall also be subject to compliance with the criteria in this section. The land use decision shall contain findings that the proposed development will have minimal adverse impact on big game winter range habitat based on:

1. Dwellings and structures shall be located near each other and existing roads, as specified in Section 321.5;

2. Development shall be located to avoid habitat conflicts or adverse impacts to cover, forage or access to water;

3. Development shall be located to utilize the least valuable habitat areas on the parcel;

4. Road and driveway development shall be the minimum necessary to support the use.

B. ODFW will be notified of any application that is subject to the requirements of this section, and will be given 30 days to provide comments. If ODFW indicates that habitat will be adversely affected by the proposed development, the property owner shall provide ODFW and Jefferson County with a management plan to protect habitat values. The application shall not be approved unless ODFW has approved the management plan.

C. Reasonable conditions may be placed on the proposed use in order to ensure that it will not destroy wildlife habitat or result in abandonment by the protected wildlife of the area.

321.7 Waiver of Remonstrance

Prior to issuance of building permits for a new dwelling in a WA Zone, the property owner(s) shall sign and record in the County deed records a Waiver of Remonstrance and Agreement acknowledging that the property is located in a wildlife habitat area, and agreeing that current and future land owners will hold Jefferson County and ODFW harmless for any wildlife damage to the property, including damage to any landscape and gardens.

Section 322 - Sensitive Bird Habitat Overlay Zone (BH)

322.1 Purpose

The purpose of the Sensitive Bird Habitat Overlay (BH) Zone is to insure that sensitive habitat areas identified in the County's Goal 5 sensitive bird inventory as critical for the survival of the northern bald eagle, golden eagle and prairie falcon are protected from the effects of conflicting uses and activities. This objective shall be achieved by implementation of the decision which was made as part of the economic, social environmental and energy (ESEE) analysis that was completed for each site as part of the Goal 5 inventory process.

322.2 Location of Sensitive Bird Habitat Overlay Zone

The BH Zone consists of all land within a 1320 foot (1/4 mile) radius of a golden eagle, bald eagle or prairie falcon nest listed in the Comprehensive Plan Goal 5 inventory adopted by Ordinance 49-97, as shown on the Jefferson County Zoning Map.

322.3 Exemptions

A. Portions of a BH Zone located on federal land are not subject to the provisions of this section.

B. Forest practices and farming practices as defined in ORS 30.930 are exempt from the provisions of this Section. However, buildings proposed to be constructed or converted for use in conjunction with farming or forestry operations are subject to the requirements of this section.

322.4 Regulation of Uses

A. Development within a BH Zone shall follow the Program to Meet Goal 5 specified in the ESEE Findings and Decision adopted for each nesting site identified in the Comprehensive Plan inventory.

B. For certain bird sites, the Program to Meet Goal 5 does not refer to tax lots within the BH Zone that were already developed at the time the ESEE analysis was done. Any proposal for new construction on these lots shall be subject to the same requirements as the nearest tax lot to the proposed development that is regulated through the Program to Meet Goal 5.

322.5 Variance to Regulations

Regulations specified in the Program to Meet Goal 5 may be modified if approved by the Planning Director under the Administrative Review procedures of Section 903.4 if an applicant demonstrates the following:

A. The regulations specified in the Program to Meet Goal 5 render the parcel unable to be developed for a dwelling that would otherwise be allowed; and

B. The Oregon Department of Fish and Wildlife (ODFW) has specified in writing that either the proposed location of the dwelling will adequately protect the nest

site, or the nest site is no longer in use. Any measures designed to mitigate adverse impacts recommended by ODFW shall be included as conditions of approval.

322.6 Additional Regulations
The following standards apply to all lands within a BH Zone:

A. New roads, driveways or public trails shall be located at the greatest distance possible from the nest site unless topography, vegetation or structural features will provide greater visual protection and noise buffer from the nest site.

B. Existing vegetation or other landscape features which obscure the view of the nest from development shall be preserved and maintained.

C. Partitions, subdivisions and property line adjustments that would result in a lot or parcel configuration that would force the location of a dwelling or other structure within the designated sensitive habitat area shall not be approved.

D. All exterior lighting, including security lighting, shall be sited and shielded so that the light is directed so that it does not shine on or towards the nest site.

Section 341 - Camp Sherman Rural Center Zone (CSRC)

Purpose: The purpose of the Camp Sherman Rural Center (CSRC) zone is to permit single family dwellings and the location or continuation of service-related commercial uses, visitor accommodations, and selected rural community support uses in the historic Camp Sherman unincorporated community center, provided they are developed in ways which are in harmony with the rural and rustic character and the unique environmental quality of the area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright in the CSRC zone, subject to compliance with applicable standards of this section:

1. One single family dwelling or manufactured home subject to Section 408.

2. Limited Home Occupation, pursuant to Section 410.1.

3. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the Site Plan Review standards in Section 414 and other standards in this section:

1. Public Information Kiosk.

2. Fire Station.

3. Postal Station.

4. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3 but not subject to the Site Plan Review standards in Section 414.

C. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602, the Site Plan Review standards in Section 414 and other standards in this section:

1. Lodge and Vacation Rental Units, including dwelling units for management and employees and accessory uses and buildings, subject to the following standards:
   a. The total number of units permitted, including those for management and employees, shall be calculated by multiplying the number of acres in the parcel by five. Fractions may be rounded to the closest whole number.

b. The maximum building floor area permitted shall be calculated by multiplying the number of acres in the parcel by 4,000 square feet.

2. Recreational Vehicle Parks. The total number of spaces permitted shall be calculated by multiplying the number of acres in the parcel by ten.

3. Tackle Shop, limited to 800 square feet of building floor area.

4. Gas station, limited to two pumps, water, and compressed air service, without a canopy and limited to 2,400 square feet of building floor area.

5. Church.

6. General store, maximum of 4,000 square feet of building floor area.

7. School.

8. Restaurant or cafe, without drive-up window service, limited to 2,400 square feet of building floor area.

9. Recreational facilities such as walkways, bike paths, jogging paths, pool, tennis and basketball courts.

10. Utility and communication facilities. Approval of a wireless communication tower is also subject to the requirements of Section 427.

D. Development Standards.
Uses listed in subsections (B) and (C) are subject to the following development standards:

1. The proposed use shall be related to and supported by the recreational and resort-oriented activities of the area.

2. The proposed use shall be in harmony with the natural environmental and result in a minimum number of conflicts with existing development.

3. The maximum practicable buffer shall be provided between the proposed use and adjacent land zoned Forest Management.

4. The use will not force a significant change in, or significantly increase the cost of forest practices on surrounding lands in the Forest Management zone.

5. Adequate public or private facilities, such as water supply, sewage disposal, road access, fire protection and utilities are available or will be provided to serve the proposed use.

6. Existing native vegetation shall be preserved and protected on any site to the maximum extent possible, except in fuel break areas required by the fire safety

standards in Section 426.

7. Parking spaces for lodges and vacation rental units shall be clustered into no more than two parking areas on any parcel. Parking spaces shall not be located within any required setback area.

8. Fencing shall comply with the standards in Section 404, except sight-obscuring fences shall be limited to those needed to screen outdoor storage areas not exceeding 400 square feet per site, and shall be set back at least 50 feet from the front lot line and 20 feet from side and rear lot lines.

9. Signs shall comply with the standards in Section 406 and the following:
   a. Signs on parcels containing uses listed in subsection (A) shall be limited to one unpainted, unlighted sign a maximum of two square feet in size.
   b. Signs on parcels containing uses listed in subsection (B) of (C) shall be limited to one unpainted sign a maximum of twelve square feet in size and a maximum of six feet in height. Any illumination shall be indirect and 200 watts or less.

E. Height Requirements: No building or structure shall be erected or enlarged to exceed twenty (20) feet in height, except as authorized by Section 504.

F. Building Appearance:

1. The exterior walls, roof and trim on all buildings shall be finished in non-reflective flat tones in earth or forest colors to blend with the surrounding landscape.

2. All buildings shall have a minimum 3:12 roof pitch.

G. Minimum Lot Sizes: The minimum lot size shall be two (2) acres.

H. Setback Requirements (minimum): Front - 30 feet, 15 foot side and rear.

I. Riparian setback: Development and structures shall comply with the riparian protection standards of Section 419, if applicable, with the exception that the setback shall be 100 feet from the top of bank of a river, stream or other natural water body.

J. Fire Safety: All development shall comply with the fire safety standards in Section 426.

K. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

Section 342 - Camp Sherman Vacation Rental Zone (CSVR)

Purpose: The purpose of the Camp Sherman Vacation Rental (CSVR) Zone is to permit the location and continuation of certain types of visitor accommodations under approval processes and development standards intended to assure compatibility with the unique rural character, recreational attraction and environmental qualities of the Camp Sherman unincorporated community.

A. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 subject to compliance with the Site Plan Review standards in Section 414 and other standards in this section:

1. Lodges and vacation rental units, including dwelling units for management and employees and accessory uses and buildings, subject to the following standards:

   a. The total number of units permitted, including those for management and employees, shall be calculated by multiplying the number of acres in the parcel by one. Fractions may be rounded to the closest whole number.

   b. The maximum building floor area permitted shall be calculated by multiplying the number of acres in the parcel by 1,400 square feet.

   c. There shall be at least one acre of open space for each developed acre.

   d. Units may be developed, constructed, or held under various ownership models, such as condominiums, time shares, and similar arrangements, provided the parcel remains in common ownership and the system of rental or ownership does not allow any unit, except housing for management and employees, to be occupied as a principal residence.

   e. Occupancy by any owner, including time as a guest of another owner, shall not exceed 30 days per calendar quarter. There shall be a break of at least one week between 30-day owner occupancy periods, so that no owner or guest of an owner may occupy a unit for more than 30 contiguous days. All units, except housing for management and employees, shall be available for rental to the public at least 60 days per year. A condition of approval may require that the developer provide an annual accounting to document that these requirements are being met.

   f. Reservations for all rental units, by both owners and the public, must be made through a central reservation and check-in service.

2. Recreational facilities such as walkways, bike paths, jogging paths, swimming pools, tennis and basketball courts.

B. Development Standards.
Uses listed in subsection (A) are subject to the following development standards:

1. The proposed use shall be related to and supported by the recreational and resort-oriented activities of the area.

2. The proposed use shall be in harmony with the natural environmental and result in a minimum number of conflicts with existing development.

3. The maximum practicable buffer shall be provided between the proposed use and adjacent land zoned Forest Management.

4. The use will not force a significant change in, or significantly increase the cost of forest practices on surrounding lands in the Forest Management zone.

5. Adequate public or private facilities, such as water supply, sewage disposal, road access, fire protection and utilities are available or will be provided to serve the proposed use.

6. Existing native vegetation shall be preserved and protected on any site to the maximum extent possible, except in fuel break areas required by the fire safety standards in Section 426.

7. Parking shall comply with the standards in Section 423 and the following:

   a. Parking areas for overnight accommodations shall be dispersed throughout the developed portion of the parcel, with a maximum of six spaces in any parking area. Parking areas for day-use only may exceed this standard.

   b. Parking spaces shall not be located within any required setback area.

   c. Parking areas and internal access roads shall be designed to minimize the amount of impervious surface.

8. Fencing shall comply with the standards in Section 404, except sight-obscuring fences shall be limited to those needed to screen outdoor storage areas not exceeding 400 square feet per site, and shall be set back at least 50 feet from the front lot line and 20 feet from side and rear lot lines.

9. Signs shall comply with the standards in Section 406 and the following:

   a. One or more signs with a combined total area not exceeding 24 square feet per parcel are permitted.

   b. The maximum height of any free-standing sign shall be ten feet.

   c. Signs and supporting structures shall be predominantly constructed of materials that are characteristic of the surrounding natural landscape.

10. Height Requirements: No building or structure shall be erected or enlarged to exceed twenty-five (25) feet in height, except as authorized by Section 504.

11. The exterior walls, roof and trim on all buildings shall be finished in non-reflective flat tones in earth or forest colors to blend with the surrounding landscape.

12. All buildings shall have a minimum 3:12 roof pitch.

C. Minimum Lot Size: The minimum lot size shall be five (5) acres.

D. Setback Requirements (minimum): Front - 30 feet, 15 foot side and rear.

E. Riparian setback: Development and structures shall comply with the riparian protection standards of Section 419, if applicable.

F. Fire Safety: All development shall comply with the fire safety standards in Section 426.

G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

Section 343 - Camp Sherman Rural Residential Zones (CSRR-3, CSRR-5)

Purpose: The purpose of Camp Sherman Rural Residential (CSRR) Zones is to establish minimum development standards for single family dwellings and duplexes and for selected service and support uses, in order to assure continuation of the rural character and companion rural service levels, all in harmony with the unique environmental character of the area.

A. Permitted Uses: The following uses and their accessory uses are permitted outright in the CSRR-3 and CSRR-5 zones, subject to compliance with applicable standards of this section:

1. Single Family Dwelling or a manufactured home subject to Section 408

2. Duplex, on a parcel at least five acres in size in the CSRR-3 zone or at least eight acres in size in the CSRR-5 zone.

3. Crop cultivation or farm gardens.

4. The raising of livestock, subject to Section 407.

5. Residential Home.

6. Limited Home Occupation, pursuant to Section 410.1.

7. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Administrative Uses:
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Temporary medical hardship dwelling subject to compliance with the standards and criteria in Section 422.3.

C. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602, the Site Plan Review standards in Section 414 and other standards in this section:

1. Community hall, limited to 2,400 square feet of building floor area.

2. Fire station.

D. Minimum Lot Sizes.

1. The minimum lot size in the CSRR-3 zone shall be three (3) acres.

2. The minimum lot size in the CSRR-5 zone shall be five (5) acres.

3. Any new subdivision shall be a Planned Unit Development in accordance with the requirements of Section 710. At least 50 percent of the Planned Unit Development shall be dedicated as open space.

E. Setback Requirements: The minimum building setback shall be 30 feet front and 15 foot side and rear.

F. Fencing: Fencing shall comply with the standards in Section 404, except sight-obscuring fences shall be limited to those needed to screen outdoor storage areas not exceeding 400 square feet per site, and shall be set back at least 50 feet from the front lot line and 20 feet from side and rear lot lines.

G. Riparian setback: Development and structures shall comply with the riparian protection standards of Section 419, if applicable, with the exception that the setback shall be 100 feet from the top of bank of a river, stream or other natural water body.

H. Height Requirements. No building or structure shall be erected or enlarged to exceed twenty-five (25) feet in height, except as authorized by Section 504

I. Building Appearance:

1. The exterior walls, roof and trim on any building shall be finished in non-reflective, flat tones in earth or forest colors to blend with the surrounding landscape.

2. All buildings shall have a minimum 3:12 roof pitch.

J. Fire safety: All development shall comply with the fire safety standards in Section 426.

K. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

Section 345 - Blue Lake Zone (BL)

Purpose: The purpose of the Blue Lake (BL) Zone is to permit the location or the continuation of recreational, educational and cultural facilities, visitor accommodations, outdoor activities, and single-family dwellings under approval processes and development standards intended to assure compatibility with the special mountain and high lakes environment of the area.

A. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the Site Plan Review standards in Section 414 and other standards in this section:

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Equestrian buildings, limited to 3000 square feet of building floor area.

3. Boat dock, limited to 25 slips.

4. Marina. Buildings associated with the marina shall be limited to 3000 square feet of building floor area.

5. Multi-purpose room, limited to 2000 square feet of building floor area. For purposes of this section, a multi-purpose room is defined as a structure dedicated and limited to use for educational or recreational purposes.

6. Craft and art studio, limited to 2000 square feet of building floor area.

7. Other recreational facilities such as walkways, bike paths, jogging paths, pool, tennis and basketball courts, provided they are consistent with the purpose of the BL zone.

8. Employee dwelling units in conjunction with a lodge or youth camp. For purposes of this section, "employee dwelling unit" means one or more rooms in a building designed for occupancy by employees and having not more than one cooking area or kitchen per building.

9. Fire Station.

10. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3, but not subject to the Site Plan Review standards in Section 414.

11. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.

B. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602 and other standards in this section:

1. Conference facility.

2. Restaurant.

3. Lodge.

4. Youth Camp.

5. Church, limited to 1800 square feet of building floor area.

6. Utility and communication facilities. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Development Standards:
Uses listed in subsections (A) and (B) are subject to the following development standards:

1. The maximum practicable buffer shall be provided between the proposed use and adjacent land zoned Forest Management.

2. The use will not force a significant change in, or significantly increase the cost of forest practices on surrounding lands in the Forest Management zone.

3. Adequate public or private facilities, such as water supply, sewage disposal, road access, fire protection and utilities are available or will be provided to serve the proposed use.

4. Existing native vegetation shall be preserved and protected on any site to the maximum extent possible, except in fuel break areas required by the fire safety standards in Section 426.

5. The maximum building floor area permitted shall be calculated by multiplying the number of acres in the parcel by 3,000 square feet. Accessory nonresidential buildings, such as recreational or storage buildings but excluding garages, shall not be included in the building floor area limitation.

6. At least 50% of the parcel shall be retained as open space.

7. Parking spaces shall be clustered and shall not be located within any required setback area.

8. Fencing shall comply with the standards in Section 404, except sight-obscuring fences shall be limited to those needed to screen outdoor storage areas not exceeding 400 square feet or less per site, and shall be set back at least 50 feet from the front lot line and 20 feet from side and rear lot lines.

9. Signs shall comply with the standards in Section 406.

D. Minimum Lot Sizes: The minimum lot size shall be five (5) acres. Any new subdivision shall be a Planned Unit Development in accordance with the requirements of Section 710. At least 50 percent of the Planned Unit Development shall be dedicated as open space.

E. Setback Requirements (minimum):

1. Single family dwelling: Front - 30 feet, Side - 15 feet, Rear - 15 feet.

2. Other structures: Front - 50 feet, Side - 30 feet, Rear - 30 feet.

F. Riparian setback: Development and structures shall comply with the riparian protection standards of Section 419, if applicable.

G. Height Requirements:

1. The maximum height of any residential building or structure shall not exceed 35 feet.

2. The maximum height of all other buildings and structures shall not exceed 40 feet.

H. Building Appearance:

1. The exterior walls, roof and trim on all buildings shall be finished in non-reflective flat tones in earth or forest colors to blend with the surrounding landscape.

2. All buildings shall have a minimum 3:12 roof pitch.

I. Fire Safety: All development shall comply with the fire safety standards in Section 426.

J. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

CHAPTER 4
SUPPLEMENTARY PROVISIONS

Section 401 – Access

401.1 Minimum Access Requirement
Evidence of legal access providing physical ingress and egress that meets the emergency vehicle access standards of Section 426.2(E) is required prior to issuance of building or septic permits. Access shall be provided by one of the following means:

A. Frontage abutting a road dedicated to the public for a distance of at least 50 feet.

B. Frontage abutting a county-approved or nonconforming private road for a distance of at least 50 feet, provided the property owner submits evidence that they have an easement or other legal right to use the private road.

C. Frontage abutting a Bureau of Land Management (BLM) or U. S. Forest Service (USFS) road for a distance of at least 50 feet, provided the property owner provides a copy of written approval for a long-term road access use permit in conformance with the BLM or USFS requirements.

D. A recorded, exclusive easement for ingress and egress that connects either to a public road or to a county-approved private road. If the exclusive easement connects to a private road, the property owner must submit evidence that they have an easement or other legal right to use the private road.

E. A shared driveway from a public road, provided the driveway will serve no more than two parcels and the property owner submits evidence that they have an easement or other legal right to use the driveway for ingress and egress.

F. A decree or judgment granting ingress and egress issued by a Court of competent jurisdiction.

401.2 Access Across More Than One Zone
When a new use or development is proposed in one zone, and the only access is by easement or driveway through a different zone, the access is considered to be accessory to the use. The use or development may only be approved if it is permitted in both zones.

401.3 Access from an Undeveloped Right-of-Way
Prior to issuance of building permits for a lot or parcel that will obtain access from an undeveloped dedicated or platted public right-of-way, the road(s) that will be used to access the lot or parcel shall be improved to applicable city, county or state standards, unless the County Public Works Director approves a deferral of improvements or a local improvement district is formed. The Public Works Director may authorize incremental improvements so that the first property owner who will use the road(s) only

needs to improve it to the emergency vehicle access standards of Section 426.2(E), and subsequent owners proposing to use the road(s) will each be responsible for additional improvements.

401.4 Access Standards

Access shall comply with the emergency vehicle access standards of Section 426.2(E), the clear vision area standards of Section 403, and the requirements of Section 12.18 of the Jefferson County Code.

401.5 Driveway Connection Permits

A. A Driveway Connection permit shall be obtained prior to the construction of any new driveway that accesses a county or local access road.

B. A Driveway Connection permit shall be obtained prior to issuance of a building permit for any new, remodeled or replacement building that will obtain access via an existing driveway that does not meet current driveway connection standards of Section 12.18 of the Jefferson County Code, unless the Public Works Director has authorized a variation of those standards.

C. Evidence that the Oregon Department of Transportation has approved the access shall be submitted prior to issuance of a building permit for any new, remodeled or replacement building that will obtain access from a state highway.

Section 402 – Transportation Improvements

402.1 Applicability
The provisions of this section apply to transportation improvements, including, but not limited to, the modification, extension or relocation of an existing road or the creation of a new public or private road.

402.2 Procedures

A. A proposal for a transportation improvement to create one or more new roads to serve lots or parcels that will be created as part of a land division shall be considered as part of the application for the division, in accordance with the procedures in Chapter 7. The transportation improvement(s) shall comply with all requirements of this Section.

B. A proposal for a transportation improvement to serve a proposed new use which requires administrative or conditional use approval shall be considered as part of the application for that use. The transportation improvement(s) shall comply with all requirements of this Section.

C. A proposal for a transportation improvement to serve an existing use or to provide access to an existing parcel shall be subject to all requirements of this Section.

402.3 Permitted Transportation Improvements
The following transportation improvements are permitted in all zones, subject to compliance with any other applicable standards of this ordinance, such as flood plain or riparian protection provisions:

A. Operation, maintenance and repair of existing roads identified in the Jefferson County Transportation System Plan (TSP).

B. Construction of new roads specifically identified and planned for in the TSP.

C. Reconstruction or modification of public roads and highways where no removal or displacement of buildings would occur, or no new land parcels result, including the following:

1. The addition of climbing and passing lanes within the right-of-way existing as of July 1, 1987.

2. Widening of roads that does not include the addition of travel lanes.

3. The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way.

D. Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed.

E. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within the right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

402.4 Transportation Improvements Subject to Administrative Review
The following transportation improvements may be approved by the Planning Director in all zones under the Administrative Review procedures in Section 903.4, subject to compliance with the criteria in Section 402.7 and other requirements of this Section:

A. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.

B. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

C. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

D. Accessory transportation improvements that are incidental to a use allowed or conditionally approved in the zone that will provide safe and efficient access to the use.

E. Channelization not otherwise allowed in Section 402.3. "Channelization" means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians, including, but not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns, but not including continuous median turn lanes.

F. Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road.

G. Park and ride lots.

H. Railroad mainlines and branch lines.

I. Pipelines.

J. Realignment of an existing road not otherwise allowed in Section 402.3 or this section. "Realignment" means the rebuilding of an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and

where the existing road surface is removed, maintained as an access road, or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the Transportation System Plan

K. Replacement of an intersection with an interchange.

L. Construction of a continuous median turn lane.

M. New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to, or local traffic on, a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency vehicle access.

N. Transportation facilities, services and improvements other than those listed in this section or section 402.3, which will serve local travel needs. The travel capacity and level of service of the facility or improvement shall be limited to that necessary to support rural land uses or to provide adequate emergency vehicle access.

402.5 Other Transportation Improvements

Transportation facilities and improvements not otherwise allowed under Sections 402.3 and 402.4 require an exception to statewide planning Goals 3, 4, 11 and/or 14 in order to be sited on rural lands. The exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, OAR 660-004 and OAR 660-012-0070. The application will be processed in the manner for an amendment to the Comprehensive Plan.

402.6 Application Requirements

The following information must be submitted as part of an application for a transportation improvement:

A. A tentative map showing the proposed location, width, and length of the improvement.

B. Construction drawings showing the grade, typical cross section(s), any cut or fill and methods to accommodate stormwater runoff and drainage.

C. A Title Report showing all existing easements of record within the proposed improvement area. The report shall be based on research going back in time without limitation, and must indicate all easements and encumbrances that affect the property.

D. If the proposed improvement is a new local access or private road, an engineer's design report identifying the construction standards necessary for the road to provide a minimum life of at least 25 years, necessary maintenance measures,

recommended type of maintenance work to be done annually, estimated minimum annual maintenance cost, and location of road signs in accordance with Manual of Uniform Traffic Control (MUTC) standards. The design report shall take into consideration the terrain, soil, slope, runoff, drainage, and potential amount and type of traffic that will use the road. The design report shall indicate that the road will comply with the standards in Section 12.18 of the Jefferson County Code, unless the applicant's engineer or geologist determines that alternative specifications proposed in the design report are equivalent or superior to the standards in that Section.

E. Written authorization and consent for the improvement by all owners of property the improvement will cross, or other evidence of legal authority for the improvement.

F. Written authorization from any city, county, state or federal agency with jurisdiction over any existing transportation facility that will be part of the proposed improvement(s). For instance, approval from the Oregon Department of Transportation is required for a proposed new road that will connect to a state highway. The authorization shall include a statement of any requirements or conditions that agency will impose as part of the improvement.

G. If the proposal is for a new road, the application shall include a proposed road name, with two alternative names, in accordance with the specifications in Section 12.06 of the Jefferson County Code.

402.7 Approval Standards

A. The improvement(s) will be consistent with any adopted Transportation System Plan for the area.

B. Any road improvement(s) will comply with all applicable requirements of Title 12 of the Jefferson County Code.

C. Dead-end roads shall serve a maximum of 19 lots or parcels. Dead-end roads shall terminate in a cul-de-sac, hammerhead or other turnaround that complies with the emergency vehicle access standards of Section 426.2(E).

D. Private roads shall meet the following standards:

1. A private road shall not be approved if a public road is presently needed, or is likely to be needed, for development of adjacent or nearby lands or for the extension of an existing public road.

