Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 5, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 001-06

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 17, 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
John Renz, DLCD Regional Representative
Thomas Bizeau, Jackson County

<paa> ya

FORM 2

DLCD
Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE STAMP
DEPT OF
DEC 29 2006
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Jackson Count**
Local file number: **LRP2005-00009**
Date of Adoption: **12/20/2006**
Date Mailed: **12/27/2006**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

☐ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment
☒ Land Use Regulation Amendment
☐ Zoning Map Amendment
☐ New Land Use Regulation
☐ Other:

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

Update of Land Development Ordinance to: 1) Correct scriviner's errors and cross references, 2) Clarify meaning and intent; and 3) Update regulations to reflect 2005 legislation related to land use.

Does the Adoption differ from proposal? Please select one

Same

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

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

Location: **Countywide - unincorporated area** Acres Involved:

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

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**
If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**
If no, did Emergency Circumstances require immediate adoption? ☐ **Yes** ☐ **No**

DLCD #001-06 (15116)

DLCD file No. _____
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Jackson County cities (11) and special districts; DSL, DEQ, DLCD, DOA

Local Contact: **Thomas Bizeau** Phone: **(541) 774-6942** Extension:

Address: **10 S. Oakdale Ave. #100** Fax Number: **541-774-6791**

City: **Medford** Zip: **97501-2902** E-mail Address: **bizeaute@jacksoncounty.org**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

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

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

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

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

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Volume: _____ Page: _____

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

ORDINANCE NO. 2006-10

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE TO CORRECT SCRIVENERS ERRORS, CLARIFY MEANING AND COMPLY WITH CHANGES IN STATEWIDE PLANNING LAW *(FILE LRP2005-00009)*

RECITALS:

1. Pursuant to Chapters 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Land Conservation and Development Commission (LCDC).

2. In accordance with ORS 197.646 it is necessary to update the acknowledged 2004 Land Development Ordinance (Ord. 2004-2RM) every two years to comply with changes in Statewide planning laws. As part of these updates and to improve customer service, Jackson County also customarily corrects scriveners errors and clarifies the meaning of confusing sections of the Land Development Ordinance.

3. On May 11, 2006, following media and public notice in accordance with the Jackson County Land Development Ordinance and State law, the Board of County Commissioners ("Board") convened a joint public hearing with the Jackson County Planning Commission ("Planning Commission") to consider amendments to the Land Development Ordinance.

4. At the May 11, 2006 public hearing on the matter the Board determined they preferred to continue the matter, delaying their deliberations until they received the Planning Commission's written recommendation.

5. The Planning Commission closed their public hearing and deliberated to a decision on June 8, 2006, at which time by motion and unanimous vote they recommended approval of the amendments proposed in File LRP 2005-00009 to the Board.

6. On October 4, 2006 the Board held a properly noticed land use hearing on the proposed LDO amendments. At the public hearing the Board reviewed the Planning Commission recommendation for APPROVAL, the record of the proceedings, and accepted additional oral and written testimony.

7. The Board concluded their public hearing on October 4, 2006, closing the oral and written record, and deliberated to a decision. At that time, by motion and unanimous vote, and based on substantial evidence in the whole record of the proceedings, the Board; (1) accepted all exhibits into the record and, (2) APPROVED amendments to the Land Development Ordinance proposed through File LRP 2005-00009. The approved amendments are shown in "Exhibit A ", attached hereto.

8. On October 4, 2006, the Board further directed staff to prepare an adopting ordinance for first reading on November 22, 2006.

9. The Notice of the Board's final public hearing and second reading of this ordinance on December 6, 2006 was published in the Medford Mail Tribune on Sunday, November 26th , 2006. Notice of the final public hearing was sent to interested parties and affected agencies on November 16th , 2006.

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

SECTION 1. FINDINGS

1.1 The Board finds that proper public notice was published in the Mail Tribune in the Legal Notices Section of the September 24, 2006 edition.

1.2 The Board finds that substantial evidence in the whole record of the proceedings, particularly the Findings made by the Planning Commission in their June 8, 2006 recommendation for APPROVAL support the amendments to the Land Development Ordinance shown in Exhibit A.

1.3 The Board finds that the proposed amendments are no more or less restrictive than current local regulations and that the amendments adopted through this Ordinance will improve implementation of the Land Development Ordinance by clarifying meaning, simplifying processes, increasing customer flexibility and incorporating modifications to reflect relaxed statewide land use laws enacted by the 2005 Legislature.

1.4 The Board further finds that because the amendments proposed in File LRP 2005-00009 are no more restrictive than currently enacted land use regulations, and are in many cases more permissive, there is no basis for claim of relief under ORS 197.352 (M37) as a result of adoption of these changes.

SECTION 2. CONCLUSION

2.1 The Board concludes that proper public notice was given.

2.2 The Board concludes the amendments demonstrate compliance with applicable statewide planning goals and Oregon administrative rules.

2.2 The Board further concludes that adoption of these amendments to the 2004 Land Development Ordinance are consistent with the goals and policies of the Comprehensive Plan and related unamended portions of the LDO.

SECTION 3. DECISION

Volume: _____ Page: _____

Now, Therefore, the Board of County Commissioners of Jackson County ordains as follows:

3.1 The Board of Commissioners hereby adopts revisions to the 2004 Land Development Ordinance contained in Exhibit A, attached hereto.

3.2 In accordance with Section 14(8) of the Jackson County Charter, this ordinance will go into effect 60 days after it is signed.

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

APPROVED this 20th day of December, 2006, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Dave Gilmour, Chair

Jack Walker, Commissioner

Dennis C.W. Smith, Commissioner

APPROVED AS TO FORM:

County Counsel

ATTEST:

By: Recording Secretary

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EXHIBIT 1

2005 LEGISLATION - JACKSON COUNTY LDO AMENDMENTS SUMMARY			
BILL NO.	**CHANGE**	**LDO ACTION**	**LDO CHAPTER(S)**
Resource Districts (EFU & Forest Zones)			
HB2069	Landscape contractors permitted as review use in EFU	Add new use	Section 4.2.7 Table 4.2-1
HB2932	Veteran's services in EFU	Edit "Com-munity Center"	Table 4.2-1 Section 4.2.11
HB3117	Law enforcement facility	Add new use	Table 4.2-1 Section 4.2.11
HB3313	Forest template dwellings	Edit description	Section 4.3.6
SB346	Aquiculture as farm use	Edit definition	Section 13.3
SB863	Replacement dwellings in EFU	Edit description	Sections 4.1.3, 4.2.6, 2.6.8 & 6.3.2
Non-Resource Uses & Districts			
HB2328	Liquid petroleum storage exempt	Add language	Sections 1.4 & 6.3.6
HB2458	Rural industrial uses allowed	Add sections	Section 6.3.4
SB222	Housing for mentally ill	Edit description	Table 6.2-1
SB680	Rural airport industrial uses	Add language	Sections 6.3.5 & 7.2.2
SB1044	Destination Resort map adoption	Delay to separate CPA	amend as part of DR ordinance in 2007
Land Division			
HB2356	Surveyor's signature not a land use decision	Add language & edit sections	Section 3.3
HB2668	Vacation of roads & parcels	Reference law	Section10.1
HB2755	Definitions of parcel/lot and other misc. items. for final platting	Edit sections & definitions	Section13.3
HB3081	Lot of record creation	Edit description	Section 10.2

agreement is necessary to establish the physical location of an existing lawful property boundary.

3.4.2 Procedure

Applications for property line adjustments will be processed under the Type 2 procedure of Section 3.1.3, with the following modifications:

A) A scaled plot plan will be submitted that shows: (**1**) all existing property lines; (**2**) the proposed location of the adjusted property line; (**3**) the location of existing above ground structures; (**4**) septic systems and wells and their distances from existing and proposed property lines and easements; and (**5**) the amount of land area in square footage or acres being added or subtracted, along with the approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all water courses~~.~~ ;

B) The owners of both properties that will be modified by the property line adjustment must sign the application form or a letter of authorization~~.~~ ;

C) If the application is approved, the adjusted property line will be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, unless the circumstances in (1) or (2) apply. The survey will be submitted to the Planning Division for signature prior to filing with the County Surveyor, and will be accompanied by a written legal description of each of the adjusted parcels. A survey and monumentation are not required when ~~either of the following circumstances apply:~~

~~1) Both parcels will be greater than 10 acres *[ORS 92.060(8)].* ; or~~

~~2) The adjusted property line is a distance of even width along the common boundary of a lot in a subdivision or a parcel in a partition *[ORS 92.060(9)].* ;~~

D) Within one (1) year of final approval of a property line adjustment application, the survey, if required, will be filed with the County Surveyor and the deeds or other instruments of conveyance will be recorded with the County Clerk. The deeds or other instruments will describe the adjusted properties in their entirety. **Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8. After 12 months, or at the end of any extension granted, the approval will be considered void if the required documents have not been recorded. In any event, the total time period within which to finalize the approval will not exceed two (2) years; and**

E) If the property line adjustment will result in any portion of a septic system, driveway, or well being located on a different parcel than the structure served by them, a condition of approval will require that an easement granting continued use of the improvement be recorded with the County Clerk.

3.4.3 Approval Criteria[6]

In nonresource districts, a property line adjustment may be approved if it complies with (A through ~~F~~ E) below. In resource districts, a property line adjustment may be approved if it complies with all of the following:

A) Both properties were lawfully created;

B) No new parcels will result from the adjustment;

C) Except as allowed in (~~G~~ F) below, both parcels will either conform to the minimum lot size and minimum lot width requirement of the underlying zoning district, or, if one (1) or both parcels are currently nonconforming, neither resulting parcel will be smaller or narrower than the existing smallest parcel, provided the standards of Section 10.4.4 are met. A property line adjustment may be exempted from this standard when the adjustment is needed to correct a building setback **or other existing nonconformity**, in which case the property line may be adjusted the minimum necessary to render building setbacks ~~conforming~~ **or other development characteristics less nonconforming**;

D) All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless a building or improvement does not currently comply with the minimum setback, in which case such building or improvement will not be made more nonconforming by the adjustment. Additionally, conforming on-site characteristics (e.g., landscaping or access) will not be made nonconforming;

E) The adjustment will not result in parcel(s) that overlap a city limit, **urban growth boundary**, county, or State line~~.~~ ;

F) The adjustment will not result in a parcel being made ~~developable~~ **buildable** that was not capable of being developed prior to the adjustment for reasons such as being too small or narrow. However, a parcel that cannot be developed for residential purposes because it lacks access may acquire road frontage and be made ~~developable~~ **buildable** through a property line adjustment;

G) In resource districts:

1) A property line adjustment that will result in one or both parcels being smaller than the minimum lot size of the underlying zoning district may only be approved if the adjustment will not adversely impact existing or potential resource use of the parcels. Property line adjustments in resource districts for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change to a non-resource zone are prohibited; and

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

2) A property line adjustment for the purpose of transferring a dwelling from one parcel to another may be approved provided the parcel receiving the dwelling qualifies for a homesite; and

3) 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. *(OAR 660-006-0005 & 033-0020)*

3.5 PLANNED UNIT DEVELOPMENT (PUD) PERMITS

3.5.1 Purpose and General Concept

Traditional zoning establishes zone boundaries, permitting specific uses of land within the various zones, and setting general conditions for those uses. Sometimes, however, land may be more effectively developed in planned unit developments (PUDs) that allow imaginative site design techniques through limited modification of the general standards of this Ordinance. This Section sets forth a procedure for developing PUDs, in order to achieve the following objectives:

A) To ensure the creation of attractive, healthful, and efficient environments for housing, commerce, and industry;

B) To permit flexibility in the application of this Ordinance in order to achieve more efficient and aesthetic development that harmonizes with adjoining uses;

C) To encourage variety in site design through creative location of buildings, open spaces, off-street parking areas, and street alignment;

D) To promote shared community facilities, **open space, commonly shared amenities (beyond standard required public improvements such as lighting, streets, sanitary and storm sewer, water and sidewalks)** and sustainable development; and

E) To capitalize on the potential of special site features such as geography, topography, size, or shape.

3.5.2 Authorization and Applicability

The County may authorize PUDs as set forth in this Section. Such developments will be subject to all conditions imposed by the County and may be exempted from other provisions of this Ordinance only to the extent specified in the development approval. Uses allowed in a PUD are limited to those that may be permitted in the zoning district(s) in which the development is to be located.

3.5.3 Procedures

Applications for PUDs will follow the Type 4 standard review procedure set forth in Section 3.1 5, with the following modifications:

A) ***Application***

For purposes of the Rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space. Small scale, low impact uses are limited to 3,000 square feet of floor space per building(s) ~~per parcel~~ outside acknowledged unincorporated communities~~, and 4,000 square feet of floor space within acknowledged rural unincorporated communities~~.

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

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

A) ***Agriculture Produce Stand***
In the RR and RR-5(A) districts, this is a Type 3 review subject to the Home Business standards in Section 6.4.4(D).

B) ***Animal Clinics, Hospitals, and Kennels***
The use will provide indoor sleeping quarters for all animals that will be boarded or otherwise kept overnight. Outdoor runs will be required to maintain a minimum of at least a 100-foot setback from all adjacent property boundaries. Large animal clinics may also include care for small animals as an incidental component of the veterinary practice.

C) ***Appliance Repair and Incidental Sales***
The use will be conducted within an enclosed building or within a yard screened from public view by a sight obscuring fence, or by a vegetative buffer that is at least 80% opaque and that will reach six (6) feet in height within three (3) years.

D) ***Auction Services, Commercial***
The use will not include animal sales (stock auction).

E) ***Auction Services, Temporary***
Temporary estate sales/auctions are allowed as a Type 1 use in all zones for a maximum of three (3) days once per year.

F) ***Barber or Beauty Shop***
In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating and drinking establishment.

LAND DEVELOPMENT ORDINANCE
SCRIVENER'S ERRORS CORRECTIONS TABLE
FOR
LRP 2005-00009

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
1 -1	**Add** language to reflect "effective date" of this Ordinance. (1.7.2 D, E; 1.7.3)	HOUSEKEEPING
1-2	**Eliminate** unnecessary language for Non-Conforming Uses (Already In Chapter 11) (1.7.5)	SIMPLIFY PROCESS
1-3	**Eliminate/Add** alteration and expansions of Pre-Existing Uses. (1.7.5)	SIMPLIFY PROCESS
2-1	**Adds** to Table 2.1-1 - road creation w/o land division	CLARIFICATION
2-2	**Adds** to indicate Development Services Department name, Planning Division	HOUSEKEEPING
2-3	**Adds** wording *If Appealed* and *Required* to Table 2.7-1 and 2.7-2 to clarify when procedures apply	CLARIFICATION
3-1	**Eliminates** non-physical changes from site development review; **Adds** language that site review is required only when *physical development is proposed as part of the development (for Type 3 & 4 permits).* (Sec. 3.1.4)	ELIMINATE REQUIREMENTS
3-2	**Add/Clarify** using words *and, contained, staff, only, County, (Section) B,*	HOUSEKEEPING
3-3	**Add/Clarify** Plot Plans required for all permits	CLARIFICATION

Board of County Commissioners
File No. LRP2005-00009 Exhibit # 4
Offered by: Staff
Date: 9-21-2006 Received by: DG

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
3-4	**Add/Clarify** that Site Dev. Plan Review not required for Single Family Homes (Sec. 3.2.2)	CLARIFICATION
3-5	**Eliminate** Site Dev. Plan Review for paved areas greater than 4,000 square feet for industrial manufacturing uses and increase limit to 10,000 square feet before site development review applies (Sec. 3.2.3)	CUSTOMER REQUEST ELIMINATE REQUIREMENTS
3-6	**Eliminate** Site Dev. Plan Review for *multiple principal structures* (3.2.5- A)	SIMPLIFY PROCESS & CRITERIA
3-7	**Eliminate** Minor Amendments to Site Plan Review requirements w/ 15% thresholds...Simplifies Amendment process. (Sec. 3.2.5- B)	ELIMINATE REQUIREMENTS & SIMPLIFY PROCESS
3-8	**Eliminate** words "~~*no greater than*~~" and replace w/ "*commensurate with*" related to Change of Use for Site Dev. Plan Reviews (Sec. 3.2.5- C)	CLARIFY REQUIREMENTS
3-9	**Eliminate** word "~~*two*~~" when referring to property line adjustments (PLA) and simply **leaves** word "*abutting*" - Allows for more flexibility on part of property owners (3.4.1)	STATE UPDATE OF REQUIREMENTS
3-10	**Add** language that zoning districts w/ no minimum parcel size are eligible for PLA (3.4.1	CUSTOMER FLEXIBILITY
3-11	**Eliminate** Language that is not longer in State Law. (3.4.2-C 2)	STATE UPDATE OF REQUIREMENTS
3-12	**Add** an additional 12 months for submitting final plat for PLA. (Sec.3.4.2 -D)	CUSTOMER FLEXIBILITY
3-13	**Add** language that non-conforming characteristics (not just building setbacks) can also have PLA even though minimum parcel sizes are not met. (Sec.3.4.3-C)	CUSTOMER FLEXIBILITY
3-14	**Add** language that prohibits PLA's across Urban Growth Boundaries	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
3-15	**Eliminate** which criteria apply only to Resource Districts for PLA's	CLARIFICATION
3-16	**Add** language that indicates objectives of PUD as stated in Purpose statement must be *demonstrated* to be met. (3.5.4)	CLARIFICATION
3-17	**Add** language that further describes what is meant by Community Facilities in PUD objectives. (3.5.1-D)	CLARIFICATION
4-1	**Add** language *Except for a replacement dwelling that has received a deferred placement permit* for Permit Expiration Dates (Sec 4.1.3 & 4.2.6-B-4; Pgs. 1 & 12)	STATE UPDATE OF REQUIREMENTS
4-2	**Add** language to Use Table 4.2.1 - that includes "Farmworker Housing" in EFU as accessory use (4.2.6-C-3; Pg. 14)	CLARIFICATION OF STATE REQUIREMENTS
4-3	**Add** language to Use Table 4.2.1 - that includes "Landscape business" in EFU as commercial use (also 4.2.7-G--Pg. 25)	STATE UPDATE OF REQUIREMENTS
4-4	**Add** language to Use Table 4.2.1 - that includes "Law Enforcement Facility" in EFU as public use - (existing only) (also 4.2.7 H - pg. 35)	STATE UPDATE OF REQUIREMENTS
4-5	**Add** language "Director" ; **Eliminate** ~~Planning Manager~~ (4.2.6-C-3; Pg. 14)	CLARIFICATION
4-6	**Add** language requiring that for the purposes of study analysis in EFU zones and Forest Template Dwellings that existing dwellings must meet the requirements for lawfully established dwellings. (4.2.5-H & 4.3.6-A & B) (pg.20 & 45)	CLARIFICATION
4-7	**Add** language that describes what a community center is in an EFU zone (Sec. 4.2.7-J) (Pg.35)	STATE UPDATE OF REQUIREMENTS

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
4-8	**Add** language that allows dwelling to be in 160 acre template if *any part is in the square or rectangle.*(4.3.6-B-6; Pg 46).	CLARIFICATION
4-9	**Add** language that updates the land division requirements in forest zones where *the remaining parcel remains unchanged as to the amount of land zoned for resource use.* (4.3.11-B; Pg. 54)	STATE UPDATE OF REQUIREMENTS
4-10	**Add** language clarfiying Type 2-4 permit types and Division (Pg. 62 & 63)	HOUSEKEEPING
5-1	**Add** language "*Development Services*" Eliminate language ~~Planning~~ (Pg. 2)	HOUSEKEEPING
6-1	**Add** language clarifying use of tables (Pg. 1)	CLARIFICATION
6-2	**Add** language stating that accessory and temporary uses are allowed in all zoning districts. (Pg. 2)	CLARIFICATION
6-3	**Add** language to state that commercial and industrial uses can have changes of uses subject to Type 1 review when section 3.2.3 does not apply. (Pg. 3)	CLARIFICATION & CUSTOMER FLEXIBILITY
6-4	**Eliminate** ~~Poultry-Furbearing animal production~~ **Leave** *Intensive Livestock* (Pg. 3)	CLARIFICATION
6-5	**Add** symbol to table indicating that non-intensive livestock is not allowed in White City (Pg. 3) (Also explanation on Pg. 20 under Agriculture)	CLARIFICATION
6-6	**Change** in Table 6.2-1 - *Farmers Market* in NC zone from Type 3 to Type 2 Use. (Pg.7)	CUSTOMER FLEXIBILITY
6-7	**Change** in Table 6.2-1 *Drinking Establishment* from Type 3 to Type 2 Use in NC zoning district. (Pg.7)	CUSTOMER FLEXIBILITY

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
6-8	**Add** code citation for White City as pointer to different regulations that apply for stated uses in White City. (Whole Table)	HOUSEKEEPING
6-9	**Change** in Table 6.2-1 *Bike Paths* from Type 2 to Type 1 use in all zoning districts (Pg. 14)	CUSTOMER FLEXIBILITY
6-10	**Change** in Table 6.2-1 *Park & Rides* from Type 2 to Type 1 use in GC & LI zoning districts	CUSTOMER FLEXIBILITY
6-11	**Add/ Define** *Animal Husbandry* as *animals over 9 months in age* (Pg. 20)	CLARIFICATION
6-12	**Add** language that defines small scale low impact commercial use (Pg. 27)	STATE UPDATE OF REQUIREMENTS
6-13	**Add** language concerning applicability of Oregon laws to Industrial & Manufacturing Development (Pg. 30)	STATE UPDATE OF REQUIREMENTS
6-14	**Add** Language concerning new state mandated aviation regulations for type 2 reviews for Aviation related Businesses (Pg 31)	STATE UPDATE OF REQUIREMENTS
6-15	Add language that indicates siting of liquid petroleum containers is not regulated by a land use decision (Pg 37)	STATE UPDATE OF REQUIREMENTS
6-16	**Add** word *Habitable* **Eliminate** word ~~Detached~~ with regard to describing living space for accessory structures (Pg 42)	CLARIFICATION
6-17	**Add** language that clarify's the Purpose of a Home Business by prohibiting certain commercial uses as due to tendency to increase beyond permitted limits (e.g. auto wrecking, repair, retail sales, appliance repair) (Pg 44)	CLARIFICATION
6-18	**Add** word *Accessory* **Eliminate** word ~~other~~ in describing structures where Home Business is allowed on site. (Pg 45)	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
6-19	**Add** wording that clarify's square footage limits on Home Businesses (Pg 45)	CLARIFICATION
6-20	**Add** word *and* to tie together listed requirements; **Add** word *Type*; **Eliminate** word ~~Form~~ in describing Bed & Breakfast as a Home Business (Pg 45)	CLARIFICATION
6-21	**Add** word *are & Type 1* use; **Eliminate** wording ~~may be~~ & ~~Type 3~~ use in describing permitted commercial activities accessory to farm use (Pg. 47)	CUSTOMER FLEXIBILITY
6-22	**Add** words to temporary use section that describe seasonal outdoor sales as allowed *by right* for one month unless *a Type 2 review approves otherwise*. (Pg. 50)	CUSTOMER FLEXIBILITY
6-23	**Add** words related to Temp.Medical Hardships (TMH) describing that *Doctor certificates are good for - (1 Year)* **Add** word *and* to multiple listing of requirements; Add wording *When a TMH can be revoked*; (Pgs 52-53)	CLARIFICATION
6-24	**Add** words to describe *temporary vs. permanent RV use*. (Pg. 54)	STATE UPDATE OF REQUIREMENTS
6-25	**Add** word *temporary* to describe manufactured housing used during construction of permanent housing. (Pg 54)	CLARIFICATION
7-1	**Add** words *and & or* to better describe run-on requirements; **Add** word *Planning* to describe Division. (Entire Chapter)	CLARIFICATION
7-2	**Add** language that states what and where to find definitions for structure and building in relation to floodplain requirements. (Pg. 19)	CLARIFICATION
7-3	**Add** application requirements for plot map of site in relation to floodplain and floodway for structural improvements (Pg 20).	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
7-4	**Eliminates** wording which exempts Parking areas, bike paths and roadways from flood plain review. (Pg 21)	FEMA UPDATE
7-5	**Adds** wording *outside* storage to exemptions for floodplain review. (Pg 21)	CLARIFICATION
7-6	**Adds** language *building* for Elimination of wording ~~Structure~~ (Pg 22-23)	CLARIFICATION
7-7	**Adds** language that allows Letter of Map Amendment LOMA *to portions of a lot or parcel* (Pg 22)	CUSTOMER FLEXIBILITY
7-8	**Eliminates** need/ wording for ~~cross-sections~~ from application requirements. (Pg. 22)	CUSTOMER FLEXIBILITY
7-9	**Adds** language that requires *the location of floodplain and floodway* be provided in floodplain report (Pg. 27)	CLARIFICATION
7-10	**Adds** language that exempts attached areas on accessory structures that are not considered living space from elevation and dryproofing (Pg. 27)	CUSTOMER FLEXIBILITY
7-11	**Adds** language that any *addition to* an existing building in the floodway must comply with the regulations. Modifies reconstruction. (Pg. 27)	CLARIFICATION
7-12	**Adds** language *that repair, reconstruction or addition to an existing dwelling in the floodway will not exceed the displacement of the area footprint of the existing building.* Clarifies existing language. (Pg. 28)	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
7-13	**Adds** language that the placement of any <u>new</u> building is the floodway is prohibited - Clarifies existing County Ordinance and Comp. Plan policy. (Pg. 29)	CLARIFICATION
7-14	**Adds** language that the limitations on water impoundments in airport concern areas does not apply to *stormwater management basins, seaplane landing areas or agricultural water impoundments.* (Pg. 52)	STATE UPDATE OF REQUIREMENTS
7-15	**Eliminates** statement that *all structures in the Airport Concern will be 35 feet in height* (Pg. 53)	CUSTOMER FLEXIBILITY
7-16	**Add** Language concerning new state mandated aviation regulations for type 2 reviews for Aviation related Businesses (Pg 57)	STATE UPDATE OF REQUIREMENTS
7-17	**Add** language to allow flexibility <u>amending Whetstone Industrial Park Master Plan;</u> **Eliminate** minimum lot size and number of lot requirements in Park.	CUSTOMER FLEXIBILITY
8-1	**Add** language to Table 8.2-1 that *allows new parcels to be minimum of 1 acre in size for uses found in LI or GI zoning District.*; **Eliminate** language that requires ~~land division to have site plan review through a Type 3 procedure~~. (Pg 3)	CUSTOMER FLEXIBILITY
8-2	**Add** language to Urban Residential Zones that *no new residential lot will be less than 3,000 sq. ft except as regulated in White City* (Pg. 5)	CLARIFICATION
8-3	**Eliminate** language that common walls located on lot lines must be shown on final plat (Pg 5)	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
8-4	**Add** language that *sidewalks required when surrounding area has developed w/ sidewalks and is zoned for urban, commercial or industrial uses*; **Eliminate** wording ~~that sidewalks required along primary road frontage in White City and S.Pacific Hwy Containment area~~.. (Pg. 5)	CLARIFICATION
8- 4a	**Add** language "road" that clarifies that easements referred to are for Roads only.	CLARIFICATION
8-5	**Eliminate** language that requires ~~Type 2 review~~ for placement of farm use structures in EFU Zone within 5 ft. of property line. (Pg 7)	CUSTOMER FLEXIBILITY
8-6	**Add** language that clarifies Setback from resource lands; allows for replacements to existing dwellings to be placed w/o review when no more non-conforming or through a Type 1 review if otherwise (Pg 8-10)	CUSTOMER FLEXIBILITY
8-6a	**Eliminate** language that requires a replacement dwelling would be sited in resource setback only if meets requirements in accordance with section 11.3 of the LDO. (Pg. 9)	CUSTOMER FLEXIBILITY
8-7	**Add** language that allows *residential structure setback Type 2 review when in compliance with resource district criteria.* **Eliminate** language ~~that if reduction is justified development must maintain as much setback from the resource as practicable~~. (Pg. 10)	CUSTOMER FLEXIBILITY
8-8	**Add** language for bridge crossing that "may" require obtaining state or federal permits *prior to issuance of county permit* Eliminate language that requires ~~Type 1 or 2 review~~. (Pg 12)	CLARIFICATION AND CUSTOMER FLEXIBILITY