2. A private road shall not be approved in a location planned for a public road in an adopted Transportation System Plan.

3. Private roads shall not serve commercial or industrial development or public uses.

4. Private roads are not permitted within an urban growth boundary, urban reserve, or within one mile outside of an urban growth boundary unless approved by the City.

5. The travel surface of a private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions, in accordance with the standards in Section 12.18 of the Jefferson County Code.

E. If the transportation improvement will be in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone, the project 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, and is subject to the requirements of OAR 660-012-0065(5).

F. Transportation improvements listed in Sections 402.4(J) through (N) shall only be approved in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone if found to comply with the requirements of OAR 660-012-0065(5).

G. The project will comply with all other applicable standards of Chapter 4, such as flood plain or riparian protection provisions.

402.8 Conditions of Approval

A. Additional or higher standards than required by Section 402.7 may be imposed if deemed necessary by the County to protect public safety, to ensure that the transportation improvement is constructed to provide a minimum service life of at least 25 years, to facilitate development in the area, or to improve the interconnectivity of the existing transportation system.

B. Prior to issuance of building permits for any lot or parcel that will be served by a new county road, the following shall be completed:

1. The road shall be improved to applicable city or county standards and be certified as being acceptable by the county or city.

2. The road has been accepted into the county road system by the Board of Commissioners, and has been dedicated to the public by a dedication or donation document approved by the Board and recorded in the County deed records. The road must be dedicated without any reservation or restrictions other than reversionary rights upon vacation of the road.

C. Prior to issuance of building permits for any lot or parcel that will be served by a new local access road, the following shall be completed:

1. The applicant's engineer shall certify that the road has been improved to the applicable standards in Section 12.18 of the Jefferson County Code or to city standards if within the UGB.

2. The road shall be dedicated to the public by a dedication or donation document approved by the Board of Commissioners and recorded in the County deed records. All roads for public use must be dedicated without any reservation or restrictions other than reversionary rights upon vacation of the road.

3. The city, county, state or federal agency with jurisdiction over any public road that the new local access road will intersect shall verify in writing that any required improvements or modifications to the intersection(s) have been completed.

4. A road maintenance agreement in accordance with Section 402.9 has been recorded for each lot or parcel that will have access from the road.

5. Road signs installed to MUTC standards and acceptable to the Public Works Director shall be posted at all road intersections and at all other locations on the road deemed necessary by the Public Works Director. The developer is responsible for initial installation of signs on local access roads, and property owners using the road are responsible for continued maintenance.

D. Prior to issuance of building permits for any lot or parcel that will be served by a new private road, the following shall be completed:

   1. The applicant's engineer shall certify that the road has been improved to the applicable standards of Section 12.18 of the Jefferson County Code, to city standards if within the UGB, or to the alternative specifications proposed in the engineer's design report.

   2. The city, county, state or federal agency with jurisdiction over any public road that the new private road will intersect shall verify in writing that any required improvements or modifications to the intersection(s) have been completed.

   3. An easement and road maintenance agreement in accordance with Section 402.9 has been recorded for each lot or parcel that will be served by the road.

   4. The applicant's surveyor shall verify in writing that the physical location of the travel surface of the road is within the recorded easement.

   5. Road signs installed to MUTC standards and acceptable to the Public Works Director shall be posted at all road intersections and at all other locations on the road deemed necessary by the Public Works Director.

The developer is responsible for initial installation of signs, and property owners using the road are responsible for continued maintenance.

E. A reserve strip may be required to be conveyed to the county for the purpose of controlling access to, or the use of, a lot or parcel for any of the following reasons:

1. To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

2. To prevent access to the side or terminus of a road where additional width or improvement is required for future partition or subdivision activity.

3. To prevent access to the side of a road from an abutting property under separate ownership, until proportional road construction costs are conveyed to the appropriate developer.

4. To prevent access to land unsuitable for development.

5. To prevent or limit access to roads classified as arterials and collectors.

F. Sidewalks may be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:

1. The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or

2. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.

The sidewalk(s) shall be constructed to applicable city standards. Sidewalk requirements may not be waived, but may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.

G. Bicycle facilities may be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.

402.09 Private and Local Access Road Maintenance Agreement

Private roads and local access roads shall be maintained by the property owners who will obtain access from the road, and will not be maintained by the County. A condition of approval of private roads and local access roads will require that a road maintenance agreement be recorded in the deed records of the county. The maintenance agreement shall, at a minimum, include the following:

A. A legal description or reference to the official recording number of the most recent instrument conveying ownership of the property for all lots or parcels crossed and/or served by the road.

B. A list of the Tax Assessor map and tax lot number(s) of all lots or parcels served by the road.

C. A legal description of the road location and width.

D. The approved road name.

E. A statement that the conditions of the maintenance agreement shall run with the described property and be binding upon all parties having any right, title or interest in the property, including their heirs, successors, grantees and assigns.

F. A statement specifying how the expenses of maintaining and repairing the road will be divided between the owners of the lots or parcels served by the road (e.g., shared equally, percentage based on length of road frontage).

G. A statement specifying the maintenance schedule and how the work will be contracted. At a minimum, the road must be graded, surface gravel added or replaced, and any ditches or culverts cleaned annually, and road signs must be maintained or replaced as needed.

H. A statement that the expenses of maintaining the road will constitute a charge on the property and will be a continuing lien upon the property until paid, and will also be the personal obligation of the owner of the property as of the date when the assessment for expenses fell due.

I. A statement specifying that any owner served by the road who has paid his share of the assessment may bring an action in equity to foreclose the lien against the non-paying owner's property or an action at law against the nonpaying owner personally.

J. Notarized signatures of the owners of all lots or parcels served by the road.

Section 403 - Clear-Vision Areas

A. In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two roads, a road and a driveway, or a road and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet (3½) in height, measured from the established road center line grade, except for authorized road signs and cyclone or other open construction fences which permit clear vision through the triangular area. Trees may be located in this area as long as all branches and foliage are removed to a height of eight (8) feet above the grade.

B. A clear-vision area shall consist of a triangular area, two sides of which are lot lines intersecting at the corner of the lot, and the third side of which is a line across the corner of the lot joining the non-intersection ends of the other two sides. For purposes of this section, lot lines shall be considered to be the edge of the right-of-way.

C. Any side of the triangular clear-vision area adjacent to a road, railroad, or access drive to a parking area shall be at least 30 feet. Any side of the clear-vision area adjacent to a residential driveway shall be at least 15 feet.

Section 404 - Fences

Fences in all zones shall comply with the following standards:

A. Fences located on or directly adjacent to any property line shall not exceed a vertical height of six feet above the existing natural grade at time of erection or construction unless they are made of wire or other material that is not sight-obscuring. Sight-obscuring fences that will exceed six feet in height shall meet setbacks from property lines required by the zone where the fence will be located.

B. Any fence that will exceed six vertical feet in height above the existing natural grade requires a building permit.

C. Any fence located within the clear vision area described in Section 403 shall be of open type construction to permit clear vision at the intersection.

D. Fences in a Wildlife Overlay Zone shall comply with the fencing standards in Section 321.4.

Section 405 – Outdoor Lighting

All outdoor lighting, including for accessory facilities and the lighting of commercial signs, shall comply with the following:

A. Any outdoor light shall be shielded to illuminate downward.

B. The outdoor light source (bulb or element) shall not be visible at or beyond the property line.

C. Outdoor lights shall not exceed the height limit of the zone where the light will be located.

D. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 406 - Sign Regulations

406.1 Regulations for all Signs

The following regulations shall apply to any sign erected, moved, or altered after adoption of this Ordinance. Official traffic control signs and instruments of the state, county, or municipality are exempt from all provisions of this Section.

A. All outdoor advertising signs shall be in compliance with the provision of ORS Chapter 377 when applicable.

B. No outdoor advertising sign permitted by ORS 377 shall be erected within 100 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.

C. No sign shall be placed in a manner that will interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

D. No sign shall cause glare, distraction or other driving hazards, or by position, shape, color or other characteristic be similar to any traffic signal.

E. Light from a sign shall be directed away from roads and adjacent parcels. The light source shall be shielded to illuminate downward and the light source shall not be visible beyond the property line or parcel on which the sign is located. No sign may incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source. Illuminated signs require an electrical permit.

F. Sign structures may be placed within the required setbacks from property lines provided they comply with the vision clearance standards of Section 403, but may not be placed within or overhang a dedicated right-of-way unless a permit approving the location has been issued by the Oregon Department of Transportation or County Public Works Department.

G. No sign may be situated in a manner that results in the blanketing of an existing sign.

406.2 Prohibited Signs

The following types of signs are allowed in commercial, industrial and service community zones, but are prohibited in all other zones:

A. Moving or flashing signs or signs which incorporate video or fiber optic displays or other mediums that display changing or moving text or images.

B. Anchored balloon or other inflatable signs.

C. Roof-mounted signs.

406.3 Sign Size Standards

Sign area shall be calculated based on the overall dimensions of all panels that display messages. When the sign message is not mounted on a panel, the sign area shall be calculated by drawing a regular geometric shape around the message area. For signs that are incorporated into murals, awnings and similar architectural features, only the portion of the sign considered to contain a message will be calculated as sign area. Signs shall meet the following size standards:

A. Free-standing signs shall not exceed 35 feet or the height limit of the zone, whichever is less.

B. Signs mounted above an entrance to a building shall have a minimum ground clearance of eight feet.

C. Building-mounted signs shall not extend more than one foot above the exterior wall of the building.

D. Temporary signs that are 32 square feet or smaller are permitted in any zone.

E. In the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land, Forest Management, Park Management, Blue Lake, and Three Rivers Recreation Area Waterfront zones, one or more signs with a combined total area not exceeding 32 square feet are permitted on any tract. No more than one free-standing sign is permitted per parcel.

F. In the County Commercial, County Industrial, Airport Management, and Crooked River Ranch Commercial zones, one or more signs with a combined total area not exceeding 300 square feet are permitted on any parcel. No individual sign shall exceed 150 square feet in area. No more than one free-standing sign is permitted per parcel.

G. In all other zones not specified in (F) and (G) except the Camp Sherman Rural Center and Camp Sherman Vacation Rental zones, one or more signs with a combined total area not exceeding eight square feet are permitted on any parcel.

Section 407 - Livestock Restrictions

The keeping of livestock in Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones is permitted outright as a farm use. Keeping or raising livestock, when permitted in other zones as an incidental accessory use, i.e., as a use other than the primary residential use designated for the lot or property, shall be subject to the following limitations:

A. Animal runs or barns and fowl pens shall not be closer than 50 feet from the front property line, 15 feet from the rear property line, 15 feet from the side property line and not closer than 100 feet from dwellings on adjoining lots. Pig sties shall be located at least 200 feet from dwellings on adjoining lots.

B. All animal enclosures near streams and water bodies shall comply with the riparian protection measures in Section 419.1, and measures shall be taken to prevent any animal wastes from entering streams or water bodies.

C. Animals and fowl shall be properly caged, fenced or housed, and proper sanitation shall be maintained at all times to prevent odors, dust and flies. All animal or poultry food shall be stored in metal or other rodent proof containers except hay and similar bulky materials.

Section 408 – Manufactured Dwellings

408.1 Manufactured Dwellings include the following:

A. A manufactured home is a structure constructed after June 15, 1976 for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal and state manufactured housing construction and safety standards and regulations in effect at the time of construction.

B. A mobile home is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was 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.

C. A residential trailer is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

408.2 Where Allowed

A. Manufactured homes as defined in subsection 408.1(A) may be placed on any lot or parcel where a single-family dwelling is permitted.

B. Mobile homes and residential trailers as defined in subsections 408.1(B) and (C) may not be placed on any lot or parcel for use as a single-family dwelling. However, a mobile home or residential trailer of any age may be placed in a manufactured dwelling park if it is being relocated due to the closure of a mobile home or manufactured dwelling park, or a portion of a mobile home or manufactured dwelling park.

C. Mobile homes and residential trailers that were lawfully placed on a parcel prior to enactment of this ordinance are considered to be nonconforming structures. They may continue to be used for the purpose for which they were established, but may not be relocated for use as a residence to any other parcel.

408.3 Permits Required

A manufactured home placement permit issued by Jefferson County must be obtained before a manufactured home is placed on a lot or parcel in the county. Installation shall comply with all building, plumbing and electrical code requirements.

408.4 Design Standards

In all zones where a manufactured home is permitted outright, the home shall meet the following standards. Manufactured homes that will be used as a temporary medical hardship dwelling are exempt from these standards.

A. The manufactured home shall be multi-sectional and at least 1,000 square feet in size unless otherwise approved by the Planning Commission as a conditional use following a public hearing in accordance with the procedures in Section 903.5. In order to be approved, the conditional use application must comply with the criteria in Section 602.

B. The manufactured home shall be placed on a continuous perimeter foundation or have skirting of concrete or masonry block.

408.5 Use as Accessory Structure Prohibited

If a manufactured dwelling (manufactured home, mobile home or residential trailer) is replaced by another permitted building, the manufactured dwelling must be demolished or removed from the property within three months of the date the new building is occupied. A manufactured dwelling may not be converted for use as an accessory structure.

Section 409 – Sewage Disposal

A. All dwellings, whether occupied permanently or seasonally, shall be connected to a septic system that meets Department of Environmental Quality (DEQ) requirements.

B. A septic system may be installed to serve plumbing installed in an accessory building or agricultural building provided the property owner signs and records in the deed records for the County a Declaration and Agreement acknowledging that the building will not be used, either permanently or temporarily, as a dwelling.

C. In the Three Rivers Recreation Area zone only, a vault toilet and gray water sump constructed to Department of Environmental Quality standards may be installed to serve a seasonally occupied RV or tent site, provided there are no plumbing connections. Any plumbing fixtures from which sewerage is or may be discharged must be connected to a septic system that meets DEQ requirements.

D. Septic systems shall be located on the same parcel as the building the system will serve, unless an easement in a form approved by the DEQ and accepted by the County Sanitarian to allow all or any portion of the system or reserve area to be on a different parcel has been recorded in the deed records for the County.

E. Sewer systems shall not be established or extended outside an urban growth boundary (UGB) or unincorporated community boundary, except in the case of a self-contained system to serve a destination resort as allowed by Section 430. Sewer lines shall not be extended outside a UGB or unincorporated community boundary to serve land outside those boundaries except when it is the only practicable alternative to mitigate a public health hazard and the requirements of OAR 660-011-0060 are met, or as otherwise allowed by law.

F. Components of a sewer system that serve lands inside a UGB may be placed on lands outside the boundary if approved by the Planning Director under the Administrative Review procedures in Section 903.4, provided that:

1. Such placement is necessary to:
   a. serve lands inside the UGB more efficiently by traversing lands outside the boundary;
   b. serve lands inside a nearby UGB or unincorporated community;
   c. connect to components of the sewer system that are lawfully located on rural lands, such as outfall or treatment facilities; or
   d. transport leachate from a landfill on rural land to a sewer system inside a UGB.

2. The sewer system shall not serve land outside a UGB or unincorporated community boundary except when it is the only practicable alternative to

mitigate a public health hazard and the requirements of OAR 660-011-0060 are met.

3. The system 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. Systems that will be located in the subsurface of public roads and highways along the public right of way comply with this criterion.

Section 410 – Home Occupations

A home occupation is a type of business that is conducted within a portion of a dwelling or in an accessory structure by the resident of the property.

410.1 Limited Home Occupations

A limited home occupation is a type of business that will take place within a portion of a dwelling and be conducted in a manner so that there is no change in the residential characteristics of the building or property. Limited home occupations that meet the following standards are considered to be accessory uses and do not require administrative approval:

A. The limited home occupation will be conducted entirely within the dwelling, and will occupy no more than 25 percent of the building floor area of the dwelling;

B. There will be no employees other than the residents of the dwelling;

C. No clients or customers will come to the property;

D. There will be no retail sales; and

E. The home occupation will not generate or emit sounds, noises, fumes, glare or vibrations, or use equipment that creates visible or audible interference in radio or television reception or cause fluctuations in line voltage outside of the dwelling.

410.2 Other Home Occupations

Home occupations that do not meet the standards of a limited home occupation in Section 410.1 may be approved by the Planning Director under the Administrative Review procedures of Section 903.4. In order to be approved, evidence must be submitted to show that the business will comply with the following standards:

A. The home occupation will be secondary to the main use of the property as a residence. It will be operated substantially in the dwelling or in an accessory building on the same property.

B. The appearance of the dwelling or accessory building will not be altered, nor will a building not otherwise allowed in the zone be constructed to house the home occupation.

C. The home occupation will be conducted in a manner that will not cause the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses and taking measurements from any lot line of the parcel. 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 is prohibited.

D. The home occupation will be completely conducted within an enclosed building. There will be no outside storage of materials or supplies or display of goods.

E. The home occupation will not store, warehouse, or use materials which are Class 1 flammables as defined by the Uniform Fire Code.

F. The home occupation will not result in more than five additional vehicles parking at the site at any given time. Any needed parking space shall be off-street in a location other than in a required front setback

G. The home occupation will be conducted by the residents of the property. The home occupation will employ no more than one additional employee if the property is in a residential zone, or no more than five additional employees if the property is in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone. Employees or contractors who work off-site and do not come to the property to park, pick up equipment or materials or for any other work-related reason will not be counted toward the number of employees that are allowed.

H. Retail sales will be limited to items that are accessory to a service being provided. Retail sales of seasonal items will be limited to the appropriate season of the year.

I. The location, size, design, and operating characteristics of the home occupation will have no significant adverse impact on abutting properties or the surrounding area.

410.3 Bed and Breakfast Inns

Bed and Breakfast inns are a form of home occupation that provide temporary accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing single-family residence. Bed and Breakfast inns must comply with the home occupation standards in subsection 410.2 and the following:

A. A Bed and Breakfast inn may only be operated by the owner of the property, who must reside within the residence.

B. There shall be no more than five guest rooms.

C. No more than ten guests shall be accommodated at any one time.

D. Room rentals to families or individuals shall not exceed 30 consecutive days.

E. One off-street parking space shall be provided for each guest room and each employee, in addition to parking required for the residence.

F. The only meal to be provided shall be breakfast served only to guests taking lodging in the facility.

G. Prior to beginning operation, if the property is not connected to a public sewer system, the County Sanitarian must examine the sewage disposal system and determine that the system is, or can be made adequate for the proposed use.

H. If the Bed and Breakfast inn will have more than two guest rooms, prior to beginning operation the following are required:

1. If the property is not connected to a public water supply, the water system must be approved as a public water supply by the Drinking Water Division of the State Department of Human Services.

2. The facility must be inspected by the Building Division to determine that the residence that will house the Bed and Breakfast operation is, or can be made adequate for the proposed use.

3. The facility must comply with state hotel/motel restaurant licensing procedures administered by the County Health Department. The issuance of such licenses will not be considered as allowing a commercial use other than the Bed and Breakfast inn.

I. Prior to beginning operation, all necessary state and county permits, licenses and certifications must be obtained.

410.4 Conditions of Approval

A. Conditions may be placed on an approval for a home occupation in order to limit any adverse impact on abutting properties or the surrounding area.

B. There shall be no change in the type of business or expansion of the home occupation beyond that outlined in the original application without county approval of an amendment to the home occupation approval.

C. A home occupation approval is not transferable to a new owner or to a different property.

Section 411 – Mining Regulations

411.1 Review Required

Proposals for new or expanded operations for mining, crushing, stockpiling or processing of aggregate or other mineral resources may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, unless a higher level of review is required by the regulations of the zone where the property is located. "Expanded operation" means the commencement of methods or processing measures not previously approved, such as blasting or asphalt batching, or the expansion of a previously approved operation to an area beyond the original site approved for mining, processing and stockpiling.

411.2 Application Requirements

An application for mining or aggregate removal must include the following:

A. A site plan of the entire property, showing proposed areas where excavation, stockpiling, processing, and equipment staging will occur, all existing and proposed roadways within and bordering the property, the location and width of any proposed berms, and the width and location of any areas where vegetation will be retained or planted to provide screening.

B. A map of the surrounding area, showing all abutting properties and the location of any dwellings that are within 1,500 feet of processing and excavation sites and haul roads.

C. A written description of the access to and from the site, indicating the route that will be used by trucks, whether the roads are paved, the width and general condition of the roadbed and whether the applicant will provide any improvements such as turn lanes or resurfacing.

D. An estimate of the number of cubic yards of material that will be removed from the site annually, the estimated number of years the site will be mined, the maximum anticipated number of loaded trucks that will leave the site daily, and whether single or double trucks will be used.

E. A written statement from the County Public Works Director or the Oregon Department of Transportation verifying that the public roads that will be used by haul trucks have adequate capacity and are, or will be, improved to a standard that will accommodate the maximum potential level of use created by the operation.

F. The proposed days and hours of operation for each component of the operation, i.e., the days and hours site excavation will occur, days and hours processing will occur, and days and hours trucks will be entering and leaving the site, etc.

G. A copy of any state or federal permits that have been obtained, such as from the Department of State Lands (DSL), Department of Environmental Quality (DEQ) and Department of Geology and Mineral Industries (DOGAMI).

H. A copy of the DOGAMI-approved site reclamation. If the reclamation plan has not yet been approved by DOGAMI, a draft plan must be submitted showing the proposed post-mining use of the site.

411.3 Standards for Approval
The application must show that the operation will comply with the following:

A. The proposed operation complies with all applicable standards and criteria of this Ordinance and any additional requirements and conditions that were required through the Goal 5 process if the site is on the Comprehensive Plan inventory of Mineral and Aggregate sites.

B. All facets of the operation will be conducted in a manner that complies with applicable DEQ air quality, water quality and noise standards, DOGAMI requirements, and Mine Safety and Health (MSHA) regulations.

C. The site reclamation plan shows that the land will be returned to a natural condition or be restored for a use allowed in the zone where the property is located. The reclamation plan must be approved by DOGAMI prior to commencement of the operation.

D. A written statement from the County Public Works Director and/or ODOT has been submitted verifying that the public roads that will be used by haul trucks have adequate capacity to accommodate the maximum potential level of use created by the operation. The property owner or operator is responsible for making any necessary road improvements, or may pay a fair share for such improvements if agreed to by the County Public Works Director or ODOT. The owner or operator shall also post and maintain Manual for Uniform Traffic Control Device (MUTCD) approved signs stating "Trucks Entering Roadway" 500 feet from the entrance road to the operation, and post a MUTCD approved stop sign at the point where a haul road enters a public road.

E. On-site roads and private roads from the operating area to a public road are designed and constructed to accommodate the vehicles and equipment that will use them, in conformance with the following standards:

1. All access roads within 100 feet of a paved public road shall be paved, unless the operator demonstrates that other methods of dust control will be implemented.

2. All unpaved roads that will provide access to the site or that are within the operating area shall be maintained in a dust-free condition at all points within 250 feet of a dwelling or other conflicting use.

F. If the operation will include blasting, the operator has developed a procedure to ensure that a notice will be mailed or delivered to the owners and occupants of all residences within one-half mile of the site at least three working days before

the blast. The notice must provide information concerning the date and time that blasting will occur, and must designate a responsible contact person for inquiries or complaints. Failure to notify neighbors and the County before blasting is a violation of this Ordinance for which a citation may be issued. Notice will be deemed sufficient if the operator can show that the notices were mailed or delivered, even if one or more of the households within the notice area did not receive the notice.

G. The operation shall be insured for a minimum of $1,000,000 against liability and tort arising from surface mining, processing, or incidental activities conducted by virtue of any law, ordinance, or condition. Insurance shall be kept in full force and effect during the period of such activities. Evidence of a prepaid insurance policy which is in effect for a period of at least one year shall be submitted to the County prior to commencing any operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.

H. The operation shall observe the following minimum setbacks except where the operation is lawfully preexisting and encroachment within the prescribed setbacks has already occurred:

1. No extraction or removal shall occur within 25 feet of the right-of-way of public roads or easements of private roads. The County may require a greater distance to prevent impacts to the road when slope or other topographic conditions warrant.

2. Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of another property or a public road right-of-way, or within 200 feet of a residence or residential zone, unless written consent of the owner(s) of the residence has been obtained.

I. Mining and processing activities, including excavated areas, stockpiles, equipment and internal roads, shall be screened from the view of dwellings and any other conflicting use identified through the Goal 5 process. Screening may be natural or may consist of earthen berms or vegetation which is added to the site. If vegetation is added, it shall consist of alternating rows of conifer trees at least six feet in height planted six feet on center. An exemption to the screening requirements may be granted when the operator demonstrates any of the following:

1. Supplied screening cannot obscure the operation due to local topography;

2. There is insufficient overburden to create berms, and planted vegetation will not survive due to soil, water, or climatic conditions;

3. The operation is temporary and all equipment and stockpiles will be removed and the site will be reclaimed within 18 months of commencement; or

4. The owner of the property containing the use from which the operation must be screened has signed and recorded a restrictive deed declaration acknowledging and accepting that the operation will be visible and that the operator will not be required to provide screening.

J. Existing trees and other natural vegetation adjacent to any public park, residential zone, or parcel on which a dwelling is situated shall be preserved for a minimum width of 25 feet along the boundary of the property on which the operation is located.

K. Operations shall observe the following hours of operation:

1. Mining, processing, and hauling from the site are restricted to the hours of 6 a.m. to 7 p.m. Monday through Saturday.

2. Neither mining, processing, nor hauling from the site shall take place on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, and Christmas Day.

3. An exemption from these hours of operation may be requested, either as part of the original application or by separate application at a later date. The request will be reviewed under the same procedures as the original application for the operation. In order for the exemption to be approved, the applicant must show that the proposed hours and days of operation are consistent with the best interests of public health, safety, and welfare, and that there will be no conflict with other land uses.

L. Prior to commencement of the operation, all necessary County and state permits must be obtained, and a current Department of Geology and Mineral Industries (DOGAMI) operating permit must be issued. Equipment testing necessary to obtain permits is allowed.

411.4 Conditions of Approval

Conditions of approval may be imposed to assure compliance with the standards in Section 411.3 and when deemed necessary to prevent the mining operation from having significant adverse impacts on surrounding properties or roads. In addition, the following conditions may be placed on any approval:

A. An agreement shall be executed with the County Public Works Department requiring the mining operator to provide compensation to the County for all material removed from the site to pay for repairs or upgrading of county roads that are impacted by haul trucks. The amount of compensation shall be as determined in the County fee schedule.

B. Approval of a mining operation is valid for a period of five years from the date of the final decision, or a lesser period of time when more frequent review of the operation is deemed appropriate. The approval may be renewed for additional five year periods if the operator submits a written request for renewal and the county determines that the operation remains in compliance with all conditions of approval.

411.5 Emergency Situations

The Planning Director, Public Works Director or Board of Commissioners may authorize a temporary operation involving mining, processing or hauling of aggregate resources when necessary to prevent potentially serious damage to property or threat to human life during a declared emergency. When so authorized, the temporary operation is not required to comply with the standards in this Section. The temporary operation shall cease once the threat to human life and property is no longer serious or imminent.

Section 412 - Scenic And Natural Hazard Rim Set Back

412.1 Applicability

A. Buildings and other structures, including decks, that will be located near the top or the toe of a rim are subject to the requirements of this section. A landform is considered to be a rim if it is more than ten feet in height and has a slope steeper than one unit vertical in three units horizontal (33.3 percent slope).

B. Rims shall be identified according to the following definitions:

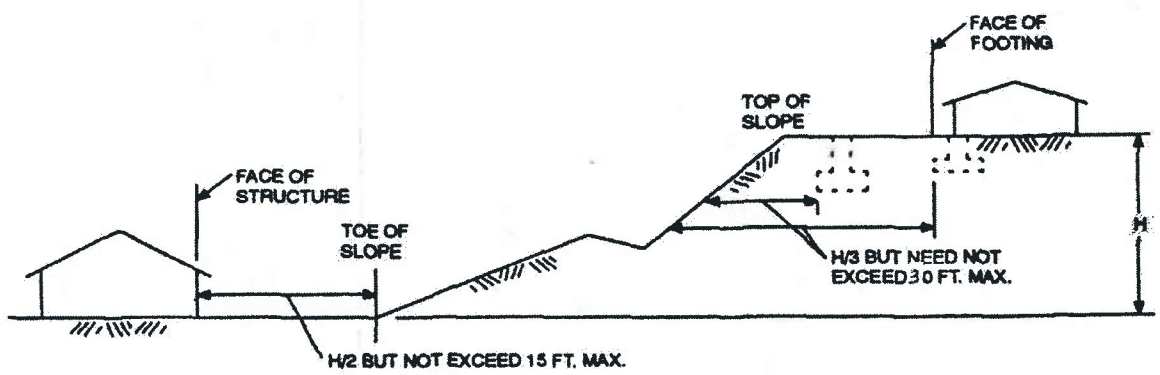
1. Top of the rim is the elevated portion of the landform.

2. Face of the rim is the precipitous (vertical or nearly vertical) boundary of the landform.

3. Edge is the intersection of the top and face.

4. Toe of the rim is the intersection of the face and the non-precipitous surface below the face.

5. Following is a diagram of the terms defined in 1 through 4 above.



412.2 Calculation of Setback

A. The rim height shall be calculated as the average elevation difference between the edge and the toe of the rim, measured at points 30 feet on either side of the proposed structure.

B. Setbacks from the rim edge shall be a distance equal to 1/3 the average height of the rim, or 30 feet, whichever is less.

C. The face of any structure shall be no closer to the rim toe than a distance equal to ½ the average height of the rim, or 15 feet, whichever is less.

412.3 Modification of Setback

A. Alternate setbacks and clearances are permitted subject to approval of the Building Official. The Building Official may require that a report and certification from a licensed engineer ~~is~~ **be** submitted stating that the proposed location of the building will provide vertical and lateral support for the footings without detrimental settlement. The report shall take into consideration rim material, height, slope gradient, load intensity and erosion characteristics.

B. Modifications to the setbacks shall not be issued for properties within one-half mile of the top of bank of the portions of the Metolius, Deschutes, John Day or Crooked Rivers that are designated state scenic waterways or federal wild and scenic rivers if the structure would be visible from the river.

Section 413 - Improvement Guarantees and Bonding Requirements

413.1 Bonding Agreement

A. As an alternative to completing required improvements, such as construction of roads, paving of parking areas, or installation of landscaping, prior to beginning development of a property, the Planning Director, Planning Commission or Board of Commissioners, after consultation with affected agencies, may allow the developer to enter into a bonding agreement. The agreement shall specify the time period in which the improvements will be made and the final date for their completion, describe the items to be completed, stipulate the minimum dollar amount of the bond or cash deposit, and provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense from the developer. The bonding agreement shall provide for the indemnification of the County from claims of any nature arising or resulting from the performance of any acts required by the County to be done in accordance therewith, in a form acceptable to County Legal Counsel, who is authorized to act on behalf of the County to approve and sign such agreements.

B. The bonding agreement shall remain in force and effect until all improvements have been completed and accepted by the County.

413.2 Performance Bond

A. To assure full performance of the improvement agreement, the developer shall provide an assurance for a sum sufficient to cover 135 percent of all costs of included improvements and repairs that may be required to existing roads and any other public facilities damaged in the development.

B. The performance bond shall be one of the following:

1. A corporate surety bond executed by a surety company authorized to transact business in the state of Oregon, in a form approved by the County Legal Counsel;

2. Cash deposit with the County Treasurer;

3. Cash deposit with an escrow agent authorized to transact business in the State of Oregon, subject to escrow instructions approved by the County Legal Counsel that require the escrow agent to release the money only upon the direction of the County; or

4. Certification, an irrevocable letter of credit, or assignment of deposit or loan disbursement agreement from a title company, bank, savings and loan association or other reputable lending institution, in a form approved by the County Legal Counsel, that money is being held to

cover the cost of the improvements, and that the money will be released only upon the direction of the County.

C. Upon completion of independent segments or phases of the construction, portions of the assurance may be released by the county, provided that the resultant assurance is adequate to cover 135 percent of the cost of completing the remaining improvements.

D. If the developer fails to carry out provisions of the improvement agreement, the County may declare the performance bond or cash deposit forfeited and cause all required construction or repair to be done. If the amount of the performance bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the performance bond or cash deposit is less than the cost to the County to complete the improvements, the developer shall be liable to the County for the difference.

Section 414 - Site Plan Review

414.1 Purpose

The purpose of site plan review is to provide for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development that is compatible with the natural and man-made environment and is consistent with applicable requirements of this Ordinance.

414.2 Procedure:

A. The requirements of this Section apply when site plan review is required for a use that is administratively or conditionally permitted in a zone. The requirements apply to new development; a change in use of an existing building; the addition of outdoor uses not previously reviewed, such as storage or parking; or an addition to an existing building of more than 500 square feet.

B. An application for site plan approval will be processed under the Administrative Review procedures of Section 903.4 unless it is submitted concurrently with an application that requires a higher level of review.

C. No building permit shall be issued until the site plan has been approved in accordance with this section and no certificate of occupancy shall be issued unless the development complies with the approved site plan and all conditions of approval.

D. Approval of a site plan shall be valid for two (2) years from the date of final approval. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original two year approval period. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4. If construction is commenced by issuance of an approved building permit, the site plan shall stay in full force and effect. If not, the site plan approval shall expire.

E. Site Plan Review Committee-Approval Authority:
The Planning Director, Director of Public Works, County Sanitarian, County Building Official, and a representative from the Jefferson County Fire Protection District or other fire district with jurisdiction over the property shall constitute the site plan review committee. This committee shall have the authority to review the tentative site plan for compliance with the requirements of this Ordinance, state and federal regulations, and may recommend that the application be modified, approved, approved with conditions, or denied.

F. An approved site plan may be amended through the same procedure as in the initial approval of such site plan; except, that minor alterations or modification to a previously approved site plan may be approved by the Planning Director; provided that, in the judgment of the Planning Director, such modifications or alterations do not represent deviations of a substantial nature.

414.3 Application Requirements

An application for site plan review must include 8 copies of a tentative plan that includes the information listed below. Additional information may be required if requested by the Site Plan Review Committee. The tentative plan must be clearly and legibly drawn on white paper to a standard engineer's scale (i.e., 1" = 100', 1" = 400' etc.). The scale used shall be large enough so that all required information is clearly legible. Separate sheets may be submitted showing different facets of the site plan, such as landscaping, parking, drainage, etc. The tentative plan must contain the following:

A. The words "Tentative Site Plan", the property owner's name, the township, range, section, and tax lot number of the property, the date, a north point, and the scale of the plan.

B. Lot dimensions and orientation.

C. The location, size and purpose of all existing and proposed easements.

D. The location of any proposed fire protection system, hydrants or water supply available for fighting fire.

E. Location and dimensions of all existing and proposed buildings and structures, with distances between buildings and setbacks from property lines clearly shown.

F. The location of all buildings and other development on abutting parcels that is within ten feet of the subject property.

G. Existing and proposed walls and fences; location, height and materials.

H. Off street parking and loading facilities, in accordance with Sections 423 and 424, including:

1. Location, dimensions and methods of improvement of all driveways and parking areas.

2. Number of spaces and internal circulation pattern.

3. Access: Pedestrian, vehicular, service; and the location of all points of ingress and egress.

4. Loading: Location, dimensions, number of spaces, internal circulation and access from public right of way.

I. The location, size, and height of all proposed signs, and information on whether each sign will be lighted. Signs must comply with the sign standards in Section 406.

J. Lighting: General nature, location and hooding devices (not including interior building lighting). All exterior lighting sources are to be shielded to illuminate downward and the light source shall not be visible beyond the property boundary in accordance with the standards in Section 405.

K. The location, dimensions and methods of improvement for all property to be dedicated to general public purposes or to public utilities.

L. A detailed plan for any required or proposed landscaping that shall clearly illustrate:

1. Plants and tree species, their initial sizes and other proposed landscaping materials.

2. The location and dimensions of all areas to be devoted to landscaping, and location of any automatic sprinkler systems.

M. Outdoor storage and activities, if permitted in the zone: Type, location and height of screening devices.

N. Topographic information for any area with slopes exceeding 10 percent. Contour intervals shall be ten feet or smaller.

O. Drainage plan, in accordance with the requirements of Sections 414.4, or evidence that stormwater runoff will be accommodated by an existing storm drainage system.

P. Identification of proposed trash storage locations, including proposed enclosure design construction and access for pickup purposes.

Q. Location of all existing and proposed utilities and septic systems on or abutting the property.

R. Elevation drawings showing the exterior appearance of all proposed buildings.

414.4 Drainage

A. Applications for site plan review shall include a drainage plan prepared by a registered professional engineer or other expert that contains the following information:

1. The methods to be used to minimize the amount of runoff, siltation and pollution created during construction.

2. The methods that will be used to prevent runoff from the completed development onto adjoining properties, streams or rights-of-way.

3. Evidence that the drainage system will be adequate to handle runoff from a five year frequency storm.

B. All runoff shall be retained on site unless easements are obtained to allow a detentions pond, bioswale or other method of stormwater retention to be located on another property.

C. Drainage shall be designed to prevent water ponding unless a permanent retention or detention pond will be used. Drainage retention or detention ponds shall have slope edges not exceeding 1:3. Adequate security measures must be provided to prevent a safety hazard if ponds are used.

D. The drainage system shall incorporate methods to filter runoff from parking areas and access roads to prevent pollution of surface or subsurface waters.

414.5 Traffic Impact

A Traffic Impact Study in accordance with Section 421 may be required if, in the opinion of the Planning Director, the proposed development may result in traffic levels that are inconsistent with the functional classification of a road or would reduce the performance standard of a road or intersection below acceptable performance levels (LOS C), or if access to the property may cause a safety hazard.

414.6 Approval Standards:

The Site Plan Review Committee shall review the tentative site plan for compliance with the following standards:

A. All provisions of this zoning ordinance and other applicable regulations are compiled with.

B. Elements of the site plan are arranged so that:

1. Traffic congestion is avoided.

2. Pedestrian and vehicular safety and welfare are protected.

3. Significant features and public amenities are preserved and maintained.

4. Surface drainage systems are designed so as not to adversely affect neighboring properties, roads, or surface and subsurface water quality, in accordance with the requirements of Section 414.4.

5. Structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, etc.), loading and parking and similar accessory areas shall be buffered or screened to minimize adverse impact on neighboring properties.

C. The development will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:

1. Changing the functional classification of an existing or planned transportation facility;

2. Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

3. Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.

D. The development will not adversely affect agricultural or forestry uses.

414.7 Conditions of Approval

A. In granting approval of a site plan, the County may impose conditions of approval deemed necessary to comply with the requirements of this Ordinance.

B. Installation of sprinklers or fire-fighting water supplies may be required when recommended by the appropriate fire protection agency.

C. A survey may be required if there is a question about the location of a property line, easement or other feature.

D. A bonding agreement in accordance with the provisions of Section 413 may be required to assure that conditions attached in granting approval of a site plan are met.

Section 415 - Soil or Rapid Moving Landslide Hazard Procedures

A. If during the planning, sanitation, or building permit process, unusual soil or geologic conditions that may present a hazard to the structure are discovered, such conditions shall be noted by the department. These conditions include but are not limited to slope, soil instability, shrink-swell, and high water table.

B. The Planning Department shall inform the applicant, and direct the applicant to the area Natural Resource Conservation Service (NRCS) or the State Department of Geology and Mineral Industries (DOGAMI) for further review of the soils and/or landslide area. If the NRCS or DOGAMI determines that a hazard is present, they may suggest certain mitigation measures, or recommend to the Planning Department that more extensive hazard mitigation work be done. Upon such a recommendation the county may require certification by a soils engineer, geologist or other appropriate professional that the structure is adequately protected from the hazard, or does not disrupt the natural setting so that it creates a hazard. If the area contains a DOGAMI designated rapid landslide area, development may not be permitted.

C. If required, the above certification shall be accepted by the county before permits are issued. If construction has begun, construction shall not proceed until certification is received.

D. Requirements made pursuant to this section may be appealed in conformance with Chapter 9 of this Ordinance.

Section 416 - Grading, Fill and Removal

416.1 Purpose

The purpose of this section is to promote the public health, safety and general welfare, and to minimize public and private losses due to improperly placed fill and uncontrolled excavation activities.

416.2 Grading Permits Required

A grading permit shall be obtained prior to filling, excavation, drilling or dredging operations involving more than 50 cubic yards of material, except for the following:

A. Grading in an isolated, self-contained area, provided there is no danger to the public and the grading will not adversely affect adjoining properties.

B. An excavation below finished grade for basements and footings of a building authorized by a valid building permit. This exemption does not apply to fill using the material that was excavated.

C. Cemetery graves.

D. Solid waste disposal sites approved by DEQ.

E. Excavations for wells or trenches for utilities.

F. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay, provided such activities have been approved under other sections of this Ordinance.

G. Exploratory excavations performed under the direction of a registered design professional.

416.3 Grading Plan Requirements

Two sets of the grading plan shall be submitted, which contain the following information:

A. A written statement of the type and estimated volume of material that will be excavated or used as fill;

B. The existing grade on the subject property and adjoining properties; and

C. The proposed finished grade, in contour intervals of sufficient clarity to indicate the nature and extent of the work.

D. A soils report and/or liquefaction study may also be required when deemed necessary by the County Building Official.

416.4 Procedure

The grading plan shall be submitted to the County Building Official, who will review the plan for compliance with building code requirements. The grading plan will also be reviewed for compliance with other provisions of this Ordinance and other County Codes that may be applicable. A grading permit will not be issued unless all applicable requirements will be met and necessary fees have been paid.

416.5 Additional Requirements

A. Any proposal to place fill in a flood hazard area shall comply with the standards in Section 316.

B. A proposal to excavate or place fill in a riparian area shall comply with the standards in Section 419.

C. A proposal for excavation or stockpiling in conjunction with a mining operation shall comply with the standards in Section 411.

D. Excavation or fill involving more than 50 cubic yards of material in a waterway of the state will require a Removal-Fill permit from the Department of State Lands and Army Corps of Engineers.

Section 417 - Historic Resource Protection

417.1 Applicability

The provisions of this section apply to buildings, structures, objects or sites that have been designated as significant historic resources in the Comprehensive Plan Goal 5 inventory, or that are listed in the National Register of Historic Places.

417.2 Alteration of a Historic Resource

The ordinary maintenance or repair of any exterior architectural feature in or on a historic resource is not considered to be an alteration and is permitted outright, provided that it does not involve a change in design, material or external appearance of the resource, with the exception of a change in color. Any other alteration to the exterior of a historic resource, including the construction of an addition, is prohibited unless approved by the County. An application for the alteration of a historic resource may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the following:

A. The alteration will not impair or change the significant historic appearance or historic building materials unless it can be found that one or more of the following situations exists:

1. There is an immediate hazard to public safety and no alternative approach exists which would retain the features or minimize the impact of the proposed alteration;

2. There are mandatory building code or ADA requirements which cannot reasonably be met without alteration to the historic resource; or,

3. The only alternative to the alteration would be demolition of the historic property.

B. Distinctive stylistic features and examples of skilled craftsmanship will be retained to the greatest extent possible;

C. The alteration will not create an earlier historic appearance which is different from the remainder of the property or which has no historic basis.

D. Any proposed new construction will:

1. be consistent with the reasons for the historic resources designation;

2. have no more than a minimal impact on the historic character of the property as a whole, through its design, arrangement, proportion, size, scale, detail, color, texture, and materials;

3. be compatible with the exterior design, type, arrangement, proportion, size, detail, scale, color, texture, and materials of the resource.

417.3 Demolition of a Historic Resource

A. A historic resource shall not be demolished unless approved by the County. An application to demolish a historic resource will be reviewed by the Planning Commission at a public hearing in accordance with the procedures in Section 903.5. In order to be approved, the application must comply with the following:

1. The historic resource is a building or structure which is structurally unsound and constitutes a hazard to the safety of the public or occupants;

2. The improvement project is of substantial benefit to the county and cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic resource;

3. The historic resource cannot be rehabilitated or reused on site as part of any economically beneficial use of the property; and

4. The historic resource cannot practicably be relocated to another site.

B. If an application to demolish a historic resource is approved, a condition of approval shall require that the owner or developer document the resource by taking photographs of the resource and providing them to the Jefferson County Historical Society. Artifacts, architectural features, materials or equipment may also be required to be saved.

417.4 Moving a Historic Resource

An application to move a historic resource to a different location may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found that it will result in equal or greater protection of the resource.

417.5 Removal of Historic Designation

A property owner may request that the County remove a resource from the Comprehensive Plan inventory of significant historic resources. The request will be treated as an application for a quasi-judicial Comprehensive Plan amendment. The County shall not issue a permit for demolition or alteration of a historic resource for at least 120 days from the date a property owner requests removal of the historic resource designation from the property. During that time the State Historic Preservation Office, Jefferson County Historical Society and other interested parties will be notified and may work with the property owner to purchase or relocate the resource, or document the resource as provided in Section 417.3(B).

417.6 Notice Requirements

Notice of an application to alter, demolish or move a historic resource, or to remove the property from the Comprehensive Plan inventory of significant historic resources shall be sent to the State Historic Preservation Office and the Jefferson County Historical Society.

Section 418 - Airport Protection

418.1 Purpose

The purpose of the airport protection regulations is to reduce risks to aircraft and nearby land uses by limiting development at the ends of runways and by prohibiting structures, trees and other objects from penetrating airport imaginary surfaces, which are established in relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft.

418.2 Applicability

The requirements of this section apply to proposed uses and structures within the protection zone areas shown in Sections 418.6, 418.7, 418.8 and 418.9, as follows:

A. The protection zone for the Madras City – County airport and Lake Billy Chinook airport shall be as shown and described in Sections 418.6 and 418.9.

B. The protection zone for the Ochs private airport shall be as shown and described in Sections 418.7 and 418.9;

C. The protection zone for heliports shall be as shown and described in Section 418.8.

418.3 Penetration of Imaginary Surfaces

A. Any structure that would penetrate the Approach, Transitional, Horizontal, or Conical surface of an airport or heliport is prohibited unless specifically exempted under Section 418.4 or unless:

1. A statement from the Oregon Department of Aviation is submitted which clearly states that the proposed use or structure complies with state regulations; and

2. A statement from the airport director or airport owner or operator is submitted verifying that the proposed use or structure will not impact aviation activities at the airport.

B. The best information available to the County (i.e., GIS and USGS topographic maps) shall be used to determine whether a structure will penetrate the Approach, Transitional, Horizontal or Conical surface. If the County cannot conclusively determine whether the structure will penetrate the surface, the owner may be required to submit the following information to assist the County in making this determination:

1. A certificate from an Oregon registered professional engineer or land surveyor which clearly states that no airspace obstruction will result from the proposed use; and

2. Either or both of the following:
   a. The maximum elevations of proposed structures based upon a survey by an Oregon registered professional engineer or land surveyor, accurate to plus or minus one foot, shown as mean sea level elevation.
   b. A map of topographic contours at two foot intervals, showing all property within 100 feet of the proposed structure for which the permit is being sought. This map shall bear the verification of an Oregon registered professional engineer or land surveyor.

418.4 Exemptions

A For areas in the protection zone, but outside the Approach and Transition surface, where the terrain at the proposed building site is higher in elevation than the airport runway surface, buildings or structures up to 35 feet in height are permitted.

B. These regulations do not require a property owner to remove, lower, or make changes or alterations to any structure which lawfully existed prior to April 10, 2003. Such structures shall be considered nonconforming if they are in conflict with the requirements of this section. However, if the structure has had an adverse effect on air navigational safety as determined by the Oregon Department of Aviation, the property owner shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structure becomes more visible to pilots.

418.5 Airport Protection Regulations
The following regulations apply in the Airport Protection areas shown and described in Sections 418.6, 418.7, 418.8 and 418.9:

A. New residential development and public assembly uses are prohibited within a runway protection zone.

B. New industrial uses and the expansion of existing industrial uses are prohibited if, as part of regular operations, the use would cause emissions of smoke, dust, or steam that would obscure visibility within the airport approach corridor.

C. New sanitary landfills, sewage lagoons, sewage sludge disposal facilities and similar facilities are prohibited within 5,000 feet from any airport runway used by only piston-type aircraft, or within 10,000 feet of any airport runway used or capable of being used by turbojet aircraft. The expansion of existing landfill or sewage treatment or disposal facilities within these distances shall be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Notice of any proposed expansion shall be provided to the airport sponsor, Department of Aviation and the FAA, and any approval will be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

D. New water impoundments of one-quarter acre or larger are prohibited within an approach corridor and within 5,000 feet of the end of a runway. Such impoundments are also prohibited on land owned by the airport or the airport sponsor where the land is necessary for airport operations. This prohibition does not apply to:

1. wetlands mitigation projects required for projects located within the approach corridor and within 5,000 feet of the end of the runway where it is not practicable to provide off-site mitigation;

2. a stormwater management basin established by the airport;

3. seaplane landing areas; or

4. agricultural water impoundments in which the water is used directly for growing crops such as cranberries or rice.

E. Proposals for new water impoundments of one-quarter acre or larger that will be outside the approach corridor but within an airport protection area shall be reviewed under the Administrative Review procedures of Section 903.4. The proposed impoundment will be approved if evidence provided by the applicant shows that the impoundment is unlikely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in the airport protection area. As used in this Section, "significant" means a level of increased flight activity by birds across approach corridors and runways that is more than incidental or occasional, considering the existing ambient levels of flight activity by birds in the vicinity. Effects of mitigation measures or conditions that could reduce safety risks and incompatibility will be considered. Any information and supporting evidence that is received that alleges a significant increase in hazardous movements of birds shall be forwarded to the FAA for review and comment prior to any final decision.

F. Radio, cellular communication, television and other similar transmission facilities and electrical transmission lines are permitted only when a statement is submitted from the Department of Aviation approving the height and location of the proposed facility.

G. No use or activity shall create electrical interference with navigational signals or radio communication between airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; or otherwise create a hazard which may in any way endanger the landing, take-off, or maneuvering of aircraft using the airport.

418.6 Public Use Airport Protection Area

The protection area for the Madras City – County airport and Lake Billy Chinook airport shall be as described and illustrated in this section:

A. Airport Approach Zone means the land that underlies the approach surface, excluding the Runway Protection Zone.

B. Airport Imaginary Surfaces means surfaces established with relation to the airport and to each runway based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway shall be determined by the most precise approach existing or planned for that runway end.

C. Approach Surface means a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
   a. 1,250 feet for that end of a utility runway with only visual approaches.
   b. 1,500 feet for that end of a runway other than a utility runway with only visual approaches.
   c. 2,000 feet for that end of a utility runway with a non-precision instrument approach.
   d. 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile.
   e. 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile.
   f. 16,000 feet for precision instrument runways.

2. The approach surface extends for a horizontal distance of:
   a. 5,000 feet at a slope of 20 to 1 for all utility and visual runways.
   b. 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility.
   c. 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

3. The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

D. Conical Surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

E. Horizontal Surface means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet for all runways designated as utility or visual.

2. 10,000 feet for all other runways.

3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

F. Primary Surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of the runway. The width of a primary surface is:

1. 250 feet for utility runways having only visual approaches.

2. 500 feet for utility runways having non-precision approaches.

3. For other than utility runways the width is:
   a. 500 feet for visual runways having only visual approaches.
   b. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
   c. 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimum as low as three-fourths of a statute mile, and for precision instrument runways.

G. Transitional Surface means those surfaces which extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal

and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

H. Non Precision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document.

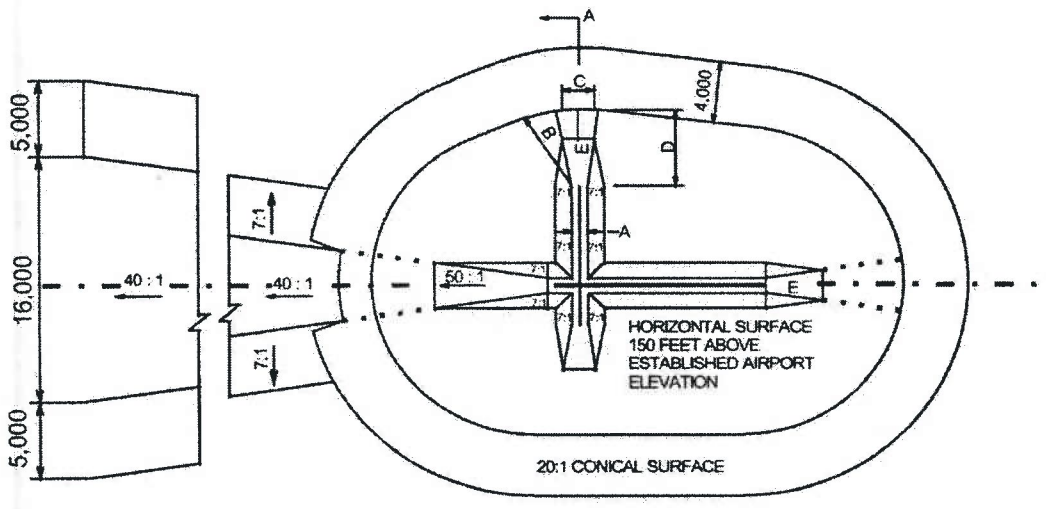
I. Precision instrument runway means a runway having an existing instrument approach procedure utilizing an instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan or any other FAA planning document.