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
8-9	**Add** language *low fuel volume and fire resistant shrubs* to Replace language ~~low shrubs~~. (Pg. 14)	CLARIFICATION
8-10	**Add** language - *that, from, at, on, or, and* to clarify requirements (Pg. 16-17)	CLARIFICATION
8-11	**Add** language to *allow parcel area reductions as a Type 1 review* Eliminate requirement for ~~Type 2 review~~. (Pg. 19)	CUSTOMER FLEXIBILITY
8-12	Spelling	
9-1	**Add** language *and, also, or, &* , to provide better understanding of run-on requirements. **Eliminate** word ~~Planning~~ and Leave only the word Director or **Add** *Development Services*. (Whole Chapter)	CLARIFICATION
9-2	**Add** language to allow for *vinyl* fences within buffer yards. (Pg. 4)	CUSTOMER FLEXIBILITY
9-3	**Add** language to Table 9.2-4 Internal parking lot islands shall include 10 shrubs; **Eliminate** understory trees from parking lot islands.	ADDITIONAL REQUIREMENT AND CUSTOMER FLEXIBILITY
9-4	**Eliminate** language from Table 9.4-1 that allows ~~1.5 additional parking spaces for each additional unit~~ instead of the standard of 2 spaces... (Pg. 17)	CLARIFICATION
9- 5	**Add** that *General Industrial zoned lands within White City are exempt from screening requirements for loading areas.* (Pg. 24)	CUSTOMER FLEXIBILITY
9-6	**Reduce** the number of stacking spaces required in Drive Through Uses (Pg. 25)	CUSTOMER FLEXIBILITY

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
9-7	**Add** language that indicates *2003 International Building code* is the source for standards on Accessible Parking - **Eliminate** ~~State of Oregon Structural Specialty Code~~. (Pg. 25)	CLARIFICATION
9-8	**Add** to Table 9.4.4 for dimensional standards for required off street parking spaces *Van - 10'-20'space* and **reduce** parking space requirements for residential, non-residential and commercial by 3, 2 an 1 foot in length respectively (Pg. 26)	CLARIFICATION CUSTOMER FLEXIBILITY
9-9	**Add** wording *curbcuts* to modify driveway with regard to driveway approaches and that county or city requirements will apply based on jurisdiction and according to applicable UGB management agreements. (Pg. 26)	CLARIFICATION
9-10	**Add** language that describes that a one way parking aisle will be a minimum of *12 unobstructed feet in width* (Pg. 27)	CLARIFICATION
9-11	**Add** language that stipulates that private roads inside UGB's will *be built to city standards when stipulated in Growth Management Agreement.* (Pg. 30)	CLARIFICATION
9-12	**Add** language that *private road will directly connect to a state, county or city maintained road w/ exceptions granted to USFS or BLM roads based on respective agency approval* (Pg. 30)	CLARIFICATION
9-13	**Eliminate** language that indicates ~~Private Rds. are only for Residential needs~~. (Pg. 30)	CUSTOMER FLEXIBILITY
9-14	**Add** language that indicates that *sidewalks crossing driveways be designed to meet the Oregon Bicycle and Pedestrian Plan administered by Jackson County Roads and Parks.* (Pg. 37)	ADDITIONAL REQUIREMENT

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
10-1	**Add** language that indicates that vacation of the property is not a land use decision (Pg. 1)	STATE UPDATE OF REQUIREMENTS
10-2	**Add** language stating that the county may recreate a parcel if approve prior to 1/1/94 when plat not recorded and lot has not be consolidated w/ other lot. (Pg. 2-3)	STATE UPDATE OF REQUIREMENTS
10-3	**Add** *Public* in place of ~~County~~ in reference to creation of streets & roads.	CLARIFICATION
10-4	**Add** language clarifying *land divisions can occur over UGB boundaries w/ stipulations that resulting lots cannot be smaller than existing area and/or zoning district minimum lot size in unincorporated area.*	CUSTOMER FLEXIBILITY
10-5	**Eliminate** language that prohibits creation of lot along County line	CUSTOMER FLEXIBILITY
10-6	**Add** language to approval criteria for tentative division plats that *building envelopes and common walls separating attached single family dwelling units will be shown on copy of tentative plat.*	ADDITIONAL REQUIREMENT
10-7	**Add** language to approval criteria for final plats *granting or withholding approval of a final subdivision or partition plat by the county surveyor, assessor or governing body of the county is not a land use decision and that approval of the plat may be by the signature of the chair, vice chair or person designated in lieu thereof.* (Pg. 7)	STATE UPDATE OF REQUIREMENTS
10-8	**Add** language that *in urban and residentially zoned areas subdivision layout and design will facilitate street connectivity....***Eliminate** ~~language that blocks will be 600 and 1200 feet in length~~. (Pg. 8)	CLARIFICATION CUSTOMER FLEXIBILITY

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
10-9	Add language that *includes Electric Lighting Districts* as those entities that will approve (or not) the need to connect prior to final plat approval. (Pg. 13)	HOUSEKEEPING
10-10	**Add** language that an *approved private road is privately maintained.* **Eliminate** language that they are ~~low-volume roads designed to serve primarily residential needs.~~ (Pg. 15)	CLARIFICATION CUSTOMER FLEXIBILITY
11-1	**Add** language to what a Non-Conforming Use that was established before the effective date of this ordinance and no longer conforms to the uses or density **Eliminate** language that a Non-Conforming Use ~~is not a listed use within the zoning district in which it is located~~. (Pg. 1)	CLARIFICATION
11-2	**Add** language that describes non-conforming lots or parcels as those being *lawfully established and that it generally becomes nonconforming due to size and location.* (Pg. 1)	CLARIFICATION
11-3	**Add** language that expansion of Non-Conforming Aggregate and Mining Operation is *subject also to the mining standards of Resource Chapter 4.*	CLARIFICATION
11-4	**Eliminate** language that a ~~single family dwelling that is non-conforming due to zoning district may be replaced in footprint.~~	CUSTOMER FLEXIBILITY
12	White City Regulations Changes implemented by WCPC and BOC previously.	
13-1	**Add** language that describes what a Block is. (Pg. 18)	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
13-2	**Add** Language to Definition of Building that there is an alternative definition applicable to structures in the floodplain see section 7.1.2. (Pg. 18)	CLARIFICATION
13-3	**Add** Language to Definition of Detached Living Space that specifies it *is in a separate building or lawfully established accessory building and that structures do not contain permanent provision that would constitute a separate dwelling unit and must meet requirements of the Oregon Building code.* (Pg. 21)	CLARIFICATION
13-4	**Add** Language to Definition of Dwelling which includes a *combination of buildings used for residential purposes.* (Pg. 22)	CUSTOMER FLEXIBILITY
13-5	**Add** new Definition Habitable: *A house or a space in a lawfully established building for living, sleeping, eating or cooking* (Pg. 29)	CUSTOMER FLEXIBILITY
13-6	**Add** Language to Definition of Home Occupation to include that the *purpose of a home occupation is to make money.* (Pg. 30)	CLARIFICATION
13-7	**Eliminates** Language to Definition of Kennel that states must be ~~owned by person other than the business or facility owner~~ (Pg. 31)	CUSTOMER FLEXIBILITY
13-8	**Add** Language to Definition of Living Space - Detached: Same as above for Detached Living Space.. (Pg. 32)	CLARIFICATION
13-9	**Add** Language to Definition of Parcel that describes is as a *single* unit of land created by a *partition* of land (Pg. 36)	STATE UPDATE OF REQUIREMENTS
13-10	**Add** Language to Definition of Partition Land to say *to create* rather than divide land ~~into~~ two or three parcels....	CLARIFICATION

CHAPTER # - Change #	TEXT CHANGES to LAND DEVELOPMENT ORDINANCE	TYPE OF CHANGE
13-11	**Add** Definition of Plot Plan	CLARIFICATION
13-12	**Add** Language to Definition of Property Line Adjustment to meet state requirements	STATE UPDATE OF REQUIREMENTS
13-13	**Eliminate** language for ~~Half Street~~ and **Add** Definition of *Partial street*.	CLARIFICATION

CHAPTER 8. DIMENSIONAL STANDARDS, MEASUREMENTS AND ADJUSTMENTS

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CHAPTER 8. DIMENSIONAL STANDARDS, MEASUREMENTS AND ADJUSTMENTS

8.1 APPLICABILITY

All new development and redevelopment in the resource districts described in Chapter 4 or any of the other zoning districts described in Chapter 5 will comply with the dimensional requirements set forth in this Chapter. See also Section 1.7 and Chapter 11 for regulations relating to preexisting uses, and nonconformities.

8.2 TABLE OF DENSITY AND DIMENSIONAL STANDARDS

All primary and accessory structures are subject to the density and dimensional standards set forth in Table 8.2-1. Any lot that is created through land division will meet the minimum lot area and lot width requirements set forth in Table 8.2-1 for the zoning district in which it is located, unless created pursuant to the requirements of Section 8.9. Footnoted regulations are referenced in italicized brackets, and in the final column of the Table. Rules of measurement and reductions are set forth in Sections 8.3 and 8.5. These standards may be further modified by other applicable sections of this Ordinance, including the overlay district standards set forth in Chapter 7. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density *[2]* (dwelling units/acre)	Minimum Setbacks (ft) *[3]*			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
RESOURCE DISTRICTS								
EFU, FR,WR, OSR, AR	80 acres ***[1]***	600	1/80	30	30	30	35	8.5.3(C)
RURAL RESIDENTIAL ZONING DISTRICTS								
RU	Varies	N/A	1 per parcel	30	20	20	35	8.4.1
RR-5, RR-5(A)	5 acres	300	1/5	30	20	20	35	8.4.1
RR-10	10 acres	300	1/10	30	20	20	35	8.4.1
RR-00	N/A	N/A	1 per parcel	30	20	20	35	8.4.1
RR-2.5	2.5 acres	175	1/2.5	30	20	20	35	8.4.1

[1]See Section 4.3.11 and 4.4.9 for special regulations for land divisions in resource districts.
[2]Temporary medical hardship dwellings, accessory dwelling units, and farm help dwellings are not subject to density standards.
[3]All development may be subject to additional setback requirements beyond those set forth in this table, including irrigation ditch/canal setbacks (Section 8.5.3), stream setbacks (Section 8.6), or fuelbreak requirements (Section 8.7).

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density *[2]* (dwelling units/acre)	Minimum Setbacks (ft) *[3]*			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
URBAN RESIDENTIAL ZONING DISTRICTS (*See Chapter 12 for White City UUC Special Regulations)								
UR-1 WCUR-1*	1 acre	100 *[4]* (1:2.5 width to depth ratio for divisions)	1/1	25	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	
UR-4 WCUR-4*	10,000 sq ft	60	4/1	20 *[5]*	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	8.4.2
UR-6 WCUR-6*	7,200 sq ft	60	6/1	20 *[5]*	6 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	8.4.2
UR-8 WCUR-8*	5,400 sq ft	50	8/1	~~20/15~~ *[5]*	6 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	
UR-10 WCUR-10*	4,300 sq ft	45	10/1	~~15/~~20 *[5]*	5 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	
UR-30 WCUR-30*	6,000 sq ft for first SFD or SFA; 10,000 sq ft min. for 3 or more DU per parcel/lot	30	30/1 Mfd dwellings in mfd parks: 9/1	20	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		45	8.4.2 8.4.3
COMMERCIAL ZONING DISTRICTS								
GC	Dimensional standards for commercial divisions will be based on location and type of use. New parcels may only be created for an existing use or a use approved through the site development and ~~or~~ Type 3 review procedures. New parcels must have adequate area for setbacks, parking, access, landscaping, and any other requirements of this Ordinance *[6]*. See Ch. 10 for land division.			20	30 side & rear *[7]* if adjacent to residential district		60	8.3.2 8.4.3

[4]Within WCUUB

[5]Within WCUUB, ~~15 ft. for face of house with 20 ft. minimum for garage face~~ see Section 12.4(G) for reduced front yard option.

[6]Within WCUUB new parcels may be created for an existing use or commercial subdivision purposes, provided all new vacant lots created are a minimum of 20,000 sq. ft. New parcels with existing development must provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Sec. 12.4 for White City regulations.

[7]Within WCUUB, side yard setbacks 10 ft., and rear yard setbacks 20 ft; if abutting a residential zone, buffer yard standards must be met. (See Section 9.2.3)

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density *[2]* (dwelling units/acre)	Minimum Setbacks (ft) *[3]*			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
IC	The dimensional standards for commercial divisions will be based on location and type of use. Residential development in accordance with UR-30 standards may be allowed in conjunction with commercial uses. New parcels may only be created for an existing use or a use approved through the site development and ~~or~~ Type 3 review procedures. New parcels must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	30 side & rear if adjacent to residential district		45	8.3.2 8.4.3
NC				20	20 side & rear if adjacent to residential district		35	8.3.2 8.4.2 8.4.3
ARS				20	25 side & rear if adjacent to residential district		35 (ARS: 2 stories)	8.3.2, 8.4.3 Commercial use bldgs 2,500 sq ft max. (4,000 sq ft for Type 3 use). Limit applies to parcel, not use.
RS, RRS, SVRS	The dimensional standards for commercial divisions will be based on the location and type of use. New parcels may only be created for an existing use or a use approved through the site development and ~~or~~ Type 3 review procedures. The new parcel must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	25 side & rear if adjacent to residential district		Type 3 use if over 25	See Sections 8.3.2, 8.4.3
				20	25 side & rear if adjacent to residential district		Type 3 use if over 25	Commercial use bldgs will not exceed 4,000 sq ft floor space.
INDUSTRIAL ZONING DISTRICTS								
LI	The dimensional standards for industrial divisions will be based on the location and type of use. New parcels **will be a minimum of one acre in size and** may only be created for an existing use or a **new** use **found in Table 6.2-1 for the LI or GI zoning districts** ~~approved through the site development or Type 3 review procedures~~. The new parcel must **be shown to** have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance ***[7]***. See Ch. 10 for land division.			30	20 side & rear if adjacent to residential district***[8]***		60	See Sections 8.3.2, 8.4.3, and 8.5.3
GI				30	20 side & rear if adjacent to residential district ***[7]***		60	See Sections 8.3.2, 8.4.3, and 8.5.3

[8]In WCUUB, minimum parcel size will be 20,000 sq. ft., side yard setbacks of 5 ft. when adjacent to industrial zone, large setback when adjacent to commercial and residential districts.

8.3 HEIGHT, LOT/PARCEL MEASUREMENTS AND REQUIREMENTS

8.3.1 Definition/Measurement

A) The height of a building will be measured as the vertical distance from the average slope of the natural grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. For purposes of this Section, "natural grade" is defined as the elevation of the ground level at the building site in its natural state, before construction, filling, or excavation.

B) Lot area is calculated as the total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane. When a road lies within the boundaries of a lot, it is included for the purpose of determining the area contained in the lot or parcel.

C) In cases of existing irregularly shaped lots or parcels, average lot width or depth is used to determine compliance with the setback requirements of this Ordinance. Average lot width/depth is determined by measuring the diameter of the largest circle that can be wholly contained within the boundaries of the lot or parcel.

8.3.2 General Requirements

A) Building height limits specified in Table 8.2-1 apply to all development unless specified otherwise in the Airport Approach (AA), Airport Concern (AC), overlay district regulations of Sections 7.2.1 and 7.2.2.

B) Minimum lot/parcel area dimensions specified in Table 8.2-1 apply to all development unless otherwise specified in this Ordinance. A lawfully created lot or parcel that does not meet the minimum area dimensions specified in Table 8.2-1 is entitled to the same rights that such a lot or parcel would otherwise have if it met the minimum area dimension requirements.

C) Within urban growth or urban unincorporated community boundaries, all accessory buildings and structures will be built to the rear or side of the principal structure, and will meet the minimum setbacks for the zone.

8.3.3 Exclusions/Exemptions

Except in airport zoning districts (AA or AC), height limitations will not apply to barns, silos, water towers, or other farm structures, or projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy.

8.4 ADDITIONAL REGULATIONS

8.4.1 Rural Residential Zoning Districts

All development within the Rural Use and Rural Residential districts is subject to the following:

A) A deed declaration, which acknowledges and accepts customary farm and forest practices, and irrigation rights as provided by the County, will be recorded prior to the issuance of permits.

B) All Type 2-4 applications within the RR-5(A) District will be reviewed by each permitting agency having jurisdiction prior to issuance of development permits, as indicated by the agency's sign-off on a checklist.

8.4.2 Urban Residential Zoning Districts

See also Section 6.3.2 and Section 12.4.1(C). Two (2) or more single-family attached dwellings may be developed on UR zoned parcels subject to all of the following:

A) A land division is approved subject to the standards of Chapter 10;

B) No recorded deed declarations, conditions, restrictions, or plat provisions prevent the land division;

C) No new residential lot created will be less than 3,000 square feet in size or less than 25 feet wide, except in the WCUR-30 zoning district as described in Section 12.4.1(C) (see also Table 12.4-1); and

~~D) Building envelopes and common walls separating dwelling units that will be located on lot lines are shown on the tentative and final plat; and~~

~~E~~D) All structural setbacks from lot lines required by Table 8.2-1, except for lot lines traversed by common walls, are met.

8.4.3 General Site Development and Buffering Requirements

The standards of this Section will apply in the following districts: UR-30, IC, RS, ARS, RRS, SVRS, NC, GC, LI, and GI.

A) Type 1 and 2 uses allowed within these districts will conform to the site development review requirements of Chapter 9.

B) Buffering techniques are required to separate Type 1 or 2 uses from abutting incompatible uses. Such techniques will include, but are not limited to, the following:

1) Open outdoor storage is prohibited unless the use is properly screened or fenced in accordance with Chapter 9.

2) Berms or solid walls may be required when the County determines that noise abatement or additional visual screening is required.

3) Parking lots will be landscaped in accordance with Section 9.2.; and

4) Sidewalks will be required when the surrounding area has developed with sidewalks and is zoned for urban residential, commercial, or industrial uses ~~along primary road frontages in commercial zones located within the White City Urban Unincorporated Community and the South Pacific Highway Containment Boundary~~ (See Sections 9.5.6 and 10.4.3(F)).

8.5 SETBACK MEASUREMENT AND REQUIREMENTS

8.5.1 Setback Measurement

To ensure buildings will not be placed in or encroach on recorded easements, setbacks will be measured as the distance from a right-of-way of a public or private road or access easement, or from a property line to the nearest point of a structure, except as allowed under Section 8.5.2(D).

8.5.2 General Setback Requirements

A) ***Required Setbacks***

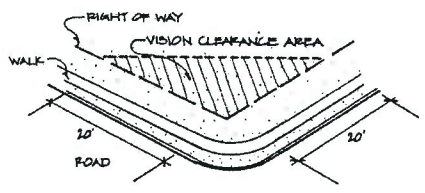
Setback requirements specified in Table 8.2-1 above will be observed unless otherwise specified in this Section or this Ordinance. Yard setback requirements will be modified by fuelbreak requirements and any of the special setbacks set forth in Sections 8.5.3 and 8.6, if applicable.

Structures on lawfully created lots or parcels that do not meet the minimum area or width requirements of the zoning district in which the lot or parcel is located must meet the yard setback requirements of the zoning district with which the lot or parcel most closely conforms.

B) ***Signs and Fences***

All signs and fences under eight (8) feet in height are exempt from the requirements of Table 8.2-1 except as provided in 8.5.2(C).

C) ***Vision Clearance for Intersections***



No structure, fence, wall, hedge, sign, or other visual obstruction will be created or allowed to grow, be placed, or maintained between the heights of three (3) and 10 feet above the street level within 20 feet of the intersection of the rights-of-way lines of two (2) roads, or of a road and a railroad property line.

D) ***General Exemptions to Yard Requirements***

The following projections are permitted within required yard areas:

1) Architectural features such as cornices, sills, eaves, canopies, sunshades, gutters, fireplaces and flues, and mechanical (heating and cooling equipment) will not project more than 18 inches into a required yard.

2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one (1) foot into the required side and rear yard and a maximum of six (6) feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.

3) Except for vision clearance (Section 8.5.2(C)) and riparian habitat (Section 8.6) setbacks, nonhabitable one (1)-story detached accessory structures as described in the *State of Oregon One-and Two Single Family Dwelling Specialty Code*, are exempt from the

mandatory setback requirements of this Ordinance, provided the floor area does not exceed 200 square feet and a height of 10 feet, as measured to the highest point.

4) Within commercial districts, awnings may be allowed to extend a maximum of six (6) feet into the required front yard.

5) On a parcel where the abutting lots, adjoining the same street or road, contain lawfully constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback established on the abutting parcels.

8.5.3 Special Setback Requirements

A) ***Adjustments for Solar Orientation***

The side and rear setback requirements may be adjusted to provide for solar orientation in Urban Residential Zoning districts. An adjustment of up to 33 percent may be approved as an Administrative Adjustment in accordance with Section 3.12. Reductions of side setbacks in excess of 33 percent, or reductions in front yard requirements, will be subject to review through the Type 3 procedure contained in Section 3.1.4.

B) ***Side or Rear Yards Abutting Commercial Districts***

Where the side and/or rear yard of the following districts abut a commercial district, the yard requirements in those districts, adjacent to such commercial lot line, will have the following minimum setback width measured from the zoning district boundary. If the zoning district boundary lies in the centerline of a dedicated street or road, the entire width of the right-of-way may be calculated as part of the setback.

1) In the LI and RLI districts, the minimum side or rear yard setback will be 10 feet plus one (1) foot for every foot by which the height of the building exceeds 15 feet.

2) In the GI district, the minimum side or rear yard setback requirements will be 40 feet plus one (1) foot for every foot by which the height of the building exceeds 15 feet.

C) ***Nonresidential Accessory Farm Use Structures in EFU Zone***

Nonresidential accessory farm use structures on lands zoned Exclusive Farm Use (EFU) may be placed within five (5) feet of a side or rear property line when the County determines ~~through a Type 2 review~~ that the standard yard width requirement will not adversely affect agricultural uses on the subject or adjacent propert~~y~~ies.

D) ***Irrigation Ditches or Canals***

On lands where irrigation district ditches or canals exist, applicants will not establish dwellings or out buildings, septic or drainfields, water wells, or any other obstruction within 30 feet or easement width whichever is greater from the center of the ditch or canal, on the side of the canal or ditch where the maintenance/access road is located. Applicants will be required to sign a deed declaration to allow access and maintenance including:

1) Mechanical cleaning;

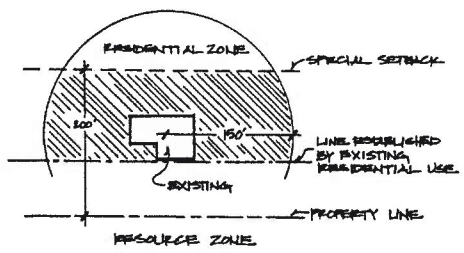
2) Brush and tree removal; and,

3) Any repairs deemed necessary to maintain proper water storage, diversion or carriage of water.

The County may waive or reduce this setback when the setback is otherwise impracticable due to the specific configuration or use of the property, and such a reduction will not impair maintenance functions as attested by the appropriate irrigation district, or in those cases where no district exists, by downstream users of the ditch.

E) ***Increases to Front Yards to Accommodate Future Street Improvements***
The front yard setback may be increased up to 30 feet from the right-of-way or 60 feet from the centerline of a dedicated road or access way, whichever is greater to accommodate planned future street improvements.

F) ***Setbacks from Resource Lands and Reduction Requests***
Building setbacks provide a buffer between resource and abutting nonresource land as a means to prevent conflicts between resource and non-resource uses. Unless otherwise approved as provided below, ~~A~~ a 200-foot setback from forest and farm zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure[9] ~~dwelling~~ (see Section 13.2.3(A)) sited in a nonresource zoning district~~;~~. ~~and~~ A 500-foot setback from Aggregate Removal zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure ~~dwelling~~, notwithstanding the adjacent zoning district~~, unless otherwise approved as provided below~~. If the zoning boundary lies in the centerline of a County or state roadway, the entire width of the dedicated roadway may be calculated as part of the special setback. In addition to the regulations in this subsection, ~~dwellings~~ residential structures must also comply with all other applicable siting standards in Chapters 7, 8 and 9 of this Ordinance. A replacement dwelling in the floodway subject to Section 7.1.2 (F)(7) is exempt from the provisions of this subsection and Section 8.7.



An addition or replacement to a lawfully established ~~dwelling~~ residential structure that does not qualify for an exception under subsections 1(a) and 1(b) below, is not required to meet special setback requirements when the addition or replacement will not be any closer to the resource zone than the existing ~~dwelling~~ residential structure. Any ~~other~~ lawfully placed ~~dwelling~~ residential structure may be replaced within a 150-foot radius of the centroid of the existing foundation or mobile home pad, provided that setbacks from

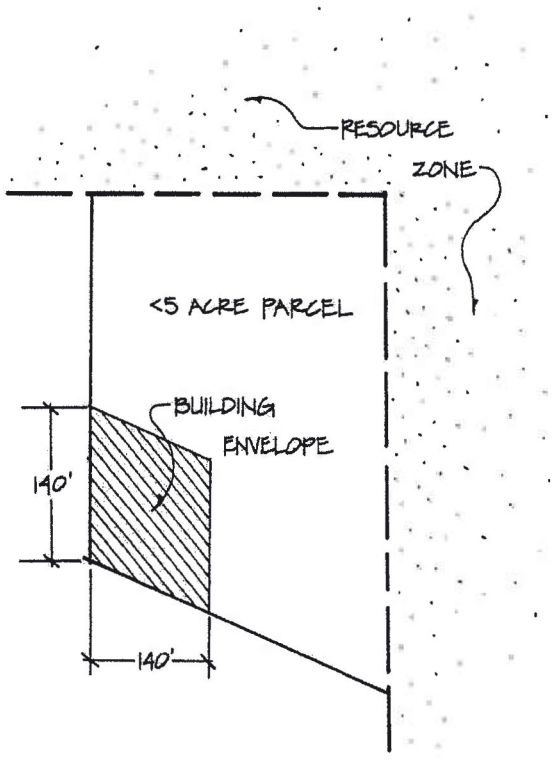
[9]All references to a residential structure in this section also includes detached living space as defined in Chapter 13. All references to replacement structures shall indicate that the structure to be replaced was lawfully established and meets the definition of dwelling as defined in Section 4.2.6(1) of the LDO.

any resource district boundaries that were established by the original ~~dwelling~~ residential structure will not be reduced. ~~If the replacement dwelling would be sited within 200 feet of a farm or forest zoning district, or 500 feet of an Aggregate Removal zoning district boundary, development must be initiated in accordance with Section 11.3.~~ Section 9.2.10 applies when ~~the~~ a replacement dwelling will be adjacent to an intensive agricultural use.

1) When an Aggregate Removal setback is not involved, and the parcel is five (5) acres or less in size, the County will allow reduction of the special setback requirement set forth in this subsection under a Type 1 review for a new, replacement of a lawfully established or enlarged residential structure ~~dwelling~~ provided the applicable structural setbacks required by Table 8.2-1 are maintained. A Type 1 special setback reduction may be approved if one (1) or more of the following requirements are met:

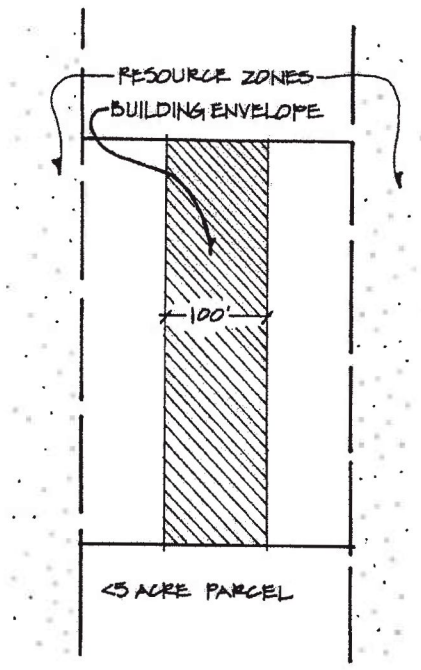
   a) If a parcel has a resource zone on one (1) side but not on the opposite side a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure may be sited within 140 feet of the property line which is opposite the resource district boundary. The 140-foot requirement may be applied for the entire length of the property line, except where it coincides with a resource district boundary. If the parcel configuration allows multiple applications of the 140-foot measurement, then the method that results in the maximum setback possible from abutting resource lands will be used (see Figure "1")- ; or

FIGURE 1



b) If a parcel has resource zoning on opposite sides, a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure may be placed within the middle 100 feet between the resource zoned lands. If the parcel configuration allows multiple applications of the 100-foot measurement, then the method that results in the maximum possible setback from abutting resource lands will be used (see Figure "2"):

FIGURE 2



The special setback reductions listed above may be applied concurrently on the same parcel to allow flexibility in siting a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure. If there appear to be multiple methods for application of these provisions, then the method that results in the greatest building setback from resource district boundaries will be used.

2) When no conforming location exists on the property that can accommodate the proposed residential structure, ~~T~~the County may approve reductions of special setback requirements adjacent to Exclusive Farm Use or forest zoning districts under a Type 2 review upon making findings of compliance with this Section and Sections 4.2.3 or 4.3.4, as applicable (see also Section 9.2.10). ~~If a setback reduction is justified, development must maintain as much setback from the resource as practicable.~~ To be approved, the applicant must provide substantial findings to document that ~~any~~ one (1) or more of the following situations exist:

a) Lawfully established ~~dwellings~~ residential structures on abutting resource zoned parcel(s) are near the common lot line with the nonresource parcel, and a reduction of the

setback would not affect the resource (see Sections 4.2.3 and 4.3.4); or

b) Existing ~~dwellings~~ residential structures are within the prescribed setback on the subject parcel or abutting nonresource zoned parcels and the County determines that a ~~reduction of~~ setback reduction consistent with established building lines will not adversely affect adjacent resource lands; or

c) The required setback would prohibit the placement of the ~~dwelling~~ residential structure on the parcel due to topography, flood hazard, or would adversely impact other physical or natural areas; or

d) An intervening physical feature such as a river or highway substantially mitigates the adverse effects of placing a ~~dwelling~~ residential structure closer to the resource zoned parcel~~.~~;

When a special setback reduction is requested to place a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure on any property adjacent to land zoned Aggregate Removal, the only criteria that may be considered is 8.5.3(F)(2)(c) and (d). When a setback reduction is authorized, development must maintain as much setback rom the resource as practicable.

Whenever a setback reduction is allowed under (1) and (2) ~~below~~ above, a deed declaration must be recorded wherein the owner of record and any successors, heirs, or assigns accept the potential for resource uses on adjacent resource zoned land to affect the use and enjoyment of the property granted a setback reduction. The deed declaration must also prohibit the landowner and their successors in interest from pursuing a claim for relief or cause of action alleging injury from mining activities, or farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 *[see OAR 660-033-0130(30)]*.

G) ***Mount Ashland Road***
All new structures adjacent to or nearby Mount Ashland Road will be set back a minimum of 100 feet from the center line of Mount Ashland Road west of its intersection with Colestin Road in order to avoid severe damage from snow removal activities of the Oregon Department of Transportation. Encroachment within the 100 feet will only be permitted by the Department on the recommendation of the Oregon Department of Transportation who may also recommend an increased setback.

H) ***Reduced Setbacks in White City Commercial Zoning Districts***
In the White City Urban Unincorporated Community, commercial building setbacks facing public rights-of-way in the Neighborhood commercial (NC) zone may be reduced to 10 feet, exclusive of clear view areas, when all on-site parking is provided solely to the rear or side of the building. Setbacks for buildings in the General Commercial (GC) zone may be similarly reduced to 15 feet when on-site parking is provided exclusively to the side or rear of a commercial building. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

8.6 STREAM CORRIDORS AND RIPARIAN HABITAT

8.6.1 General Setback Requirement for Structures

A) Except as allowed by subsection (B), no structure or other development, including grading, will be located closer than 75 feet to the top of bank of the Rogue River, or closer than 50 feet to the top of bank of any Class 1 or 2 stream or other fish-bearing water area, including lakes, ponds perennial and intermittent fish-bearing streams, but excluding man-made farm ponds. The top of bank will be defined as "bankfull stage" in OAR 141-085-0010(2), "Bankfull Stage means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage."

B) The following uses may be allowed in the riparian setback area provided they are designed and constructed to minimize the intrusion into the riparian area and the removal of riparian vegetation. Lands disturbed by development activities will be reclaimed (see Section 8.6.4 below).

1) Water-related and water-dependent uses such as boat landings, docks, marinas, bridges, dams and hydroelectric facilities.

2) Drainage facilities, utilities, and irrigation pumps.

3) Replacement of existing structures with structures in the same location provided that no additional riparian area is disturbed.

4) Roads and driveways, in accordance with the requirements of Sections 8.6.2 and 8.6.3, and County approved pedestrian/bicycle paths.

5) Public use observation deck or boardwalks when part of an approved park master plan, or bicycle/pedestrian path

8.6.2 Limitations on Roadway Development

Roadway development, including fill, will not be located within the riparian setback area required by Section 8.6.1 except at vehicular crossings. Roads and driveways will be designed to minimize slope cut and fill. Areas disturbed during development will be revegetated.

8.6.3 Review of Bridge/Stream Crossings

All bridge and stream crossings, and removal or fill operations may require ~~either~~ a ~~Type 1 or Type 2~~ review for compliance with Section 7.1.2, Floodplain Overlay prior to issuance of any development permits. Such projects may be subject to ODFW review for impact on fish and wildlife habitat and the Oregon Division of State Lands (DSL) or Army Corps of Engineers may also require a permit for such operations. Any required state or federal permit must be obtained prior to ~~commencement of development~~ issuance of County development permits.

8.6.4 Retention of Vegetation and Tree Cover

A) In order to protect stream corridors and riparian habitat, all vegetation and tree cover will be retained within 75 feet of the top of the bank of the Rogue

River, or within 50 feet of the top of the bank of any Class I or 2 stream or other fish-bearing water area including lakes, ponds, perennial, and intermittent fish-bearing streams, but excluding man-made farm ponds. The definitions in Section 8.6.1(A) apply to this Section. Exceptions are as follows:

1) Non-native vegetation may be removed and replaced with native plant species, subject to a landscape plan approved by Oregon Department of Fish and Wildlife (ODFW).

2) Vegetation may be removed if necessary for the development of water-related or water-dependent uses, subject to a landscape plan approved by ODFW.

3) Vegetation may be removed for forestry activities that have been granted a permit under the Forest Practices Act.

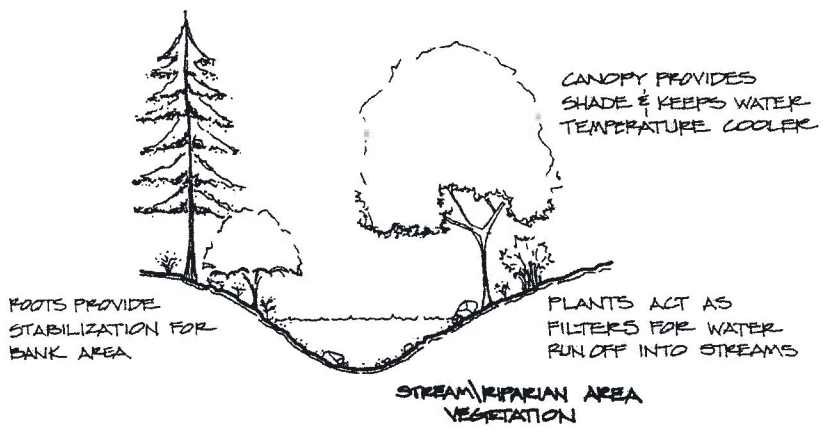
B) No understory vegetation or tree canopy may be removed in order to comply with the fuelbreak requirements of Section 8.7.1(B), which are superceded by the requirements of this Section within the area in which the riparian setback applies.

8.6.5 Reduction of Riparian Setbacks

Riparian setbacks and areas for retention of vegetation and tree cover may be reduced by up to 25 percent if an applicant demonstrates through a Type 2 review either of the following:

A) The setbacks required by Section 8.6.1 will render the parcel unbuildable; or

B) Equal or better protection will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. An application under this provision must include the recommendation of the Oregon Department of Fish and Wildlife (ODFW) that the habitat is adequately protected even if the setback is reduced. As part of any such determination, the applicant must submit materials describing what measures designed to mitigate adverse impacts on riparian habitat will be implemented, along with an ODFW approved map showing existing and proposed vegetation (tree type and location, understory type), structure location, and stream bank description.



8.7 WILDFIRE SAFETY

8.7.1 Fire Safety Requirements

A) ***Applicability***

This Section contains mandatory standards for all new ~~structures requiring building permits~~ construction, ~~except replacement dwellings in the floodway subject to Section 7.1.2(F)(7). New construction includes significant outbuildings as defined in Chapter 13, and replacement structures located~~ in areas subject to wildfire hazard as identified on the "Hazardous Wildfire Area Map." New construction includes significant outbuildings as defined in Chapter 13, replacement structures, and structures located on steep slopes (see Section 9.3.1(C)(4)). ~~Development on properties adjacent to the mapped area will be required to be a minimum of 50 feet from the edge of the mapped boundary.~~ The official version of ~~this~~ the "Hazardous Wildfire Area Map" ~~map~~ will be maintained in the Planning Division. Lands in forest zones are also subject to these requirements *(OAR 660-006-0035, 40)*.

B) ***Fuelbreaks***

A minimum 100-foot fuelbreak will be developed and maintained around all new construction in areas subject to wildfire hazard as identified on the "Hazardous Wildfire Area Map". [10]~~However, if a parcel is five (5) acres or less, within a structural fire protection district, and slopes on the parcel do not exceed 20%, the minimum fuelbreak requirement will be reduced to 50 feet. Properties that are in forest zones must have a minimum 100-foot fuelbreak, regardless of parcel size.~~

A fuelbreak may be extended onto an adjoining property with a recorded fuelbreak easement. When a fuelbreak area includes a county, state or federally maintained road right-of-way, a fuelbreak reduction application will not be required for the side of the property facing the road, but a minimum 100-foot fuelbreak will still be required on the other sides. A maintained local access road or approved private road that is maintained~~,~~ through an enforceable written agreement between property owners served by the road~~,~~ may similarly qualify for exemption from these fuelbreak requirements. All proposed structures will meet the minimum structural setback requirements. A fuelbreak is measured from a structure's outermost walls, combustible decks, or other combustible attachments. Fuelbreaks will meet the following standards:

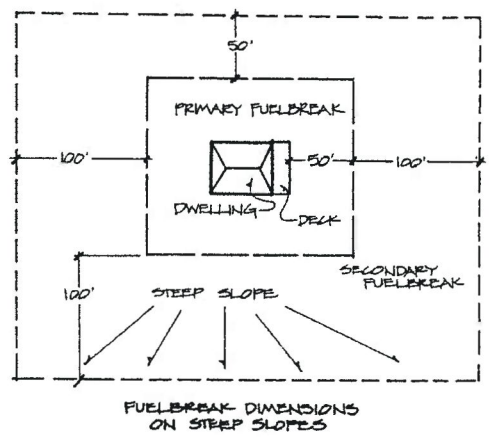
1) *Primary Fuelbreak*

The goal within the primary fuelbreak is to remove fuels that will produce flame lengths in excess of one (1) foot. A minimum 50-foot primary fuelbreak is required for all lands identified as a wildfire hazard. Vegetation within the primary fuelbreak may include grass maintained at less than six (6) inches in height and ~~low shrubs~~ low fuel volume, fire resistant shrubs. Highly combustible shrubbery, such as juniper, is prohibited. Trees will be horizontally spaced with more than 15 feet between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet above the

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[10] ~~If the revision of the map is approved, this provision will not be required~~

ground. A 10-foot clearance between branches and ~~stovepipes~~ stove pipes or chimney outlets must be maintained. ~~Deciduous tree branches shall be no closer than 10 feet from the roof, evergreen branches shall be no closer than 25 feet.~~ No branches may overhang within 25 vertical feet of a roofline. Accumulated leaves, needles, limbs and other dead vegetation must be removed. Flammable groundcover materials (e.g., bark mulch) may not be used in landscaping within 12 inches of buildings. Firewood piles, slash piles, and woodsheds will be placed at least 30 feet from all structures.



FUELBREAK DIMENSIONS ON STEEP SLOPES

2) *Secondary Fuelbreak*

The goal of the secondary fuelbreak 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. A minimum 50-foot secondary fuelbreak is required which extends in all directions around the primary fuelbreak. An additional 50 feet, for a total of 100 feet, will be added to the secondary fuelbreak when the slope below ~~of the area~~ around the homesite exceeds 20 percent. This additional 50 feet will be added to the area below and to each side of the homesite. Trees will be spaced with more than 15 horizontal feet between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet above the ground. Ornamental and fruit trees are excluded from the spacing standards, provided they are kept green and free of dead material. Small trees and brush growing underneath larger trees should be removed. Dead plant material must be removed, which includes pruning dead branches from trees and shrubs. Understory vegetation may include ~~lawns~~ grass or groundcover maintained at less than 12 inches in height and ~~low shrubs~~ low fuel volume, fire resistant shrubs (see the User's Guide for drought and fire resistant landscape materials).

C) ***Roof Coverings***

All structures will have Class A or B roofing according to ~~Section 1504 of~~ the most current version of the International Building Code Section 1506 for commercial structures, and the State of Oregon Structural Specialty Code Chapter 9, section R902 for residential structures. This prohibits wood roofing of any type, including pressure treated wood shingle or shakes.

~~D)~~ ~~***Siding***~~

~~Wood shake shingle and vinyl siding are prohibited.~~

D) ***Emergency Vehicle Access***
For the purposes of public safety, access will be constructed to within 50 feet of all habitable structures and other within 200 feet of all significant buildings. The access will be constructed to the standards of Section 9.5.4. The County may impose additional standards, conditions, or require technical information as needed to assure compliance.

E) ***Slope***
All new dwellings, significant outbuildings and replacement structures will be sited in compliance with the development standards of Section 9.3 and 9.5.4. Where an alternate site for a replacement structure is not available on the parcel, the structure may be replaced in the same location ~~when the standards of Section 9.5 are met~~.

F) ***Chimneys***
All chimneys will have a spark arrester.

G) ***Rural Fire Protection***
Dwellings will be located within a rural fire protection district or contract with a rural fire protection district for residential fire protection. If the dwelling is not within a rural fire protection district and contracting is not possible, evidence will be provided to show that the applicant has asked to be included in the nearest such district, and that said district cannot or has refused to provide protection.

H) ***General Fire Safety Guidelines***
The following fire safety guidelines are suggested in all rural and forested areas, and may be required by the County when a finding is made that such measures are necessary to protect public safety (see OAR 660-006-0035 for additional standards in forest zones):

1) Bridges constructed of noncombustible materials~~:~~ ;

2) On-site water storage approved by the fire district serving the proposed use~~:~~ ;

3) Permanent signs posted along the access route to indicate the location of the emergency water source~~:~~ or and

4) Other measures as recommended by the fire agency commenting on the application or the County Fire Safety Inspector.

I) ***Address Signs***
Address signs will be posted at the driveway ~~and/or private road~~ entrance ~~from~~ at the public right-of-way in such a manner as to be visible ~~in~~ from both directions ~~from~~ on the roadway providing the access. Directional address signs must also be posted at all road/driveway junctions.

8.7.2 Existing Buildings
Buildings lawfully constructed prior to February 13, 1989, will not be considered nonconforming solely based on nonconformance with this Wildfire Safety Section. When new construction consists of an addition to an existing building that is exempt from the requirements of this Section, the addition is also exempt, provided it is not

placed closer to any property line that is currently less that 100 feet from the structure. A replacement building is considered new construction.

8.7.3 Reroofing or Repair of Existing Buildings

When 50 percent or more of the roof covering of any building is repaired or replaced within one (1) year, the entire roof covering will be made to comply with the requirements for roof coverings for new structures within wildfire hazard zones, as specified in Section 8.7.1(C).

8.7.4 Fuelbreak Reductions

The County, upon receipt of a written authorization from the fire district having jurisdiction, or the Oregon Department of Forestry (ODF) if not in a fire district, ~~or a Type I or II accredited assessor under the Oregon Forest Land-Urban Interface Fire Protection Act, will~~ may approve a reduction in the width of the fuelbreak as prescribed by the agency ~~or accredited assessor~~. The written authorization will be made on forms supplied by the County and be signed by the Fire Chief or an ODF official with authority to make fuelbreak reduction decisions, or their designee, ~~or the accredited assessor~~. Such authorizations will be processed as a Type 1 permit. Authorization to reduce the fuelbreak requirement will not, however, release an applicant from compliance with any other applicable standard of this Ordinance.

When a ~~dwelling or use~~ Type 1 fuelbreak reduction authorization for a structure is not authorized by a fire district, or ODF official ~~or an accredited assessor~~, a fuelbreak reduction may be approved by the County under a Type 2 review when the applicant documents, and the County confirms through a site inspection, that one (1) or more of the following conditions affect development of the proposed use:

A) A stream or irrigation canal, road, topographic feature, or other site characteristic serves as an adequate fuelbreak; ~~or~~

B) A better fire suppression and prevention strategy is proposed by the applicant; ~~or~~

C) Because of parcel or lot configuration, a portion of the fuelbreak would be located on an adjoining property, and an adjustment of the building site is not practicable.

~~The County's decision to authorize a fuelbreak reduction will consider the advice of the nearest fire protection district or agency, and may impose additional standards, conditions or require technical information as needed to assure compliance~~.

8.7.5 Conditional ~~Approval~~ Requirements When Deemed Necessary for Approved Fuelbreak Reductions

The County's decision to authorize a fuelbreak reduction or approve a fire safety inspection ~~outside a fire district~~ will consider the advice of the ~~nearest~~ fire protection district, the County fire safety inspector, or ODF official and may impose additional standards~~;~~ or conditions ~~or~~ and require technical information as needed to assure compliance.

8.8 RESERVED

8.9 PARCEL AREA REDUCTIONS

8.9.1 Purpose and Scope

The County may approve a parcel area reduction ~~under~~ as a Type ~~2 procedure~~ 1 permit for the purpose of dividing land to separate preexisting dwellings onto individual parcels, subject to the land division requirements of this Ordinance and compliance with the following: *(OAR 660-004-0040, 7(h) or (8)(g))*

A) The parcel to be divided contains two (2) or more permanent habitable dwellings;

B) The dwellings were lawfully established before April 3, 2001, except in forest zones where they must have lawfully existed prior to November 4, 1993;

C) Each new parcel created by the partition contains at least one (1) of the permanent habitable dwellings;

D) The partition will not create any vacant parcels or lots; and

E) If the parcel to be divided is within one (1) mile of the Ashland, Central Point or Medford urban growth boundary (i.e., the urban fringe), the resulting parcels will also comply with the provisions of OAR 660-004-0040(7)(h) or (8)(g).

See Chapter 4 for additional requirements concerning multiple dwellings located on land zoned Exclusive Farm Use or Forest Resource.

8.9.2 Approval Criteria

Applications will be processed under the Type 2 procedures of Section 3.1.3, unless otherwise specified in this Ordinance, and may only be approved when all of the following criteria are met:

A) The requested adjustment will not have an appreciable adverse impact on the health, safety, or welfare of surrounding property owners or the general public;

B) The requested adjustment does not interfere with accepted farming practices on adjacent lands devoted to farm use and, does not adversely alter the stability of the overall land use pattern of the area;

C) If the requested adjustment is to the minimum lot size, the applicant has demonstrated that all reasonable efforts to obtain the requisite amount of additional land needed to conform with the minimum lot size requirement through purchase, partitioning, or lot line adjustment are unfeasible; and

D) Nonconforming lots or parcels created pursuant to this subsection must meet the access requirements of this Ordinance. To the extent possible nonconforming lots or parcels created pursuant to this subsection will meet setback and area requirements. If, however, any of the setback and area requirements are found to be physically impossible to meet, then the proposed division must maintain the maximum feasible distance between buildings and the new lot lines. Except as indicated above, divisions made

under this Section will comply with all other land division procedures and standards set forth in this Ordinance.

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CHAPTER 9. GENERAL DEVELOPMENT REGULATIONS

9.1 LIMITATIONS ON SITE DISTURBANCE

9.1.1 Limits of Disturbance

For all projects subject to the site development plan review process (see Section 3.2), the applicant will propose, and the Planning Division will establish, "limits of disturbance" (LOD) lines according to the criteria set forth in Section 9.1.2. The LOD will indicate the specific area(s) of the site within which the developed project may be constructed and within which development activity will be contained. The approved LOD will be shown on the final site plan.

9.1.2 Establishing Limits of Disturbance

In establishing the LOD, the following factors will be taken into account:

A) ***Mapped Goal 5 Resources***

The protection of scenic, historic and natural areas and a healthy and visually attractive environment in harmony with the natural landscape character. These areas are illustrated on maps contained in the Goal 5 background document and incorporated by reference in the Natural and Historic Resources Element of the Jackson County Comprehensive Plan.

B) ***Other Sensitive Resources***

Many of the above areas resulted in individual studies which established Areas of Special Concern (ASC) or overlays. Development in these areas are subject to the standards in Chapters 3 and 7.

9.1.3 Standards For Protection During Construction and Grading

The approved LOD will be identified in the field prior to commencement of excavation, grading, or construction with construction barrier fencing (e.g., silt fencing) or other methods approved by the County. Protective fencing will also be placed around all other areas identified on the approved site plan. The fencing will remain in place until all land alteration, construction, and development activities are completed.

A) To the maximum extent feasible, no development, grading, or vegetation removal or alteration will occur as a part of the development project or associated construction activity outside the LOD except as provided in subsection (B) below.

B) Disturbance or construction activity may occur outside the LOD with approval of the Planning Division for the following limited purposes:

1) Mitigation of development activities;

2) Restoration of previously disturbed or degraded areas;

3) The practical needs of approved construction activity in terms of ingress and egress to the development project and necessary staging and operational areas;

4) Utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the LOD, provided a plan for revegetation is approved;

5) Construction of a trail or pedestrian walkway that will provide access when such trails or walkways cannot reasonably be contained within the LOD;

6) The enhancement of the habitat values and/or other natural resource values of an identified natural area; and

7) Landscaping according to an approved landscaping plan.

9.2 LANDSCAPING AND BUFFER YARDS

9.2.1 Purpose

The purpose of landscaping and buffering provisions is to: improve the physical appearance of the community; improve the environmental performance of new development by contributing to the abatement of heat, glare and noise; promote the natural percolation of storm water and improve air quality; and buffer potentially incompatible land uses from one another in order to conserve the value of property. The standards of this Section establish the means to accomplish these objectives while encouraging use of a wide range of techniques and design solutions to address specific site conditions. Diversity of plant materials with an emphasis on the use of indigenous plants is also encouraged for aesthetic and environmental reasons.

9.2.2 Applicability

This Section is applicable within the Bear Creek Valley Air Quality Management Area (AQMA) to all site development plan reviews and in any situation where a buffer yard or street landscaping is required by Tables 9.2-1 and 9.2-3, below. Applications for site development plan approval must include a "concept" landscape plan as specified in the User's Guide. The "concept" landscape plan will be used to determine compliance with the standards of this Section.

9.2.3 Buffer Yard Requirements

Required buffer yards are generally located in the side or rear yard setbacks around the perimeter of a parcel, but may also be required in other locations when necessary to separate potentially incompatible uses or to provide perimeter landscaping around parking lots and other vehicular use areas. In no case are buffer yards required along street frontages subject to Section 9.2.6 or in situations where installation of a buffer yard would disturb a protected wetland or riparian area.

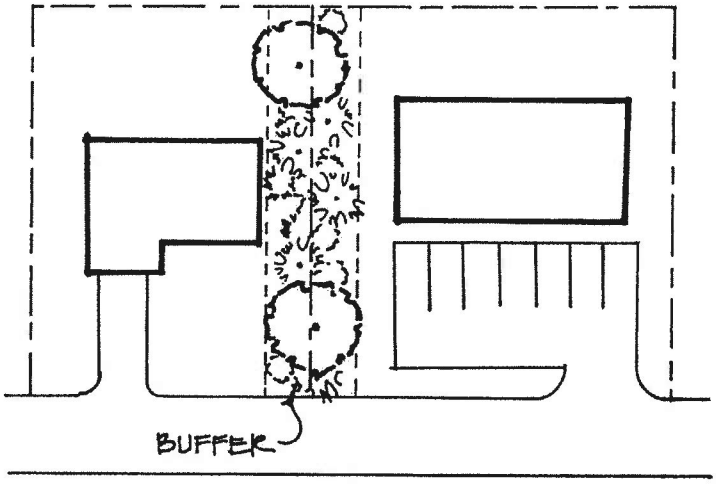
A) ***Determination***

The following procedure is used to determine the type of buffer yard, if any, required to separate adjacent uses or a use that is potentially incompatible with the primary uses allowed by the zoning of an adjacent vacant parcel:

- Identify the type of use (e.g., commercial, industrial, multi-family) proposed. If the proposal is for a mix of uses, the highest intensity use determines the proposed use type;
- Identify adjoining uses by type, or in the case of vacant land, the zoning district(s) abutting the development site; and

- Determine the buffer yard required on each boundary (or segment thereof) of the subject parcel by referring to Table 9.2-1 (Buffer Yard Standards), which specifies the buffer yard required between adjacent uses or zones.