J. Runway Protection Zone (RPZ) means an area off the runway end to enhance the protection of people and property on the ground. The dimensions of the RPZ for Public-use airports shall be as depicted in attachment # 4 of these rules.

K. Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 maximum gross weight and less.

L. Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

PUBLIC USE AIRPORT PROTECTION AREA



DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
					C	D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1000	1000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		A	B	A	B		
					C	D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

A- UTILITY RUNWAYS
B- RUNWAYS LARGER THAN UTILITY
C- VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
D- VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
* PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET

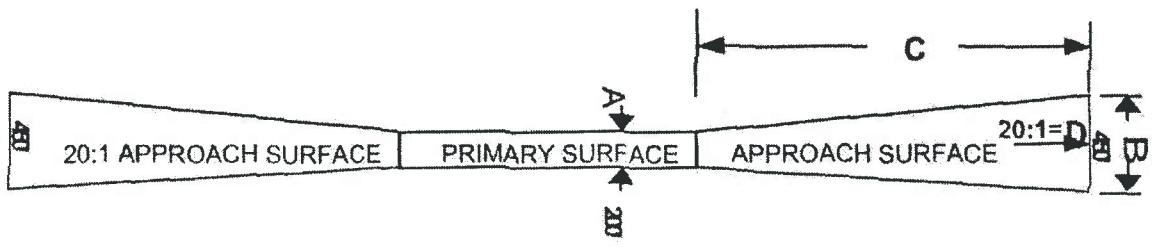
418.7 Private Use Airport Protection Area

The protection area for the Ochs private airport shall be as described and illustrated in this section:

A. Airport Imaginary Surfaces means surfaces established with relation to the airport and to each runway based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway shall be determined by the most precise approach existing or planned for that runway end.

B. Approach Surface means a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway. The inner edge of the approach surface is the same width as the primary surface and expands uniformly to a width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 to one.

C. Primary Surface means a surface longitudinally centered on a runway. The primary surface ends at each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 200 feet for Private Use airport runways.



Dimension	Item	Dimensional Standard
A	Width of primary surface and approach surface width at inner end	200 feet
B	Approach surface width at end	450 feet
C	Approach surface length	2.500 feet
D	Approach slope	20 to 1

418.8 Heliport Protection Areas

The protection area for heliports shall be as described and illustrated in this section:

A. Heliport means an area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

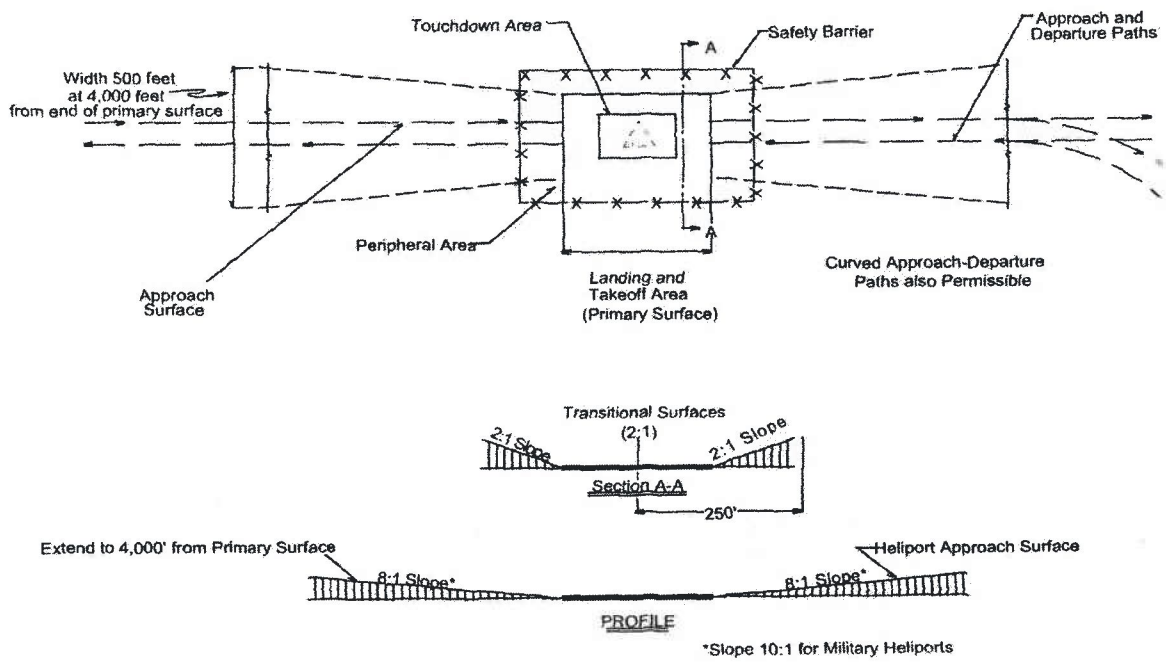
B. Heliport Imaginary Surfaces means airport imaginary surfaces as they apply to heliports.

C. Heliport Approach Surface means the approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet, where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

D. Heliport Instrument Procedure Surfaces means the criteria for heliports set forth in the United States Standard for Terminal Instrument Procedures.

E. Heliport Primary Surface means the area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

F. Heliport Transitional Surfaces means surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.



418.9 Runway Protection Areas

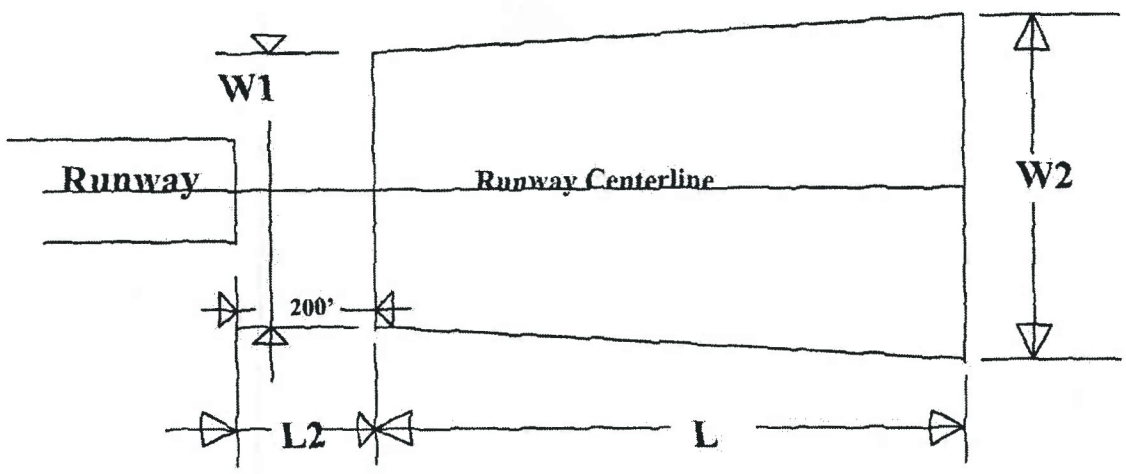
Runway protection areas, which apply to both pubic and private use airports, shall be as described and illustrated in this section. Runway Protection Zone (RPZ) means an area off the runway end to enhance the protection of people and property on the ground. The Runway Protection Zone is trapezoidal in shape and centered about the extended runway centerline. The RPZ dimension for a particular runway end is a function of the type of aircraft and approach visibility minimum associated for that runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

A. 1,000 feet for all utility and visual runways.

B. 1,700 feet for all non-precision instrument runways other than utility.

C. 2,500 feet for all precision instrument runways.

RUNWAY PROTECTION AREA DIMENSIONS



L2= 200 feet for paved runways; 0' for unpaved runways.

Visibility Approach Minimums1/	Facilities Expected To Serve	Dimensions			
		Length L Feet (meters)	Inner Width W1 Feet (meters)	Outer Width W2 Feet (meters)	RPZ Acres
Visual and Not Lower Than 1-mile (1600 m)	Small Aircraft Exclusively	1,000 (300)	250 (75)	450 (135)	8.035
	Aircraft Approach Categories A&B	1,000 (300)	500 (150)	700 (210)	13.770
	Aircraft Approach Categories C&D	1,700 (510)	500 (150)	1,010 (303)	29.465
Not Lower than 3/4-mile (1200m)	All Aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
Lower than 3/4-mile (1,200m)	All Aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914

1/ The RPZ dimensional standards are for the runway end with the specified approach visibility minim

Aircraft Approach Categories:

Category A: Speed less than 91 knots

Category B: Speed 91 knots or more but less than 121 knots

Category C: Speed 121 knots or more but less than 141 knots.

Category D: Speed 141 knots or more but less than 166 knots.

Section 419 - Riparian Protection

419.1 General Requirements

A. Except as allowed by subsections 419.2 through 419.5, no building, structure or other development, including grading or placement of impervious surfaces, shall be located closer than 100 feet from the top of bank of the Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River or John Day River, or closer than 75 feet from the top of bank of any other fish-bearing water area as listed in the Comprehensive Plan, including perennial and intermittent fish-bearing streams, lakes, ponds and impoundments, but excluding man-made farm ponds.

B. A riparian protection area shall be established within 75 feet from the top of bank of the Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River or John Day River, and within 50 feet from the top of bank of any other fish-bearing water area listed in the Comprehensive Plan, including perennial and intermittent fish-bearing streams, lakes, ponds and impoundments, but excluding man-made farm ponds. In order to protect stream corridors and riparian habitat, use of fertilizers, herbicides and pesticides is prohibited within this area. All existing vegetation shall be retained within the riparian protection area, except as allowed by subsections 419.2 through 419.5 and as follows:

1. Non-native vegetation may be removed and replaced with native plant species.

2. Vegetation may be removed if necessary for the development of water-related or water-dependent uses.

3. Vegetation may be removed for forestry activities that have been granted a permit under the Forest Practices Act or for farm uses on lands zoned Exclusive Farm Use A-1, Exclusive Farm Use A-2 or Range Land.

419.2 Permitted Uses

The following uses are permitted outright in the riparian protection area provided they are designed and constructed to minimize the intrusion into the riparian area and minimize the removal of riparian vegetation, and provided lands disturbed during development are reclaimed. The use must also comply with other applicable standards and criteria of this Ordinance, including, but not limited to, Section 316 – Flood Plain Overlay Zone and Section 425 – Dock Design and Review Requirements.

A. Water-related and water-dependent uses such as boat landings, docks, marinas, bridges, dams and hydroelectric facilities.

B. Drainage facilities, utilities, fire and irrigation pumps.

C. Replacement or remodeling of existing structures with structures in the same location, provided that no additional riparian area is permanently disturbed.

D. Roads, driveways, and pedestrian/bicycle paths. However, roads and driveways shall whenever possible be located to avoid the riparian protection area except at stream crossings.

419.3 Reduction of Riparian Setbacks or Riparian Protection Area

A. A reduction of up to 50 percent of the setback required by subsection 419.1(A) may be approved by the Planning Director under the Administrative Review procedures of Section 903.4 if the setback will render the parcel unbuildable.

B. A reduction of up to 50 percent of the riparian protection area required by subsection 419.1(B) may be approved by the Planning Director under the Administrative Review procedures of Section 903.4 if equal or better protection will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. To comply with this provision, a written description of what measures will be taken to mitigate adverse impacts on riparian habitat, and a site plan showing existing and proposed vegetation (tree type and location, understory type), structure location, and stream bank description must be submitted, along with a written recommendation from the Oregon Department of Fish and Wildlife (ODFW) or other qualified fisheries expert indicating that the habitat will be adequately protected even if the riparian protection area is reduced.

419.4 Bridges and Stream Crossings

Bridges and other stream crossings within the riparian protection area are permitted provided the project has been reviewed by ODFW or other qualified fisheries expert for impact on fish habitat and that agency or expert has provided comments indicating there will be minimal impact on fish habitat. The project must comply with all conditions or mitigation measures recommended by ODFW or the fisheries expert. A flood plain development permit in accordance with the requirements of Section 416 must be obtained if the project will be located within a flood hazard area. The Oregon Department of State Lands (DSL) and Army Corps of Engineers may also require a permit for such operations. Any required county, state or federal permit must be obtained prior to commencement of development.

419.5 Removal and Fill

A. Removal or fill involving more than 50 cubic yards of material in the riparian setback required by subsection 419.1(A) must be approved by the Planning Director under the Administrative Review procedures in Section 903.4. A grading permit in accordance with the requirements of Section 416 must be obtained; a flood plain development permit in accordance with the requirements of Section 316 must be obtained if the project will be located within a flood hazard area; and the DSL and Army Corps of Engineers may also require a permit.

B. An application for removal or fill in a riparian setback area must contain the following:

1. A written explanation of why the fill or removal is necessary;

2. A detailed map showing property boundaries, the location of the stream or water body, the area subject to fill or removal, and existing and proposed contours; and

3. A written recommendation from ODFW or other fisheries expert as to whether the project will have minimal impact on fish habitat; and

4. A landscape plan showing the type and number of plants that will be used to revegetate disturbed areas.

C. The application may be approved if:

1. The project will have no significant adverse impact on fish or wildlife habitat;

2. The removal or fill will not result in erosion or destabilization of the stream bank;

3. All areas disturbed during removal or filling will be revegetated with native plant species that will provide an equal or greater amount of shade to the stream or water body than existed prior to the fill or removal; and

4. There is no alternative location for the project on the subject property or different construction methods that could be used that would eliminate or reduce the need for fill or removal.

D. All necessary state, federal and county permits shall be obtained prior to beginning work at the site.

419.6 Development Involving a Wetland

The County will notify the Department of State Lands within five working days of the acceptance of any complete application for any of the following that are wholly or partially within areas identified as wetlands on the National Wetlands Inventory map. In addition, prior to approval of any of the following the County will provide written notice to the applicant and property owner stating that the property may contain wetlands and may require a state and federal permit:

A. Subdivisions;

B. Building permits for new structures;

C. Other development permits that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in flood plains and floodways;

D. Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and

E. Planned unit developments.

419.7 State Scenic Waterways

A. The following river segments are designated State Scenic Waterways:

1. The Metolius River from Metolius Springs to Candle Creek.

2. The Deschutes River from the south county line to Lake Billy Chinook.

3. The Deschutes River from Pelton Dam to the north county line.

4. The John Day River.

B. The County will notify the Oregon Parks and Recreation Department upon receiving an application for a land division, building permit, development or other change in land use involving land within one-fourth mile of the bank of a state Scenic Waterway.

C. All new development within one-fourth mile of the bank of a state Scenic Waterway shall be in compliance with any management plan adopted by the Oregon Parks and Recreation Department for the waterway. Pursuant to ORS 390.845(3), the property owner is required to provide a written notice to the Parks and Recreation Department, including a detailed description of any proposed use involving land within one-fourth mile of the bank of a state Scenic Waterway, prior to placing any building or structure, modifying an existing building or structure, clearing, leveling, filling or excavating, engaging in the cutting of trees, mining, prospecting, constructing roads, railroads, utilities, or putting the land to a use to which the land was not being put before December 3, 1970. The proposed improvement or change in land use shall not be made or work started sooner than one year after such notice unless the Parks and Recreation Department has given its written approval of the proposal.

D. Buildings proposed within one-half mile of the top of bank of a state scenic waterway shall be finished in natural wood or earth tone colors if the building will be visible from the waterway. The finish shall be chosen to enable the structure to blend with the surrounding landscape and to be as unobtrusive as possible.

419.8 Federal Wild and Scenic Rivers

A. The following river segments are designated Federal Wild and Scenic Rivers:

1. The Metolius River from Metolius Springs to Lake Billy Chinook.

2. The Deschutes River from the south county line to Lake Billy Chinook.

3. The Deschutes River from Pelton Dam to the north county line.

4. The John Day River.

5. The Crooked River from the south county line to Dry Creek.

B. Upon receiving an application for a land division, building permit, development or other change in land use involving land within one-fourth mile of the bank of a Federal Wild and Scenic River, the County will notify the Bureau of Land Management in the case of the Deschutes, John Day or Crooked Rivers, or the US Forest Service in the case of the Metolius River. Comments and recommendations from those agencies will be considered in the review of the application.

C. Buildings proposed within one-half mile of the top of bank of a federal wild and scenic river shall be finished in natural wood or earth tone colors if the building will be visible from the river. The finish shall be chosen to enable the structure to blend with the surrounding landscape and to be as unobtrusive as possible.

419.9 FERC Boundary

Upon receiving an application for development within an adopted regulatory boundary approved by the Federal Energy Regulating Commission for Pelton, Round Butte and the Warm Springs reregulating dams, the County will notify the co-licensees or other regulating agency. Their comments and recommendations will be considered in the review of the application. A condition of approval will require that any necessary approvals be obtained from the co-licensees prior to initiating development.

Section 420 - Endangered Species

Upon receipt of an application for an action or development that will disrupt habitat or the breeding site of a species listed as endangered by the U.S. Fish & Wildlife Service, the County will place a hold on the Permit until the applicant develops a program to protect the site or habitat or both. The Oregon Department of Fish & Wildlife will be consulted in the development and approval of the plan.

Section 421 – Traffic Impact Studies

A traffic impact study may be required as part of an application for Site Plan Review, a conditional use permit, a land division, or a zoning map amendment. The study shall be prepared by a licensed professional engineer with expertise in traffic engineering. The study shall address the following:

A. The projected traffic volume in Average Daily Trips (ADT) that will be generated by the proposed development, based on the current edition of the Institute of Transportation Engineers Trip Generation manual or similar authority, including a break down of the projected ADT of vehicles entering the site from different directions and the direction vehicles will go when exiting the site.

B. The existing traffic volumes and level of service of the transportation facility, and how these will change if the proposed development is approved.

C. The existing roadway and intersection conditions, and the future conditions if the proposed development is approved, taking into consideration both the traffic volume and the weight of vehicles associated with the proposed use.

D. Recommended mitigation measures if the proposed development will adversely affect a transportation facility

Section 422 – Temporary Uses

Temporary uses may be allowed in any zone subject to the provisions of this section. The temporary use shall be discontinued upon expiration of the time period allowed for the use, and the site returned to its previous condition. Permanent buildings or structures shall not be constructed as part of a temporary use.

422.1 Temporary Occupancy of Recreational Vehicles

Recreational vehicles do not generally meet Oregon State Structural Specialty Code standards and specifications for permanent residential use. Recreational Vehicles may be occupied temporarily subject to the following standards:

A. A recreational vehicle shall not be connected to a subsurface septic system or have any permanent connection to water, electrical or other utility that is customarily provided to a permanent residence except in the Three Rivers Recreation Area Zone, the Crooked River Ranch Residential Zone as provided in Section 318(D), or during construction of a residence as provided for in subsection (D) of this section.

B. A recreational vehicle shall not be used for permanent habitation.

C. A recreational vehicle may be used for temporary housing to accommodate visitors of the current resident of the property for a maximum of 60 days in any 12-month period.

D. When a building permit is issued for the construction, remodeling or replacement of a residence, a recreational vehicle may be occupied by the property owner during construction. A recreational vehicle permitted under this subsection may be connected to the subsurface septic system that serves the residence provided necessary plumbing permits and inspections are obtained. The recreational vehicle shall be removed from the property if the building permit expires.

422.2 Temporary Storage of A Manufactured Dwelling

One manufactured dwelling may be temporarily stored on a parcel for a period of six months upon issuance of a temporary storage permit by the county. One six month extension may be granted for good cause as determined by the Planning Director through the Administrative Review procedures of Section 903.4. While stored, the manufactured dwelling must comply with the following standards:

A. The manufactured dwelling shall not be occupied or otherwise used for residential purposes;

B. There shall be no plumbing or sewer connections to the stored manufactured dwelling;

C. All required setbacks shall be met; and

D. The manufactured dwelling shall not be located in a flood hazard area.

422.3 Temporary Medical Hardship Dwelling

A. During a medical hardship condition the Planning Director may authorize the temporary placement of a manufactured home, or recreational vehicle, or the temporary residential use of an existing building on a lot or parcel, subject to the Administrative Review procedures in Section 903.4, and if the following criteria are met:

1. The temporary medical hardship dwelling will be occupied by a relative of the existing resident of the property, if the relative suffers from a medical hardship, or by a caregiver for the existing resident, if the resident suffers from the hardship. "Relative" includes a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin. "Hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

2. A physician's statement has been submitted verifying that the person with the hardship is physically or mentally incapable of maintaining a separate residence and needs to be near a caregiver who will provide assistance.

3. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling if the County Sanitarian determines that the system is adequate to accommodate the additional dwelling. If the County Sanitarian determines that an additional septic system must be installed, a condition of approval will require that one of the septic systems be decommissioned when the hardship is over.

4. The temporary dwelling shall be located within 300 feet of the existing permanent dwelling on the property and shall use the same driveway access, unless the proposal is for the temporary residential use of an existing building that is more than 300 feet away.

5. The location and use of the temporary dwelling otherwise conforms to any additional standards and criteria of the zone where the dwelling will be located and this ordinance.

B. A temporary medical hardship dwelling shall be authorized for a period not to exceed two years from the date of initial approval. The authorization may be renewed for additional two year periods provided that all requirements of the original approval continue to be met and a letter from a physician is submitted stating that the person with the hardship continues to require care and assistance.

C. Within three months of the end of the hardship, the temporary manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. However, a temporary manufactured home or existing building that has been converted to residential use may become the permanent residence if the formerly permanent dwelling is removed or demolished within three months of the end of the hardship and any requirements for replacement dwellings are met. "End of the hardship" means the person with the hardship no longer resides on the property or no longer requires care and assistance.

422.4 Temporary Sales

A. Outdoor sales of seasonal items, such as Christmas trees, are allowed for a maximum of 30 days in any 12-month period.

B. One garage or yard sale held by the current resident of the property is allowed in any 3-month period. The duration of the sale shall not exceed three consecutive days.

422.5 Mobile Food Vendors

A. Temporary mobile food vendors such as ice cream trucks that travel from site to site throughout the day and that are not parked at any site for more than one hour at a time are permitted outright in any zone.

B. Temporary mobile food vendors that will be parked at any site for more than one hour at a time are permitted in the County Commercial, County Industrial, Three Rivers Recreation Area Waterfront, Airport Management and Park Management zones provided:

1. The vendor has written authorization from the property owner where the mobile food unit will be located;
2. All county and state health regulations are met;
3. Adequate off-street parking is provided for customers;
4. The mobile food unit and any associated vehicles or structures will remain on any one site for less than 24 continuous hours.
5. The mobile food unit will be located on any parcel no more than 90 days in any 12 month period.

422.6 Mass Gatherings

No person shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held on real property he or she owns, leases or possesses unless a permit to hold the mass gathering has been issued by the County. A maximum of one mass gathering may be permitted in any three-month

period when in compliance with the provisions of this section. A permit for a mass gathering does not entitle the organizer to make any permanent physical alterations to or on the real property which is the site of the gathering.

A. Outdoor Mass Gathering

An outdoor mass gathering is an actual or reasonably anticipated assembly of more than 3,000 persons, which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours, and which is held primarily in open spaces and not in any permanent structure. "Permanent structure" includes a stadium, arena, auditorium, fairgrounds or other similar established place for assemblies.

1. Review of an application for an outdoor mass gathering permit shall be by the Board of Commissioner, in accordance with the provisions in Subsections (C) and (D).

2. Issuance of a permit for an outdoor mass gathering is not a land use decision and is not subject to review by the state Land Use Board of Appeals (LUBA). Any decision on an application for a permit to hold an outdoor mass gathering may be appealed to the Circuit Court.

B. Extended Outdoor Mass Gathering

An extended outdoor mass gathering is an actual or reasonably anticipated assembly of more than 3,000 persons, which continues or can reasonably be expected to continue for more than 120 hours, and which is held primarily in open spaces and not in any permanent structure.

1. Review of an application for an extended outdoor mass gathering shall be by the Planning Commission in accordance with the provisions is Subsections (C) and (D) and the procedures in Section 903.5. The permit shall be approved if the organizer submits an application showing compliance with all of the following:

   a. The proposal complies with any applicable regulations of the zone where the gathering will be held;
   b. The proposed gathering is compatible with existing land uses; and
   c. The proposed gathering will not materially alter the stability of the overall land use pattern of the area.

2. A decision granting or denying a permit under this section may be appealed to the Board of Commissioners, in accordance with the provisions of Section 907.3.

C. Application Procedures

1. An application for a mass gathering shall include the following information:

a. Name and address of the applicant;
b. The map and tax lot number(s) and address, if any, of the place where the proposed gathering will be held;
c. Date(s) of the proposed gathering;
d. Nature of the proposed gathering;
e. Evidence that the organizer of the proposed gathering can comply with all health and safety rules for mass gatherings adopted by the Oregon Department of Human Services for the anticipated crowd.

2. The County Sheriff, County Health Officer and Chief of the fire district in which the gathering is to be held shall be sent notice of the application, and may submit written comments on the proposal, including a recommendation as to whether the permit should be granted, or recommended conditions that should be imposed.

D. Insurance
If, upon examination of the application, the Planning Commission or Board of Commissioners determines that the mass gathering creates a potential for injury to persons or property, the organizer may be required to obtain an insurance policy in an amount commensurate with the risk, but not exceeding $1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the mass gathering. The County shall be named as an additional insured under the policy.

E. Clean-up
In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the mass gathering within 72 hours after its termination, and to remove any temporary structures used at the gathering within three weeks after its termination, the county may file suit against the organizer for financial settlement as is needed to remove debris, residue or temporary structures and to repair such damage to real or personal property of persons not attending the mass gathering. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990(6).