The letter designations contained in Table 9.2-1 refer to the buffer yard standards contained in Section 9.2.4. Buffer yards are required to be installed only along the portion of property boundaries that are adjacent to existing or proposed development (e.g., buildings, parking, storage) and their associated open space use areas (e.g., yards). The standard buffer yard requirement may be met within any setbacks or agricultural buffer area required by this Ordinance.



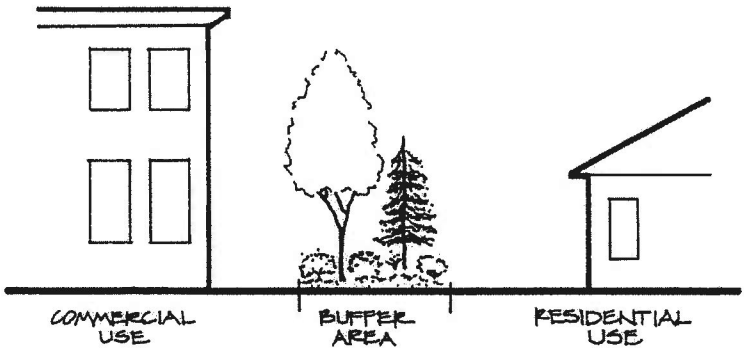


TABLE 9.2-1 BUFFER YARD REQUIREMENTS

PROPOSED USE
(NEW, REPLACEMENTS IN KIND, SUBSTANTIAL IMPROVEMENTS)

ADJACENT USE OR ZONING DISTRICT TYPE (IF VACANT)	SFR	MF/GRP HOME	OFFICE RETAIL	GEN. COMM.	LIGHT INDUS.	GENERAL INDUS.	PUBLIC/ QUASI-P
SFR	-	A	A	A	B	B	A
MFR/ GROUP HOME	2A	-	A	A	B	B	A
OFFICE RETAIL	2A	A	-	-	A	1B	-
GENERAL COMM.	2A	-	-	-	A	1B	-
LIGHT INDUS.	2A	A	-	-	-	-	A
GENERAL INDUS.	2A	1B	A	-	-	-	B
PUBLIC/ QUASI-PUBLIC	-	A	-	-	-	1B	-
FARM (EFU)*	1A	1A	1A	-	-	-	1A
FOREST*	1A	1A	1A	-	-	-	1A
AGGRE-GATE*	1A	B	-	-	-	-	-

"A" & "B" Type A and B buffer yards, as shown on Table 9.2-2, must be provided at the time of site development when the use would be more intensive than adjacent permitted uses. Where the buffer yard will be a type A, when the adjacent parcel is vacant, only the five (5) foot fence need be installed.

"1A" A wood fence, vinyl fence, chain link fence, or masonry wall, not less than five (5) feet in height must be installed at the property boundary where the development property adjoins and has a common property line with land zoned for resource use. In no case will a fence be required within a front yard area. The fence or wall used to buffer agricultural land must be installed prior to occupancy of any new use.

"2A" Type A buffer yards, as shown on Table 9.2-2, must be provided at the time of site development when existing, more intensive adjacent uses do not already provide adequate buffering. No buffer yard is required when adjacent uses provide buffer yards that meet the standards of this Section.

"1B" Where the buffer yard will be a type B, when the adjacent parcel is vacant, only the six (6) foot wall of the buffer yard need be installed at the time of development.

"_" No buffering requirement.

***** Applies to either adjacent use or zoning

B) ***Responsibility for Buffer Yard***

When a use is the first to develop on two adjacent vacant parcels, the first use must provide the buffer required by this Section based on the predominant use type allowed in the adjacent zone. Subsequent uses will, at the time of development, provide any additional material and/or land necessary to provide the total buffer yard required by this Section.

C) ***Encroachments Into Buffer Yards***

The buffer yard is intended to provide a minimum amount of space for required plants to grow, for aesthetic separation between uses, and for development of on-site storm water runoff facilities. Therefore, this area must be reserved exclusively for such uses. Other than permitted curb cuts, encroachment of parking and maneuvering areas, sidewalks, patios, other impervious surfaces or structures (other than required fences or walls) are prohibited in buffer yards.

D) ***Buffer Yard Credits***

Existing qualifying plant materials within the buffer yard area may be counted toward the buffer yard requirement.

9.2.4 Buffer Yard Standards

A) Table 9.2-2 indicates the width of the buffer yard, fence or wall requirement, and the minimum number and types of plants required in buffer yards. When a buffer yard is required as part of a Type 1 review, the specified type and number of plants must be used. An alternate planting scheme may be approved through a Type 2 review. The User's Guide provides a list of recommended plant materials for landscape use.

Table 9.2.-2 BUFFER YARD STANDARDS
(See Table 9.2-1)

BUFFER YARD TYPE	MINIMUM WIDTH	Must Include the Following Plants Per 100 Linear Feet or Equivalent Square Feet of Buffer Yard
A	10 Feet*	3 Canopy Trees, 2 Conifer or Understory Trees, 20 Shrubs with 5' Fence (per 1,000 Sq. Ft.)
B	20 Feet*	4 Canopy Trees, 3 Conifer or Understory Trees, 20 Shrubs with 6' Concrete or Masonry Wall (per 2,000 Sq. Ft.)

*Sidewalks may be located within the landscaped areas adjacent to buildings, provided the area dedicated to landscaping is not reduced below six (6) feet.

1) *Standard Buffering Scheme*

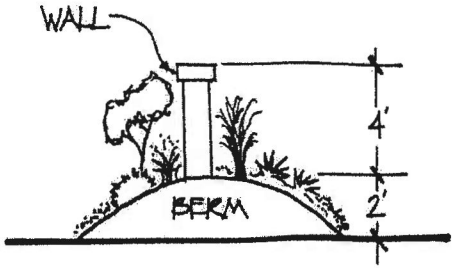
When the number of plants required is determined based on linear feet, distances above or below one hundred (100) feet will be prorated with the resulting numbers of plants rounded so that one-half (½) or more is deemed to require a full plant. When the number of plants is determined based on square feet of landscape area, the total area of the site devoted to buffer yards will be used to determine the amount of plants required, with one-half (½) or more of each plant type deemed to require a full plant.

2) *Alternate Buffering Scheme*
The ~~Planning~~ Director may approve an alternative buffering design prepared by an Oregon Registered Landscape Architect when he finds that the design, when compared to the standard screening and planting scheme, will provide a comparable buffer between existing and/or anticipated uses and avoid significant adverse impacts to the livability or value of adjoining properties.

B) In both the standard and alternative schemes, plants will generally be evenly spaced so as to provide a continuous buffer throughout all seasons, unless otherwise specified on an approved landscape plan. Adjustments may be made where necessary to avoid underground utilities, overhead wires or unique site conditions that would result in inappropriate or impractical design if the standards of this Section were strictly applied.

C) Fencing, where required, will typically be located on the side of the buffer yard nearest the less intensive use (e.g., single-family residential) while a wall, where required, will typically be located on the more intensive (e.g., heavy industrial) side of the buffer yard. In either case, the ~~Planning~~ Director may authorize its location anywhere within the buffer yard. Fences and walls must be constructed of a material and design that is compatible with adjacent uses.

D) A required concrete or masonry wall may be replaced, foot-for-foot of height, by an earth berm (e.g., six (6) foot wall replaced by a two (2) foot berm with four (4) foot wall on top). Earth berms may have a maximum side slope of up to 3:1 (33 percent slope) and must be stabilized with live vegetation.



E) Any part of a required buffer yard may be located on an adjoining property, provided it is planted with a proportionate share of the required plants and a perpetual buffer yard easement is recorded by the adjacent property owner. The easement must allow for the installation and perpetual maintenance of the buffer yard and restrict use of the area to only the buffer yard.

9.2.5 ***Adjustments to Buffer Yards***

Buffer yard requirements may be adjusted under a Type 2 review if unusual circumstances exist and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of adjoining properties. Adjustments may not be made simply for the convenience of site design. Circumstances that may warrant an adjustment to the buffer yard requirements include, but are not limited to, the following:

A) Where a building wall with no openings below eight (8) feet abuts the buffer yard, the building wall may be counted in place of a required wall or fence.

B) Where there is existing development on the site that will remain after proposed development, such as paving or a building, which affects or precludes implementation of the buffer yard standard; ~~or~~

C) Where a proposed project abuts existing development that has already installed a buffer yard such that additional buffering is not necessary and the uses are not expected to change significantly over time; ~~or~~

D) Where a project abuts an irrigation canal, natural waterway, wetland, railroad right-of-way, or other such element.

9.2.6 Street Frontage Landscaping Requirements

Except for single family dwelling permits, the following minimum landscaping requirements apply at the time of development along all collector and arterial street and road frontages within the Air Quality Management Area (AQMA). In addition, the street tree landscaping standards of Section 12.12 apply within the White City Urban Unincorporated Community (WCUUC) to all local streets within that area. Plans submitted to comply with this Section must be approved by the County and any affected city with a mutually adopted Urban Growth Management Agreement that requires city approval of development within its Urban Growth Boundary. The following table specifies the type and number of plants required along street and road frontages to assure adequate buffering of uses from noise, dust and odors associated with traffic and to visually enhance street and road corridors in urbanizing areas.

Table 9.2-3 STREET FRONTAGE LANDSCAPING STANDARDS

PROPOSED USE TYPE	MINIMUM PLANTING AREA WIDTH	No. of Plants Required Per 100 Feet of Street Frontage* (*Excluding Driveway Frontage*)	
	FEET	TREES	SHRUBS
MULTI-FAMILY/ GROUP HOMES/OFFICE	10	4	20
~~RETAIL~~ COMMERCIAL/ PUBLIC/QUASI-PUBLIC	10	3	15
LIGHT OR GENERAL INDUSTRIAL	10	2	10

* *In areas where a municipal or community water system will provide irrigation water, mowed and irrigated lawn within the required front yard area may be substituted for a maximum of fifty percent (50%) of the required shrubs on a percentage basis (i.e. 25 percent lawn replaces 25 percent of required shrubs, 50 percent or more lawn replaces 50 percent of required shrubs). Trees are not subject to this reduction.*

A) For residential land divisions (see Sections 10.4 and 12.4) adjacent to arterial streets or roads where houses will not face the arterial street, a street frontage landscape plan must be submitted showing at least a six (6) foot vertical separation feature between the lots and the arterial street in order to buffer the lots from traffic. The separation feature must include a fence, wall or berm for at least half the required height, and either a fence, wall, berm, or landscaping to complete the required total height. The separation feature must create a solid visual screen. Any fence or wall must

be engineered to stand straight. The separation feature will be reduced in height when required to meet front or side yard, or vision clearance area restrictions.

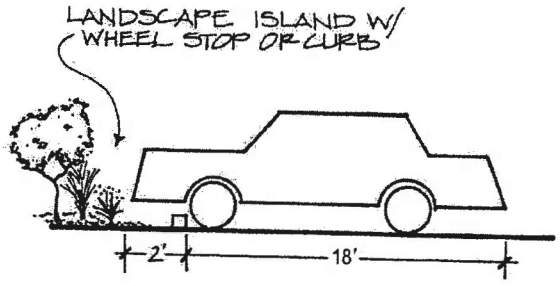
B) For all other street frontages, the number of plants required for distances above or below 100 feet must be prorated with the resulting numbers of plants rounded so that one-half (½) or more requires a full plant. All required planting must be located in the yard area within 10 feet of the street unless otherwise approved. Existing plant materials that meet the requirements of this Ordinance may be counted as contributing to the total landscaping required by this Section. All state highway frontages are treated the same as other street and road frontages.

C) When any parking lot is to be located adjacent to a public right-of-way, the applicant may choose to provide a three (3) foot high brick, stone or finished concrete wall along the right-of-way boundary in lieu of required street frontage shrubs.

9.2.7 Interior Parking Lot Landscaping

In addition to perimeter buffer yard and street frontage landscaping requirements, parking lots designed to accommodate 25 or more vehicles must provide interior landscaping consistent with this Section.

A) ***Terminal Islands***. All rows of parking spaces must provide terminal islands a minimum of six (6) feet in width to protect parked vehicles, provide visibility, confine traffic to aisles and driveways, and provide a minimum of five (5) feet of space for landscaping. In addition, when 10 or more vehicles would be parked side-by-side in an abutting configuration, landscaped islands a minimum of eight (8) feet wide must be located within the parking row. See also Table 9.2-4



B) ***Divider Strip***. Off street parking areas designed to provide double rows of abutting side-by-side spaces must include a continuous landscaped divider strip at least eight (8) feet in width centered on the dividing line between the abutting rows. The divider strip must be surrounded by a raised or rolled reinforced concrete curb or wheel stops to limit vehicular encroachment into the landscaped area. See also Table 9.2-4.

C) ***Curbing Requirements***. Within UGBs and UUCBs, all terminal islands and islands separating parking spaces in rows must be surrounded by a raised or rolled reinforced concrete curb. The width of such curbing is excluded from the calculation of minimum dimensions of landscaped areas.

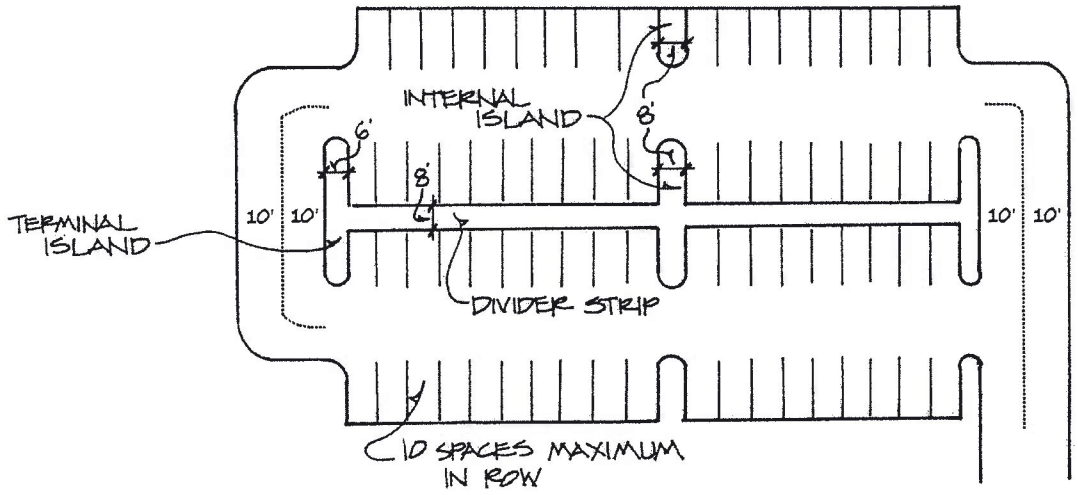
D) ***Wheel Stops***. Wheel stops are required to protect landscaped areas when curbing is not provided. Wheel stops must be at least six (6) inches above finished grade and be securely anchored to prevent movement during use. Wheel stops may be placed within parking spaces up to two (2) feet from

the front of a space. In such cases the area between the wheel stop and landscaping need not be paved provided it is maintained with appropriate ground cover.

E) ***Soil Quality.*** The use of structural soil is strongly encouraged for planted islands within parking lots and perimeter buffering strips adjacent to vehicle use areas.

Table 9.2-4 LANDSCAPE ISLAND AND DIVIDER STRIP REQUIREMENTS

MINIMUM ISLAND WIDTH IN FEET	MINIMUM ISLAND LENGTH IN FEET	Must Include the Following Plants Per Island	Must Include the Following Plants Per 50 Feet of Divider Strip
6 (Terminal) 8 (~~Intra-Row~~ Internal Island) 8 (Divider Strip)	10	1 Canopy Tree, 5 Shrubs ~~or 2 Understory Trees~~, Living or Non-living Organic Groundcover	1 Canopy Tree, 10 shrubs, Living or Non-living Organic Groundcover
***Note**: Three or four spaces in excess of a multiple of five spaces constitutes a requirement for an additional island.*			



TYPICAL PARKING LOT DESIGN

9.2.8 General Landscape Requirements

All development that is subject to the requirements of this Section must comply with the following landscape standards within required landscape areas.

A) All landscape areas must include sufficient lawn, shrubs and/or living ground cover to spread over approximately 85 percent of the total landscaped area within five (5) years. Tree canopy may be counted toward the coverage figure when appropriate ground cover is incorporated into the landscape design under the canopy.

B) The following minimum plant sizes apply, at the time of planting, to all landscaping required by this Ordinance:

1) Large deciduous tree stocks must be at least 1.5 inches in diameter (caliper) at a point six (6) inches above the ground.

2) Understory and ornamental tree stocks (e.g., Dogwood, Japanese Maples, Redbud) must be between four (4) and six (6) feet in height.

3) Evergreen and conifer trees must be between five (5) and six (6) feet in height.

4) Shrubs must be at least one (1) gallon size. Five (5) gallon size is encouraged, especially when slow growing species are used. and

5) Groundcover plants must be a minimum of four (4) inch pots and spaced appropriately for the species.

C) Bioswales incorporated into on-site drainage designs may be located in any landscaped area and will be counted toward compliance with the standards of this Section. Tree planting standards do not apply to areas dedicated to bioswales on an approved landscape plan, provided the bioswales are planted with appropriate living groundcover that will spread over 95 percent of the bioswale area within five (5) years. The County will determine if a proposal complies with this standard.

D) All landscaping required for multi-family and non-residential development must have automatic irrigation systems installed unless otherwise exempted by the ~~Planning~~ Director. Bioswales integrated as part of a combined on-site drainage and landscape plan that are planted entirely with native or other drought tolerant grasses and forbes are exempted from this requirement.

E) All planter areas must be covered with a minimum of three (3) inches of unsettled bark mulch or similar pervious nonliving material. No more than 20 percent of landscaped areas may be mulched with rock, pumice, or other inorganic ground covers.

F) All landscaped areas and plants must be kept free of noxious weeds and be maintained in good health by the property owner(s), including replacement of dead plants with healthy vegetation. Approved planting schemes may not be altered without County approval. The property owner, or tenant if the applicant, is responsible for contacting the Planning Division to request an

inspection to verify compliance with the approved landscape plan and survival of planted materials after the first year of operation. The inspection will be conducted during the growing season; and

G) If the development is a public works project, all landscape plans must be prepared and stamped by a landscape architect registered with the State of Oregon *(ORS 671.412)*.

9.2.9 Xeriscape Requirements

All development that is subject to the requirements of Section 9.2.8 that cannot obtain required landscape irrigation water from a municipal or community water system must incorporate the following additional measures in any landscape plan submitted for County review.

A) ***Limited Turf Areas***. The total amount of lawn (i.e., turf) may not exceed 25 percent of the total landscaped area. In addition, lawns should be separated from trees, flower beds and other ground covers that do not have similar water needs as lawn/turf. Lawns may not be planted in strips less than five (5) feet wide due to the difficulty in controlling irrigation over spray and resulting water waste in such areas.

B) ***Efficient Irrigation***. In order to reduce the amount of water required to maintain established vegetation, automatic or drip irrigation systems designed to supply adequate water to each planted area are required. If an automatic system is used, all watering must be done between sundown and sunrise to minimize evaporation.

C) ***Use of Drought Tolerant Plants***. Only drought tolerant native and non-invasive exotic species may be used in xeriscape plantings. The User's Guide contains a list of plants recommended for their drought tolerance and fire resistance. Other drought tolerant plants recommended by a licensed landscape architect may also be allowed.

D) ***Alternative Ground Cover***. Whenever possible, mulched planting beds and native plant communities should be used to meet landscape requirements. Beds may be mulched with any suitable organic or inorganic ground cover, provided that no more than 25 percent of the total landscaped area is mulched with inorganic material. Preservation and re-establishment of native plant communities as part of landscape designs is encouraged.

E) ***Soil Improvements and Maintenance***. Property owners must keep planted areas free of debris and continue to add mulch, mow lawns, maintain planting beds and prune trees on a seasonal basis. When preexisting native plant communities are incorporated into the landscape design, noxious weeds and exotic plant species must be eliminated annually from those areas.

9.2.10 Mitigation Measures for Development Adjacent to Agricultural Uses

A) ***Intensive Agriculture***

To minimize or mitigate the potential impacts associated with public use or residential development uses in proximity to intensive agriculture, the following measures will be implemented when such uses are proposed adjacent to land in intensive agricultural use:

1) *Landscaping*
In addition to the five (5) foot fence required by Section 9.2.3, when public use, or residential development is proposed, a landscaped strip adjoining the fence which has a width of not less than 10 feet is required. This landscape area must be planted with a row of evergreen or approved deciduous trees spaced not more than 20 feet apart. The species and variety of trees proposed must be approved by the County and must be selected on the basis of growth rate and vegetation density. Information must be provided regarding the long-term responsibility for care and maintenance of the landscaping

2) *Irrigation Runoff*
Measures appropriate to the circumstances must be implemented by the developer to mitigate adverse impacts that can occur from periodic natural and inadvertent agricultural irrigation runoff.

B) ***Discretionary Mitigation Measures/Design Considerations***
In addition to the specific mitigation measures required in Section 9.2.10(A), an application for discretionary site development plan review (see Section 3.2.) must also consider the following design issues and the County may, in its sole discretion, impose conditions that do any of the following:

1) Increase the rear or side yard setback to afford greater spatial separation between agriculture and public uses or residential development;

2) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land;

3) Require the placement of streets, driveways, open space or common areas between public uses or residential development and agricultural land; or

4) Require fencing and landscaping, including the use of berms, in excess of that required by Sections 9.2.4 and 9.2.6.

9.3 DEVELOPMENT ON STEEP SLOPES, RAPIDLY MOVING LANDSLIDE AREAS, AND EXPANSIVE SOILS [HB 3375]

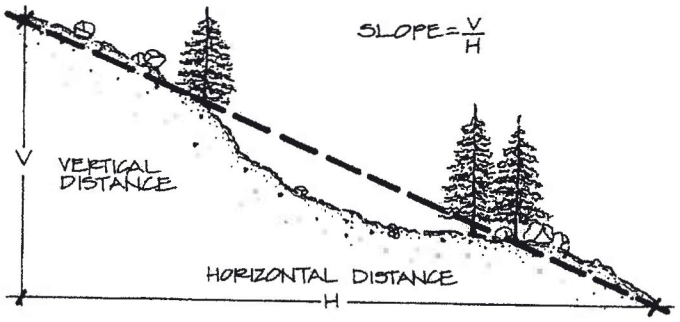
9.3.1 Steep Slope Development

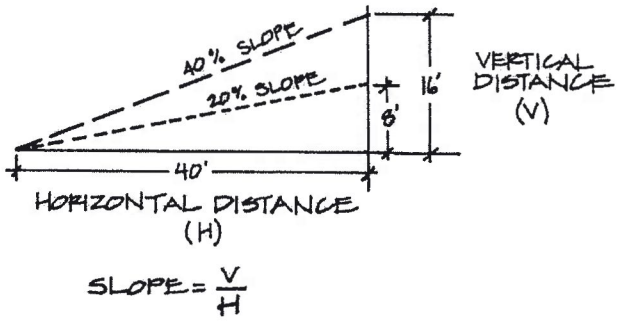
A) ***Purpose***
The purpose of the Steep Slope Development standards is to protect the public health, safety and welfare by assuring that development in areas of natural slopes greater than 20% is planned to mitigate the threat to life and property.

B) ***Applicability***
Development activities on slopes in excess of 20% that are also composed predominantly of expansive soils (see Section 9.3.2) are subject to the development standards of this Section and are regulated by the *State of Oregon Structural Specialty Code* and *State of Oregon One- and Two Family Dwelling Specialty Code*. Slope is defined as 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 percent slope is a 40 foot rise in elevation over a distance of 100 feet (40/100 x 100). A 100 percent slope equals a 45 degree angle. In Jackson County, slopes greater than 20% are considered steep slopes.

COMPARISON OF PERCENT AND DEGREES OF SLOPE
Percent slope = Degrees of slope
10% = 5.7°
15% = 8.5°
20% = 11.3°
25% = 14.0°
35% = 19.3°
40% = 21.8°





C) ***Development Standards***

1) Prior to approval of development, the natural slope at the development site will be determined. The applicant may bring in a slope determination prepared by a qualified professional or Jackson County may use available information to calculate or determine the natural slope at the development site. This may include, but is not limited to, slopes as determined by Jackson County GIS Services, distances and calculations derived from USGS maps, and topographical surveys.

2) The following measures are required prior to development on steep slopes to ensure site suitability:

a) For any proposed development on a steep slope, an assessment identifying geologic hazards and considerations and providing an assessment of the suitability of the site for the proposed development will be submitted for review by the County and the State Department of Geology and Mineral Industries or the State Forestry Department, as appropriate.

b) The assessment must be prepared by an Oregon registered professional engineer or engineering geologist who is

qualified to evaluate soils for suitability and certifies that the proposed development will be completed without threat to public, health, safety and welfare. If the assessment indicates that no mitigation measures are necessary to safely undertake the proposed development, the development may proceed without further requirements of this Section, subject to Department requirements for building permits.

c) If the assessment identifies hazards that pose an elevated risk to the site, or where mitigation measures are necessary to safely undertake the proposed development, a detailed geotechnical report evaluating the site conditions and recommending design measures necessary to facilitate a safe and stable development will be required. If the report discloses that the entire parcel is subject to rapidly moving landslides or that the parcel does not contain sufficient buildable area not subject to rapidly moving landslides, the County may deny the application; and

d) A landowner who obtains development approval under this Section must record a copy of the geotechnical report in the records of the County Clerk along with a deed declaration acknowledging the potential effects of rapidly moving landslides in accordance with ORS 195.260 prior to issuance of building permits.

3) In approving a development permit, the recommendations of the geotechnical report will be implemented. At a minimum, the report must provide recommendations that ensure site and area stability by:

a) Maintaining vegetation ground cover in a manner consistent with riparian and wildfire safety standards;

b) Designing new roads and buildings to ensure:

i) Safe placement on the surface topography by avoiding toeslopes of slump blocks and over steepened cut banks;

ii) Adequate surface drainage on and around the site; and

iii) Limiting disturbance from placement of septic tank disposal fields;

c) Revegetation of disturbed areas is required within one (1) growing season and will be completed prior to the final inspection for the building or grading permit. Revegetation of disturbed areas is subject to the fuelbreak requirements of Section 8.7.1. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

4) Fuelbreak requirements of Section 8.7.1, including the additional 50-foot secondary fuelbreak, is required for all building sites where the natural slope is in excess of 20%. This requirement is applicable in all zoning districts.

9.3.2 Development on Expansive Soils

A) ***Purpose***

The purpose of the standards for development on expansive soils in hillside areas is to reduce the risk of damage to buildings due to their placement on soils with a moderate to severe degree of shrink-swell potential in areas where slopes exceed 20% (see Section 9.3.1).