422.7 Construction Offices
A temporary construction office trailer may be placed on a construction site when needed by the contractor. The office may not be used for residential purposes, and must be removed upon completion of the construction project.

422.8 Response to Natural Disasters and Emergencies
Temporary uses and placement of temporary structures needed as a result of an emergency declared by the Board of Commissioners, State of Oregon or Federal

Government are allowed. When the state of emergency has ended, the temporary uses shall cease and all structures shall be removed unless they are allowed outright in the zone in which they are located, or an application has been submitted to allow the use or structure to become permanent.

422.9 Other Temporary Uses

Other temporary uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if the proposed use will have a minimal adverse impact on surrounding properties and roads, taking into consideration the location, proposed duration and operating characteristics of the use.

Section 423 – Off-Street Parking Requirements

423.1 Applicability

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section.

423.2 Number of Parking Spaces Required

A. The minimum number of parking spaces required for various uses is shown in this section. Square feet specifications refer to the floor area of the building containing the use. In addition to these requirements, one space is required per employee working on the premises during the largest anticipated shift at peak season, including proprietors.

USE	NUMBER OF SPA CES
Residential	2 spaces per dwelling unit
Visitor-oriented Accommodations	1 space per guest unit
Nursing Home, Hospital	1 space per 3 beds
Retail store, general merchandise	1 space per 200 square feet
Retail store, bulk merchandise	1 space per 400 square feet
Eating and drinking establishment	1 space per 2 seats
Office, medical	1 space per 200 square feet
Office, financial and other businesses	1 space per 400 square feet
Industrial or manufacturing use	2 spaces
Public Assembly, church, meeting hall	1 space per 2 seats
Public Assembly, school	1 space per 4 feet of bleacher seating in gymnasium or ball field, whichever is greater

B. Parking requirements for uses not specified in (A) shall be based on the listed use that is most similar to the proposed use. If no use listed in (A) is similar to the proposed use, the applicant shall submit a parking study that includes an estimate of the parking demand based on recommendations of the Institute of Traffic Engineers or similar data.

C. Accessible (ADA) parking spaces shall be provided in accordance with current state Structural Specialty Code and ODOT adopted standards.

D. In the event several uses occupy a single structure or parcel of land, the number of required spaces shall be the total of the requirements for all of the uses.

E. Uses that require more than ten parking spaces shall include an area designated for bicycle parking, with bike racks that will accommodate at least one bicycle for each ten vehicle parking spaces. The bicycle parking area may be in the same location as the vehicle parking spaces or may be located closer to the building entrance or use.

423.3 Location of Off-Street Parking

A. Required parking spaces for residential uses shall be located on the same lot or parcel as the dwelling unit, but shall not be located in the front setback except within an approved driveway.

B. Parking spaces for non-residential uses may be located on a different lot or parcel than the use they will serve, subject to compliance with the following:

1. The parking area shall be within 500 feet, measured in a straight line, from the primary entrance of the building or use the parking area will serve.

2. The lot or parcel where the parking area will be located shall be in the same zone as the use that the parking area will serve, or may be in a different zone provided the use that the parking area will serve is permitted in that zone. Parking areas shall not be located in a zone that does not allow the use that the parking area will serve.

3. If the lot or parcel where the parking will be provided is under different ownership than the parcel on which the proposed use will be located, evidence shall be submitted that a written agreement, lease or contract authorizing the parking has been recorded in the County deed records. The contract shall specify the area that may be used for parking and contain provisions outlining responsibility for maintenance. The contract may not be terminated unless alternative parking in compliance with the requirements of this section is provided or the use that required the parking no longer exists.

4. Accessible (ADA) parking spaces may not be located off-site.

C. Parking spaces shall not be located in a clear-vision area as required by Section 403 or within an area that is required to be landscaped.

D. Parking within a public right-of-way is prohibited unless written approval from the County Public Works Director is submitted.

423.4 General Standards

A. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by shared use of the same parking or loading spaces, provided the owners or operators of the uses, structures or parcels attest that their operations and parking needs do not overlap at any point of time. Shared parking spaces that are not on the same lot or parcel as all of the uses that will utilize the spaces shall meet the locational requirements of Section 423.3.

B. Use of Parking Facilities. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business.

C. The minimum size of each parking space shall be 9' x 15'.

D. All run-off generated by the parking area shall be collected and retained on-site. A drainage plan shall be submitted as part of a proposal for any parking area that will have an impervious surface and more than five spaces. The drainage plan shall meet the requirements of Section 414.4.

E. Any lighting used to illuminate off-street parking areas shall be arranged so that it will not project light rays directly upon any adjoining property in a residential zone, and shall otherwise comply with the requirements of Section 405.

F. Except for single-family and duplex dwellings, groups of more than three (3) parking spaces shall be so located and served by a driveway such that their use will require no backing movements or other maneuvering within a road or right-of-way other than an alley.

G. Areas used for parking and maneuvering of vehicles shall have a durable and dustless surface maintained adequately for all weather use, but not necessarily paved.

H. Except for parking to serve residential uses, parking and loading areas within residential zones or adjacent to residential uses shall be designed to minimize the disturbance of residents.

I. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

J. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. Service drives providing for two-way traffic shall be at least 20 feet in width if less than 500 feet in length, or 26 feet in width if more than 500 feet in length, and shall be located in accordance with the driveway access standards of Section 12.18 of

the Jefferson County Code. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a road right-of-way, or stacking of vehicles within the right-of-way.

K. Service drives to parking areas shall have a minimum vision clearance area formed by the intersection of the driveway edge with the road right-of-way line and a straight line joining side lines through points thirty (30) feet from their intersection, in accordance with Section 403.

L. Parking areas adjacent to a property line shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or into a road right-of-way.

M. Any parking area containing more than five spaces that will be located adjacent to a road shall include a landscaped strip at least five feet in width between the parking area and the property line abutting the road.

Section 424 - Off-Street Loading Requirements

424.1 Applicability

At the time of construction of a new building, or at the time of enlargement or change in use, every building that requires the receipt or distribution of materials or merchandise by trucks exceeding 10-tons gross vehicle weight or similar vehicles shall provide off-street loading space in accordance with the requirements of this section.

424.2 Number of Loading Berths Required

A. Commercial, industrial and public utility uses that have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 - 30,000	1
30,001 - 100,000	2
100,001 and over	3

B. Restaurants, office buildings, hotels, motels, hospitals and institutions, school and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,001 and over	2

C. Loading space requirements for uses not specified in (A) or (B) shall be based on the applicant's projected estimate of the maximum number of pick-ups and deliveries made by trucks at the site per day.

424.3 Location of Off-Street Loading Spaces

A. Off-street loading spaces shall be located on the same parcel as the use they will serve.

B. Loading spaces shall not be located in a required setback, and shall not intrude into any portion of a required parking aisle or prevent access to a required parking space.

C. Loading spaces shall be accessible and provide an adequate turnaround so that trucks will not need to back into a road right-of-way.

424.4 General Provisions

A. The provisions and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this ordinance. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street loading requirements are complied with.

B. Off-street parking areas used to fulfill the requirements of Section 423 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

C. A loading berth shall contain space ten (10) feet wide, thirty-five (35) feet long and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.

D. Loading areas that will be visible from a public right-of-way or residential zone shall be screened by a solid fence, wall, or hedge at least six feet in height.

E. Whenever possible, the service drive to a loading area shall utilize the same access as the off-street parking area. If a separate access is required, it shall comply with the driveway access standards in Section 12.18 of the Jefferson County Code.

F. Any lighting used to illuminate an off-street loading area shall be arranged so that it will not project light rays directly upon any adjoining property in a residential zone, and shall otherwise comply with the requirements of Section 405.

Section 425 - Dock Design And Review Requirements

Docks, wharves, or similar platforms or structures are subject to the provisions of this section.

A. Personal Use Docks

In or adjacent to any zone allowing residential uses, one floating dock or similar structure suitable for the docking or mooring of personal pleasure boats may be permitted when in conformance with the standards listed below. A permit shall be obtained prior to construction of the facility.

1. The proposed structure shall be appropriate for its intended personal use as a private dock, and shall not be used on a commercial, public, or semi-public basis.

2. Personal use docks shall be oriented so that the longer dimension or side of the dock is parallel to the flow of a stream or river, or parallel to the shore of a lake or similar body of water.

3. Personal use docks shall be limited in length to the minimum required dimension for a particular site or use.

4. Structural development located on the surface of the water, such as storage buildings, boat garages, elevated walkways or platforms, and similar uses or structures are not permitted.

5. Docks, wharves, or similar platforms or structures are prohibited within river corridors designated as State Scenic Waterways.

6. Dock development shall comply with Section 419 of this Ordinance. Where required to provide access to a dock, a single walkway not to exceed four (4) feet in width may be permitted. Such walkway shall not extend more than twelve (12) inches above grade and shall be designed to be as unobtrusive as possible and to blend in with the natural environment.

B. Commercial and Public Use Docks

In any zone allowing public parks, campgrounds, resort developments or similar uses, docks, wharves, or similar platforms or structures which are intended to be used for the commercial or public docking or mooring of ships, houseboats, or personal use pleasure boats in conjunction with the uses listed above may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the Site Plan Review criteria in Section 414, or by the Planning Commission if the dock is proposed as part of a development requiring conditional use approval. The proposed development must comply with the Riparian Protection standards of Section 419.

Section 426 - Fire Safety Standards

426.1 Purpose

The requirements of this Section are established to provide minimal standards for the protection of buildings from fire hazard. Compliance with these standards will assist designated rural fire protection personnel or a property owner in reducing fire suppression activities that may be required to protect dwellings and structures, and help prevent the spread of fire to surrounding lands.

426.2 Mandatory Standards

The following fire safety standards are mandatory for all new construction in the unincorporated areas of Jefferson County, unless a variance has been granted in accordance with Section 426.5. New construction includes additions to existing buildings and replacement buildings.

A. Roof Coverings

New buildings, reroofing of existing buildings, and additions to buildings that will have a roof area more than 50 percent of the existing roof area, shall have Underwriter's Laboratory rated Class A or B roofing or equivalent, or tile or metal roofing. Wood roofing of any type, including pressure treated wood shingles or shakes, is prohibited.

B. Chimneys and Stovepipes

The openings of all chimneys and stovepipes shall be completely covered with a spark arrester which is constructed of 12 USA standard gauge wire which has openings no larger than ½ inch in size.

C. Slope

New dwellings shall be located on a slope of less than 40 percent, based on the natural grade.

D. Fire Fighting Protection

Where possible, dwellings shall be located within a fire district that provides structural fire protection. If the property is not in a fire district, the following standards shall be met:

1. The property owner shall provide evidence that they have requested that the nearest fire district either annex the property, or provide fire protection by contract if annexation is not possible. If the fire district will not provide protection, the County may require alternative fire protection measures, including one or more of the recommended standards in Section 426.3.

2. The property owner shall sign and record in the deed records for the County a Waiver of Remonstrance and Agreement binding the landowner, and the landowner's successors in interest, acknowledging that the property is in an area where no fire protection will be provided

and agreeing to hold Jefferson County harmless for any damage to life or property caused by fire.

E. Emergency Vehicle Access
Access to within 50 feet of all buildings shall be constructed to the following standards unless a variance has been granted in accordance with Section 426.5:

1. Access roads and driveways serving a single residence shall have a surface width of at least 12 feet. The width shall be increased to a minimum of 14 feet in curves with a centerline radius of less than 150 feet to ensure emergency vehicles remain on an all weather surface. The area extending at least 10 feet from each side of the driveway's centerline shall be kept clear of obstructions and shall be maintained as a fuel break. Driveways more than 250 feet in length shall include turnouts at 150 foot intervals or lesser distance as needed to allow visibility. Turnouts shall be at least 10 feet in width and 50 feet in length, and shall meet the same load requirements as required by subsection (4).

2. Access roads and driveways serving more than one residence shall have a surface width of at least 20 feet.

3. Commercial or industrial buildings that will have any portion of an exterior wall more than 150 feet from an existing road shall have an emergency vehicle access drive with a surface width of at least 20 feet.

4. A minimum clear height of at least 14½ feet shall be maintained for the entire width of the driveway.

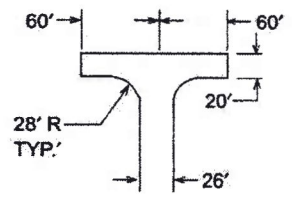
5. Access shall be designed and constructed to maintain a minimum 75,000 pound load carrying capacity. If not designed by an engineer, driveways shall be constructed of a minimum of 5 compacted inches of crushed rock meeting ODOT material standards. The road shall be compacted until a loaded 10 cubic yard dump truck ceases to deflect the road.

6. Maximum finished grade shall be no greater than 10 percent unless approved by the fire chief. Grade shall not exceed 4 percent in turnarounds. Any portion of the access with a grade greater than 8 percent shall be surfaced with 1.5 inch class C asphalt mix, 0-11 oil mat, or four inch fiber mesh reinforced Portland cement concrete.

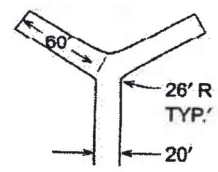
7. Curves shall have a minimum centerline radius of 55 feet, including the intersection of a driveway with a public road.

8. Gates shall be a minimum of 20 feet wide, and shall be of a swinging or sliding type constructed of materials that allow manual operation by one person. Electric gates shall be equipped with a Knox box purchased from the fire district.

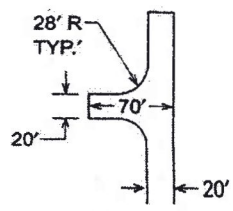
9. Dead-end access roads and driveways more than 150 feet in length shall terminate in a 120-foot hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac or alternative turnaround arrangement as shown in the following diagrams. Turnarounds shall also be provided every ½ mile on dead-end access roads and driveways exceeding one mile in length. The turnaround area shall meet the same load requirements as required by subsection (4).



120' HAMMERHEAD



ACCEPTABLE ALTERNATIVE
TO 120' HAMMERHEAD



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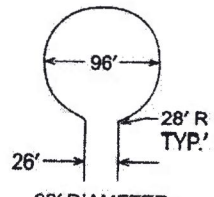

96' DIAMETER
CUL-DE-SAC

F. Address Signs

An address sign shall be posted at the point where a driveway leaves a road, in such a manner as to be visible to vehicles approaching from both directions. A directional address sign must also be posted at the junction where an individual driveway leaves a shared driveway. Address signs shall contain white, reflective numbers at least 3 inches in height on a green background.

G. Fuel Breaks

Irrigated agricultural land and properties that are inside an Urban Growth Boundary are exempt from the fuel break requirements, but must comply with all other fire safety standards. Fuel breaks shall not be developed within riparian protection areas required by Section 419.1. In all other areas, fuel breaks are required that meet the following standards, unless a variance has been granted in accordance with Section 426.5:

1. A primary fuel break shall be developed and maintained around all buildings. The fuel break shall be at least 30 feet wide, or to the property line, whichever is the shortest distance. The fuel break shall be measured from the furthest extension of the structure, including attached carports, the outside edge of a deck, and the edge of roof eaves. The goal within the primary fuel break is to remove fuels that will produce flame lengths in excess of one foot. Brush, downed limbs and other dead

plant material must be removed. The primary fuel break should contain primarily non-flammable ground cover such as asphalt, concrete, rock, brick, bare soil, green grass, or succulent ground cover. Combustible ground cover or plant materials, such as bark mulch or accumulated leaves and needles, are prohibited within twelve inches of buildings. Herbaceous plants such as groundcovers, bedding plants, bulbs and perennial flowers are permitted provided they are kept green during the fire season. Dry grass is allowed if kept less than four inches in height. Isolated groupings of deciduous ornamental shrubbery and trees, native trees or other low plants (less than 24 inches) are allowed when maintained in a green condition free of dead plant material and ladder fuels, and provided they are arranged and maintained in such a way that minimizes the possibility a fire can spread to adjacent vegetation. Healthy trees are permitted, provided they are pruned to remove branches that are dead or that are less than 10 vertical feet above the ground. A 15-foot clearance between tree limbs and stovepipes or chimney outlets must be maintained. No branches may overhang within 25 vertical feet of a roof. Areas under decks shall be kept free of firewood, stored flammable materials, leaves and needles.

2. A fuel break shall be developed and maintained immediately adjacent to any driveway that is more than 150 feet in length. The fuel break shall extend at least ten feet from each side of the centerline of the driveway, or to the property line, whichever is the shortest distance. A minimum clear height of at least 14½ feet shall be maintained for the entire width of the driveway and fuel break. The driveway fuel break shall meet the same requirements as outlined in subsection (1) for ground cover and limbing of trees.

H. Storage of Flammable Materials
The area under decks and stairways shall be kept free of flammable material, including leaves and needles. Firewood and lumber piles shall be kept at least 20 feet away from buildings from April 1 through November 1, unless kept within a fully enclosed building.

426.3 Recommended Standards
The following fire safety standards are recommended in all areas that are susceptible to a wildfire, and one or more of the standards may be required in areas with a high wildfire hazard when a fire district will not provide structural fire protection:

A. All permanent openings into and under the structure, including the area under decks, shall be completely covered with noncombustible, corrosion-resistant, mesh screening material which has openings no greater than ¼ inch in size.

B. Eaves shall be boxed in.

C. Fire resistant building materials such as stucco or fiber-cement siding shall be used.

D. An automatic fire sprinkler system shall be installed.

E. Onsite fire fighting equipment and water storage shall be provided. The water supply shall contain at least 4,000 gallons at all times. Road access to within 15 feet of the water source shall be provided for fire apparatus, with a turnaround adequate to accommodate the firefighting equipment. Permanent signs shall be posted along the access route to show the location of the emergency water source. If providing road access to the water source is not feasible, the water source shall be equipped with a minimum 2 ½ inch dry standpipe assembly equipped with NST (National Standard Thread) fittings to enable fire equipment to draught water.

F. A minimum 20 foot secondary fuel break shall be created around buildings. The secondary fuel break shall extend in all directions around the primary fuel break required by Section 426.2(G). An additional 50 feet, for a total of 100 feet of fuel break, shall be created when the slope around a dwelling exceeds 20 percent. This additional 50 feet is required downhill and to each side of the dwelling, but is not required uphill of the dwelling. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of a wildfire will be lessened and the likelihood of crown fires and crowning is reduced. Healthy trees are permitted, provided they are pruned to remove branches that are dead or that are less than 10 vertical feet above the ground. Small trees and shrubs growing underneath larger trees must be removed or pruned to less than 1/3 the height of the lowest branch of the larger trees. Understory vegetation may include lawns or groundcover maintained at less than 12 inches in height, and low shrubs arranged in a manner so that fire cannot spread between plantings or into trees. Brush and dead plant material must be removed.

G. Open fires and use of burn barrels shall not occur unless in compliance with Jefferson County fire District standards.

H. LPG tanks shall be placed according to state Fire Marshall standards.

426.4 Timing of Compliance with Standards

A. Compliance with the standards in subsections 426.2 (A) through (D) will be verified at the time of application for a building permit. Building permits will not be issued unless the building plans clearly show that the standards will be met.

B. The standards in subsections 426.2 (E) through (G) must be met at or prior to beginning framing of the building, or prior to placement of a manufactured home. No building inspections other than for the forms and foundation will be approved until the standards are met.

C. If the proposal is for an agricultural building or equine facility that is exempt from obtaining building permits, the applicant shall provide evidence that all

standards are met at the time of application for the exemption. The exemption will not be approved until the standards are met.

426.5 Variances to Fire Safety Standards

An application for a variance to any of the fire safety standards in this Section shall be processed under the variance procedures in Section 508. The County will notify fire agencies of the proposed variance and will consider their comments and recommendations when deciding whether the variance should be approved. Conditions may be placed on any approval of a variance to fire safety standards when deemed necessary to reduce fire hazards.

Section 427 - Wireless Communication Towers

427.1 Purpose:

The purpose of this Section is to control the placement and distribution of wireless communication towers throughout Jefferson County. The provisions of this Section provide for the placement of wireless towers while protecting property from tower structure failure and visual impacts. For the purposes of this Section, wireless communication towers include lattice style towers, monopoles, microwave dishes, antennas and similar devices and structures for the purpose of transmitting or receiving any portion of the radio spectrum, regardless of whether for private or public use.

427.2 Exceptions

The following are exempt from the requirements of this section and are permitted outright in any zone:

A. Co-location on an existing tower, provided there will be no increase in the height of the existing tower.

B. Placement of antennas and similar devices on or within existing buildings or structures, provided the height of the devices does not exceed the height limitation for the zone where the building or structure is located.

C. The placement of three or fewer wireless communication towers on any parcel, provided they do not exceed 35 feet or the height limitation for the zone, whichever is less.

427.3 Application Requirements

An application must be submitted to erect a new wireless communication tower, or to increase the height of an existing tower, unless exempted under Section 427.2. The application shall be reviewed in accordance with the requirements and procedures of the zone where the tower will be located. All applications shall comply with the following:

A. Prior to scheduling a pre-application conference with the Planning Director, as required by Subsection (B), the applicant shall mail a written notice of the proposed erection of a wireless tower to all property owners of record within a radius of 1,320 feet distance from a tower up to 100 feet in height, and within 2,640 feet from a tower over 100 feet in height. The notice shall include the following:

1. A vicinity map showing the proposed tower location and all tax lots within the notification area circle centered on the proposed location;

2. A drawing showing the appearance of the proposed tower; and

3. A statement requesting that property owners provide the Planning Director with any written comments regarding the proposed wireless communication tower within 15 days from the date the notice is mailed.

B. The applicant shall schedule and attend a pre-application conference with the Planning Director after mailing the notice required by Subsection (A) and prior to submittal of an application. Any application for a wireless communication tower shall be designated as incomplete, unless the required pre-application conference with the Planning Director has been completed and documented in writing.

C. The application shall contain the following:

1. Authorization from the owner of the property where the tower will be located, and a copy of any lease agreement;

2. A copy of the Federal Communications Commission license, if required;

3. A map that shows the effective service area circle for the proposed tower and the properties within that circle, including the locations of existing telecommunication towers or monopoles;

4. A list of the property owners who were mailed the notice required by Subsection (A), a copy of notice, and a signed affidavit that the notice was mailed; and

5. A site plan showing the location of the proposed facility and accessory structures, proposed landscaping, fencing, design specifications, tower elevations and photographic simulation as viewed from the north, south, east and west of the facility.

427.4 Approval Standards

Applications for wireless communication towers shall comply with any requirements of the zone where the tower will be located and the following:

A. Commercial or public use antennas shall be co-located on existing monopoles or other structural tower facilities in the area to be served, unless a registered engineer provides a written statement that the wireless communication service cannot be provided by co-location within the area to be served.

B. In all cases, the applicant shall make a good faith effort to site the facility in such a manner or location to minimize the impact on scenic views utilizing trees, vegetation or topography to the maximum extent possible.

C. The wireless communication tower shall not interfere with radio, television, avionics, or other electromagnetic transmissions or reception in the area, including local emergency response frequencies.

D. Any commercial or public use tower or monopole shall be designed in a manner so that the antenna of not less than one (1) additional wireless carrier may be attached to the facility. A statement from an Oregon licensed structural engineer

shall be provided that certifies the tower or monopole structure has been designed with sufficient strength to carry additional antenna array and the specific antenna location available on the structure complies with required spacing between antennas of different carriers.

E. Prior to issuance of a building permit for a tower or monopole, the property owner or developer shall provide the County with a bond, cash deposit or guarantee to cover the cost of removing the facility, in accordance with the provisions of Section 413.

F. Any tower or monopole facility that is abandoned from active use for a period exceeding one (1) year shall be removed. If not removed within this time period, the County shall call upon the bond, cash deposit or personal guarantee to finance any cost or expenses to remove the tower. "Abandonment" means:

1. An applicant or co-locator tenant loses the Federal Communication Commission (FCC) license to operate the communication facility or fails to maintain a current Federal Communication Commission (FCC) license for a period of one (1) year; or

2. If an existing tower or monopole is unoccupied for a period exceeding one (1) year the permit shall be come null and void.

G. All wireless communication towers shall comply with the Telecommunications Act of 1996 and Federal Aviation Administration Standards.

427.5 Tower and Accessory Building Setback Distances

All towers and accessory equipment structures shall be set back from the property lines according to the required setback distance of the zone where the tower is located. Additionally, a tower shall be set back from any existing dwelling on an adjacent parcel a distance equal to the height of the tower from finished grade.

427.6 Construction Requirements

All wireless communication towers and accessory structures require an approved Building permit.

Section 428 - Burial Of Human Remains On Private Property

Purpose: The purpose of this Section is to monitor and regulate the burial of human remains on private property in Jefferson County that is not designated as a recognized formal cemetery.

428.1 Property Owner Duties and Responsibilities

A. The person in charge of the burial, or property owner, is responsible for filing the death certificate, within the prescribed five-day time limit, prior to final disposition as required in ORS 432.307.

B. The person in charge of the burial, or property owner, is responsible for seeing that the medical certification of the death is completed and signed by the physician who has been in charge of the deceased's care, within 48 hours, as required by ORS 432.307(30).

C. The person in charge of the burial, or property owner, is responsible for ensuring that the appropriate identifying metal disk, which would need to be obtained from the State Registrar's Office, is attached to the receptacle in which the body is contained as provided for in ORS 692.405.

428.2 Setbacks

The following minimum setbacks shall be used in determining the burial site:

A.	From a well head for individual water supply	100 feet
B.	Spring used for individual water supply	100 feet
C.	Stream, river or lake	50 feet
D.	Property line	25 feet
E.	Source of supply for a public water system	100 feet

428.3 Special Burial Requirements

Any person making arrangements for burial on private property shall comply with OAR 830-30-010(2)

428.4 Recording Burial Site

The property owner shall record a plat of the burial site with the County Clerk that clearly indicates the exact location of the burial site within the property boundary.

Section 429 - Archaeological Preservation

Purpose: Archaeological sites are acknowledged to be a finite, irreplaceable and nonrenewable cultural resource, and are an intrinsic part of the cultural heritage of Jefferson County and the people of Oregon. This section shall apply to existing or newly discovered archaeological sites and objects in Jefferson County. The intent of this section is to provide a means of protecting archaeological resources to sustain the County's cultural heritage.