B) ***Applicability***

Development on expansive soils in hillside areas with a moderate to severe degree of shrink-swell potential, as identified in the NRCS *Soil Survey of Jackson County Area, Oregon*, issued August, 1993, are subject to the development standards of this Section and as regulated by the *State of Oregon Structural Specialty Code* and the *Oregon One- and Two-Family Specialty Code*. The degree of soil limitation is taken from *Table 9, Building Site Development*, of the above referenced soil study. Soils with a moderate degree of shrink-swell potential are those soils with properties or conditions not favorable to structures, residential and commercial, and special design or maintenance is needed to overcome or minimize the limitations. Soils with a severe degree of shrink-swell potential are those soils with properties or features so unfavorable or difficult to overcome that special design or maintenance is required. Soils identified as having a severe-moderate limitation will be considered as having a severe limitation to buildings

C) ***Development Standards***

1) Prior to issuance of a building permit for a building located on hillside soils with moderate to severe shrink-swell potential, the following measures are required:

   a) An assessment will be submitted by an Oregon registered professional engineer or engineering geologist, who is qualified to evaluate soils for suitability. If the assessment does not identify the hillside development site as having moderate to severe expansive soils, a building permit may be issued if the development meets all other requirements of this Ordinance~~:~~ .

   b) If the assessment identifies the hillside development site as having moderate to severe expansive soils which could damage a building, the building plans, for Department review, will include evidence of adequate engineering to protect the building. The engineering to protect the building from moderate to severe expansive soils will be prepared by an Oregon registered professional engineer~~:~~ ; and

   c) A deed declaration, provided by Jackson County will be recorded and a copy given to ~~Planning~~ the Development Services Department. The declaration will state "This property has been identified as having expansive soils. This condition may create special maintenance requirements. Before signing or accepting any instrument transferring title, persons acquiring title should check with the appropriate planning or building department." *(ORS 455.040)*

9.4 OFF-STREET PARKING AND LOADING

9.4.1 Applicability

A) ***New Development***

The off-street parking and loading standards of this Section will apply to any new building constructed and to any new use established. Parking areas provided in excess of the requirements of this Section will be designed and laid out in conformance with this Section. Approval of a parking and grading plan must be obtained from the ~~Planning~~ Development Services Department.

B) ***Expansions or Enlargements***

The off-street parking and loading standards of this Section will apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) will equal at least 75 percent of the minimum established in Table 9.4-1 below. Application of the standards of this Section may be modified through a Type 2 review under the provisions of Section 9.4.3 (Off Street Parking Alternatives).

C) ***Change of Use***

Off-street parking and loading will be provided for any change of use or manner of operation that would, based on the requirements set forth in Table 9.4-1, result in a requirement for more parking or loading spaces than the previous use.

9.4.2 Off-Street Parking Requirements

A) ***Off-Street Parking Schedule "A"***

Unless otherwise expressly allowed under this Ordinance, off-street parking spaces will be provided in accordance with Table 9.4-1. (See also Section 9.4.8) *(Amended by Ordinance 2004-12, effective 2-6-2005)*

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"

USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)			
Agriculture, Commercial Uses	See Schedule "C"		Yes, if street is Collector, Arterial or State Highway
Forestry, Commercial Uses	See Schedule "C"		Yes, if street is Collector, Arterial or State Highway
Mineral and Aggregate	1 space per 2 employees		Yes, if street is Collector, Arterial or State Highway
Fish and Game	1.5 spaces per 2 employees		Yes, if street is Collector, Arterial or State Highway

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
RESIDENTIAL USES			
Household Living	2 spaces each ~~for the first 2 units and 1.5 spaces for each additional unit thereafter~~ per unit ~~building per lot~~	3 spaces each for the first 2 units and 2 spaces for each additional unit thereafter per building per lot	No
Group Living	1 space per 2.5 person capacity, plus 1 space per 150 sq ft of assembly area	1 space per 1.25 person capacity, plus 1 space per 50 sq ft of assembly area	Yes
COMMERCIAL USES			
Agricultural Sales and Service	See Schedule "B", plus 1 space per 400 sq ft of outdoor event/assembly area		Yes
Animal Sales and Service	1 space per 400 sq ft	1 space per 200 sq ft	Yes
Building Materials	See Schedule "B"		Yes
Day Care	1 space per 6-person capacity	1 space per 3-person capacity	Yes
Eating and Drinking Establishment	3 spaces, plus 1 space per 80 sq ft of floor area devoted to patrons. Drive thru's must adhere to stacking requirements of Sec. 9.4.9	3 spaces, plus 1 space per 40 sq ft of floor area devoted to patrons. Drive thru's must adhere to stacking requirements of Sec. 9.4.9	Yes
Financial Institutions	1 space per 400 sq ft of gross floor area. Drive Thru's must adhere to stacking requirements of Sec. 9.4.9	1 space per 200 sq ft of gross floor area. Drive Thru's must adhere to stacking requirements of Sec. 9.4.9	Yes
Food and Beverage Sales	1 space per 400 sq ft of gross floor area up to 4,000 sq ft Drive thru's must adhere to stacking requirements of Sec. 9.4.9	1 space per 200 sq ft of gross floor area. Drive thru's must adhere to stacking requirements of Sec. 9.4.9	Yes
Landscaping Sales/Service	See Schedule "B"		Yes
Medical Services	1 space per 250 sq ft of gross floor area up to 5,000 sq ft.	1 space per 125 sq ft of gross floor area up to 15,000 sq ft, plus 1 space for each additional 350 sq ft thereafter.	Yes
Office	1 space per 400 sq ft of gross floor area	1 space per 200 sq ft of gross floor area	No, if less than 7,500 sq ft; otherwise, yes
Personal Service	1 space per 250 sq ft of gross floor area up to 2,500 sq ft.	1 space per 125 sq ft of gross floor area	Yes
Recreation and Entertainment	1 space per 4 expected patrons at design capacity	1 space per 2 expected patrons at design capacity	Yes
Retail Sales	See Schedule "B", not to exceed 150% of minimum requirement		Yes
Service and Repair Businesses	1 space per 600 sq ft of gross floor area up to 3,000 sq ft	1 space per 300 sq ft of gross floor area	Yes

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
Vehicles and Equipment	See Schedule "B" (Commercial Parking area and Motor Vehicle Impounds, N/A)		Yes, if street is Collector, Arterial or State Highway
Visitor Accommodation	3 spaces, plus 1 space per guest room	5 spaces, plus 1.5 space per guest room	Yes

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
INDUSTRIAL/MANUFACTURING USES			
Equipment Storage and Repair	1 space for every 750 sq ft of indoor work area, plus 1 space for each additional 7,500 sq ft of area committed to the use	N/A	Yes
Industrial Service	See Schedule "B"		Yes
Manufacturing & Production	See Schedule "B"		Yes
Warehouse and Freight Movement	1 space for every 750 sq ft of indoor work area, plus 1 space for each additional 7,500 sq ft of area committed to the use	N/A	Yes
TRANSPORTATION USES			
Aviation	See Schedule "C"		Yes
Bike Paths	None	N/A	No
Public Transportation	None	N/A	No
Transportation Facility	None	N/A	No
Transportation Improvements	None	N/A	No
UTILITY/SOLID WASTE USES			
Utility	1 parking space for each 2 employees	1 space for each employee	Yes
Waste-Related Use	1 parking space for each 2 employees	5 spaces, plus 1 space for each employee	Yes
PARKS/PUBLIC/QUASI-PUBLIC USES			
Cemetery	2 spaces plus 1 space per 10,000 sq ft of area devoted to the cemetery	2 spaces plus 1 space per 5,000 sq ft of area devoted to the cemetery	Yes
Library	1 space per 500 sq ft of gross floor area, plus 1 space per 150 sq ft of assembly area	1 space per 250 sq ft of gross floor area, plus 1 space per 75 sq ft of assembly area	Yes
Museum	1 space per 500 sq ft of gross floor area, plus 1 space per 150 sq ft of assembly area	1 space per 200 sq ft of gross floor area, plus one space per 100 sq ft of assembly area	Yes
Parks and Recreation	Type 2-4 review subject to Schedule "C", otherwise N/A		Yes
Post Office Substation	1 space per 300 sq ft	1 space per 150 sq ft	Yes

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
Public Assembly	1 space per 3 seats, or 8 ft of bench length in the main auditorium; if no permanent seats are provided, 1 space per 50 sq ft of gross floor area	There is no maximum below 300 spaces. For facilities with more than 300 spaces, the minimum requirement shall not be exceeded by more than 15%	Yes
Public Works	1 space for every 300 sq ft of office space, plus 1 space for every 750 sq ft of indoor work area, plus 1 space for each additional 7,500 sq ft of area committed to the use	N/A	Yes
Religious	1 space per 3 seats, or 8 ft of bench length in the main auditorium; if no permanent seats are provided, 1 space per 50 sq ft of gross floor area	There is no maximum below 300 spaces. For facilities with more than 300 spaces, the minimum requirement shall not be exceeded by more than 15%	Yes
Safety Services	Type 2-4 review subject to Schedule "C"; otherwise N/A		Yes
Schools	All: 1.25 spaces per classroom, plus grades 9-12: 1 space per 3 students at design capacity, or for Post K-12: 1 space per 2.5 students at design capacity	N/A for K-12; 2 spaces per classroom, plus 2 spaces per 3 students at design capacity for post K-12.	Yes

B) ***Off-Street Parking Schedule "B"***

Uses subject to off-street parking schedule "B" will provide the following minimum number of off-street parking spaces:

TABLE 9.4-2: OFF-STREET PARKING SCHEDULE "B"	
Activity Use	Minimum Number of Spaces Required
Office or administrative area	1 per 300 square feet
Indoor sales area	1 per 200 square feet
Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet)	
• Motor vehicles/equipment sales	1 per 2,000 square feet
• Other sales/display	1 per 1,000 square feet
Indoor storage/warehousing/vehicle service/manufacturing area	
• 1–3,000 square feet	1 per 250 square feet
• 3,001–5,000 square feet	1 per 500 square feet
• 5,001–10,000 square feet	1 per 750 square feet
• 10,001–50,000 square feet	1 per 1,250 square feet
• 50,001 square feet+	1 per 1,250 square feet

C) ***Off-Street Parking Schedule "C"***

Uses that reference Schedule "C" have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Any use subject to Schedule "C" parking

requirements must be reviewed as a discretionary land use permit (subject to Type 2 through 4 review, as applicable). A use subject to "Schedule C" standards is subject to the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use, or minimum off-street parking requirements will be established on the basis of a parking and loading study submitted by the applicant. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study will document the source of data used to develop the recommendations.

D) ***Urban Off-Street Parking***

Within urban growth or urban unincorporated community boundaries, the minimum requirements of Table 9.4-1 may be reduced by 25% when the proposed use, expansion, or enlargement is within one-quarter mile (¼ mile) of an existing transit route.

9.4.3 Off-Street Parking Alternatives

The ~~Planning~~ Director may approve alternatives to providing the number or location of off-street parking spaces required by the Off-Street Parking Schedules in accordance with the following:

A) ***Alternative On-Site Parking***

1) Alternative parking plans will be reviewed and approved in accordance with the Type 2 procedures of Section 3.1.3.

2) The ~~Planning~~ Director may approve alternatives to providing off-street parking spaces on the site of the subject development if the applicant satisfactorily demonstrates that the proposed plan will provide comparable protection of surrounding neighborhoods, maintain traffic circulation patterns, and promote quality design.

B) ***Off-Site Parking***

The location of required off-street parking spaces on a separate lot from the one ~~lot~~ on which the principal use is located may be permitted if the off-site parking complies with all of the following standards.

1) *Ineligible Activities*

Off-site parking separated by a road right-of-way may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), eating and drinking establishments, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2) *Location*

No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest approved pedestrian route) unless remote parking shuttle bus service is provided. Off-site parking spaces may not be separated

from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control device or remote parking shuttle bus service is provided.

3) *Zoning Classification*
Off-site parking areas will have the same or a more intensive zoning classification than required for the use served.

4) *Agreement for Off-Site Parking*
In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement will guarantee the use of the off-site parking area for at least 10 years. An attested copy of the agreement between the owners of record will be submitted to the ~~Planning~~ Director for recordation in a form established by the County Counsel. Recordation of the agreement will take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided on site, in accordance with the Off-Street Parking Requirements (Section 9.4.2). No use will be continued if the off-site parking is removed unless substitute parking facilities are provided.

C) ***Shared Parking***
Shared parking facilities for developments or uses with different operating hours or different peak business periods may be permitted if the shared parking complies with all of the following standards.

1) *Location*
Shared parking spaces will be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2) *Zoning Classification*
Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3) *Shared Parking Study*
Those wishing to use shared parking as a means of satisfying off-street parking requirements will submit a shared parking analysis that clearly demonstrates the feasibility of shared parking. The study will address, at a minimum: the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4) *Agreement for Shared Parking*
A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record will be submitted to the ~~Planning~~ Director for recordation in a form established by the County Counsel. Recordation of the agreement will take place before issuance of a building permit for any use to be served by the off-site parking area.

A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (Section 9.4.2).

9.4.4 Rules for Computing Requirements

The following rules apply when computing off-street parking requirements:

A) ***Multiple Uses***

Unless otherwise approved in Section 9.4.3, lots containing more than one (1) use will provide parking and loading in an amount equal to the total of the requirements for all uses.

B) ***Fractions***

When measurements of the number of required spaces result in a fractional number, any fraction of one-half (½) or less will be rounded down to the next lower whole number and any fraction of more than one-half (½) will be rounded up to the next higher whole number.

C) ***Area Measurements***

Unless otherwise specifically noted, all square footage-based parking and loading standards will be computed on the basis of gross floor area.

D) ***Occupancy- or Capacity-Based Standards***

For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations will be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

9.4.5 Location

A) ***General***

Except as otherwise expressly provided in this Section, required off-street parking spaces will be located on the same lot as the principal use.

B) ***Setbacks***

1) In a Residential district, off-street parking or storage of vehicles, travel trailers, or motor homes will not be permitted within any front or street side setback area, provided that off-street parking may be permitted within that portion of any setback used for driveway access to required off-street parking areas.

2) In a Commercial, Industrial, or Resource district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or sight distance triangles.

9.4.6 Use of Off-Street Parking Areas

Required off-street parking areas are to be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

9.4.7 Bicycle Parking

For multi-family development in excess of four (4) units, commercial, or parks/public/quasi-public uses within the AQMA, new vehicle parking areas that exceed 10 motorized spaces must include a designated area for bicycle parking within 50 feet of a public entrance. Bike rack(s) will be provided within this area that will accommodate two (2) bikes for the first 10 motorized vehicle parking areas, plus two (2) additional bikes for each additional 10 motorized vehicle parking spaces thereafter.

9.4.8 Off-Street Loading Requirements

Off-street loading spaces will be provided as required by Off-Street Parking Schedule "A" when the use will require regular deliveries by trucks exceeding 10 tons gross vehicle weight. Where off-street loading is required, it will comply with the standards of this Section.

A) ***Dimensions***

Required loading berths or equivalent off-street loading areas will have the following minimum dimensions: 12-foot minimum width, 35-foot minimum length, and 14-foot minimum vertical clearance.

B) ***Location***

1) Required off-street loading areas will be on the site of the use served or on an adjoining site~~:~~.

2) A loading area will not be located in a required setback or intrude into any portion of a required parking aisle or prevent access to a required parking space~~:~~.

3) Loading areas visible from a street will be screened on three (3) sides by a solid, decorative fence, wall, or hedge at least six (6) feet in height. General Industrial zoned lands within the WCUUCB are exempt from this requirement.

4) A required loading space will be accessible without backing a truck into the road right-of-way~~;~~ and

5) The ~~Planning~~ Director may review a request to determine that provision of turn-around space is infeasible. In no event will loading or unloading and vehicle stacking occur in the road right-of-way.

9.4.9 Vehicle Stacking Areas

The vehicle stacking standards of this subsection will apply to the uses indicated unless otherwise expressly approved by the ~~Planning~~ Director.

A) ***Minimum Number of Spaces***

Off-street stacking spaces will be provided as follows:

TABLE 9.4-3: OFF-STREET STACKING SPACES		
Activity Type	Minimum Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Restaurant drive-through	~~6~~ 4	Order Box
Restaurant drive-through	~~4~~ 2	Order Box to Pick-Up Window
Coffee cart	~~4~~ 3	Pick-Up Window
Car wash stall, automatic	3	Entrance
Car wash stall, self-service	~~2~~ 1	Entrance
Gasoline pump island	2	Pump Island
Other	Determined by ~~Planning~~ Director based on traffic study	

B) ***Design and Layout***
Required stacking spaces are subject to the following design and layout standards.

1) *Size*
Stacking spaces will be a minimum of eight (8) feet by 20 feet in size.

2) *Location*
Stacking spaces will not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

3) *Design*
Stacking spaces will be separated from other internal driveways by raised medians if deemed necessary by the ~~Planning~~ Director for traffic movement and safety.

9.4.10 Accessible Parking Required
Accessible parking facilities will be provided, constructed, striped, signed, and maintained as required by ORS. For accessible parking requirements, see the most current edition of the ~~*State of Oregon Structural Specialty Code*~~ ***2003 International Building Code***.

9.4.11 Parking Design Standards
A) ***Markings***

1) Each required off-street parking space and off-street parking facility will be identified by surface markings or anchored wheel stops and will be maintained in a manner so as to be readily visible and accessible at all times. Such markings will be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs, and handicapped-area designations.

2) One (1)-way and two (2)-way accesses into required parking facilities will be identified by directional arrows. Any two (2)-way access located at any angle other than 90 degrees to a street will be

marked with a traffic separation stripe the length of the access. This requirement does not apply to internal parking lot drive aisles.

B) ***Surfacing and Maintenance***

All off-street parking areas will be kept in a dust-free condition at all times. Parking lots and loading areas within the Air Quality Maintenance Area will be paved or otherwise treated on a regular basis with an approved dust preventative.

C) ***Dimensions***

1) *General*

Required off-street parking spaces will comply with the following dimensional standards:

TABLE 9.4-4: GENERAL DIMENSIONAL STANDARDS FOR REQUIRED OFF-STREET PARKING SPACES

Use	Dimensions (feet)
Residential	9 x ~~20~~17
Nonresidential	9 × ~~20~~18
Parallel	8 × ~~23~~22
Van*	10x20

**All new parking lots must provide at least one van space with an 8 foot wide access on the loading side.*

2) *Reduction for Planter Overhangs*

When a parking space abuts a landscape island or planter, and also where pedestrian access is not required, the front two (2) feet of the required parking space may overhang the planter, provided that wheel stops or curbing is provided.

3) *Spaces Near Obstructions*

Each parking space adjoining a wall, column, or other obstruction higher than six (6) inches will be increased by two (2) feet on the obstructed side to allow for pedestrian access.

D) ***Curb Cuts/Driveway Approach***

All driveway~~s~~ curbcuts accessing a state highway will be improved to the standards required by Oregon Department of Transportation. ~~those~~ Driveway curbcuts located on a County road will be improved to ~~standards required by~~ county road standards ~~Roads and Parks Services, and all roads~~ or city standards when the road is within an urban growth boundary ~~will be improved to applicable City standards~~ and the Urban Growth Management Agreement with the city stipulates city standards will govern.

E) ***Access to Parking Areas***

1) All new off-street parking areas will be accessible without backing into or otherwise reentering a public right-of-way.

2) When an off-street parking area does not abut a public street, there will be provided an access drive not less than 20 unobstructed feet

in width for two (2)-way traffic and 12 unobstructed feet in width for one (1)-way traffic, connecting the off-street parking area with a public street. The access drive will be surfaced in the manner required for off-street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turn-around is not possible, a turn-around will be provided as required by the Fire Department.

F) ***Lighting***
New or expanded parking lots that will provide 25 or more vehicular spaces must provide on-site lighting sufficient to ensure safe movement of pedestrians between buildings and vehicles during non-daylight hours.

G) ***Parking Area Connections***
Parking ~~areas~~ lots with access to arterial or collector streets in residential and commercial zones will be so designed as to connect with existing or future parking areas on adjacent sites, thereby eliminating the necessity of ~~utilizing~~ using the arterial or collector streets for cross movements.

H) ***Off-Street Parking Area Landscaping, Buffering, and Screening***
Off-street parking areas will be landscaped, buffered, and screened in accordance with the standards of Section 9.2.

I) ***Drainage***
Adequate drainage will be provided to dispose of the run-off generated by the impervious surface area of the parking area. Provisions will be made for the on-site collection, detention and retention of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. Storm drain grates will be located and oriented in such a way as to avoid creating hazards for bicycles, pedestrians, wheelchairs or motorcycles.

9.5 ACCESS DESIGN STANDARDS

9.5.1 Applicability *(Amended by Ordinance 2004-12, effective 2-6-2005)*
The access standards of this Section apply to the creation of new publicly dedicated roads, private roads and driveways to serve as access to new lots as part of a land division, or to provide access to a lot prior to its development. Additional, higher standards may be required if deemed necessary by the County to ensure that safe and adequate access to lots and parcels will be provided. All new public and private roads will, at a minimum, comply with the following:

A) ***Conformance with Existing Divisions***
Roads will be laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction, and in all other respects, unless the County determines it is in the public interest to modify the road pattern.

B) ***Connectivity with Transportation System Plans***
New public roads will be consistent with any adopted transportation plan applicable to the area. Private roads may not be approved on alignments shown in any adopted transportation plan applicable to the area. In cases where a planned improvement would not result in complete connectivity with

the planned road system, the link may be barricaded with County approval until needed, or until connectivity can be assured.

C) ***Control Strip/Street Plug***

The County may require that a strip of land contiguous to a road be conveyed to Jackson 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; or

6) To prevent adverse impacts on a designated scenic roadway or stream corridor.

D) ***Commercial and Industrial Development***

Commercial or industrial land divisions must be served by a county road, state highway or city street that is improved to county, city or state standards, either through direct access onto such roads or through an approved private road. Private roads may be created to serve existing commercial or industrial uses only if no other alternatives are available. The developer must improve the road to the applicable county, city or state standards prior to issuance of development permits unless the improvements are bonded in accordance with Section 10.6. In addition, the Director may require the developer to participate in public road improvements through a deferred improvement agreement. Deferral of frontage improvements is appropriate under these circumstances: (**1**) the land served by an existing road is zoned for more intensive development; and (**2**) only a minor part of potential traffic on the road would be generated by the proposed development. Required public road improvements may include, but are not limited to the following:

1) Dedication of additional right-of-way or an irrevocable offer of such a dedication; and/or,

2) Construction of roadbed, sidewalks, curbs, gutters, travel surface, and drainage facilities.

E) ***Access Across Zoning Districts***

Where public road access is not otherwise provided to a parcel, an easement may provide access to approved uses through any zoning district,

provided any new access through a resource zone (see Chapter 4) to serve non-resource property, is approved through a Type 2 review. See also Section 3.10.2. *[Bowman Park Neighborhood Assoc. v. City of Albany and Permawood NW Corporation LUBA 84-010; and Roth v. Wood & Jackson County, LUBA 2000-083 & 2001-121]*

F) ***Access Through Areas of Special Concern (ASC)***
New access through an ASC must comply with all applicable standards (e.g., ASC 90-1, ASC 90-4, ASC 90-9) as specified in Chapter 7.

9.5.2 Public Roads

A) ***Creation of Public Roads***
New public roads must be dedicated to the state, county or an incorporated city. No new public road will be approved unless the developer provides written certification from ODOT, the County Roads Division or the appropriate city that they will accept the road.

B) ***Road Improvements Within Undeveloped Dedicated or Platted Rights-of-Way***
Except for temporary uses, prior to issuance of building permits for a lot or parcel that will obtain access from one or more undeveloped dedicated or platted rights-of-way, the road(s) will be improved to applicable city, county or state agency standards, unless the County Roads Department approves a deferral of improvements or a local improvement district is formed. If the rights-of-way are part of an undeveloped plat more than 10 years old the Director may, instead, recommend vacation as provided in ORS 92.205 et. seq. or ORS 368.326 et. seq.

C) ***Erosion Control***
New public roads will use erosion control provisions including, but not limited to: (**1**) seeding or hydro-mulching of cut and fill banks and limitations of slopes on road cuts and fills that are acceptable to the County; (**2**) prevention of track-out during construction; and (**3**) control of ~~stormdrain~~ storm drain runoff in order to reduce the infiltration of mud and dirt into ~~stormwater~~ storm water. Storm drainage will be provided according to Jackson County road standards.

D) ***Conditions of Approval***
The County will not issue building permits for any parcel that will be served by a new publicly dedicated road until the following actions have been completed:

1) The road has been improved to applicable city, county or state agency standards and has been certified as being acceptable by the county, city or state agency having jurisdiction over the road~~.~~ and

2) The road has been 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.

9.5.3 Private Roads

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

A) ***Location***

1) Private roads may be permitted for commercial or industrial land divisions when the standards of 9.5.1(D) are met and the road will be built to County commercial/industrial road standards~~:~~.

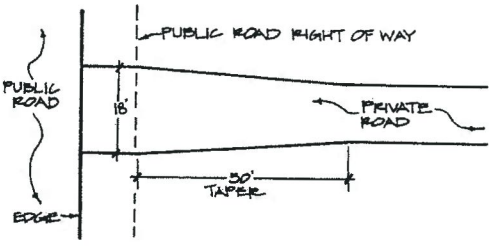
2) Private roads are not permitted within urban growth boundaries and urban unincorporated communities unless the road will be finished with a concrete or paved surface~~, or city standards when the Urban Growth Management Agreement with the city stipulates city standards will govern~~;

3) ~~A private road shall directly connect only to a state, county, or city maintained road. The County may grant an exception for private roads connecting to a US Forest Service of Bureau of Land Management road when the applicant, or their authorized representative, has applied for and received approval for use of the federal right-of-way from the USFS or BLM.~~ A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

B) ***Width*** ~~(delete graphic)~~

1) The width of the private road at its intersection with the right-of-way of a publicly dedicated road will be a minimum of 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the public right-of-way. Additional standards may be required to obtain a road approach permit. ~~The minimum travel surface width of a private road will be 20 feet;~~

2) A greater width than the minimum travel surface may be required by the County in wildfire hazard areas~~:~~ ~~,~~ and



3) The minimum easement for a private road ~~will be~~ is 25 feet. ~~except where~~ Where the natural slope of the land within the easement (cross-slope) is greater than 20 ~~15~~ percent, ~~in which case~~ the easement width will be 50 feet ~~the minimum width may be increased~~. The minimum easement width will ~~must in any event~~ accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

C) ***Signage*** *(Amended by Ordinance 2004-12, effective 2-6-2005)*
Any platted private road must display a road sign displaying the name of the private road at every intersection of the private road with a city, county or state street, road or highway. Such road name signs must bear the name of the road shown on the plat and conform with County road sign standards. In addition, a second sign must state the private road is not maintained by Jackson County. The process for naming private roads will be consistent with *Jackson Codified Ordinance* 1032 and Sections 10.3.1(A)(2) and 10.3.3(E) of this Ordinance.

D) ***Separation from Other Roads***
No private road may be created that is generally parallel to a state highway, unless it is separated from the highway by not less than 275 feet at any intersection.

E) ***Grade***
Maximum finished grade will be 15 percent except that it may exceed 15 percent at other than the road approach or turnaround for a maximum distance of 100 feet ~~unless otherwise approved by the fire district having jurisdiction~~. Under no circumstances may ~~any portion of~~ the road grade exceed 18 percent. The approach from a publicly dedicated road may not exceed 10 percent grade for a distance of 40 feet.

F) ***Surfac~~e~~ing ~~of Residential Private Roads~~***

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

2) The travel surface of the private road will be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions. An application for a private road must include an engineer's design report that specifically identifies:
   (a) the minimum construction standards necessary for the subject road to provide a minimum life of five (5) years;
   (b) necessary maintenance measures;
   (c) type of work to be done annually; and
   (d) the minimum annual maintenance cost.

   In evaluating the adequacy of a proposal ~~to meet this requirement~~, the applicant's Oregon registered professional engineer or engineering geologist will take into consideration the terrain, soil and slope aspects of the proposed road, and compare the proposed road construction specifications to the following ~~standards~~ requirements~~, which will be required~~ of this subsection unless the applicant's engineer/geologist determines that ~~the~~ alternative specifications are equivalent or superior. ~~to the following:~~

3) Private roads will be constructed to hold a minimum load capacity of 50,000 pounds.

Table 9.5-1: MINIMUM REQUIREMENTS FOR PRIVATE ROADS (See User's Guide for complete standards)							
No. Of Lots or Parcels Served	Maximum Grade②	Lane Width	Lanes Required ~~Weight Carrying Capacity~~	Minimum Shoulder Width	Minimum Easement	Recommended Speed	Turning Curve Radius
2-3	15%	14 ft.	1① ~~50,000 pounds~~	None	25 ft.	Maximum 25 MPH Minimum 15 MPH	Minimum center line radius of ~~55~~ 48 feet
4-6	15%	11 ft.	1① ~~50,000 pounds~~	2 ft	40 ft.	Same as Above	Same as Above
7-12	15%	10 ft.	2 ~~50,000 pounds~~	1 ft	50 ft.	Same as Above	Same as Above

① Turnouts will be provided at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts.

② See Section 9.5.3(E)

NOTE: Roads located within the Air Quality Maintenance Area (AQMA) must use at a minimum an oil mat surface (Jackson County 0-7 asphalt penetration macadam oil mat with a minimum of three shots of oil) on the 10 foot travel lane.

G) ***Culverts***

All culverts will be designed to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. A typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainage way crossings, 12-inch diameter culverts are the minimum. The use of engineered culverts may be required. Culverts will be a minimum of 18 feet wide and will be wide enough to extend beyond the toe of the fill. All culverts will have a 50,000 pound load carrying capacity. Culverts will meet the requirements of Section 7.1.2(F)(7)(c). The Department may require that culverts and other drainage facilities be evaluated by a registered professional engineer to determine appropriate sizes, or may recommend sizes without incurring liability for the failure of such.

~~H)~~ ***Bridges***

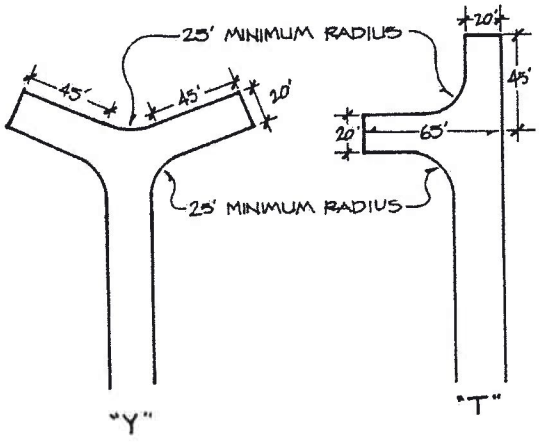
~~Bridges will be designed and maintained in accordance with AASHTO Standard Specifications for a 50,000 pound load capacity and have a minimum driving surface width of 14 feet. Bridge capacity shall be determined by a professional engineer and shall be posted at both entrances to the bridge in a manner as to be visible from the road. Noncombustible construction is preferable. A clear minimum width of 14 feet must be maintained above the surface of all bridges.~~

H) ***Other Standards***

1) Cut and fill slope requirements, drainage and erosion control provisions will be determined to be adequate by the applicant's Oregon registered professional engineer or engineering geologist.

2) Turnouts will be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

3) All private roads will be dead-end roads and will provide a suitable turnaround at the private road terminus or within 150 feet of its terminus. The grade will not exceed four (4) percent in turnarounds or cul-de-sacs. See User's Guide for examples of suitable turnarounds; and



4) Except for roads located within ASC 90-1, gating private roads is prohibited unless year-round 24-hour emergency vehicle access is provided. ~~Gate access must be approved by the fire district having jurisdiction.~~

~~5) An application for a private road must include an engineer's design report that specifically identifies: (1) the minimum construction standards necessary for the subject road to provide a minimum life of five years; (2) necessary maintenance measures; (3) type of work to be done annually; and (4) the minimum annual maintenance cost. The engineer's design report will take into consideration the terrain, soil, slope aspects of the proposed road.~~ (relocated to 9.5.3(F)(2)

I) ***Maintenance Agreement***

Private roads will be maintained by the benefitted property owners and will not be accepted by the County for maintenance, nor can the County contract for their maintenance. The County will require that a maintenance agreement be recorded in the public records as a requirement for approval of any new private road. Any such agreement must conform to the standards for such agreements found in the User's Guide including enforceability by any person served by the road through mediation or litigation.

J) ***Conditions of Approval***

The County will not issue building permits for any parcel that will be served by a new private road until all the following actions have been completed:

1) The applicant's engineer has certified the road has been improved to the applicable standards of Section 9.5.3 as well as any specified in the User's Guide. Any or all required surveys, maps, plans, and improvements will be the responsibility of the applicant/developer or abutting owners. No funds of the County will be expended for any of the above items nor will the County or any of its officers or employees be liable for failure to improve or repair a private road~~.~~;

2) The applicant's surveyor has verified in writing that the physical location of the travel surface of the road is within the approved easement~~.~~;

3) An easement and road maintenance agreement has been recorded for each lot or parcel that will be served by the road~~.~~; and

4) A sign acceptable to the County Roads Division stating the words "Private Road File #___, Not Dedicated for Public Use or Maintained by Jackson County" has been posted at the entrance to the private road from the public right-of-way. All addresses that use the private road for access will be listed on the sign. If the private road forks, the addresses served by each fork will also be listed. The sign will be posted at the applicant's expense.

9.5.4 Emergency Vehicle Access

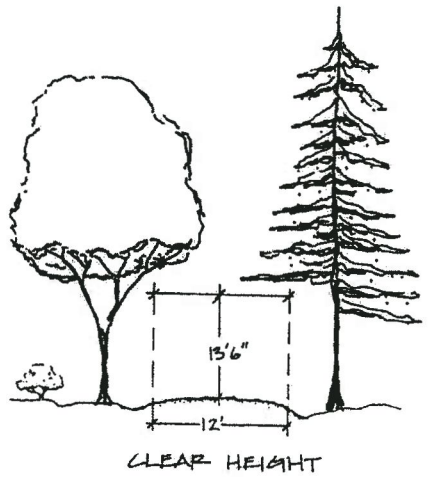
Emergency vehicle access, ~~serving new uses~~, must be constructed of an all-weather surface ~~and shall extend~~ to within 50 ~~150~~ feet of all habitable ~~portions of the exterior walls of the first story of the~~ structures and significant outbuildings. See Section 13.3) Access at a minimum ~~Driveway access for all new structures requiring building permits except silos, windmills, transmission and utility towers~~ will meet the following standards ~~requirements~~:

~~A) *Areas subject to Sections 8.7 and 9.3 (Wildfire and Steep Slope Hazards) Driveway Access Requirements*~~:

Emergency vehicle access must be constructed to the following standards within areas subject to the requirements of Sections 8.7 and 9.3 and on lands in a forest zone:

1) Minimum surface width will not be less than 12 feet. Driveway segments having ~~C~~curves with a centerline ~~curve~~ radius of less than 150 ~~48~~ feet require a minimum 14 foot width ~~to ensure emergency vehicles remain on the travel surface.~~;

2) A minimum clear height of 13½ feet must be maintained for the entire width of the driveway~~.~~;



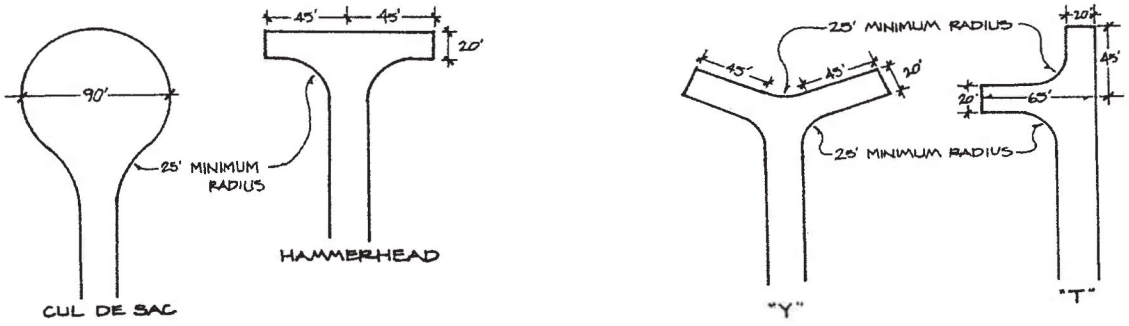
CLEAR HEIGHT

3) Access must be designed and constructed to maintain a minimum 50,000-pound load carrying capacity. If not designed by an engineer, road access must be constructed of a minimum of six (6) inches of ~~4" minus~~ base rock, or equivalent~~.~~

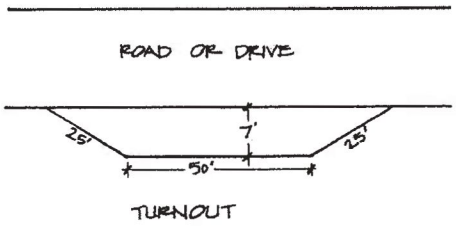
4) Maximum finished grade can be no greater than 15 percent. ~~If approved by the fire district having jurisdiction, or, if not within a fire district, the County fire safety inspector or Department of Forestry,~~ The grade may increase to 18 percent for intervals of up to 100 feet provided there are no more than three (3) 100-foot sections of over 15 percent grade per 1,000 feet. The finished grade may not exceed 15 percent on curves with a centerline radius of less than 150 feet. The approach from a public road or private road cannot exceed 10 percent grade for a distance of 40 feet~~.~~

5) Curves will have a minimum centerline ~~curve~~ radius of 48 ~~55~~ feet. This includes approaches onto public roads in both directions~~.~~ ~~(See diagram).~~

6) Access that dead-ends must ~~terminate in~~ incorporate an approved ~~cul-de-sac or other~~ turnaround arrangement. A turnaround must be constructed within 150 feet of any proposed habitable structure. If the driveway distance is less than 150 feet and meets the other requirements of this section, no turnaround will be required. Turnarounds will be a minimum 20 feet wide, with a minimum inside radius of 25 feet. Turnarounds will be provided every one-half (½) mile. Such turnaround area must meet the load requirements of (3) above. The grade may not exceed four (4) percent in turnarounds or cul-de-sacs~~.~~ ~~;~~



7) Turnouts are required at 800 foot maximum spacing, or at distances that ensure continuous visual contact between turnouts. Turnouts must be at least 50 feet long and seven (7) feet wide, with 25 foot tapers on each end~~.~~ ~~;~~



8) Visible address signs acceptable to the appropriate fire district must be posted at applicant's expense. The address sign will be posted at the entrance to the public right-of-way. All addresses which use the same access must also be listed on this sign. If the access forks, the addresses served by each fork must also be listed at the intersection.

9) Gate widths will be a minimum of 14 feet, unless on a curve where the minimum surface width is 14 feet, then the gate will be a minimum of 16 feet.

10) ~~Bridges will have a 50,000-pound load carrying capacity, and will have~~ Bridge driving surfaces must be a minimum of eight and one-half (8½) feet in width. ~~Bridge capacity shall be determined by a professional engineer and shall be posted at the bridge entrance in a manner as to be visible from the driveway. Bridge capacity reports shall be valid for a period of 10 years~~. A clear minimum width of 14 feet must be maintained above the surface of ~~all~~ the bridge. All bridges will have a 50,000-pound load carrying capacity. Non-combustible construction is preferable.

11) Any required culverts must meet the minimum standards in Section 9.5.3(G).

12) Sidewalks crossing driveways will be designed to meet the requirements of the *Oregon Bicycle and Pedestrian Plan (1995)* administered by Jackson County Roads and Parks Services.

~~B) ***All Other Areas***~~

~~All commercial, industrial, public, quasi-public and multi-family dwelling development that generates more than 100 vehicle trips per day will meet the emergency vehicle access standards of Section 9.5.4(A) above.~~

9.5.5 Bicycle Access

A) ***Description***

All sites are encouraged to provide bicycle access and to avoid or minimize conflicting bicycle/motor vehicle and bicycle/pedestrian movements. There are two (2) principal types of bicycle access routes: bicycle traffic facilities (bikeways) that are developed as part of roadways, and bicycle pathways.

B) ***Bikeways***

Bicycle traffic facilities (bikeways) will be provided as part of the construction of County roads where the proposed road would provide for intra urban or inter urban bicycle transportation, or a bicycle route or way is proposed within *The May, 1996 Jackson County Bicycle Master Plan*. Bikeways require a four (4)-foot wide paved shoulder on each side of the road.

C) ***Bicycle Pathways***

Bicycle pathways are facilities with exclusive rights-of-way for bicycle use, with cross flows by motorists minimized. Sidewalks are not considered bicycle pathways. In developments containing nonresidential uses or multi-family uses, bicycle pathways will be provided between public bicycle lanes

or trails and on-site bicycle parking areas. In addition, subject to the general dedication requirements of Section 10.5.1, the County may require public dedication of bicycle pathways when such pathways are designated in the Master Plan. The County will also require the developer to improve the lands so dedicated within and adjacent to divisions, when necessary, to provide bicycle access to nearby recreational areas or other bikeways.

Public bicycle paths will be inspected and approved by Jackson County Roads and Parks Services. Private bicycle paths will be inspected and certified by a registered professional engineer as meeting the requirements of this Chapter.

9.5.6 Sidewalks

A) Sidewalks may be required when a proposed development or land division is within an urban growth boundary or urban unincorporated community. In addition, sidewalks may be required outside these areas when any one (1) of the following findings is made:

1) The subject property is located within one-quarter (¼) mile of a school, shopping center, recreation area, or other use likely to induce pedestrian traffic; or

2) The surrounding area has developed with sidewalks ~~or~~ and is zoned for urban residential, commercial, or industrial uses.

B) Sidewalks, crosswalks, islands, curb cuts, and sidewalks at driveway crossings will be constructed to the standards established by Jackson County Roads and Parks Services.

C) 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.

D) Sidewalks crossing driveways will be designed to meet the requirements of the *Oregon Bicycle and Pedestrian Plan (1995)* administered by Jackson County Roads and Parks Services.

9.5.7 Walkways

Interior walkways may be required within a project when the proposed development is within an urban growth boundary or urban unincorporated community. Such walkways should connect the interior of a proposed development with adjacent sidewalks and nearby schools, parks, shopping centers, other facilities.

9.6 SIGNS

9.6.1 Purpose

The purpose of this Section is to regulate signs in such a way as to support and complement the land use objectives of the Jackson County Comprehensive Plan and implementing ordinances. This Section regulates the size, location, and construction of signs as necessary for public welfare, traffic safety and aesthetics. This Section does not regulate the content of signs.

9.6.2 Signs Permitted in all Zones

The following signs are permitted as Type 1 uses in all zoning districts, provided they comply with the general requirements in Sections 9.6.5 and 9.6.6 below.

A) Temporary signs are signs which serve a temporary purpose and are defined as free-standing signs without illumination that do not have permanent footings but which are securely attached to an adequate anchorage and which contain a surface area of no more than 32 square feet. Temporary signs that are larger than 12 square feet in size must be converted to a permanent sign once emplaced for more than six (6) months.

B) Permanent signs that are:

1) Three (3) square feet or smaller and which are placed at least 100 feet apart;

2) Three (3) square feet or smaller and are used solely for providing directions to an on-site use (e.g., address numbers, enter and exit markers, etc.); and,

3) Not visible from a public right-of-way or from any other property not under the same ownership as the parcel upon which the sign is located.

9.6.3 Prohibited Signs

The following signs are prohibited:

A) Anchored balloon signs or any other inflated sign.

B) Roof mounted signs.

C) Signs which incorporate reader boards, video or fiber optic displays or other mediums that display changing or moving text or images, except in commercial and industrial zoning districts.

D) A-frame signs are prohibited unless securely attached to an adequate anchorage.

9.6.4 Exempt Signs

A) Signs erected by the Oregon Department of Transportation or the County Roads Division within the right-of-way of a state or federal highway or County road.

B) Preexisting, nonconforming signs are those permanent signs that existed prior to the date of adoption of this ordinance and which do not conform to the provisions of this Section with respect to number, surface area, location or illumination. Temporary signs that existed on or before May 30, 2002 are also preexisting, nonconforming signs.

1) Preexisting, nonconforming signs may be repaired in accordance with the provisions of Section ~~11.5~~ 11.6, but will not be replaced except in conformance with this Section.

2) On-site signs for preexisting, nonconforming commercial or industrial uses in any zone may be replaced in accordance with the provisions for a Rural Service Commercial zone.

9.6.5 General Requirements

The following requirements apply to all signs:

A) Sign structures may be placed within the required setbacks from property lines provided they comply with the vision clearance standards of Section 8.5.2(C), but may not be placed within a dedicated right-of-way unless a permit has been issued by the Oregon Department of Transportation or County Roads Division.

B) Except as noted in Section 9.6.6 below, free-standing signs may not exceed 25 feet in height and must not encroach or overhang any dedicated right-of-way.

C) Building signs may not extend more than one (1) foot above the exterior wall of the building on which the sign is mounted. Building signs that project from the building wall must have a minimum ground clearance of eight (8) feet.

D) Sign area will be calculated based on the overall dimensions of all panels that display messages. If a sign contains messages on more than one (1) side, the dimensions of the message area on each side will be counted together toward the total. When the sign message is not mounted on a panel, the sign area will 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 be advertising will be calculated as sign area.

E) Illuminated signs require an electrical permit. Light from illuminated signs must be directed away from, and must not reflect upon, roads or adjacent parcels. No sign may incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source.

F) Signs visible from state or federal highways must meet state regulations.

G) No sign will be erected or placed in such a manner that it creates a traffic safety hazard, or that by reason of its position, shape, message or color it may interfere with, obstruct the view of, or be confused with any traffic signal.

H) No sign may be situated in a manner that results in the blanketing of an existing sign. and

I) Any discontinued, dangerous, defective, unlawful, or prohibited sign, or any sign which is not in accordance with the drawings, specifications and details of the permit application is hereby declared a nuisance and may be abated as prescribed in Section 1.8. This is in addition to any other remedy provided by law or ordinance.

9.6.6 Size Standards

The following size standards apply to all signs on the site at any one (1) time.

A) ***Home Occupations***

Where a home occupation or home business is a lawful use, one sign will be permitted in addition to any signage otherwise permitted in the zoning district. The sign will be limited to three (3) square feet in area, mounted flush with the side of the primary structure, and may be indirectly illuminated.

B) ***Resource Districts***

One (1) or more signs, up to a total of 32 square feet in area, are permitted.

C) ***Residential Districts***

One (1) or more signs, up to a total of eight (8) square feet in area, are permitted in Rural Residential zoning districts. Up to 32 square feet of total sign area is permitted in conjunction with an approved Type 3 use.

D) ***Rural Service Commercial Districts***

1) Building signs may not exceed a total of one (1) square foot of sign area for each linear foot of building frontage.

2) One (1) free-standing sign per parcel is permitted. The sign may not exceed a total of 150 square feet in area.

E) ***Rural Limited Industrial Districts***

1) Building signs may not exceed a total of one (1) square foot of sign area for each linear foot of building frontage.

2) One (1) free-standing sign per parcel is permitted. The sign may not exceed 32 square feet in area.

F) ***Interchange Commercial***

One (1) sign not exceeding 250 square feet in area and 50 feet in height, and up to a total of 150 square feet of additional sign area is permitted on each parcel of land located within the Interchange Commercial Zone.

G) ***All other Commercial and Industrial Districts***

1) Building signs affixed to the front of the building may not exceed a total of one (1) square foot of sign area for each linear foot of building frontage. On other sides of a building which also face a street or common parking area, one (1) additional sign per side may be permitted, not to exceed one-quarter (¼) square foot of sign area for each linear foot of building length along that side. No individual sign may exceed 300 square feet.

2) One (1) free-standing sign per lot frontage on a county road or state highway is permitted. The sign may not exceed the following:

Lot Frontage (feet)	Maximum Sign Area
1 - 150	150 square feet
151 - 200	200 square feet
201 - 250	250 square feet
251 and greater	300 square feet

H) ***Variance***

Section 3.11 (Variances) contains the approval criteria necessary to consider any deviation from these requirements beyond those provided in Section 3.12 (Administrative Adjustments).

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CHAPTER 12. THE WHITE CITY URBAN UNINCORPORATED COMMUNITY

12.1 APPLICABILITY

The regulations contained in this Chapter apply solely to land and uses located in the White City Urban Unincorporated Community as designated on the official Comprehensive Plan and Zoning Maps of Jackson County. The lands so regulated are referred to as "White City" throughout the remainder of this Chapter. When any conflict exists between the development standards or criteria of this Chapter and any other part of this Ordinance, the standards and criteria of this Chapter will govern development approvals granted within White City. In all other cases, the general development standards and criteria of this Ordinance are applicable within White City.

12.2 ADMINISTRATION

12.2.1 Permitting Authority

Except as otherwise provided in this Ordinance, authority to issue all land use permits and approvals required under this Chapter is vested in the County.

12.2.2 Building Permit

No permit will be issued by the Building Official to construct, move or relocate a building or structure until the County has first issued all required approval(s) under this Section. Such approvals may contain conditions that must be met prior to occupancy of the structure. The date of final building inspection fixes the date on which the failure to perform the condition or duty becomes a violation of the approval. On and after that date the breach may be remedied by any or all of the following at the County's option: forfeiture of the security or other exercise of rights under a deferred performance agreement; withholding future development permits; issuance of a citation for violation, or filing a lawsuit to enjoin the continuing violation.

12.2.3 Encroachment Permit

Any street tree, shrub, privately owned fence or wall may be placed in a public right-of-way upon issuance of a County permit to occupy the area. Any such permit requires approval from the Director of Roads and Parks Services or his designee prior to issuance of an Encroachment Permit. Any application to install a fence, free standing wall or other structure within or along a street right-of-way must include a scaled plot plan signed by the property owner. The plot plan must accurately represent the location of the proposed structure with reference to the affected street right-of-way.

12.2.4 Transportation Connectivity

The acknowledged White City Transportation System Plan (TSP) establishes goals and policies that require connection of transportation facilities in the White City community (See Policies 4.1.2-A, B and C). Where street connections cannot be made, accessways are necessary unless they would not improve circulation for pedestrians and cyclists. All land use decisions must comply with the goals and policies of the White City TSP. These goals and policies:

A) Prohibit development that conflicts with and/or could increase the cost of construction or improvement to higher order street connections and non-motorized paths identified in the TSP.

B) Encourage development of a grid-type street pattern in White City, east of Highway 62, by: 1) prohibiting dead-end street configurations, such as cul-de-sacs, unless it is the only feasible development alternative available; 2) allowing partial-street improvements in instances where interim local circulation will be adequate to serve the development; and 3) establishing both maximum and minimum block lengths in the LDO (See Section 10.4.1(C));

C) Require commercial, institutional, and multi-family developments east of Highway 62 to provide internal bicycle and pedestrian circulation that connects with bicycle/pedestrian facilities outside the development.

12.3 WHITE CITY COMPREHENSIVE PLAN AND ZONING MAP (SPECIAL NOTATIONS)

A special Zoning Map, the *White City Zoning Map* (WCZM), which applies to lands located within the White City Urban Unincorporated Community Boundary (WCUUCB), is adopted as part of this Ordinance. The WCZM is based on the White City Plan Map (WCPM) adopted as part of the Comprehensive Plan. The WCZM contains zoning districts unique to White City as well as special numbered notations that apply to specific parcels or areas within the White City UUCB. The numbered notations on the WCZM correspond to the numbered regulations described below:

12.3.1 Neighborhood Commercial Uses in Numbered WCUR-8 and WCUR-30 Zoning Districts

Within this area, any Type 1 use that is listed within a Neighborhood Commercial (NC) zoning district may be allowed, subject to the following standards:

A) The site is at least two (2) acres in size and is planned as an integrated project that combines attached residential dwellings and neighborhood commercial uses. The project site may include land on either side of existing or planned streets. The number of dwellings allowed will be based on the total parcel area of the development minus any area proposed to be dedicated to commercial use. When parking facilities will be shared by commercial and residential users, the entire parking area may be included in the calculation of maximum dwelling unit potential on the parcel.

B) The neighborhood commercial uses will be located adjacent to a collector or arterial street, as designated in the White City Transportation System Plan.

C) The neighborhood commercial use(s) will occupy no greater than 3,000 leasable square feet of internal floor space per building. A maximum of 8,000 square feet of leasable floor space may be developed per parcel.

D) The proposed neighborhood commercial use(s) is permitted outright in the NC zone. Type 2 and 3 uses in the NC zone are not permitted in any WCUR zone under this subsection, unless also allowed in the WCUR zone.

E) The purpose of a small neighborhood commercial center is to conveniently provide basic commodities for residential neighborhoods and to provide a mix of commercial and residential uses that are within

easy walking or short driving distance of residential neighborhoods and alternative transportation systems. Because of their pedestrian orientation, drive-through's and uses that rely solely on auto trips are prohibited. *[OAR 660-012-0060(5)(a)]*

F) For areas noted on the White City Zoning Map as "Potential Commercial Uses" (Map Notation #1), a minimum of one block distance must be maintained from any K-12 schools existing on January 1, 2004.

12.3.2 Direct Access Restricted on Collector and Arterial Streets

Existing lots and parcels developed with one or more dwellings may not increase the number of existing direct access points onto collector and/or arterial streets as designated on the White City Transportation System Plan at the time of land division unless unique circumstances exist that would preclude shared access. Shared access may be approved using either existing or relocated access points. The provision of access to existing vacant parcels, or those created by land division, will be developed in accordance with following priority scheme:

A) ***First Priority - Existing Public Street***
Access from an existing publicly owned local street that intersects the collector or arterial street.

B) ***Second Priority - New Public Street***
Access from a new public local street that will intersect a collector or arterial street and that is intended to serve proposed or future development on both sides of its intersection with the collector or arterial street. The new public street must comply with the intersection spacing standards in Section 12.8.1.

C) ***Third Priority - Shared Private Street***
Access from a shared private street or driveway that serves two or more lots.

D) ***Last Priority - Individual Driveway***
Access from a private driveway that serves a single lot or parcel. Unless precluded by existing development or parcel size, shape or configuration, all driveways within this area will provide for vehicles to enter the street in a forward movement.

12.3.3 Antelope Road Right-of-Way

Except for areas regulated under ASC 82-1 (Whetstone Industrial Park), new buildings and required parking that front on the segment of Antelope Road west of Crater Lake Highway 62 to its intersection with Kirtland Road, and Kirtland Road from that intersection west to the White City Urban Unincorporated Community Boundary, will observe a setback of seventy-three (73) feet measured from the centerline of the existing right-of-way.