429.1 Definitions
Terms used in this section are defined in ORS 358.905 and 97.740.

429.2 Management by County

A. Jefferson County shall refrain from dissemination of site-specific inventory information concerning identified archeological sites except as required by Oregon Public Records Law. Rather, Jefferson County shall manage development in these areas so as to preserve their value as archeological resources.

B. Jefferson County may enter into collaborative agreements for the protection of archeological objects and sites with Indian Tribes or any other entity establishing a right to protect the non-renewable resources subject to this Section.

429.3 Permitted Action

A. A person may not excavate, injure, destroy or alter an archaeological site or object, or remove an archaeological object located on public or private land unless that activity is authorized by a permit issued by the State Parks and Recreation Department under ORS 390.235.

B. A person may not make an exploratory excavation on public lands to determine the presence of an archaeological site or remove from public lands any material of an archaeological, historical, prehistorical or anthropological nature without first obtaining a permit issued by the State Parks and Recreation department under ORS 390.235.

C. A person may not excavate an archaeological site on privately owned property unless that person has the property owner's written permission.

D. Except for a proposed excavation by a professional archaeologist as provided in ORS 97.750, no person shall willfully remove, mutilate, deface, injure or destroy any cairn, burial, human remains, funerary object, sacred object or object of cultural patrimony of any native Indian. Persons disturbing native Indian cairns or burials through inadvertence, including by construction, mining, logging or agricultural activity, shall at their own expense reinter the human remains or funerary object under the supervision of the Confederated Tribes of the Warm Springs Reservation of Oregon.

E. Collection of an arrowhead from the surface of public or private land is exempt from obtaining a state permit if the collection can be accomplished without the use of any tool.

429.4 Notification Required

A. Any permitted person who conducts an archaeological excavation associated with a prehistoric or historic American Indian archaeological site shall notify the Confederated Tribes of the Warm Springs Reservation and follow the requirements of ORS 358.950.

B. If a person who is conducting an archaeological investigation finds a sacred object or object of cultural patrimony, the person shall notify in writing the State Historic Preservation Officer and the Confederated Tribes of the Warm Springs Reservation.

C. If an archeological site, native Indian sacred object, funerary object, or object of cultural patrimony is encountered during the process of development, including by construction, excavating, logging or agricultural activity, whether the site or object was previously known to exist or not, development shall immediately stop and the Confederated Tribes of the Warm Springs Reservation and the Commission on Indian Services shall be immediately notified.

D. If human remains are encountered during excavation of an archaeological site on privately owned property, or if development, including construction, excavating, logging or agricultural activity accidentally exposes human remains, all excavation and development shall cease and the Oregon State Police, the State Historic Preservation Office, the Confederated Tribes of the Warm Springs Reservation and the Commission on Indian Services shall be notified as required by ORS 97.740 to 97.990.

CHAPTER 5
EXCEPTIONS

Section 501 - Nonconforming Uses

501.1 Applicability:
This Section addresses the following types of situations:

A. *Nonconforming Use*
A use that was lawfully established, but is no longer allowed in the zone in which it is located.

B. *Nonconforming Structure*
A dwelling, other building or structure that was lawfully established, but does not comply with the current density, height, location or other standards of the zone in which it is located.

C. *Nonconforming Lots and Parcels*
Lots or parcels that were lawfully created, but do not meet the current minimum lot size for the zone in which they are located or that do not have frontage on a public road.

501.2 Authority to Continue
The lawful use of any building, structure or land at the time of the enactment or amendment of a zoning ordinance regulation with which it does not comply may be continued. Repairs and normal maintenance required to keep a nonconforming building or structure in a safe condition, or when necessary to comply with state or local health or safety requirements, are permitted. Changes in ownership, tenancy, or management of a nonconforming use, building or structure are permitted.

501.3 Damage or Destruction of a Nonconforming Structure
If a nonconforming structure is damaged by fire, other casualty, or natural disaster, it may be repaired, restored or replaced with a structure of the same size without compliance with other provisions of this Ordinance when such work commences under an approved permit within one year of the damage. A proposal to increase the size of the structure is considered an alteration, and must comply with the requirements of Subsection 501.6.

501.4 Interruption or Abandonment of a Nonconforming Use

A. If a nonconforming use, other than a mining operation, is interrupted or abandoned for a period of more than one year, the use shall not be resumed unless it conforms to all regulations and provisions of this Ordinance.

B. A nonconforming surface mining use will not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulations; and

2. The surface mining use was not inactive for a period of 12 consecutive years or more. For purposes of this subsection, "inactive" means no aggregate materials were excavated, crushed, removed, stockpiled, or sold by the owner or operator of the surface mine.

501.5 Alterations to Nonconforming Uses

Alteration of a nonconforming use includes, but is not limited to, a change in the type or operating characteristics of the use, an increase in the size of the building in which the use is located, an increase in the amount of property being used, or the relocation of the use to another portion of the parcel. A nonconforming use may not be relocated to another lot or parcel, unless the use will be in conformance with the regulations of the zone to which it is moved. An application for the alteration of a nonconforming use will be reviewed by the Planning Director under the Administrative Review procedures in Section 903.4. The application must show the following:

A. The nonconforming status of the use has been verified, as provided in Section 501.8. Such verification may occur either prior to or concurrently with the application to alter the use;

B. The use has not been interrupted or abandoned for a period of more than one year, as provided in Section 501.4; and

C. The altered use will have no greater adverse impact on the surrounding neighborhood.

501.6 Alterations to Nonconforming Structures

A. Enlargement or Modification

An application to replace, remodel or enlarge a nonconforming structure will be reviewed by the Planning Director under the Administrative Review procedures in Section 903.4. The application will be approved if it complies with the following:

1. The nonconforming status of the structure has been verified, as provided in Section 501.8. Such verification may occur either prior to or concurrently with the application to enlarge or modify the structure;

2. The new structure will be no more nonconforming than the existing structure; and

3. There will be no greater adverse impact to the surrounding neighborhood.

B. Relocation

Nonconforming structures may be moved or replaced in a different location on the same parcel when the new location will be more in compliance with applicable standards of this Ordinance.

501.7 Nonconforming Lots and Parcels

A lawfully created lot or parcel that does not meet the minimum lot size for the zone in which it is located is entitled to the same development rights that such a lot or parcel would otherwise have if it met the minimum area dimension requirements. A lawfully created lot or parcel that does not have frontage on a public road is entitled to the same development rights as other lots or parcels in the same zone once legal access meeting the standards of Section 401.1 is obtained.

501.8 Verification of Nonconforming Status

A. An application to verify whether a use or structure is nonconforming will be reviewed by the Planning Director under the Administrative Review procedure in Section 903.4. The application must be accompanied by the following:

1. Documentation that establishes the approximate date that the use or structure was established;

2. Proof that the use or structure was lawfully established in compliance with all zoning and permitting requirements in effect at the time it was established;

3. Evidence detailing the nature and extent of the use or structure at the time it became nonconforming; and

4. Proof that the use has not been discontinued or abandoned for a period of more than one year, as provided in Section 501.4.

B. Documentation and proof of the existence, continuity, nature and extent of the use or structure is only required for the 10 year period immediately preceding the date of application for verification of nonconforming status. Documentation showing the use existed and was continued during this time period creates a rebuttable presumption that the use has continued uninterrupted until the date of application. Such documentation is necessary to show compliance with (A)(4), but is separate from and does not provide evidence that the use was lawfully established as required by (A)(2).

501.9 Verification of Nonconforming Lot or Parcel

An application to verify whether a lot or parcel was lawfully created and is thus nonconforming may be submitted in accordance with Section 702.4.

Section 502 – General Exceptions To Lot Size Requirements

A. Lawfully created lots and parcels may be developed in accordance with the requirements of the zone in which they are located even if they do not comply with the minimum lot size requirement for the zone.

B. Lots and parcels that will be dedicated to the public for use as a park, utility site or similar public purpose are exempt from the minimum lot size requirements of the zone, except in the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones.

Section 503 – General Exceptions To Setback Requirements

The following exceptions to setback requirements are authorized for a lot or parcel in any zone:

A. Front Setback Exceptions: If there are buildings on both abutting lots which are within 100 feet of the subject property, and the buildings have front setbacks of less than the required depth for the zone, the depth of the front setback for the subject property need not exceed the average depth of the front setbacks of the abutting lots.

B. Projection from Buildings:

1. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues may project up to three (3) feet into a required setback.

2. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet provided they are no more than thirty (30) inches above grade or ground level.

Section 504 – General Exceptions To Height Requirements

The following structures or structural parts, unless otherwise specified in the ordinance, are not subject to the height limitations of this ordinance unless the structure will penetrate the airport imaginary surfaces as specified in Section 418: chimneys, church spires, belfries, monuments, fire and hose towers, fire observation towers, transmission towers, smokestacks, flagpoles, windmills, water reservoirs and other similar structures.

Section 505 – Goal Exceptions

A Goal exception is a decision to exclude certain land from the requirements of one or more applicable statewide planning goals. An exception is required to rezone land from a Resource zone to a different zone; to change the existing types of uses, densities, or services allowed in a zone or on a parcel; to amend the Transportation System Plan to change the functional classification, capacity or performance standard of a transportation facility; and similar changes. An application for a goal exception shall be processed under the procedures for an amendment in the Comprehensive Plan, and must comply with the requirements for exceptions in OAR 660-004.

Section 506 – Exceptions for Public Projects

Nothing in this Ordinance shall be deemed to apply to the maintenance, rehabilitation, repair, and minor betterment activities not considered to have land use impacts, when conducted by a governmental agency or public utility on public property or public facilities. Public works projects authorized or approved by the Board of Commissioners and determined by the Planning Director to be consistent with the long-term objectives of the Comprehensive Plan shall be exempt from the current provisions of this Ordinance. For the purposes of this section, such uses may include water, gas, telephone, and power distribution lines, valve and meter houses, reservoirs, and similar minor facilities allowed in any zone.

Section 507 – Authorization Of Similar Uses In Non-Resource Zones

The permitted, administrative and conditional uses listed in non-resource zone Sections of the Ordinance identify specific uses that may be conducted in a specific zone. An application may be submitted to allow a land use or activity that is not specifically listed in a Non-resource zone. Such additional uses are not permitted in the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zones. The application will be reviewed by the Planning Commission at a public hearing in accordance with the procedures in Section 903.5. The application may be approved if the proposed use has similar types of impact(s) as the existing list of permitted, administrative or conditional uses. The following criteria shall be used to determine whether the proposed use is similar to other uses listed in the zone:

A. The proposed use will create no greater impacts on adjacent properties than those uses listed in the zone.

B. The proposed use is of the same general character as uses listed in the zone, taking into consideration the type, size and nature of buildings and structures, number of employees and customers, hours and days of operation, transportation requirements, parking requirements, and the amount and nature of any emissions that will be generated, such as noise, smoke, odor, glare, vibration, radiation and fumes.

Section 508 – Variances

508.1 Authorization To Grant Or Deny Variances

The County may authorize a variance from certain provisions of this ordinance in situations where strict application of the ordinance would cause an undue or unnecessary hardship.

Variances may be granted to ordinance provisions governing setbacks, height, building size limitations, parking area requirements, road standards, landscaping standards and similar provisions. A variance shall not be granted to allow a use not authorized in the zone in which the property is located, or to decrease the minimum lot size. No variance shall be granted to the flood plain development requirements of Section 316 except as specified in that section, or to the airport protection height limitation requirements of Section 418.

An application for a variance will be reviewed by the Planning Director under the Administrative Review procedures in Section 903.4. Where another Section of this Ordinance contains more specific standards for granting a variance, the provisions of both Sections shall apply. In granting a variance, the Planning Director may attach conditions deemed necessary to protect the best interests of the vicinity and surrounding property, and which otherwise achieve the purpose of this ordinance.

508.2 Variance Approval Criteria

In order to be approved, an application for a variance must comply with all of the following criteria:

A. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, due to lot size or shape, topography, or other circumstances over which the applicant has no control;

B. The variance is necessary for the preservation of a property right substantially the same as is possessed by owners of other property in the vicinity, and strict application of the ordinance provision would result in unwarranted practical difficulties;

C. The variance would substantially comply with the purpose and intent of the ordinance provision to be varied, and would not be materially detrimental to other property in the vicinity;

D. The variance requested is the minimum variance that would alleviate the hardship; and

E. The variance is not the result of a self-created hardship by the applicant, his agents, employees or family members.

508.3 Administrative Adjustments

A. In order to allow flexibility in site development or to address site-specific constraints, minor modification of certain standards of this Ordinance may be permitted without meeting all of the variance criteria in Section 508.2. An application for an Administrative Adjustment may be approved by the Planning Director under the Administrative Review procedures in Section 903.4. The following modifications may be authorized under this Section:

1. An adjustment of up to 10 percent of a zone setback. This does not include special setbacks such as for riparian protection, wildlife habitat or rim setbacks.

2. An adjustment of up to 20 percent of a sign size standard, off-street parking requirement or landscaping standard.

4. An adjustment of up to 5 percent of the minimum lot size in any zone except Rural Residential (RR-2), Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management.

B. The adjustment will be approved if it meets one or more of the following:

1. The adjustment will relieve practical difficulties in developing a site;

2. The adjustment will result in more effective preservation of natural features or open space; or

3. The adjustment will conform to existing development on adjoining properties.

CHAPTER 6

CONDITIONAL USES

Section 601 – Authorization To Grant Or Deny Conditional Uses

A. Uses listed in this Ordinance as requiring conditional use approval are not outright permitted uses. They may be allowed only if found to comply with the approval criteria in Section 602. An application for a conditional use permit shall be reviewed by the Planning Commission at a public hearing, in accordance with the procedures in Section 903.5. The Planning Commission may approve, approve with conditions, or deny the application.

B. A use that was established prior to the effective date of this ordinance, but that is now classified as a conditional use in the zone, may continue without additional County approval.

C. Any proposal to change or expand a conditional use requires submittal of an application, which will be processed as if it were for a new conditional use. In the event the application is denied, the use may continue at its previous level and scope.

Section 602 – Approval Criteria

Conditional use applications must show compliance with approval criteria of the underlying zone and this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (D). An applicant may demonstrate that the approval criteria will be satisfied through the imposition of clear and objective conditions of approval, in accordance with Section 603. The following criteria must be met:

A. The proposal is consistent with all applicable standards and criteria of the Zoning Ordinance;

B. Taking into account location, size, design and operating characteristics, the proposal will have a minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright. In cases where there is a finding of overriding public interest, this criterion may be deemed met when any adverse impact resulting from the use will be mitigated or offset to the maximum extent practicable;

C. Adequate facilities and services are available or can be made available to serve the proposed use, including, but not limited to, water supply, sewage disposal, electric power, law enforcement service and fire protection;

D. The development will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:

1. Changing the functional classification of an existing or planned transportation facility;

2. Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

3. Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (**LOS C**).

E. The parcel where the use will be located is of sufficient size to accommodate buildings, required setbacks, off-street parking, and other features deemed necessary by the Planning Commission; and

F. The parcel where the use will be located is in appropriate geographic relationship to the area that will be served.

Section 603 – Conditions of Approval

A. As a condition of approving a conditional use permit, the property owner shall sign and record in the deed records for the county a "Waiver of Right to Remonstrate Against Accepted Farm Use Practices And the Maintenance or Construction of County Roads."

B. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which they consider necessary to protect the best interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:

1. Increasing setbacks from adjoining properties.

2. Limiting the height, size, or location of buildings.

3. Controlling the location and number of vehicle access points.

4. Increasing the road width, requiring turn lanes, or other transportation improvements.

5. Increasing the number of required off-street parking spaces.

6. Limiting the number, size, location, and lighting of signs.

7. Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

8. Designating land for open space.

9. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibrations, air pollution, glare and odor.

10. Requiring the developer to enter into a bonding agreement to ensure completion of improvements, in accordance with Section 413.

11. Requiring the permit to be reviewed and renewed after a specified time period. If this condition is imposed, the Planning Commission shall hold a public hearing to review the permit. The review will take into consideration any complaints about the use that have been received and any adverse impacts caused by the use. The Planning Commission may revoke the permit in accordance with Section 909, modify any original conditions of approval, or impose additional conditions. The decision of the Planning Commission may be appealed to the Board of Commissioners in accordance with Section 907.3.

CHAPTER 7
LAND DIVISIONS AND ADJUSTMENTS

Section 701 – General Provisions

701.1 Purpose

The purpose of this Chapter is to set forth procedures to be followed for creating and reconfiguring lots and parcels in accordance with provisions of ORS 92, to accomplish the orderly development of land, and promote the public health, safety and general welfare of the county.

701.2 Applicability

No person may subdivide, partition, replat or adjust the property lines of any lot or parcel in the unincorporated area of Jefferson County except in accordance with the provisions of this Chapter.

701.3 Restrictions

A. A person may not negotiate to sell a lot in a proposed subdivision until a tentative plan has been approved in accordance with the requirements of this Chapter, and may not sell a lot in a subdivision until the final plat has been approved and has been recorded with the County Clerk.

B. A person may negotiate to sell a parcel in a partition prior to the approval of the tentative plan, but may not sell the parcel until the final plat, if required under the provisions of this Chapter, has been approved and has been recorded with the County Clerk.

C. A document or instrument dedicating land to public use may not be accepted for recording unless the document or instrument bears the approval of the Board of Commissioners.

D. Building and sanitation permits will not be issued for any lot in a proposed subdivision or parcel in a proposed partition until the final plat, if required, has been approved and has been recorded with the County Clerk.

Section 702 – Lawful Creation of Lots and Parcels

702.1 Lawfully Created Lots and Parcels

A unit of land created by any of the following means is considered to have been lawfully created and may be developed when in compliance with the provisions of this Ordinance:

A. By filing with the County Clerk a final plat for a subdivision, partition, replat or condominium, provided the plat is in conformance with land division approval

granted by the County. The date the plat is recorded is the date the lots or parcels shown on the plat are considered to have been created.

B. By deed or land sales contract executed prior to enactment of any applicable planning, zoning or partitioning ordinances or regulations. The deed or contract must have been dated and signed by the parties to the transaction and contain a separate legal description of the parcel. If the deed or contract contains a description of more than one unit of land, only one parcel shall be recognized unless the description describes lots subject to a recorded subdivision plat, describes parcels that were conveyed separately prior to execution of the deed or contract, or describes parcels that are not contiguous. When only a portion of a parcel was conveyed in this manner, the remainder of the parcel shall also be recognized as being lawfully created. When a strip of land was conveyed for a road, railroad, irrigation canal or similar use, the strip shall serve to have divided the underlying parcel only if it was dedicated in fee simple and fee title interest was conveyed to a separate party. Dedication of an easement or right to use a strip of land for roadway purposes does not divide the underlying parcel.

C. By a survey map that clearly indicates the existence of the lot or parcel by map or legal description that was filed with the County Surveyor or County Clerk prior to enactment of any applicable planning, zoning or partitioning ordinances or regulations.

702.2 Lawfully Created Lots and Parcels Remain Discrete

A lawfully created lot or parcel will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

702.3 Improperly Created Lots and Parcels

A. Units of land created by any of the following means are not recognized as being lawfully created parcels:

1. Units of land created solely to establish a separate tax account, either at the request of a property owner or by the County Assessor for mapping purposes.

2. A division of land resulting from a lien foreclosure or foreclosure of a contract for the sale of real property, except the foreclosure of a dwelling that was approved by the county for a relative to assist in the farming operation as authorized by ORS 215.283(1)(e)(B).

3. The creation of cemetery lots.

4. An adjustment of a property line by the relocation of a common boundary that results in the creation of an additional unit of land.

5. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other public right-of-way purposes

provided that such road or right-of-way complies with the Comprehensive Plan and ORS 215.283(2)(q) to (s). Any property divided by the sale or grant of property for state highway, county road, city street or other public right-of-way purposes after 1991 shall continue to be considered a single unit of land until such time as a subdivision or partition is approved by the County.

6. 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. The property line adjustment must be approved in accordance with the requirements of Section 713 and recorded in the deed records of the County.

7. Surveying of, or recording a deed description of a unit of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use.

8. Issuance of a mining patent or other lot created by the federal government.

B. No development permits shall be issued for an improperly created lot or parcel.

C. A person who buys a lot or parcel that was created without county approval may bring an individual action against the seller in an appropriate court to recover damages or to obtain equitable relief. The court may award reasonable attorney fees to the prevailing party in an action under this section. However, if the seller of the property is the County, who involuntarily acquired the lot or parcel by means of foreclosure under ORS chapter 312 of delinquent tax liens, the person who purchases the property is not entitled to damages or equitable relief.

D. An application for a division to create lots or parcels that were improperly formed without the approval of the county shall be accepted, notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval. The application must comply with all other requirements of this Ordinance in order to be approved.

702.4 Determination of Whether Lot or Parcel was Lawfully Created

An application may be submitted for a determination as to whether a lot or parcel was lawfully created. The application will be reviewed by the Planning Director under the Administrative Review procedures of Section 903.4. The determination will be based on whether the lot or parcel meets the standards in this Section.

Section 703 - Land Division Application Requirements

703.1 Application Requirements
Applications for subdivisions and partitions shall include the following:

A. Ten copies of a tentative subdivision or partition plan containing the information required by Section 703.2.

B. One 8½ x 11 drawing of the proposed partition or subdivision for purposes of providing notice. The drawing shall show the proposed new lots or parcels, their size, and the access to each lot. The drawing may be a reduced copy of the tentative plan or a separate drawing.

C. A title report based on research going back in time without limitation, indicating all easements and encumbrances of record that affect the property, and including graphic depictions of the location of all easements and encumbrances that are of record.

D. A statement of the proposed method of obtaining a potable water supply, sanitation and utilities to serve each lot or parcel. If the proposed water supply is Deschutes Valley Water District, a statement from the water system Manager or District Engineer shall be submitted indicating whether the District will provide service.

E. If a subdivision is proposed to be completed in phases, a description of the proposed timeframe for platting and completing improvements for each phase.

F. Evidence that the proposed division will comply with all standards and criteria in Section 705.1.

G. If the division will include the creation of a new road or other transportation improvement(s), evidence that the improvement(s) meet the requirements of Section 402.

H. A Traffic Impact Study in accordance with Section 421 if the division will create more than 20 lots or will have access on a state highway, arterial or major collector.

I. Completed application form and application fee.

703.2 Tentative Plan Contents
An application for a land division must include 10 copies of a tentative plan that includes the information listed below. The tentative plan does not need to be prepared by a surveyor, but must be clearly and legibly drawn on white paper to a standard engineer's scale (i.e., 1" = 100', 1" = 400' etc.). The scale used shall be large enough so that all required information is clearly legible. The tentative plan must contain the following:

A. The words "Tentative Plan", the township, range, section, and tax lot number(s) of the property, the date, north point, and scale of the plan, and the name and address of the person who prepared the plan.

B. Approximate courses and distances of existing property lines and proposed new property lines. Each lot or parcel shall be numbered and the approximate acreage or square footage indicated.

C. The location of all existing structures and improvements on the property, including wells and installed septic systems, with distances to existing and proposed property lines shown.

D. All water courses and drainage ways, and the location of any floodways and flood plains. The approximate location of any other areas which are subject to inundation or storm water overflow should also be shown.

E. The location of irrigation canals and ditches, including points of diversion.

F. If the application is for a subdivision, the tentative plan must include the proposed name of the subdivision. The name shall not duplicate, be similar to, or resemble in pronunciation the name of any other subdivision in the county unless the land is contiguous to and will be divided by the same party that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party that platted the contiguous subdivision. The tentative subdivision plan must continue the lot and block numbers of the subdivision plat of the same name last filed.

G. The location of approved usable area(s) for subsurface sewage disposal, or location of public or community sewer lines and easements.

H. The location, width and name of all existing roads on or abutting the property, and any proposed new roads. The proposed width, length, maximum grade, surface condition, status (county, local access or private), and name or number of any proposed new road must be included. A first and second choice of names for each proposed road should be specified, in accordance with the requirements of Section 12.06 of the Jefferson County Code. No road may be named with a name that duplicates, is similar to, or is pronounced the same as the name of any existing road in the county, unless the road will be a continuation of the existing road. All reservations or restrictions relating to the roads shall be indicated.

I. The location, width and purpose of all existing and proposed easements, denoted by fine dotted lines. The reference number of all recorded easements shall be noted. All reservations or restrictions relating to the easements shall be indicated.

J. The location of all utilities on or abutting the property.

K. Any lot or land area intended to be dedicated or reserved for public use or common use of the property owners in the partition or subdivision, with the purpose of the reservation clearly labeled.

L. Topographic information for any area with slopes exceeding 10 percent. Contour intervals shall be ten feet or smaller. Topographic information is not required when the property is in the Exclusive Farm Use A-1, Exclusive Farm Use A2, Range Land or Forest Management zones and the proposed parcels will exceed the minimum lot size requirement for the zone.

M. The location of any proposed fire protection system, hydrants or water supply available for fighting fire.

N. If a subdivision is proposed to be developed in phases, each phase shall be clearly delineated and labeled.

O. A tentative plan to create parcels less than ten acres in size within an established urban growth boundary or urban reserve area shall include a Conversion Plan showing how the subject property can be divided and developed at densities allowed by the most likely future city zone, including provisions for right-of-way, street and utility extensions in conformance with the city's future development and transportation plans. The applicant shall submit a copy of the Conversion Plan to the city for comments prior to submitting the tentative plan to the county. The city's comments as to whether the Conversion Plan complies with the city's future development plans shall be submitted with the tentative plan. The tentative plan will not be approved if the city indicates that the division will interfere with future urban development or transportation plans. Existing and future structures and other improvements will be required to be sited on lots or parcels in a location and manner consistent with the Conversion Plan.

Section 704 - Land Division Procedures

704.1 Tentative Plan Procedures

An application for approval of a tentative plan for a subdivision or partition will be processed under the Administrative Review procedures of Section 903.4.

704.2 Notice to Affected Agencies

Notice of an application for approval of a tentative plan will be sent to city, county, state and federal agencies and special districts that may be affected by the proposed division, asking for their comments and recommendations.