12.4 RESIDENTIAL DENSITY AND USES

12.4.1 Density Calculation

Density and dimensional standards are subject to Sections 8.1 through 8.3, except as otherwise indicated in Table 12.4-1 below. Minimum gross densities

are established for White City Urban Residential zones to ensure efficient use of urbanizable land. While maximum gross density establishes the upper limit of dwelling unit density by zoning district, maximum density in no way entitles a property owner to a certain number of lots per acre. Public utility/facility provision, safety considerations, parcel configuration and environmental constraints are all factors that may prevent a parcel from being developed at the maximum gross density allowed under the zoning district.

TABLE 12.4-1

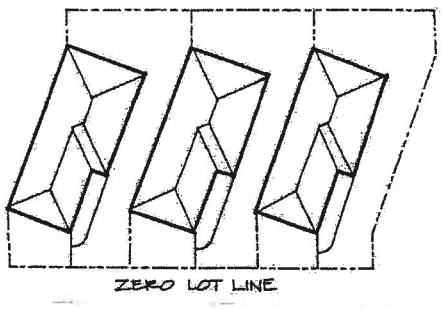
Zoning Districts	Minimum SF Attached Lot Size	Minimum SF Detached Lot Size	Minimum Residential Density (Units Per Acre)	Maximum Residential Density (Units Per Acre)
WCUR-4	Not Applicable	8,000 Sq. Ft.	2 dwellings per acre	4 dwellings per acre
WCUR-6	3,500 Sq. Ft.	6,000 Sq. Ft.	3 dwellings per acre	6 dwellings per acre
WCUR-8	3,000 Sq. Ft.	5,000 Sq. Ft.	4 dwellings per acre	8 dwellings per acre
WCUR-10	3,000 Sq. Ft.	4,000 Sq. Ft.	6 dwellings per acre	10 dwellings per acre
WCUR-30	2,000 Sq. Ft.	3,000 Sq. Ft.	8 dwellings per acre	30 dwellings per acre

A) ***Dwelling Types***

Except for mobile homes regulated under Section 12.5.6, dwellings in the WCUR-30, WCUR-10, WCUR-8 and WCUR-6 zoning districts may be either attached or detached housing of any type or design, provided that the project density is, or can be, within the range established in the above table.

B) ***Zero-Lot Line Dwellings***

Zero lot line dwellings are detached houses that have a side yard setback of zero on one side. They are permitted to allow development on smaller (i.e., narrower) lots, while still providing usable outdoor living area. Zero-lot line dwellings are subject to the same standards as detached single family dwellings, except that the following provisions also apply:



1) When a zero-lot line dwelling shares a side property line with a non-zero lot line development, the zero-lot line building shall be set back from the common property line by a minimum of five feet. A minimum of ten feet between structures must be maintained under all circumstances;

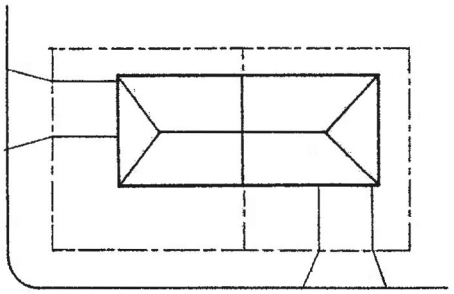
2) Prior to building permit approval, the applicant must submit a copy of a recorded five-foot wide easement for every zero-lot line house that guarantees rights for construction and maintenance purposes of structures and yards. The easement must stipulate that no

fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and,

3) The placement and/or design of windows on the ground-floor of the zero-lot line house shall support privacy for the occupants of the abutting lot. For example, the privacy standard may be met by placing ground-floor windows along zero setback property lines above sight-lines with direct views into adjacent yards; by using frosted or opaque windows; or by other effective means.

4) Lots created for zero lot line development may be reduced in width a maximum of ten feet from the required width for the zone district in which the property is located.

C) ***Single Family Attached Dwellings***



Single family attached dwellings are attached houses that share a common wall along a side property line. The common wall portion of such structures approved under this Section is not subject to the normal side yard setback requirements otherwise provided by this Ordinance. Projects of two or more single family attached dwellings in separate ownership may be developed in the WCUR-30, WCUR-10, WCUR-8 and WCUR-6 zoning districts subject to compliance with the density requirements of this Section and all of the following standards:

1) A land division is approved subject to the standards of Sections 3.3 and 10.3;

2) No recorded deed declarations, conditions, restrictions, or plat provisions prevent the land division;

3) No new residential lot created will be less than 3,000 square feet in size or less than 25 feet wide, except in the WCUR-30 zoning district. New attached unit lots created in the WCUR-30 zoning district may not be less than 2,000 square feet and 20 feet in width;

4) Building envelopes and common walls separating dwelling units that will be located on lot lines are shown on the tentative plan and final plat; and

5) All structural setbacks from lot lines required by this Ordinance, except for side yard setbacks where lot lines are traversed by common walls, must be met. A minimum of ten feet between unattached structures must be maintained under all circumstances.

D) ***Platting to Achieve Minimum Densities***

When a property owner or developer wishes to divide a residential parcel or tract in order to develop it in phases, only the initial phase must be platted and developed to the minimum density standards of this Chapter. A future development plan for the residual property area must however be provided with the request for preliminary partition or subdivision approval of the first phase. The future development plan must demonstrate that the residual property area could feasibly be developed in accordance with the access and land division requirements of this Ordinance. The residual parcel area must be reserved and not be developed or improved until a land division or development plan has been approved by the County. A deed declaration to this effect must be recorded against the residual parcel or tract prior to development of the initial phase.

E) ***New Mobile Home/Manufactured Dwelling Parks***

Notwithstanding any other provision in this Ordinance, new mobile home/manufactured dwelling parks are permitted only in the WCUR-10 zoning district as Type 3 uses. The standards in JCLDO Section 6.3.2 and Oregon law regulate other aspects of new mobile home/manufactured dwelling park design and development.

F) ***Accessory Dwelling Units***

Accessory dwelling units consist of independent living quarters separate from the principal single-family dwelling on the lot. Accessory dwelling units are allowed on lots or parcels zoned WCUR-4, WCUR-6 or WCUR-8, subject to the following standards:

1) *Where Permitted on Lot*

A permitted accessory dwelling unit may be attached to or detached from the principal dwelling, but must comply with all applicable site and building design, access, and other standards for principal dwellings in the zoning district in which the accessory unit will be located. No increase in side and rear yard areas or setbacks are required to place an accessory unit on the second story of a dwelling or garage. The placement and/or design of windows on detached accessory dwellings will support privacy for abutting properties. Privacy is maintained by orienting windows away from sight lines with direct views into adjacent yards or by using frosted or opaque windows. Manufactured dwellings, recreational vehicles, and travel trailers may not be used as accessory dwelling units.

2) *Size of Accessory Unit*

No accessory dwelling unit will exceed 50 percent of the size of the habitable floor area of the principal dwelling unit. In no event will an accessory dwelling unit exceed 800 square feet. An accessory dwelling unit may contain separate sanitary facilities with hot and cold running water, cooking, and food storage facilities.

3) *Density Calculations*

Accessory dwelling units are exempt from any applicable residential density requirements.

4) *Minimum Lot Size*
Accessory dwelling units are prohibited on parcels less than 6,000 square feet in size.

5) *Limit on Number*
No more than one (1) accessory dwelling unit on a lot in addition to the principal single-family dwelling is permitted.

6) *Off-Street Parking*
When the property does not front on a street developed to an urban County road standard or when the street is parking restricted, at least one off-street parking space must be provided in addition to the parking requirement for the primary dwelling.

7) *Home Occupation/Home Business*
No more than one home occupation is permitted on any parcel that contains an accessory dwelling unit. A home business is prohibited on parcels that contain an accessory dwelling unit.

G) ***Supplemental Setback Provisions***

1) *Special Setbacks From Resource Zoned Lands, Exemption*
Residential development in White City is exempt from the requirements of Section 8.5.3(F)

2) *Front Yard Setbacks, Reductions Allowed*
Front yard setbacks may be reduced to 15 feet for the first story of dwelling units incorporating special attributes that promote a pedestrian friendly environment and a sense of connection to the neighborhood, provided no portion of the dwelling encroaches into a dedicated public utility easement. At least three (3) of the following design features must be provided along the street facing side of each residence to permit a reduced front yard setback under this Section: (**a**) Dormers; (**b**) Gables; (**c**) Recessed entries; (**d**) Covered entries/porches; (**e**) Cupolas; (**f**) Pillars or Posts; (**g**) Bay window (min. 12" projection); (**h**) Eaves (min. 1 foot projection); or, (**i**) Off-sets in building face or roof (min. 16") *(Amended by Ordinance 2004-12, effective 2-6-2005)*

3) Front yard setback reductions under subsection (G)(2) above, may only be allowed for front porch or living area facades of the primary residential building. In no event may garages, either attached or detached, or accessory structures be located less than twenty (20) feet from the sidewalk, where present, or street right-of-way line.

H) ***Public Uses in White City Urban Residential Zones***
As used in this Section, Urban Residential Zones are the WCUR-4, WCUR-6, WCUR-8, WCUR-10 and WCUR-30 zoning districts. Notwithstanding any other provision of this Ordinance, the following are Type 1 uses subject to Site Development Plan Review pursuant to Section 3.2 when proposed on a site smaller than 20 acres: parks/public/quasi-public uses, including public school bus storage yards and structures, but not including other equipment storage, maintenance

or repair yards, warehouses, or other related activities (see Table 6.2-1). On sites over 20 acres in size, parks/public/quasi-public uses may be approved in accordance with Table 6.2-1.

12.5 RELOCATED HOUSING

12.5.1 Purpose

The purpose of this Section is to set standards for the relocation of dwelling units to White City. This Section does not apply to new prefabricated or modular homes, or to manufactured dwellings if such homes bear the seal of the United States Department of Housing and Urban Development or the Uniform Building Code seal (i.e., were constructed after June 15, 1976).

12.5.2 Application Required

Relocation of dwellings to or within White City is subject to Type 1 review. An application to relocate housing to White City under this Section will be made on forms provided by the Department and may be incorporated into any building permit review otherwise required by law. Building permits to relocate a dwelling may not be issued until land use approval is granted.

12.5.3 Relocated Dwelling Storage Permit

A permit may be issued in accordance with the standards set forth in this Section for the temporary storage of conventionally built dwellings, but not including temporary storage of mobile home units that are being relocated from one parcel to another. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

A) ***Standards***

The stored dwelling will comply with the following standards:

1) Storage permits may be issued only on property zoned General Industrial (GI) within the WCUUCB.

2) The dwelling may not be stored on the property to which it is permanently being relocated.

3) The dwelling will not be occupied while being stored.

4) There will be no electrical, plumbing, or sewer connections to the stored dwelling.

5) All setback standards of the district will be met.

6) The dwelling will not be located in a flood hazard area.

B) ***Duration; Not Renewable***

No individual dwelling may be stored on a parcel longer than six months. While more than one dwelling may be stored on a parcel at any given time, individual dwelling storage permits are not renewable.

12.5.4 Expiration of Application Approval; Requirements After Relocation

Any application approved under this Section expires 90 days after approval unless within that time:

A) All conditions imposed by the County in approving an application to relocate housing to White City have been completed to the satisfaction of the County, or adequate security for compliance has been posted pursuant to Section 10.6.2;

B) The dwelling has been moved to the site specified in the application and placed on a permanent foundation that complies with the standards for moved buildings in the Uniform Building Code; and

C) The dwelling has been connected to public utilities, including water and sewer facilities, consistent with the requirements of law for new construction on the site.

At the applicant's request, the Department may authorize a time extension prior to expiration of a relocation approval granted under this Section upon demonstration by the applicant that all of the above conditions cannot be met within the 90 day permit period.

12.5.5 Approval Criteria

The County will approve, or approve with conditions, an application under this Section if it finds that the dwelling conforms, or can be made to conform through the imposition of conditions, with the following criteria:

A) The dwelling will have exterior siding and roofing which in material, finish and appearance are similar to the exterior siding and roofing material used on dwellings within the community.

B) The dwelling will include a minimum of two (2) design features, as listed in Section 12.4.1(G)(2) along its street facing side.

C) The dwelling can be connected to all public water and sewer facilities consistent with the requirements of law for new construction on the site to receive the relocated dwelling, and said connection can occur within 90 days of the date the application is approved.

12.5.6 Conditions of Approval

When conditioning the approval of an application, the County will specify which conditions must be completed before the dwelling can be relocated. In addition, other conditions may be required before the dwelling is connected to utilities or occupied.

12.5.7 Restricted Housing

Any mobile home located to White City must meet the construction requirements of the Oregon mobile home law in effect at the time of its original construction or manufacture. No mobile home manufactured between January 1, 1962 and June 15, 1976 is allowed outside a manufactured dwelling park in White City. In addition, residential use of travel trailers and recreational vehicles for more than 30 days per year is prohibited outside of lawful preexisting manufactured dwelling parks.

12.6 SPECIAL APPROVAL REQUIREMENTS RELATED TO THE JACKSON COUNTY SPORTS PARK

All land planned and zoned for residential use within White City is subject to JCLDO Section 7.1.1(L) ASC 2003-2.

12.7 SPECIAL USES IN WHITE CITY INDUSTRIAL ZONES

12.7.1 Development Standards

Additional uses that are permitted only in White City industrial zones are described in this Section.

A) Housing that will be relocated to a permanent residential site may be stored for up to six months on land zoned General Industrial within the WCUUCB. Relocated housing storage permits may not be extended past the first six month time period, nor may subsequent storage permits be issued for the same dwelling.

B) Any use listed within a Neighborhood Commercial (NC) zoning district may be allowed in the General Industrial or Light Industrial zones in White City, subject to a Site Development Plan Review pursuant to Section 3.2 and the following standards:

1) Total parcel area devoted to commercial use(s) will not exceed two (2) acres.

2) Commercial use(s) will be located at the intersection of an Industrial Collector or higher order street and any other existing or planned public street.

3) Commercial use(s), which may be part of an integrated industrial use, will occupy no more than 4,000 gross leasable square feet of internal floor space.

4) Vehicular access to the commercial development will be from the lowest order street abutting the site. If both streets are functionally identical, access will be discretionarily determined during Site Development Plan Review.

5) The neighborhood commercial use will not be located within one block of an existing or planned K-12 school.

6) A maximum of five (5) neighborhood commercial sites may be approved within the area zoned General Industrial (GI). Each neighborhood commercial approval will be sequentially numbered and noted in the affected parcel's Building Division central files and the County's geographic information system (GIS).

12.8 STREET INTERSECTIONS, DESIGN AND CONNECTIVITY

12.8.1 Street Standards

Where practical, the creation of streets and development of property in White City will facilitate the connection of existing and future streets shown in the

White City Transportation System Plan. In all cases, local street connectivity will be emphasized in development review to preserve the capacity of the higher order street network. In approving new streets, whether alone or in conjunction with the development of abutting land, the County will employ the methods established herein to ensure that streets connect with one another to form an efficient transportation network serving White City. The creation of streets in White City will comply with the following standards:

A) ***200 Foot Separation Between Intersections***
All new streets that take access from a collector or arterial street will observe a 200-foot minimum spacing distance between arterial or collector intersections. The 200-foot standard applies to existing and planned street intersections. Intersection distances between local streets that do not take access from collector or arterial streets are not subject to the requirements of this section. The minimum spacing distance will be measured from the street center lines.

B) ***Cul-de-sac Streets***
Cul-de-sac streets will not be approved except where the provisions of law, physical or environmental barriers make the extension of a street infeasible. For example, a cul-de-sac street may be approved when it is the only feasible alternative to a through street, including stubbing a street to adjacent property.

C) ***Cul-de-sac Street Length***
Where permitted, cul-de-sac streets will be as short as possible and terminate in a turnaround of suitable size and design as may be approved by the Roads and Parks Department and the Fire District, where applicable. Except for cul-de-sac streets located between Avenue "A" and Lake of the Woods Highway 140, which may be up to 600 feet in length, a cul-de-sac street will be no greater than 200 feet long. The length of a cul-de-sac will be measured along its centerline, beginning at the center point of the turnaround to the centerline of the intersecting street with which the cul-de-sac street intersects. Cul-de-sac streets may not intersect each other.

D) ***Partial Street Improvement***
When a street intended for public ownership is to be created but its right-of-way is not wholly within the development parcel, the developer may construct a partial-street if it is practical to require dedication of the other part when the adjoining property is developed. No partial-street improvement will be permitted on a street that has no alternate outlet unless a safe temporary or permanent vehicle turnaround is provided. A partial-street improvement requires dedication of twenty-eight (28) feet plus adequate width to accommodate storm drainage and improvement of the street to its centerline plus an additional eight (8) feet of improved street beyond the centerline. See Jackson County Roads Standard Drawings. When a partial-street improvement is approved, development on the abutting parcel(s) where the other part of the street will be located will be required to dedicate right-of-way and construct the remaining portion of the public road right-of-way when development is approved on the property. The County may require a control strip be conveyed in accordance with Section 9.5.1.

E) ***Transit Stops***

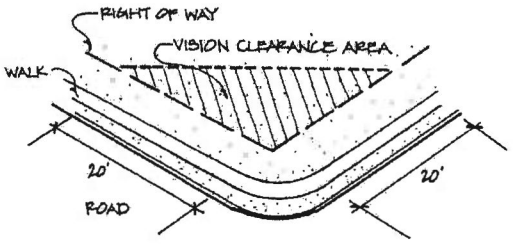
Following formal consultation with the Rogue Valley Transportation District (RVTD) as part of a pending land use application, the County may require a transit stop and such improvements as may be necessary for the District's convenience and safe operation.

F) ***Conformance with Existing Divisions and Public Rights-of-Way***

Streets will be laid out so as to conform to the plats of subdivisions already approved or the alignment of existing or planned street rights-of-way as to width, general direction, functionality, and in all other respects, unless the County determines it is in the public interest to modify the street pattern.

G) ***Vision Clearance for Intersections***

No structure, fence, wall, hedge, sign, or other visual obstruction will be created or allowed to grow, be placed, or maintained between the heights of three (3) and ten (10) feet above the street level within 20 feet of the intersection of the rights-of-way lines of two streets, or of a street and a railroad property line. The County may order the removal or modification of sight obstructions that conflict with this Section.



H) ***Bicycle and Pedestrian Access***

Bicycle and Pedestrian accessways shall be provided for connectivity to serve any designated bicycle and/or pedestrian path connection. A designated connection is any route shown in the White City Transportation connectivity Plan Map, the Comprehensive Bicycle Plan for Jackson County, or the Jackson County Transportation System Plan. Also, in areas where a designated bicycle and/or pedestrian path designation is identified, accessways that can reasonably be expected to provide beneficial bicycle/pedestrian connectivity shall be provided. Creation of an accessway shall not be used as justification to reduce or eliminate street connectivity requirements. Relaxation of the bike path construction standards in Section 9.5.5 may occur if a favorable recommendation is obtained from Jackson County Roads.

I) ***Private Streets***

Within the White City Urban Unincorporated Community Boundary, private streets and roads will be allowed only under the following circumstances:

1) As described in Section 12.3.2; and

2) As part of an approved Planned Unit Development; and

3) When substantial evidence has been submitted demonstrating that all public street options have been explored and that; (a) the proposed private street will not preclude future inter or intra block street connectivity consistent with intersection spacing standards, and (b) no reasonable alternative exists.

J) ***Through Access***
Subdivisions developed with public streets must demonstrate that two public access points can be achieved either through the proposed development or through future development of adjacent parcels. This requirement may be waived if substantial evidence is provided demonstrating that adjacent development, public improvements and/or environmental constraints exist that would prevent connection of public streets.

K) ***Minimize Access Points***
When a property has frontage on two or more roadways, street or driveway access must be from the roadway with the lower functional classification. More than one access may be granted if it can be determined that it will not negatively affect the safety and efficiency of the roadway and that the additional access(es) are reasonably necessary for circulation.

12.9 PUBLIC FACILITIES

12.9.1 Connection to Public Sewer and Water Lines Required

Adequate public sewer and water service facilities must be provided in conjunction with all new land divisions and commercial, industrial or institutional site plans within White City in order for the proposal to be approved. Authority to issue sewer, water and storm drainage connection permits is vested in the public entity owning the facility.

All new, relocated, and replacement buildings that require plumbing must be connected to public sewer and public water facilities when:

A) The public sewer and/or public water facilities have remaining capacity to accommodate the additional development, as determined by the public entity owning said facilities; and

B) Public sewer and/or public water facilities exist within 300 lineal feet from the parcel or lot on which the development is proposed. If the public facilities are greater than 300 feet from the subject parcel or lot, the property owner shall record a deed declaration that causes the owner and successors in interest to connect to future public water and sewer facilities as they become available.

12.9.2 Street Lighting

Street lighting must be provided as part of all commercial and residential development within the White City Urban Unincorporated Community Boundary (WCUUCB). In addition, street lighting will be required for all industrial development within the White City UUCB that consists of more than ten acres, includes a complex of more than 10 industrial lots or sites, or results in an increase of more than 1000 vehicle trips per day. All required street lighting

must be in conformance with the White City Street Lighting Standards as found in the Users Guide.

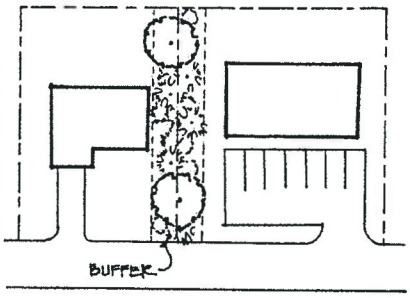
12.9.3 Oregon Fire Code Requirements

Upon written recommendation by the Fire District, development within the White City Urban Unincorporated Community Boundary (WCUUCB) may be required to comply with applicable requirements of the Oregon Fire Code, Appendix D, as found in the User's Guide. Application of Oregon Fire Code development standards will supercede County road standards when the Oregon Fire Code is more restrictive than County standards.

12.10 LAND USE BUFFERING AND SCREENING

12.10.1 Purpose and Implementation

This Section is applicable within White City to all Site Development Plan reviews and in any situation where: a commercial or industrial zoning district abuts a residential district; a commercial district abuts an industrial district; or when a White City Urban Residential (WCUR) District abuts a White City Urban High Density Residential (WCUR-30) District. This Section is also applicable in situations where Neighborhood Commercial uses are developed within the WCUR-8, WCUR-30 and GI zoning districts pursuant to Sections 12.3.1 and 12.7, respectively. Where a dedicated street separates dissimilar zoning districts, the provisions of this Section do not apply. In no case are buffer yards required along street frontages subject to Section 12.12 or in situations where installation of a buffer yard would disturb a protected wetland or riparian area.



Required buffer yards are generally located in the side or rear yard setbacks around the perimeter of a parcel, but may also be required in other locations when necessary to separate potentially incompatible uses or to provide perimeter landscaping around parking lots and other vehicular use areas. Buffering and screening on property is the responsibility of the developing property owner.

A) ***Encroachments Into Buffer Yards***

The buffer yard is intended to provide a minimum amount of space for required plants to grow, for aesthetic separation between uses, and for development of on-site storm water runoff facilities. Therefore, this area must be reserved exclusively for such uses. Other than permitted curb cuts, encroachment of parking and maneuvering areas, sidewalks, patios, other impervious surfaces or structures (other than required fences or walls) are prohibited in buffer yards.

B) ***Buffer Yard Credits***

Existing qualifying plant materials within the buffer yard area may be counted toward the buffer yard requirement. Bioswales incorporated into on-site drainage designs may be located in any landscaped area and will be counted toward compliance with the standards of this Section.

Existing walls, fences, and hedges that conform with the standards of this Section may be used to satisfy screening requirements.

C) ***Timing for Buffer Improvements***

Perimeter walls and fencing required by this Section must be installed before issuance of final plat approval for a subdivision or land partition. For all other development, walls, fencing and landscaping required by this Section must be installed before final inspection and occupancy of any building. Required landscaping for the division of land within a White City Urban Residential (WCUR) zone may be deferred in accordance with Section 12.13.

12.10.2 Buffer Yard Standards

Minimum requirements for buffer yards appear in the Table below. When a buffer yard is required as part of a nondiscretionary permit review, the specified type and number of plants must be used. An alternate planting scheme may be approved through a discretionary review. A list of recommended plant materials for landscape use is included in the User's Guide.

TABLE 12.10-1: BUFFER YARD STANDARDS

BUFFER YARD TYPE	MINIMUM WIDTH	Must Include the Following Plants Per 100 Linear Feet or Equivalent Square Feet of Buffer Yard
A*	10 Feet***	3 Canopy Trees, 2 Conifer or Understory Trees, 20 Shrubs with Fence or Wall.
B**	6 Feet***	2 Canopy Trees, 1 Conifer or Understory Tree with Fence, Wall or Hedge.
* Buffer yard type (A) is required between residential and commercial uses or industrial uses, and between commercial and industrial uses. Buffer yard type (A) is also to be used to buffer neighborhood commercial uses approved within the WCUR-30 or GI zones from abutting properties.		
** Buffer yard type (B) is required between the WCUR-30 zone and other residential zones		
*** Sidewalks may be located within the landscaped area when adjacent to buildings, provided the area dedicated to landscaping is not reduced below four (4) feet.		

A) ***Standard Planting Scheme***

When the number of plants required is determined based on linear feet, distances above or below one hundred (100) feet will be prorated with the resulting numbers of plants rounded so that one-half or more is deemed to require a full plant. When the number of plants is determined based on square feet of landscape area, the total area of the site devoted to buffer yards will be used to determine the amount of plants required, rounded so that one-half or more is deemed to require a full plant.

B) ***Alternate Planting Scheme***

The plant types and number used in the buffer yard may be adjusted when an alternate design is prepared by a Landscape Architect registered in the State of Oregon, and the Planning Director finds that the alternate design will provide a buffer between existing and/or anticipated uses comparable to the standard planting scheme. The total number of plants may not be reduced by more than 25 percent.

For both the standard and alternative planting schemes, the plants will generally be evenly spaced so as to provide a continuous buffer throughout all seasons, unless otherwise specified on an approved landscape plan. Adjustments may be made where necessary to avoid underground utilities, overhead wires or unique site conditions that would result in inappropriate or impractical design if the standards of this Section were strictly applied.

Any part of a required buffer yard may be located on an adjoining property, provided it is planted with a proportionate share of the required plants and a buffer yard easement is recorded by the adjacent property owner. The easement must allow for the installation and perpetual maintenance of the buffer yard and restrict use of the area to only the buffer yard.

12.10.3 Adjustments to Buffer Yards

Buffer yard requirements may be adjusted through an Type 1 review when unusual circumstances exist and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of adjoining properties. Adjustments may not be made simply for the convenience of site design. Circumstances that may warrant an adjustment to the buffer yard requirements include, but are not limited to, the following:

A) Where a building wall with no openings below eight (8) feet abuts the buffer yard, the building wall may be counted in place of a required wall or fence.

B) Where there is existing development on the site that will remain after proposed development, such as paving or a building, which affects or precludes implementation of the buffer yard standard.

C) Where a proposed project abuts existing development that has already installed a buffer yard such that additional buffering is not necessary and the uses are not expected to change significantly over time.

D) Where a project abuts an irrigation canal, natural waterway, wetland, railroad right-of-way, or other such element.