704.3 Review by Subdivision Committee

Subdivision and replat applications will be reviewed by the Subdivision Committee, which shall consist of the Planning Director, Public Works Director, Surveyor, Sanitarian and affected Fire District. Applications for partitions may also be reviewed by the Subdivision Committee when deemed necessary by the Planning Director. The

Subdivision Committee will review the application for compliance with the requirements of this Ordinance, and may recommend that the application be approved, approved with conditions, modified, or denied, taking into consideration comments and recommendations received from affected agencies.

704.4 Approval of Tentative Plan

Approval of a tentative plan shall not constitute final acceptance of the final plat for recording, but shall be binding upon the County for the purposes of the preparation of the final plat. The County may require only such changes in the final plat as are necessary for compliance with the conditions of approval of the tentative plan.

704.5 Expiration of Tentative Plan Approval

Approval of a tentative plan is valid for two years, within which time the final plat must be prepared and submitted to the Community Development Department for review. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original two year approval period. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4. After two years, or at the end of any extension that has been granted, the tentative plan approval will be void if the final plat has not been submitted.

704.6 Expedited Land Divisions

An applicant for a partition of residentially zoned land inside an urban growth boundary may request that the application be processed according to the standards and procedures for expedited land divisions in ORS 197.360 through 197.380 rather than the procedures in this Section.

Section 705 - Standards and Criteria for Approval

705.1 Tentative Plan Approval Criteria

The County may approve a tentative plan for a subdivision, partition or replat upon finding that it complies with the following:

A. The tentative plan complies with all applicable standards of the Comprehensive Plan and this Section, meets the minimum lot size, setback and other requirements of the zone in which the property is located, and complies with any other applicable standards of this Ordinance such as Wildlife Area Overlay Zone dimensional standards. The area to the centerline of a road right-of-way that will be created as part of the land division may be included when calculating the size of a proposed lot or parcel.

B. The physical characteristics of the proposed lots or parcels and the surrounding area will not preclude development for the proposed use, taking into consideration the size and shape of the lots or parcels, topography, soil conditions, and potential hazards such as flood plain, fire danger, landslide potential and pollution.

C. Any new roads or other transportation improvements comply with the requirements of Section 402 and are laid out so as to conform to any adopted Transportation System Plan and the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and other respects, unless the County determines that it is in the public interest to modify the road pattern. Roads may be required to provide access to adjacent properties when deemed necessary by the County to allow the adjoining land to be developed or divided in conformance with the standards of the zone in which the adjoining property is located. Dead-end roads may serve a maximum of 19 lots.

D. All lots or parcels will have legal and physically practicable access that complies with the access standards in Section 401 and Title 12 of the Jefferson County Code. When phased development is proposed, the access standards must be met for each phase, including adequate turnarounds at the end of the improved portion of any partially completed road, even if the road will later be extended to serve the next phase.

E. The traffic generated by the proposed new lots or parcels will not significantly affect an existing or planned transportation facility by changing its functional classification, result in levels of travel or access which are inconsistent with its functional classification, or reduce the performance standards of the facility below the minimum acceptable level identified in an adopted Transportation System Plan.

F. The following standards are met if access will be provided through a flag lot configuration:

1. The flagpole section of the flag lot shall be at least 50 feet, but not more than 60 feet in width.

2. No more than one flag lot is permitted to the rear of another lot or parcel.

3. Access to the rear lot or parcel shall be by way of a driveway located entirely within the flagpole section of the lot or parcel. The driveway shall meet the emergency vehicle access standards of Section 426.2(E). No re-division or property line adjustment shall be allowed that would alter the status of the flagpole for driveway use unless other access meeting all the requirements of this Ordinance is provided.

4. A flag lot may have only one flagpole section.

5. Adjoining flagpole sections of flag lots are not allowed.

6. The driveway within the flagpole will have at least 75 feet of separation from any other existing driveway.

G. Utility easements are provided abutting roads where necessary to provide services to proposed lots and parcels, and where necessary to allow for

development of adjoining lands. Utility easements may be required in other locations if specifically requested by a public utility provider. The easements shall be clearly labeled for their intended purpose on the tentative plan. All utilities serving a proposed division shall be placed underground where the surrounding area is presently developed, or is in the process of developing with underground utilities. For land within an urban growth boundary, utilities shall be placed underground if the city's regulations would require underground utilities.

H. Lots and parcels are laid out so as to provide on-site water retention, without causing runoff that would adversely affect adjacent properties, streams, water bodies, irrigation ditches or roads. The applicant shall submit a professionally prepared storm drainage plan to the Public Works Director and receive approval of the plan prior to approval of the final plat, except when the property is in the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zones and the proposed parcels will exceed the minimum lot size requirement for the zone. No division shall be approved where it has been determined that stormwater drainage generated by the division will overload existing or proposed drainage facilities.

I. If a lot or parcel that is partially in another county or the incorporated limits of a city is proposed to be divided, the following regulations apply:

1. No new lots or parcels shall be created that will be partially inside a city and partially outside. If an existing lot or parcel overlaps a city limits, the property may be divided along the city limits line provided that the portion of the property outside the city meets the standards of this Ordinance.

2. No new lots or parcels shall be created that will overlap the county line. If an existing lot or parcel overlaps the county line, the property may be divided along the county line provided the portion in Jefferson County meets the standards of this Ordinance.

J. If the tentative plan is for a subdivision, the following additional standards are met:

1. The proposed name of the subdivision has been approved by the County Surveyor. The name shall not duplicate, be similar to, or be pronounced the same as the name of any existing subdivision in the county unless the proposed new lots are contiguous to and platted by the same party that platted the subdivision bearing that name, or the party that platted the contiguous subdivision consents in writing to use of the name.

2. Subdivision block lengths and widths are suitable for the uses contemplated and will not inhibit the proper development of adjoining lands. Block widths shall allow two rows of lots unless exceptional or topographic conditions make this unfeasible. The subdivision shall not

use block numbers or letters unless it is a continued phase of a previously recorded subdivision bearing the same name that has previously used block numbers or letters, in which case the lot and block numbers must be continued.

705.2 Conditions of Approval

A. In granting approval of a tentative plan, the County may impose conditions of approval deemed necessary to comply with the requirements of this Ordinance. The recommendations and comments of other public agencies will be considered and may also provide the basis for conditions of approval.

B. Conditions may require that substandard roads leading to the land being divided be improved to the road standards in Chapter 12.18 of the County Code. Any requirement for road improvements or dedication of additional right-of-way will be based on a direct nexus between the level of road impacts that will be caused by the increased traffic generated by the new lots or parcels and the level of road improvements that are required.

C. Installation of fire-fighting water supplies may be required when recommended by the appropriate fire protection agency.

D. Conditions may include dedication of land for roads or other public improvements, in accordance with Section 706.

E. Conditions will require that the standards of Section 707.3 be met prior to approval of the final plat.

Section 706 - Dedication Requirements

The County may require dedication of improvements, lands, or rights-of-way for public purposes as a condition of approval of a land division, subject to the requirements and conditions of this Ordinance and state and federal law.

706.1 Dedication of Land for Public Use

A. Approval of a tentative plan may be conditioned on the reservation or dedication of land for public use, provided the dedication of the land is reasonably related to a public purpose and the amount of land to be dedicated is roughly proportional to the demand on public services generated by the proposed development. Dedication may be for, but is not limited to, roads, sidewalks, walkways, bikeways, parks and recreation areas, and open space, or easements for slopes or utilities.

B. Areas reserved or dedicated for parks and recreation areas shall be of suitable size, dimension, topography, accessibility, and general character for the intended purpose. A developer may improve recreation areas for common and exclusive use of persons residing in a subdivision or partition. However, adequate

provisions must be established at the time of final plat approval to guarantee ongoing property tax responsibility for, and permanent maintenance of, the area by owners of the lots or parcels benefited.

C. Open space may be reserved or dedicated for public use or common use of persons residing in the subdivision or partition. Areas set aside for the purpose of preserving or restoring them to a pristine condition may not be improved, but shall be maintained, such as for fire prevention or weed control. Adequate provision must be established at the time of final plat approval to guarantee ongoing property tax responsibility and maintenance of lands reserved as passive open space.

D. If the County, a school district, or other public agency wishes to acquire a specific portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, the County may require that those portions of the division be either dedicated for public uses or reserved for public acquisition for a period not to exceed six months from the date of approval of the tentative plan. The final plat may not be submitted for review prior to the final outcome of the negotiations, unless the area that may be acquired is shown as being in public ownership.

E. All lands or rights-of-way proposed for dedication by the applicant or required by the County shall be offered for dedication for public use at the time the final plat is filed. Such areas shall be clearly shown on the final plat as dedicated for public or common use purposes.

F. No document or instrument dedicating land, rights-of-way, or an easement to public use shall be accepted for recordation unless it has been accepted by the Board of Commissioners. A title report must accompany the final map or plat describing ownership of the lands affected by the dedication. The County will not accept an offer of dedication for a road unless clear title without encumbrances is established in the title report.

G. Final deeds for acquisition of land for public purposes shall be based upon accurate surveys and monuments filed with the County Surveyor and accepted by the Board of Commissioners.

Section 707 - Final Plats

707.1 Preparation of Final Plat

A. Once a tentative plan has been approved, a final plat shall be prepared consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. Final plats must conform to the tentative plan and any conditions of approval.

B. Lots and parcels shall be surveyed and monumented by an Oregon registered professional land surveyor, consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. However, parcels larger than 10 acres that are created outside an urban growth boundary are not required to be surveyed and monumented, provided the approximate acreage of each unsurveyed parcel is shown on the plat and the word "unsurveyed" is placed in bold letters adjacent to the parcel number.

C. When presenting the final plat for filing, an extra paper copy must be included if the property contains water rights subject to ORS 92.120(5) or a water right permit.

D. Final plats that include the creation of a road shall be accompanied by any written certificates pertaining to improvement assurances or responsibilities, such as a road maintenance agreement prepared consistent with the requirements of Section 402.

707.2 Final Plat Procedures

A. The final plat shall be submitted to the County Surveyor, who will review the plat for conformance with the requirements of ORS 92 and ORS 209.250, and will sign the plat if all requirements have been met.

B. The plat shall be forwarded to the County Assessor, Public Works Director and Planning Director for signature prior to filing the plat with the County Clerk. Final subdivision plats must also be signed by the Chair of the Board of Commissioners. Plats that include a dedication of land to the public must be signed by the Board of Commissioners. Granting approval or withholding approval of a final plat by any of the required signatories is not a land use decision or a limited land use decision, as defined in ORS 197.015.

C. The Planning Director shall review the final plat for consistency with the approved tentative plan. If the final plat complies with the approval criteria of Section 707.3, the Planning Director will sign the final plat. No additional conditions will be imposed on the final plat. If the Planning Director determines the final plat does not comply with the requirements of Section 707.3, the plat will be returned to the applicant to correct the deficiencies. The corrected plat must be resubmitted for approval prior to expiration of the approval period specified in Section 704.5.

D. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained. A subdivision or partition plat may not be recorded unless all ad valorem taxes have been paid, including additional taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the land or which will become a lien during the tax year, in accordance with ORS 92.095.

707.3 Approval Criteria for Final Plats
A final plat will be approved if all of the following are met:

A. The final plat conforms to the tentative plan as approved by the County, including compliance with any conditions imposed or modifications required at the time of tentative plan approval.

B. The final plat was prepared according to applicable specifications of ORS Chapters 92 and 209.

C. All public and private roads are named and shown on the final plat. The surveyed center line and easement width of private roads must be included on the plat.

D. Unless specifically stated otherwise in the conditions of approval for the tentative plan, all roads, drainage and other required improvements are completed, unless a bonding agreement has been executed in accordance with the provisions in Section 413. Improvements include, but are not limited to, the construction of roads and repair of existing roads and any other public facilities damaged in the development of the partition or subdivision. Where the County is not empowered to inspect and approve public improvements (e.g., improvements to a state highway), written certification of the acceptance by the appropriate agency shall be submitted.

E. The plat contains a donation to the public of all common improvements that were required as a condition of the approval of the tentative plan. Public roads and easements for public utilities shall be dedicated without any reservation or restriction other than reversionary rights upon vacation. Land dedicated for public purposes may be provided by dedication on the final plat or by a separate dedication or donation document on a form provided by the county. The Board of Commissioners must agree to accept any lands dedicated to the public, except utility easements in partition plats may be granted for public and other regulated utility purposes without an acceptance from the Board.

F. Explanations of all common improvements required as conditions of approval of the tentative plan have been recorded and referenced on the plat.

G. The County has received and accepted:

1. A certification by a city owned domestic water supply system, Deschutes Valley Water District, or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot or parcel in the proposed division; or

2. A bond, irrevocable letter of credit, contract, or other assurance that a domestic water supply system will be installed by or on behalf of the

developer to the lot line of each and every lot or parcel in the division. The amount of any such assurance shall be determined by a registered professional engineer, subject to any change in the amount the County considers necessary; or

3. In lieu of (1) or (2), a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel in the division, even though a domestic water supply source may exist. A copy of any such statement, signed by the property owner and endorsed by the County, shall be filed with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the division under ORS 92.385. If the making of a public report has been waived or the division is otherwise exempt under the Oregon Subdivision Control Law, the property owner shall deliver a copy of the deed declaration to each prospective purchaser of a lot or parcel in the division at or prior to the signing by the purchaser of the first written agreement for the sale of the lot or parcel. The property owner shall take a signed receipt from the purchaser upon delivery of such a deed declaration, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

H. The County has received and accepted:

1. A certification by a city-owned sewage disposal system, or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon, that a sewage disposal system will be available to the lot line of each and every lot or parcel in the proposed division; or

2. A bond, irrevocable letter of credit, contract, or other assurance will be provided to the County, that a sewage disposal system will be installed to the lot line of each and every lot or parcel in the division. The amount of such assurance shall be determined by a registered professional engineer, subject to any change in the amount as the County considers necessary; or

3. In lieu of (1) or (2), a statement that no sewage disposal facility will be provided to the purchaser of any lot or parcel in the division, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the division in its evaluation report described in ORS 454.755(1)(b). A copy of any such statement, signed by the developer and endorsed by the County, shall be filed with the Real Estate Commissioner and shall be included by the Commissioner in the public report made for the division under ORS 92.385. If the making of a public report has been waived or the division is otherwise exempt under the Oregon Subdivision Control Law, the property owner shall deliver a copy of the statement to each prospective

purchaser of a lot or parcel in the division at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The property owner shall take a signed receipt from the purchaser upon delivery of such a deed declaration, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

I. If the subdivision or partition is located within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

J. If the land within the subdivision or partition receives irrigation water through the North Unit Irrigation District, evidence has been submitted that the District Board of Directors has approved an irrigation water distribution and management plan.

707.4 Changes to A Recorded Plat

A. A recorded plat of a subdivision or partition may be amended to correct errors by an affidavit of correction in accordance with ORS 92.170.

B. A subdivision or partition plat may be modified or vacated through the replat procedures in Section 709. The procedures in ORS 368.326 to 368.366 may be used as an alternative method to vacate a subdivision, part of a subdivision, a public road, public easement or other public property.

C. The County has the authority to review an undeveloped subdivision to determine whether it should be vacated in accordance with the procedures in ORS 92.205 through 92.245.

D. Interior lot lines affecting private property within a subdivision or part of a subdivision may be vacated if the person holding title to the property submits an application with a description of the property proposed to be vacated; a statement of the reasons for requesting the vacation; the names, addresses and notarized signatures of all persons holding any recorded interest in the property; and notarized signatures of either: 1) owners of 60 percent of the land abutting the property proposed to be vacated, or 2) 60 percent of the owners of land abutting the property proposed to be vacated. The Planning Director shall review the application and determine whether the proposed vacation complies with applicable land use regulations and facilitates development of the property. A written report shall then be filed with the Board of Commissioners, who shall determine whether the vacation should be approved. Notice and a public hearing are not required. Vacations of interior lot lines under this subsection

shall involve only private property. Proposed vacations involving public property or public roads may be considered by the methods described in Sections 707.4 (B).

Section 708 Improvement Guarantees and Bonding Requirements

708.1 Bonding Agreement

A. As an alternative to completing road construction and other improvements prior to submittal of the final plat, the Planning Director, after consultation with the Public Works Director, may approve and sign the final plat if a bonding agreement in conformance with the specifications in Section 413 has been executed.

B. The bonding agreement shall remain in force and effect until all improvements have been completed and accepted by the Public Works Director or other administrative official of the applicable agency.

C. Separate bonding for delaying placement of monuments of a subdivision, as allowed by ORS 92.060(5), shall be processed through the County Surveyor's office.

Section 709 - Replats

709.1 Purpose, Limitations and Alternatives

A. The act of replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat, or within a portion of a recorded plat. Upon completion of a replat, the previously platted lots, parcels and easements within the replatted area will be vacated.

B. A replat shall not serve to vacate any public road or street or any recorded covenants or restrictions.

C. The relocation of a common property line between abutting lots or parcels in a recorded plat may be accomplished through a property line adjustment in accordance with the provisions of Section 713 rather than through a replat.

D. The vacation of interior lot lines affecting private property within a subdivision or part of a subdivision may be accomplished through the vacation procedures of Section 707.4(D) rather than through a replat.

709.2 Procedure

An application for a replat shall be processed in accordance with the Administrative Review procedures of Section 903.4 and the land division procedures of this Chapter, with the following additional requirements:.

A. If a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies and public agencies shall be notified.

B. An application for a replat that will change the exterior boundary of a recorded plat of a subdivision shall include authorization agreeing to the reconfiguration from the homeowner's association or governing body of the subdivision, if any.

709.3 Approval Criteria

A. A proposed replat that will result in an increase in the number of lots or parcels in a recorded plat shall comply with all approval criteria for a land division in Section 705.

B. A proposed replat to reconfigure or reduce the number of lots or parcels in a recorded plat shall comply with the approval criteria for a land division in Section 705, except in regards to minimum lot size requirements.

Section 710 - Planned Unit Development (PUD)

710.1 Purpose and Scope

The purpose of planned unit development (PUD) is to allow flexibility and creativity in dividing land, to facilitate the efficient use of land, buildings, access and utilities, and to allow preservation of open space. A PUD may take the form of averaging lot or parcel sizes across a parent parcel, clustering of new dwellings, or creation of lots smaller than the minimum lot size required in the zone in conjunction with preservation of a shared common open space.

710.2 Applicability

A PUD may be approved on land within an acknowledged exception area that is zoned for residential use. PUDs are not allowed in resource zones.

710.3 Procedure

An application for a PUD shall be processed in accordance with the Administrative Review procedures of Section 903.4 and the land division procedures of this Chapter.

710.4 Approval Criteria

A PUD may be approved if it complies with the approval criteria for a land division in Section 705 and the following:

A. The overall density of the development does not exceed one dwelling for each unit of acreage specified as the minimum lot size for the zone in which the property is located;

B. The number of new dwelling units will not exceed ten;

C. The number of new lots or parcels to be created does not exceed ten;

D. None of the new lots or parcels will be smaller than two acres;

E. The development will not be served by a new community sewer system or extension of a sewer system from within an urban growth boundary or unincorporated community; and

F. Any group or cluster of two 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.

710.5 Common Open Space

A. Shared open space or common areas provided as a part of the PUD shall be retained for common use by the owners of the lots or parcels in the PUD. The open space shall be accessible, either by direct frontage or by access easement, to all lots and parcels within the PUD.

B. Common open space may be improved for open space or recreational uses beneficial to the PUD.

C. A nonrevocable deed restriction shall be recorded in the County deed records describing the location, size, use, and provisions for control of the open space. The restriction shall run with the land and become part of the deed to each lot or parcel within the PUD. The restriction shall:

1. Preclude all future rights to construct a dwelling on the open space for as long as the lot, parcel or tract remains outside an urban growth boundary;

2. Describe the method of assessing property owners for payment of taxes, insurance, and maintenance of the open space; and

3. Describe compulsory membership and assessment provisions.

D. Owners of lots or parcels within the PUD shall jointly own and be responsible for the perpetuation and maintenance of the common open space and any associated facilities. The common open space may be conveyed by leasing or conveying title to a corporation, homeowner's association or other legal entity. The terms of the lease or other instrument of conveyance shall include provisions that guarantee:

1. The continuation of use of the land as common open space;

2. The continuity of property maintenance, including the necessary financial arrangements for such maintenance; and

3. That the legal entity formed for the joint ownership and maintenance of the common open space will not be dissolved, nor will it dispose of any common open space by sale or otherwise, except to another legal entity which has been conceived and organized for the purpose of maintaining the shared open space in common.

710.6 Conditions of Approval

Parcel size averaging shall not be used to create additional parcels that would not have been allowed if the parent parcel had been divided through a standard land division rather than a PUD. A condition of approval shall prohibit any lot or parcel created as part of a PUD that is large enough to be further divided if considered by itself from being further divided if the other lots or parcels in the plat are less than the minimum lot size. For example, if parcel size averaging is used to divide a 20 acre parcel in an RR-5 zone into three 2-acre lots and one 14-acre lot, the 14-acre lot cannot be further divided. The condition prohibiting further division shall remain in effect until such time as the zoning of the area changes to allow a smaller minimum lot size.

Section 711 - Division of Manufactured Dwelling Park

A planned community subdivision may be created to allow owners of manufactured dwellings in existing manufactured home parks and mobile home parks to acquire individual ownership interest in the lot on which the dwelling is located. The planned community subdivision is subject to formation of a homeowners association in accordance with ORS 94.550 to 94.783. An application to create a planned community subdivision of manufactured dwellings shall be processed in accordance with the Administrative Review procedures of Section 903.4 and the land division procedures of this Chapter.

711.1 Approval Criteria

The county shall approve a tentative plan for the conversion of a manufactured dwelling park or mobile home park into a subdivision with individual lots if it complies with all of the following:

A. The manufactured dwelling park or mobile home park was lawfully established prior to July 2, 2001 and is in compliance with any requirements of the original land use approval for the park, or is an approved nonconforming use;

B. There will be no change in the park development, including no increase in the number of spaces (proposed for conversion to lots) or change in the external boundary lines or setbacks, and no reduction in the number of spaces unless the reduction only involves spaces that have never been used for placement of a manufactured dwelling;

C. The tentative plan restricts the use of lots in the subdivision to the installation of manufactured dwellings, and restricts any other property in the subdivision to use as common property as defined in ORS 94.550 or for public purposes;

D. The tentative plan does not contain conditions of approval or require development agreements except any original conditions of approval and development agreements contained in the original approval for the park, or conditions required by this section and ORS 92.830 to 92.845; and

E. The property owners applying for the conversion have signed and recorded a waiver of the right of remonstrance, in a form approved by the county, for the formation of a local improvement district by the county for sanitary and storm sewers or water facilities. The waiver will be operative only if the county determines, after a hearing, that the absence or inadequacy of sewers or facilities is an immediate danger to life, health or safety.

711.2 Sale of Lots

Approval of the subdivision shall be 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. Notwithstanding Section 701.3(A), the owner may negotiate to sell a lot in the park prior to approval of the tentative plan. An offer to sell a lot does not constitute a notice of termination of the tenancy.

Section 712 - Reapproval of Expired Tentative Plan

County approval of a tentative plan that has expired due to failure to record a final plat shall not be reinstated unless a new application is submitted and complies with all requirements of this Chapter. However, an application requesting formation of one parcel may be approved if:

A. The County issued a land use decision approving the parcel prior to January 1, 1994, and:

1. A plat implementing the previous land use decision was not recorded; or

2. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not complied with by a previous owner of the land.

B. An application under this section is not subject to the minimum lot size requirement of the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zones.

C. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

Section 713 - Property Line Adjustments

713.1 Purpose and Scope

The purpose of a property line adjustment is to allow the relocation of a known common boundary line between two abutting properties, where no additional lots or parcels are created. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat. A property line adjustment is not required for a boundary line agreement to establish the physical location of an existing property boundary, but is required to relocate that boundary.

713.2 Procedure

A. Applications for property line adjustments shall be processed in accordance with the Administrative review procedures of Section 903.4.

B. A scaled plot plan shall be submitted with an application for a property line adjustment showing:

1. All existing property lines;

2. The proposed location of the adjusted property line;

3. The location of existing buildings, with distances to the existing and the proposed property line;

4. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and

5. The existing size and the proposed size of each lot or parcel, in square feet or acres.

C. All owners of the properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.

D. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, and a survey, complying with ORS 209.250 must be filed with the County Surveyor. However, a survey and monumentation are not required when all parcels will be greater than 10 acres or when the property line adjustment involves the 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 property, as described in Section 702.3(A)(6).

E. A survey, if required, must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment. If a survey is not required, a final map shall be submitted within one year of the date

of final approval. The survey or map shall be signed by the County Surveyor, Planning Director and County Assessor.

F. Within one year of the date of final approval of an application for a property line adjustment a deed or other instrument of conveyance must be recorded with the County Clerk. The deed or instrument shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, signatures of all parties with proper acknowledgement, and a reference to the planning application casefile number. If the deed or instrument describes only the area being conveyed from one parcel to the other, a statement shall be included that the conveyance is part of a property line adjustment and the described property is not a separate parcel.

G. If the property line adjustment will result in any portion of a septic system, driveway, utility, or other improvement being located on a different parcel than the structure the improvement serves, an easement granting continued use of the improvement shall be recorded with the County Clerk at the time the deed or other instrument conveying the property is recorded.

H. Prior to filing the final survey or map and recording the instruments of conveyance and any required easements, copies of these documents shall be submitted to the Planning Director for review to determine whether all conditions of approval have been met.

713.3 Approval Criteria

A property line adjustment may be approved if it complies with all of the following:

A. The existing lots or parcels were lawfully created in accordance with Section 702.1;

B. No new parcels will result from the adjustment;

C. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;

D. All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.

E. For property line adjustments involving parcels in the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones, if the adjustment will result in any parcel being smaller than the minimum lot size of the zone, the adjustment shall not adversely impact existing or potential resource use of the parcels.

F. Property line adjustments in Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change or to change the requirements to qualify for a dwelling are prohibited.

G. A property line adjustment for the purpose of transferring a dwelling from one parcel to another is prohibited unless the parcel receiving the dwelling:

1. Is in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone and has a non-expired land use approval for the dwelling; or

2. Is in a non-resource zone and does not contain a dwelling.

H. The adjustment shall not result in parcel(s) that overlap a city limit or county line.

I. The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Section 401 is provided.

J. The adjustment shall not result in any parcel being reduced in size to less than the minimum lot size of the zone if this would potentially allow the creation of an additional parcel from the parcel being increased in size, unless a restrictive covenant is recorded in the County deed records prohibiting the acreage that was added to the parcel through the adjustment from being considered in the division. For instance, an adjustment between a 6 acre parcel and an 8 acre parcel in the Rural Residential-5 zone, which would result in a 3 acre parcel and an 11 acre parcel, is prohibited unless a deed restriction is recorded prohibiting the 3 acres that were added to the 8 acre parcel from being used to allow the division of the 11 acre parcel, since the average size of the parcels when considered together would be less than the 5-acre minimum.

CHAPTER 8
AMENDMENTS

Section 800 Types of Amendments

There are two types of amendments: amendments to the text of the Zoning Ordinance and amendments to the Zoning Map.

Section 801 - Authorization To Initiate Amendments

A. An amendment to the text of this Ordinance may be initiated by the Board of Commissioners, the County Planning Commission, or by the Planning Director.

B. An amendment to the Zoning Map may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director, a property owner, or a City Council in the case of a map amendment to change an Urban Growth Boundary.

Section 802 - Authorization To Approve Or Deny Proposed Amendments

Proposed amendments will be reviewed by the Planning Commission at one or more public hearings, in accordance with the procedures in Section 903.5. The Planning Commission decision on the proposed amendment will take the form of a recommendation to the Board of Commissioners. The Board of Commissioners will hold a public hearing on the proposed amendment, in accordance with the procedures in Section 903.6, and may approve, deny, or modify the proposed amendment. In the case of an amendment to change an Urban Growth Boundary, the Board of Commissioners and City Council may hold a joint public hearing. Both governing bodies must approve the proposed change in the Urban Growth Boundary for it to be approved.

Section 803 Approval Criteria

803.1 Text Amendments

An amendment to the text of the Zoning Ordinance may be approved if the proposal complies with the following criteria:

A. The amendment complies with applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.

B. The amendment will be consistent with all applicable Comprehensive Plan goals and policies.

803.2 Map Amendments

An amendment to the Zoning Map may be approved if it complies with the approval criteria in this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (F).

A. The zoning designation will conform to the Comprehensive Plan Map designation;

B. The amendment is consistent with other Zoning Ordinance requirements including, but not limited to, wildlife habitat, bird habitat and riparian protection standards;

C. The amendment will cause no significant adverse impact to other properties in the vicinity due to factors such as water quality, drainage, air quality or noise;

D. The amendment will not force a significant change in or significantly increase the cost of farming or forest practices on surrounding resource land;

E. Adequate public safety, fire protection, sanitation, water and utility facilities and services are available or will be provided to serve uses allowed in the proposed zone;

F. The uses allowed in the proposed zone will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:

1. Changing the functional classification of an existing or planned transportation facility;

2. Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

3. Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (**LOS C**).

A Traffic Impact Study in accordance with Section 421 may be required to show compliance with this standard.

G. If the proposed amendment is for a smaller minimum lot size in an existing Rural Residential zone, the application shall meet the requirements for an exception to statewide planning Goal 14; and

H. If the proposed amendment involves taking an exception to statewide planning Goals 3 or 4 to rezone the property from Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management to a Rural Residential zone, the minimum lot size shall be at least ten acres unless the application meets the

requirements for an exception to statewide planning Goal 14 in accordance with OAR 660-004-0018.

I. The following criteria shall be met if the proposed amendment involves rezoning the property to Exclusive Farm Use A-2:

1. The area to be rezoned is at least 500 acres and consists of lawfully created parcels;

2. At least 50 percent of each parcel proposed to be rezoned is made up of agricultural capability class VI – VIII soil;

3. The area lies east of the Crooked River, Lake Billy Chinook and the Warm Springs Indian Reservation;

4. No water rights are available to the parcels proposed to be rezoned; and

5. The area is within three miles of a school or school bus route.

CHAPTER 9
ADMINISTRATION AND APPLICATION REVIEW PROVISIONS

Section 901 - Administration

The County Planning Director shall have the power and duty to enforce the provisions of this ordinance. The Jefferson County Community Development Department (CDD) shall coordinate and administer County land use planning activities.

Section 902 – Application Procedures

902.1 Pre-Application Conference

The purpose of a pre-application conference is to familiarize the applicant with the provisions of this Ordinance and other land use laws and regulations applicable to the proposed development. Any potential applicant may request a pre-application conference by filing a written request along with the applicable fee to the CDD. The written request should identify the development proposal, provide a description of the character, location, and magnitude of the proposed development and include any other supporting documents such as maps, drawings, or models. Agencies and persons with an interest in the proposed development may be notified of the conference and be invited to attend or provide written comments on the proposal when deemed appropriate by CDD.

902.2 Application Requirements

A. Applications for development or land use action shall be submitted on forms prescribed by the County, shall include sufficient information and evidence necessary to demonstrate compliance with applicable criteria and standards of this Ordinance and other requirements of law, and be accompanied by the appropriate filing fee. An application shall not be considered to have been submitted until all application fees have been paid.

B. Applications shall be submitted by the property owner, a purchaser under a recorded land sale contract, or by a condemner who has been granted immediate possession by a court of competent jurisdiction. For the purposes of this section, the term "property owner" shall mean the owner of record, including a contract purchaser, but does not include a person who holds a security interest.

C. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. Public or private agencies or entities must provide authorization pursuant to statute, ordinance, or the bylaws or resolution of the entity's governing body.

902.3 Application Completeness

A. An application will not be acted upon until it has been deemed complete by CDD. In order to be deemed complete, the application must comply with the requirements of Section 902.2, and all applicable criteria or standards must be adequately addressed in the application.

B. Within 30 days of the date an application is filed, CDD will notify the applicant in writing, specifying any additional information that is required. The application shall be deemed complete upon receipt of the missing information. The applicant shall have 180 days from the date of submittal in which to provide the requested information. The application shall be deemed complete upon receipt of the missing information. In the event CDD fails to notify the applicant within 30 days of the date the application was filed, the application shall be deemed complete on the 31st day.

C. If an applicant who receives notice of an incomplete application refuses in writing to submit the missing information, the application shall be deemed complete on the day the written refusal is received by the CDD.

D. When an applicant fails to submit the requested information without refusing in writing to do so, the application shall be deemed withdrawn on the 181st day after the application was filed. This time period may be extended for a reasonable period if requested by the applicant. If an application is not made complete within 180 days of submittal, it shall be reviewed under the standards, criteria and law in effect on the date it is made complete.

E. Acceptance of an application does not waive further requests for information at a later time to provide additional necessary information or technical data to show compliance with applicable county or state standards. The burden of proving compliance with all applicable criteria remains with the applicant throughout the permitting process.

902.4 Existing Violations on the Property

Whenever a violation of federal, state or local law exists on the subject property, the County shall either refuse to accept, or later may reject, or deny any application for building or land use permits unless the property is brought into compliance with the law or the application will remedy the violation.

902.5 Consolidated Applications

A. Applications for more than one land use decision on the same property may be submitted together for concurrent review. If the applications involve different review processes, they will be heard and decided under the higher review procedure. For example, combined applications involving an administrative

review and a conditional use will be reviewed and decided by the Planning Commission.

B. Applications that are paired with a Comprehensive Plan Map or Zoning Map amendment shall be contingent upon final approval of the amendment by the Board of Commissioners. If the Board denies the amendment, then any other application submitted concurrently and dependent upon it shall also be denied.

Section 903 – Decision Process

903.1 Decision Time-frames

A. Legislative decisions are not subject to the time-frames in this section.

B. For applications concerning lands located within an urban growth boundary and applications for mineral or aggregate extraction, final action shall be taken within 120 days after the application is deemed complete.

C. For applications concerning private activities on federal lands, if a decision is not rendered within 60 days of receipt of the application, the application shall be considered approved.

D. For all other applications submitted under this Ordinance the County will take final action within 150 days after the application is deemed complete.

E. These time-frames may be extended for a reasonable period upon written request by the applicant.

F. Time periods specified in this Section shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the County is not open for business, in which case it shall also be excluded.

G. Land use permits shall be effective when a final written decision is rendered by the Board of Commissioners, or the deadline for appeal of a lower decision has expired without an appeal being filed.

903.2 Findings Required

Approval or denial of an application shall be in writing, based upon compliance with the criteria and standards relevant to the decision, and include a statement of the findings of fact and conclusions related to the criteria relied upon in rendering the decision.

903.3 Burden of Proof

The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.

903.4 Administrative Review

Except for the specific types of applications reserved to the Planning Commission as set forth in Section 903.5, all applications shall be subject to Administrative Review and decision. Applications subject to Administrative Review will be reviewed by the Planning Director, who shall make a tentative decision without a public hearing except as otherwise specified in this section. Uses subject to Administrative Review will be reviewed according to the following procedures:

A. If the property is within an area covered by a Community Planning Advisory Committee (CPAC) appointed by the Board of Commissioners, notice of the application shall be sent to the Committee for comments and a recommendation on the application. At the option of the Planning Director, notice of an accepted application may also be sent to surrounding property owners or to any agency or jurisdiction that may be affected by the proposed land use activity. The notice shall state that the County has accepted an application, describe the nature of the proposed land use activity, and state that comments may be made in writing on the application within 15 days from the date the notice was mailed.

B. After preliminary review of the application, and taking into consideration any comments received, if the Planning Director feels the proposed use may warrant a public hearing because of its size, scope, nature, potential impacts or other factors, the Director may refer the application directly to the Planning Commission for a public hearing in accordance with the procedures in Section 903.5 rather than process the application administratively.

C. Applications reviewed administratively shall be either approved, approved with conditions, or denied by the Planning Director in writing.

D. Notice of the administrative decision will be sent to all parties entitled to notice of the decision according to law, and to any party who submitted written comments on the application.

E. The administrative decision may be appealed to the Planning Commission within 15 days of the date the Notice of Decision was mailed, in accordance with the provisions of Section 907.2.

903.5 Planning Commission Review

A. The Planning Commission shall have primary review authority for the following application types:

1. Conditional uses
2. Zoning Map amendments
3. Text amendments to the Zoning Ordinance
4. Appeals of Administrative Decisions
5. Other applications forwarded by the Planning Director in accordance with the procedure in Section 903.4(B).

B. If the property is within an area covered by a Community Planning Advisory Committee (CPAC) appointed by the Board of Commissioners, notice of the application shall be sent to the Committee for comments and a recommendation on the application.

C. The Planning Commission will hold a de novo public hearing to consider the application. Notice of the hearing will be provided in accordance with the requirements of Section 906.2.

D. A written staff report will be available at least seven days prior to the Planning Commission hearing. The report will be mailed to the applicant, and, in the case of an appeal, to the appellant. The staff report will be available for review at the CDD offices at the same time, and copies will be provided at reasonable cost.

E. In the case of conditional use applications, except an application for a destination resort, and appeals, the Planning Commission will either approve, approve with conditions, or deny the application in a written decision. The decision will be sent to all parties who participated either orally or in writing at the administrative or Planning Commission level. The Planning Commission decision may be appealed to the Board of Commissioners in accordance with the requirements of Section 907.3.

F. In the case of applications for a Zoning Map or Zoning Ordinance text amendment or destination resort, the Planning Commission will make a written recommendation to the Board of Commissioners to approve or deny the application.

903.6 Board of Commissioners Review

A. The Board of Commissioners will hold a public hearing to review all Planning Commission recommendations concerning a Zoning Map or Zoning Ordinance text amendment or destination resort. These hearings shall be de novo. The Board decision will be the final County decision.

B Upon receiving an appeal of any other type of Planning Commission decision, the Board will determine whether to accept the appeal in accordance with the provisions of Section 907.3(B). Upon acceptance of an appeal, the Board shall establish the scope of the hearing, in accordance with one of the following:

1. Review of the record before the Planning Commission. Only the evidence, data and written testimony submitted prior to the close of the record at the Planning Commission level will be reviewed. No new evidence or testimony related to new evidence will be considered, and no public hearing will be held.

2. Limited evidentiary hearing. Only specific issues, criteria or conditions specifically identified by the Board will be considered. New testimony

and evidence must be related to these specified issues, criteria or conditions in order to be accepted and considered by the Board.

3. Full de novo hearing. New issues may be raised and new testimony, arguments and evidence may be accepted and considered by the Board.

C. Notice of the record review or hearing shall be mailed to all parties who participated at the administrative or Planning Commission level, in accordance with the requirements of Section 906.2. In the case of an appeal hearing, the Notice shall specify any limitations on the scope of the hearing as determined by the Board pursuant to subsection (B) above.

D. Written notice of the decision shall be mailed to all parties who participated at the Board level or at an earlier proceeding on the application. An appeal of the Board's decision must be to the state Land Use Board of Appeals (LUBA).

903.7 Call-up of Administrative Decision

A decision of the Planning Director or Planning Commission may be called up by the Board of Commissioners at any time prior to the expiration of the appeal period. Upon call-up, the lower decision will be processed like an appeal, but the burden of proof shall remain with the applicant.

Section 904 - Public Hearings

904.1 Hearing Procedure

A. At the commencement of a public hearing, the Chair will:

1. Formally open the public hearing, announce the case number, the name of the applicant and property owner, if different, the type of application, and whether it is an appeal of a prior decision.

2. Call for a statement of any potential or actual conflict of interest, ex parte contact, abstentions or public challenge to the impartiality of the members of the decision-making body. Any party may challenge the qualification of the Hearings Body, or a member thereof, for bias or a conflict of interest. The challenge shall be made on the record and be documented with specific evidence. A member of the decision-making body whose qualifications are challenged may either recuse him/herself, or refute allegations of bias or conflict of interest. A Planning Commission member with a conflict identified in ORS 244.135 must be disqualified.

3. Specify the approval criteria applicable to the application;

4. State that testimony, arguments and evidence must be directed toward the criteria, or to other criteria in the Comprehensive Plan or land use regulations which a person believes apply to the application;

5. State that failure to raise an issue by the close of the record, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue;

6. State that failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County to respond to the issue precludes an action for damages in circuit court.

7. Call for staff report. Members of the hearings body may ask questions of any county staff regarding the application prior to taking other testimony.

B. Proponents. After hearing the staff report, the Chair will ask first to hear from the applicant or the applicant's representative, followed by all who wish to testify in favor of the application. Persons may speak only after being recognized by the Chair and must state their full name and address for the record.

C. Opponents. When all in favor of the application have testified, the Chair will ask for testimony from those opposed to the application. Testimony in opposition should be directed toward whether the applicant satisfies all of the approval criteria or facts relied upon by the applicant are incorrect.

D. Other. The Chair will thereafter ask for testimony from those neutral to the application.

E. Final argument and rebuttal by the applicant. If there is testimony offered in opposition to the application, the Chair will permit the applicant or his representative to present rebuttal. Rebuttal will be limited to evidence and testimony directed to issues raised by the opposition.

F. The Hearings Body shall consider only testimony and information that is relevant to the application, and may limit immaterial or repetitious testimony. Participants at hearings must conduct themselves in an orderly and respectful manner at all times. The Chair may exclude persons disrupting the proceedings from the hearing room or adjourn the hearing.

G. Upon completion of evidence and testimony, if there has been no request to continue the hearing or leave the record open, the Chair will close the public hearing. A request for a continuance or an opportunity to submit additional evidence shall be granted in accordance with the procedures in Section 904.2.

H. After closing the record, the Hearings Body will deliberate and reach a preliminary decision or formulate a recommendation. A final decision must be in writing, and specifically set forth the findings on which the decision is based. Notice of the decision will be mailed to all parties in accordance with Section 906.3.

904.2 Requests to Present Additional Evidence

A. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. If such a request is received, the Hearings Body will either continue the public hearing, in accordance with subsection (B), or leave the record open for additional written evidence, arguments or testimony, in accordance with subsection (C).

B. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing. At the continued hearing, parties may present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, prior to the conclusion of the hearing any person may request that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purposed of responding to the new written evidence.

C. If the Hearings Body leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any party may file a written request with the CDD for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearings Body will reopen the record to admit new evidence, arguments or testimony. While the record is open, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria which apply to the matter at issue.

D. Unless waived by the applicant, the Hearings Body will allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven day period will not be counted towards the 120 or 150 day decision time-frame specified in Section 903.1.

E. A continuance or extension granted pursuant to this section is subject to the 120 or 150 day decision time-frame unless the continuance or extension is requested or agreed to by the applicant.

F. If the Hearings Body leaves the record open, prior to the conclusion of the initial evidentiary hearing they will specify the date the record will close and the date, time and location when they will reconvene to deliberate and make a decision on the application.

904.3 Record

A. All exhibits presented at the hearing will become part of the record. Each exhibit shall be marked to show the identity of the person offering the exhibit, and the date the exhibit was submitted.

B. An audio recording shall be made of all public hearings. Tapes shall be preserved in accordance with OAR Chapter 166, Division 119 requirements for archived material.

Section 905 - Conditions of Approval

905.1 Conditions May be Imposed

Conditions of approval may be imposed on any land use decision when deemed necessary to ensure compliance with the applicable provisions of this Ordinance, the Comprehensive Plan, or other requirements of law. Any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

905.2 Modification of Conditions

At an applicant's request, the review authority which made the decision on the application may modify or amend one or more conditions of approval. The request shall be processed as a separate land use application with proper notice and hearing, and be subject to a separate fee.

905.3 Compliance with Conditions

An applicant who has received development approval is responsible for complying with all conditions of approval. Failure to comply with such conditions is a violation of this ordinance, and may result in revocation of the approval in accordance with the provisions in Section 909.

Section 906 - Notice Requirements

906.1 Notice of Administrative Decision

A. Notice of an Administrative Decision will be provided to the following:

1. The applicant and the owners of the subject property, if different;

2. The owners of record of property as shown on the most recent property tax assessment roll where such property is located:

a. Within 100 feet of the property that is the subject of the notice, when the subject property is wholly or in part within an urban growth boundary;

b. Within 250 feet of the property that is the subject of the notice, when the subject property is located outside an urban growth boundary and not within a farm or forest zone; or

c. Within 750 feet of the property that is the subject of the notice, when the subject property is within a farm or forest zone.

3. To the airport owner if the proposed use will allow a structure more than 35 feet in height and the subject property is within the runway approach surface and within 5,000 feet of the side or end of a the runway of an airport determined by the ODOT to be a "visual airport", or within 10,000 feet of the side or end of the runway of an "instrument airport".

4. Any Community Planning Advisory Committee or other persons, agencies or jurisdictions that submitted comments to the County on the application or requested notice in writing;

5. At the discretion of the applicant, the Department of Land Conservation and Development; and

6. Any other persons, agencies or jurisdictions deemed appropriate by the County.

B. The Notice shall:

1. Describe the nature of the application and the proposed use or uses that could be authorized;

2. Set forth the address or other easily understood geographical reference to the subject property:

3. Include the name of a local government representative to contact and a telephone number where additional information may be obtained;

4. State that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

5. State that any person who is adversely affected or aggrieved or who is entitled to notice under subsection (A) may appeal the decision by filing a written appeal within fifteen days of the date the Notice was mailed;

6. State that the decision will not become final until the fifteen day period for filing an appeal has expired; and

7. State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

906.2 Notice of Public Hearing

A. Notice of public hearings shall be mailed to all parties listed in Section 906.1(A) and to the Oregon Department of Transportation (ODOT).

B. The notice shall be mailed at least twenty days prior to the hearing, or ten days before the first hearing if there will be two or more hearings.

C. Notice of a public hearing involving a quasi-judicial land use decision shall:

1. Contain the items listed in Section 906.1(B) (1) through (4) or as otherwise required by law;

2. List the applicable criteria that apply to the application;

3. State the date, time, and location of the hearing;

4. State that failure of an issue to be raised, in person or in writing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

5. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

6. Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of hearings.

D. Failure of a property owner to receive the notice prescribed in this section shall not invalidate the hearing proceeding or decision provided the County can demonstrate by affidavit that notice was given.

E. At the County's discretion, notice of the hearing may be published in a newspaper of general circulation in the County.

906.3 Notice of Planning Commission or Board Decision

Notice of a Planning Commission or Board of Commissioner's decision will be mailed to the applicant and the owners of the subject property, if different; the appellant (if applicable); and to all parties who participated either in person or in writing at the hearing. If the Planning Commission reverses or modifies an Administrative decision, or the Board of Commissioners reverses or modifies a lower decision, all persons who were entitled to receive notice under Section 906.2 will also be mailed notice. The

notice shall state that the decision may be appealed to the Land Use Board of Appeals within 21 days of the date of the decision.

906.4 Notice of Permit Extension
A decision to grant an extension of the approval period to initiate development or complete the requirements of a land use approval is an Administrative Decision. Notice of the decision to grant the extension will be provided in accordance with the requirements of Section 906.1. Notice of the extension shall also be mailed to any other parties who participated in the original land use decision.

Section 907 - Appeals

907.1. Appeal Period
A written appeal of a Planning Director or Planning Commission decision, together with the required appeal fee, must be physically received by the CDD within fifteen days of the date the Notice of Decision was mailed. The appeal shall state the CDD Casefile number; the applicant's name; the appellant's name, address and phone number; the legal basis of the appellant's standing to appeal; and specify the basis for the appeal (e.g., failure to address or meet specific applicable criteria).

907.2 Appeals of Administrative Decisions
An Administrative Decision, or any condition(s) imposed by that decision, may be appealed to the Planning Commission. To have standing to file an appeal to the Planning Commission, a person must first have either submitted written comment, been entitled as of right to Notice of the Administrative Decision, or be adversely affected or aggrieved by the decision. Upon receiving an appeal, the Planning Commission shall schedule a de novo public hearing.

907.3 Appeals of Planning Commission Decisions

A. A decision of the Planning Commission, or any condition(s) imposed by that decision, may be appealed to the Board of Commissioners. To have standing to file an appeal to the Board of Commissioners, a person must first have participated on the record at the Planning Commission level. Participation consists of either written or oral comment on the record before the Planning Commission.

B. When an appeal of a Planning Commission decision is filed, the Board of Commissioners shall determine whether to accept review of the appeal, or to decline to consider the appeal. If the Board elects to accept review, it may either limit its review to the record before the Planning Commission, or conduct a de novo or limited evidentiary hearing, as specified in Section 903.6(B).

907.4 Emergency Review
The Board of Commissioners may, in its discretion, review an Administrative Decision without a prior appeal at the Planning Commission level. A request for an emergency

review must be accompanied by a fully paid appeal fee, together with a written statement of the reason for the appeal and the extenuating emergency circumstances that justify skipping the normal hearing process before the Planning Commission. An appeal granted under the emergency review procedure shall be a de novo hearing.

Section 908 Remands

908.1 Scheduling Remand Hearings

Quasi-judicial land use decisions remanded to the County by the Land Use Board of Appeals (LUBA) will be scheduled for a public hearing within 90 days after a written request to proceed is made by the applicant. At the discretion of the Board of Commissioners, the hearing may be held before the decision making body that issued the final county decision.

908.2 Criteria

Reconsideration of quasi-judicial land use decisions on remand will be based on the standards in effect at the time the application was first submitted. Reconsideration of legislative decisions on remand will be based on the standards and criteria in effect at the time of the remand hearing.

908.2 Scope of Remand Hearing

Remand proceedings may be limited to the assignments of error that resulted in the remand.

Section 909 - Revocation

The Planning Commission may revoke or modify any permit granted under the provisions of this ordinance on any one or more of the following grounds:

A. On the basis of fraud, concealment, or misrepresentation, or on the basis of false information provided by the applicant.

B. On the basis that the use for which such permit was granted has ceased to exist or has been suspended.

C. On the basis that the permit granted is being, or recently has been, exercised contrary to the terms or conditions of the approval, or in violation of any law or regulation.

D. Prior to the revocation or modification of a permit, a public hearing shall be held after giving written notice to the permittee and other persons entitled to notice as provided in Section 906.2. If the permittee is not satisfied with the decision of the Planning Commission, the permittee may appeal the decision to the Board of Commissioners in accordance with the provisions in Section 907.3.

Section 910 - Expiration and Extension of Permits

A. Unless otherwise specified in this Ordinance, a land use approval, except an amendment under Chapter 8, shall be void after four years, or such other period as the permit may specify, unless development has been initiated. A one-year extension may be granted by the Planning Director where all of the following standards are met:

1. An applicant makes a written request for an extension of the development approval period stating the reasons that prevented the applicant from beginning or continuing development within the approval period;

2. The extension request is submitted prior to the expiration of the approval period and is accompanied by the required fee;

3. The provisions of this Ordinance or State law do not prohibit the extension; and

4. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

B. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4.

CHAPTER 10
VIOLATIONS AND ENFORCEMENT

Section 1001 – Violations

It is a violation of this Ordinance to:

A. Intentionally make false statements of material fact on any application.

B. Locate, construct, maintain, repair, alter, or use a building or other structure, or use or transfer land in any manner not in accordance with the standards set forth in this Ordinance, or with any approval, permit or order of Jefferson County issued hereunder.

C. Conduct, without a permit, any activity for which a permit or approval is required by this Ordinance.

Section 1002 – General Enforcement Provisions

Nothing in this ordinance shall affect the ability of the County to pursue any action, suit, or remedy as otherwise provided under Oregon and County law, including but not limited to injunction, mandamus, abatement, fines, damages, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove unlawful location of development, construction, maintenance, repair, alteration, use or land division.

Section 1003 - Enforcement Procedures

A. Enforcement of a violation of any provision of this ordinance is enforceable under the provisions of Chapter 1.04 of the Jefferson County Code.

B. Each and every day that a location, erection, maintenance, repair, alteration or use of a building or structure, or the subdivision, partitioning or other use of land, is in violation of this ordinance constitutes a separate violation.

Section 1004 - Repeal Of Ordinances As Affecting Existing Liabilities

Any documented violation of previous Ordinances related to permissible activities or structures on land that also violate this Ordinance shall continue to be a violation subject to all penalties and enforcement under County enforcement procedures. The repeal of any ordinance by this ordinance shall not have the effect to release or extinguish any judgment, penalty, forfeiture, or liability incurred under the repealed ordinance.