12.11 FENCES, WALLS AND HEDGES

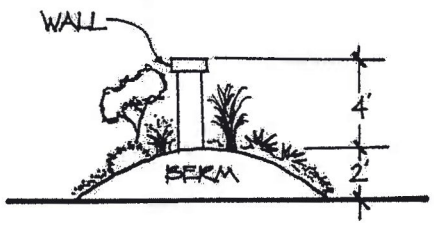
12.11.1 Standards

Fencing, where required, will typically be located on the side of the buffer yard nearest the less intensive use (e.g., single-family residential) while a wall, where required, will typically be located on the more intensive (e.g., industrial) side of the buffer yard. In either case, the Planning Director may authorize its location anywhere within the buffer yard. The following standards apply to fences, walls and hedges that are part of a required buffer yard or street frontage landscape strip. Sight-obscuring fences and walls in these areas may not exceed six (6) feet in height. On all other portions of a lot or parcel, fences or free-standing walls may be erected up to eight (8) feet in height, provided that required building permits are obtained. The standards of this Section may be modified as part of a Type 2-4 approval.

A) When located within a front yard setback area abutting a street, fences,

walls and hedges may not exceed three and one-half (3½) feet in height. In the case of corner lots, side yard fences, walls and hedges along a street may not exceed three and one-half (3½) feet in height for the first 40 linear feet as measured from the point of intersection with the front property line.

B) When located in a rear yard setback area abutting a street, fences, walls and hedges may not exceed six (6) feet in height.



C) A required concrete or masonry wall may be replaced, foot-for-foot of height, by an earth berm (e.g., six (6) foot wall replaced by a two (2) foot berm with four (4) foot wall on top). Earth berms may have a maximum side slope of up to 2:1 and must be stabilized with live vegetation.

D) Retaining walls protecting a cut or fill, and located on a property line, may be topped by a fence, wall or hedge of the same height as would be permitted if no retaining wall existed, and said height will be measured from the top of the retained ground surface where it meets the retaining wall.

E) The height of fences, walls and hedges is measured from the sidewalk grade. When no sidewalk is present, height is measured from the natural grade adjacent to the fence, wall or hedge. All fences, walls and hedges must be maintained in a safe and serviceable condition and be constructed of a material and design that is compatible with adjacent uses.

12.12 STREET FRONTAGE LANDSCAPING

12.12.1 Landscaping Required

The following minimum landscaping requirements apply at the time of development along all collector and arterial street frontages within White City. Unless required as part of an approved Site Development Plan Review, street trees are not required along street frontages within General Industrial (GI) zones. In addition, Section 12.12.2 contains street tree landscaping standards applicable to single-family residential development taking access off local residential streets in White City. The following table specifies the type and number of plants required along collector and arterial street frontages to assure adequate buffering of uses from noise, dust and odors associated with traffic, and to visually enhance street corridors in the urbanizing area.

TABLE 12.12-1: STREET FRONTAGE LANDSCAPING STANDARDS			
PROPOSED USE TYPE	MINIMUM PLANTING AREA WIDTH	No. of Plants Required Per 100 Feet of Street Frontage* (*Excluding Driveway Frontage*)	
	FEET	TREES	SHRUBS
MULTI-FAMILY/ GROUP HOMES/OFFICE	10	4	20
RETAIL COMMERCIAL/ PUBLIC/QUASI-PUBLIC	10	3	15
LIGHT INDUSTRIAL	10	2	10

*In areas where a municipal or community water system provides irrigation water, mowed and irrigated lawn within the required front yard area may be substituted for a maximum of 50% of the required shrubs on a percentage basis (i.e., 25% lawn replaces 25% of required shrubs, 50% or more lawn replaces 50% of required shrubs).

A) For residential developments subject to this section adjacent to arterial streets where dwellings will not face the arterial street, a street frontage landscape plan must be submitted showing at least a six (6) foot vertical separation feature along the arterial street in order to buffer the lots from traffic. The separation feature must include a fence, wall or berm for at least half the required height, and either a fence, wall, berm, or landscaping to complete the required total height. The separation feature must create a solid visual screen. Any fence or wall must be engineered to be plumb. The separation feature will be reduced in height when required to meet front or side yard, or vision clearance area restrictions. (See Section 12.8.1(G).)

B) For all other street frontages not subject to subsection A), above, the number of plants required for distances above or below one hundred (100) feet must be prorated with the resulting numbers of plants rounded so that one-half or more requires a full plant. All required planting must be located in the yard area within ten (10) feet of the street, unless otherwise approved. Existing plant materials that meet the requirements of this Ordinance may be counted as contributing to the total landscaping required by this Section. All state highway frontages are treated the same as other street frontages.

C) When any parking lot is to be located adjacent to a public right-of-way and any existing or planned sidewalk will be located in the right-of-way, the applicant may choose to provide a three (3) foot high brick, stone or finished concrete wall along the right-of-way boundary in lieu of required street frontage shrubs. When a sidewalk exists or is planned, no wall may encroach into any area dedicated for sidewalk use.

12.12.2 Street Trees

Nothing in this Section will be construed to prohibit, limit or require the selection, planting, removal or maintenance of any tree on private property unless it is a street tree required by this Ordinance or as a condition of development approval. With the exception of normal maintenance activities, street trees should be included as part of the project cost when public or private streets are planned, constructed, or improved. The street tree requirements of this

subsection may be waived when the County finds that water necessary for the survival of street trees is neither accessible nor available.

A) ***Street Trees Required***
Street trees in accordance with this Section will be planted and maintained along all local streets used for primary access to residential parcels, whether such streets are public or private. Street trees are required:

1) As a condition of approval for any residential subdivision or land partition;

2) As a condition for the issuance of a building permit for the construction of a dwelling, or placement or replacement of a manufactured dwelling;

3) As a condition of approval to relocate housing to White City under Section 12.5; or

4) To replace existing trees removed per Section 12.12.2(F).

B) ***Location and Spacing of Street Trees***
Street trees will be required on lots or parcels where necessary to maintain the following standards:

1) One street tree will be required for every 30 feet of frontage, with a minimum of one tree per street frontage. An exact 30-foot frontage distance between street trees is not necessary; anywhere on the subject parcel or its frontage within ten feet of the exact interval position will be deemed to comply.

2) No tree will be planted closer than 20 feet from the intersection of street right-of-way lines in accordance with vision clearance standards.

3) Street trees may be planted within the street right-of-way or public utility easement adjoining such right-of-way subject to the following conditions:

a) When a planter strip is incorporated in residential street design, trees will be planted within planter strips a minimum of six (6) feet in width midway between the curb and sidewalk.
b) Where no curbs and sidewalks exist, trees will be planted no more than two (2) feet from the edge of the right-of-way, provided that the tree will not be planted within a planned sidewalk.
c) Any authorization or permit required to plant a street tree within either a public right-of-way or a public utility easement is obtained in writing from the authority having jurisdiction prior to planting.
d) When sidewalks are provided, but no planter strip is

required, street trees must be planted within 15 feet of the public right-of-way.

4) Where street trees are planted in the public utility easement, a root barrier or other method for ensuring the integrity of utility lines must be provided.

5) A street tree planting plan must be submitted as part of all subdivision and site development applications, which shows the location and spacing of street trees throughout the development.

C) ***Timing for Installing Street Trees***
Street trees conforming with this Section will be planted prior to final inspections by the County for all development.

1) *Land Divisions*
For land divisions, street trees will normally be planted at the time of street construction or the construction of improvements required by tentative plan approval. However, the planting of street trees may be deferred for new lots created under this Ordinance which are within a White City Urban Residential (WCUR) zone. Such deferral will be only until dwellings are constructed upon individual lots, at which time street trees conforming with this Section will be planted.

2) *Street Construction or Improvement*
Street trees required under this Section will be planted within six months following the completion of work on each segment of roadway which requires the planting of street trees.

D) ***Security to Guarantee Deferred Street Tree Installation***
Planting street trees may be deferred when the developer enters into an agreement with the County and posts security to ensure compliance as specified under Section 12.13 below.

E) ***Street Tree Maintenance***
The care and maintenance of street trees is a continuing responsibility of the owners of land upon which the street tree is planted, or if planted within a street right-of-way, the owner of the property abutting that portion of the right-of-way upon which the tree(s) is planted. Proper care and maintenance involves periodic irrigation and pruning as necessary to maintain the tree(s) in a healthy condition.

F) ***Removal, Topping or Severe Pruning of Street Trees Prohibited***
Except as provided below, no required street tree may be removed, topped or severely pruned without the prior written approval of Jackson County Roads and Parks Services. Severe pruning is defined as severing the trunk, or cutting back the trunk or a limb larger than three inches in diameter to a stub. Jackson County Roads and Parks Services may grant approval to remove, top or severely prune a street tree when the action is required by law or for one or more of the following purposes:

1) To remove trees, limbs or roots which are dead.

2) To remove trees, limbs or roots which have been severely damaged by storms or other causes or which otherwise pose a danger to the public health, safety or general welfare.

3) To alter the shape of trees located under utility wires or other obstructions where other pruning practices are impractical.

4) To accommodate a new street or improvements to an existing street.

5) To remove nuisance trees (e.g., trees bearing objectionable fruit, nuts or thorns).

If a required street tree or any tree is within the public street right-of-way, the County, by reason of its authority to control and maintain the public right-of-way, may remove the tree or any part of it at any time, for any reason deemed by the County to be in the public interest. Prior to removing a tree in the public street right-of-way, the County shall, 20 days before removal, mail advance notice to the owner of the abutting frontage as shown in the County Assessment records. The notice requirement of this Section does not apply in cases where any tree poses an immediate threat to public safety.

G) ***Replacement of Street Trees After Removal***
When a required street tree is removed by a property owner, the tree will be replaced with a new tree conforming with this Section within 30 days. Whenever a required street tree is removed from within the public right-of-way by the County, the County will in like manner replace it from such unexpended funds as may be budgeted for that purpose, if there is sufficient space remaining in the right-of-way or, otherwise, if the abutting owner consents to relocation on his abutting property.

12.12.3 General Landscape Standards
All development that is subject to the landscaping requirements of this Chapter must comply with the following standards within required landscape areas.

A) All landscape areas must include sufficient lawn, shrubs and/or living groundcover to spread over approximately 85 percent of the total landscaped area within eight (8) years. Tree canopies may be counted toward the coverage figure when appropriate groundcover is incorporated into the landscape design under the canopy. The tree planting standards of this Section do not apply to areas dedicated to bioswales on an approved landscape plan, provided the bioswales are planted with appropriate living groundcover that will spread over 95 percent of the bioswale area within five (5) years. The County will determine if a proposal complies with this standard.

B) The following minimum plant sizes apply, at the time of planting, to all landscaping required by this Ordinance:

1) Large deciduous tree stocks must be at least one (1) inch in diameter (caliper) at four (4) feet above the grade.

2) Understory and ornamental tree stocks (e.g., Dogwood, Japanese Maples, Redbud) must be between four (4) and six (6) feet in height.

3) Evergreen and conifer trees must be between five (5) and six (6) feet in height.

4) Shrubs must be at least one (1) gallon size. Five (5) gallon size is encouraged, especially when slow growing species are used.

5) Groundcover plants must be a minimum of four (4) inch pots and spaced appropriately for the species.

C) All landscaping required for multi-family and non-residential development must have irrigation systems installed unless otherwise exempted by the Planning Director. Bioswales integrated as part of a combined on-site drainage and landscape plan that are planted entirely with native or other drought tolerant grasses and forbes are exempted from this requirement.

D) All planter areas must be covered with a minimum of three (3) inches of unsettled bark mulch or similar pervious nonliving material. No more than 25 percent of landscaped areas may be mulched with rock, pumice, or other inorganic groundcover.

E) All landscaped areas and plants must be kept free of noxious weeds and be maintained in good health by the property owner(s) and may not be reduced in area or number. The property owner, or tenant if the applicant, is responsible for contacting the Planning Division to request an inspection to verify compliance with the approved landscape plan and survival of planted materials after the first year of operation. The inspection will be conducted during the growing season.

F) If the development is a public works project, all landscape plans must be prepared and stamped by a landscape architect registered with the State of Oregon *(ORS 671.412)*.

12.12.4 Xeriscape Requirements

All development that is subject to the requirements of this Chapter that cannot obtain required landscape irrigation water from a municipal or community water system must incorporate the following measures in any landscape plan submitted for County review.

A) ***Limited Turf Areas***

The total amount of lawn (i.e., turf) may not exceed 25 percent of the total landscaped area. In addition, lawns should be separated from trees, flower beds and other groundcover that do not have similar water needs as lawn/turf. Lawns may not be planted in strips less than five (5) feet wide due to the difficulty in controlling irrigation over spray and resulting water waste in such areas.

B) ***Efficient Irrigation***

In order to reduce the amount of water required to maintain established

vegetation, automatic or drip irrigation systems designed to supply adequate water to each planted area are required. If an automatic system is used, all watering must be done between sundown and sunrise to minimize evaporation.

C) ***Use of Drought Tolerant Plants***
Only drought tolerant native and non-invasive exotic species may be used in xeriscape plantings. A list of plants recommended for their drought tolerance and fire resistance is included in the User's Guide. Other drought tolerant plants recommended by a licensed landscape architect may also be allowed.

D) ***Alternative Groundcover***
Whenever possible, mulched planting beds and native plant communities should be used to meet landscape requirements. Beds may be mulched with any suitable organic or inorganic groundcover, provided that no more than 25 percent of the total landscaped area is mulched with inorganic material. Preservation and re-establishment of native plant communities as part of landscape designs is encouraged.

E) ***Soil Improvements and Maintenance***
Property owners must keep planted areas free of debris and continue to add mulch, mow lawns, maintain planting beds and prune trees on a seasonal basis. When preexisting native plant communities are incorporated into the landscape design, noxious weeds and exotic plant species must be eliminated annually from those areas.

12.13 DEFERMENT OF IMPROVEMENTS/SECURITY TO ENSURE COMPLIANCE
If the County allows an improvement required as part of a development approval to be deferred, the applicant, and all owners of the subject parcel, will be required to sign an agreement to assure compliance with the development standards of this Ordinance and conditions of approval within the time prescribed in the agreement. Performance will be secured by collateral as provided in this Section. The agreement will be approved by County Counsel prior to execution, and will be accompanied by cash, a certified check, surety bond or other security acceptable to the County to cover 110 percent of the estimated cost of the improvements. The security may be released incrementally as the improvements are completed to the satisfaction of the County. (See Chapter 10)

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

IN THE MATTER OF AMENDMENTS TO THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE TO CORRECT SCRIVENERS AND CROSS-REFERENCE ERRORS, AND TO CLARIFY CONFUSING LANGUAGE	)))))	**RECOMMENDATION FOR APPROVAL**

RECOMMENDATION FOR APPROVAL:

The Jackson County Planning Commission recommends the Jackson County Board of Commissioners amend the Jackson County Land Development Ordinance as shown in Exhibit A.

RECITALS:

1. Pursuant to Oregon Revised Statutes (ORS) Chapters 197 and 215, the Jackson County Comprehensive Plan (The Plan) and Jackson County Land Development Ordinance (LDO) were adopted in 1982 by the Jackson County Board of Commissioners and acknowledged by the Oregon Land Conservation and Development Commission (LCDC) as being in compliance with the Oregon Statewide Land Use Planning Goals ("the Goals") on May 16, 1983, through Compliance Acknowledgment Order 83-ACK-93.

2. The Land Development Ordinance, which has implemented the Plan since 1982, has been revised repeatedly since acknowledgment. Recognizing a large scale, coordinated effort would be needed to update the Plan and LDO, the Board of Commissioners established a multi-year planning effort to "*create more effective land use planning policies and development ordinances*" on November 15, 1999 through Order No. 433-99.

3. The 2004 Land Development Ordinance (Ord. 2004-2RM), which completely reorganized the County's land development regulations, was the primary product produced in response to Board Order 433-99. The 2004 Land Development Ordinance was acknowledged by operation of statute on December 22, 2004.

4. On May 11, 2006 the Jackson County Planning Commission ("Planning Commission") convened a hearing to consider the proposed Land Development Ordinance amendments, following public notice in accordance with the Jackson County Land Development Ordinance and State law. The Planning Commission closed the oral and written record on May 11, 2006 and deliberated to a decision. The Planning Commission, by motion and unanimous vote recommended approval of the Land Development Ordinance amendments contained in Exhibit A to the Jackson County Board of County Commissioners.

SECTION 1. FINDINGS OF FACT

Based on the evidence and arguments presented, the Planning Commission makes the following findings of fact with respect to the Land Development Ordinance amendments. Where factual conflicts arose, the Planning Commission has resolved them consistent with these findings.

1.1 Since acknowledgment, numerous cross reference and scriveners errors have been

Board of County Commissioners
File No. LRP2005-00009 Exhibit # 8
Offered by: Staff
Date: 9-21-2006 Received by:

identified by County staff during day-to-day administration of the LDO. Clarification edits have also been suggested for various sections to improve LDO administration. The proposed LDO amendments affect Land Development Ordinance Chapters 1 through 13.

1.2 The 2006 update of the Land Development Ordinance (LDO) is the second round of edits aimed at refining the new LDO adopted by the County in 2004. The proposed amendments are generally either non-substantive or the result of the 2005 legislative session. In most cases, the changes are more permissive.

1.3 None of the changes are more restrictive than currently enacted land use regulations, with the exception of proposed Sections 8.7 (Wildfire Safety), 9.5.3 (Private Roads) and 9.5.4 (Emergency Vehicle Access). These sections are not part of this recommendation and will be heard as a separate item by the Board of Commissioners. The Planning Commission previously made a recommendation on Sections 8.7 and 9.5.4 (File LRP2004-00014), which will be transmitted to the Board of Commissioners prior to their hearing on the matter.

1.4 Changes in State law relating to destination resorts have not been included in these amendments. Destination resort regulations will be reviewed as a separate item at a later date (File LRP2005-00010).

SECTION 2. PROCEDURAL FINDINGS

Post-acknowledgment amendments to local plans and implementing ordinances are subject to the procedural requirements of ORS 197.610-615. Further, OAR 660, Division 18 (Plan and Land Use Regulation Amendment Review Rule) is directly applicable to these amendments. The Planning Commission finds the procedural requirements of the aforementioned statute and administrative rule have been met based on the facts presented below. Where factual conflicts arose, the Planning Commission has resolved them consistent with these findings.

2.1 Staff recommendations and amendments reflecting changes enacted during the 2005 legislative session were forwarded to the Jackson County Planning Commission for work sessions on February 9 and March 23, 2006. A summary of all the proposed changes was provided in a table that following the staff report.

2.2 Media notice of the May 11, 2006 Planning Commission public hearing was published in the Mail Tribune on Sunday, April 30, 2006 in accordance with ORS 215.223. In addition, the notice of hearing was mailed to affected agencies and citizen's groups on the County's affected agency list on April 27, 2006.

2.3 The staff report and all addenda were available seven days prior to the Planning Commission's hearing and were also mailed to the Department of Land Conservation and Development, together with the hearing notice, on March 24, 2006

2.4 Following public notice in accordance with the Jackson County Land Development Ordinance and State law, the Planning Commission opened a public hearing on May 11, 2006 to consider various non-substantive amendments to the Land Development Ordinance. The Planning Commission closed the oral and written record on May 11, 2006 and deliberated to a decision.

2.5 On May 11, 2006 the Planning Commission by motion and unanimous vote recommended approval to the Jackson County Board of Commissioners, directing staff to prepare a recommendation to forward to the Board of Commissioners.

SECTION 3. FINDINGS OF CONFORMANCE WITH STATEWIDE PLANNING GOALS AND RELATED OREGON ADMINISTRATIVE RULES AND REVISED STATUTES

3.1 Statewide Planning Goals 1 through 14 are applicable in Jackson County. The Goals are further interpreted and implemented through Oregon Administrative Rules (OAR), Chapter 660. These amendments are consistent with applicable statewide planning goals because they; (1) clarify meaning of sections of the acknowledged LDO that implement the statewide planning program, and (2) include amendments to bring the LDO into compliance with new laws enacted during the 2005 Legislative session.

SECTION 4. FINDINGS OF CONFORMANCE WITH THE JACKSON COUNTY COMPREHENSIVE PLAN

4.1 Local implementation of the Goals and OAR Chapter 660 is through the Jackson County Comprehensive Plan and its implementing ordinances. The General Implementation Element of the Comprehensive Plan identifies the Land Development Ordinance as the County's primary tool to implement the statewide planning program and desired local regulations. The proposed amendments to the Land Development Ordinance improve consistency with recently amended state law and clarify meaning of local laws that implement plan policies and implementation measures (e.g., setback exceptions, flood plain management).

SECTION 5. SUMMARY CONCLUSIONS

Based on the evidence and arguments included in the whole record, the Planning Commission concludes that:

5.1 Proper public and agency notice was given.

5.2 The amendments proposed through File No. LRP2005-00009 are in compliance with and further the Jackson County Comprehensive Plan by correcting scriveners and cross reference errors and by clarifying meaning of confusing sections.

5.3 The proposed amendments will bring the Land Development Ordinance into compliance, or more into compliance, with the Comprehensive Plan, Statewide Planning Goals 1, 2 and 14, related Oregon Administrative Rules and relevant law enacted during the 2005 Oregon Legislative Session.

SECTION 7. RECOMMENDATION

This recommendation for APPROVAL adopted this 8TH day of ~~May~~ JUNE, 2006 at Medford, Oregon.

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

Reeve Hennion (Yes)
Reeve Hennion, Chair

absent/excused
Don Greene, Vice-Chair

absent/excused
Elizabeth Fujas, Commissioner

Richard B. Thierolf, Jr., Commissioner (yes)

Byron Williams, Commissioner (yes)

ATTEST:

Heather Couch, Secretary

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CHAPTER 1. GENERAL PROVISIONS

1.1 TITLE; EFFECTIVE DATE

This Ordinance will be officially known as the "Land Development Ordinance of Jackson County, Oregon." It also may be called the "LDO" and is referred to throughout this document as "this Ordinance." This Ordinance will FIRST become effective on March 12, 2004.

1.2 AUTHORITY

This Ordinance is adopted pursuant to authority granted to Jackson County by the Oregon Revised Statutes (ORS), Chapters 92 (Subdivisions and Partitions), 197 (Comprehensive Land Use and Planning Coordination), and 215 (County Planning; Zoning; Housing Codes).

1.3 GENERAL PURPOSES

The provisions of this Ordinance are intended to protect the public health, safety, and general welfare, and to implement the policies of the Jackson County Comprehensive Plan and the Statewide Planning Goals.

1.4 JURISDICTION AND APPLICABILITY[1]

The provisions of this Ordinance apply to all land, buildings, structures, and uses thereof within the unincorporated area of Jackson County to the extent allowed by Federal, State and local laws, including land owned by local, state, or federal agencies (see Section 6.3.6(B)). Except for Federal activities on federally-owned land, any activity the State regulates or controls and which occurs upon federally-owned land must apply for a local land use permit when such permit would be required to initiate similar private activities on private land. If a decision is not rendered within 60 days of receipt of the application for State-regulated activities on federally-owned land, the application will be considered approved. *[ORS 197.395]*

1.5 SCOPE OF DECISION

County land use decisions made under this Ordinance are limited to the County's review of applicable zoning rules and land use law, as outlined in the Jackson 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 neither imply nor guarantee compliance with the requirements of any other regulatory agency. Property owners are responsible for compliance with the requirements of any other regulatory agency or provisions of law prior to initiating development.

1.5.1 Conflict with Other Laws, Ordinances, Regulations, or Permits

This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit requirement. Where conditions, standards, or requirements imposed by any provision of this Ordinance are more restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions of this Ordinance will govern. Wherever the provisions of any other statute, ordinance, or regulation impose other standards which are more restrictive than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation will govern. However, standards imposed by other permitting agencies will be implemented and enforced by those agencies.

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[1]Ordinance 2004-12, effective 2-6-2005

1.5.2 Conflict with Private Agreements

This Ordinance is not intended to abrogate any easement, deed declaration, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, deed declaration, or other private agreement, then the requirements of this Ordinance will govern. Nothing in this Ordinance will modify or repeal any private deed declaration or deed restriction, but such deed declaration or restriction will not excuse any failure to comply with this Ordinance. The County is not obligated to enforce the provisions of any easements, deed declaration, or agreements between private parties unless directly stipulated as conditions in a land use decision.

1.6 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 will not invalidate the remaining portions of this Ordinance.

1.7 TRANSITIONAL RULES

1.7.1 Prior Regulations[2]

For purposes of this Ordinance, the following ordinances and actions became effective on the dates specified below:

A) Jackson County Subdivision Ordinance, effective May 1, 1959.

B) Countywide Zoning Ordinance, effective September 1, 1973.

C) Building permits required, July 1, 1974.

D) Private Road Ordinance ("creation of way" originally part of the Subdivision Ordinance) effective September 24, 1975.

E) Mobile home permits required, July 1, 1977.

F) Major land partitions and subdivision requests reviewed against Statewide Planning Goals 3 and 4 pursuant to Board Order 344-78 effective September 6, 1978.

G) Minor Land Partition Ordinance recorded at Vol. 109, Page 394, effective January 31, 1979.

H) Major Land Partition Ordinance, effective June 3, 1980 to October 27, 1980.

I) Land Division Ordinance and Zoning Ordinance, effective October 18, 1980.

J) Order 66-82 establishing interim criteria for determining conformance of partitions with Goal 3 and ORS 215.143, effective February 10, 1982.

K) Ordinance changing administrative procedures for the division of agricultural lands (Emergency Ordinance 81-71), effective October 7, 1981, Permanent Ordinance 81-86, effective February 21, 1982.

[2]Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-13, effective 2-6-2005

L) Ordinance 82-28, Land Development Ordinance, effective November 10, 1982.

1.7.2 Preexisting Development Approvals

A preexisting approval is a project that received a valid land use approval from the County prior to the effective date of this Ordinance. See also Chapter 11 for regulations pertaining to nonconformities.

A) Jackson County's Comprehensive Plan and Land Development Ordinances were acknowledged by the Land Conservation and Development Commission on April 22, 1983. Non-expiring land use permits for dwellings on resource lands issued by the County prior to November 10, 1982 remain valid if development was initiated in reliance on the permit prior to April 22, 1983. If no development was initiated however, the approval became void on that date.

B) Non-expiring land use permits for dwellings on resource lands where the approved permit was requested between November 10, 1982 and December 13, 1992 are valid and, if not already developed, may be developed subject to the original conditions of approval in addition to all applicable development standards of this Ordinance.[3]

C) Effective December 14, 1992 dwelling approvals in resource zones expired after a statutorily established period of time if development was not initiated. Effective November 4, 1993 such approvals were eligible for extensions of time. If no extension of time was granted, and development was not initiated, the approval is void. *[Butori v. Clatsop County, LUBA No. 2003-064]*

D) Any prior land use approval or development permit valid on ~~March 12, 2004,~~ the effective date of this Ordinance will remain valid until the expiration date specified in the County's written decision or as specified by ORS 215.417, if applicable. Projects with valid approvals or permits may be carried out under the development standards in effect at the time of approval, provided ~~that~~ the permit or approval ~~is valid and~~ has not lapsed. In cases where the development standards of this Ordinance are less restrictive than those in effect at the time of approval, the standards of this Ordinance may be substituted.

E) ~~The County may renew or extend the expiration date of an approval issued prior to March 12, 2004, if the criteria applicable to the original approval remain unchanged, the findings made in support of the original approval remain valid, and such renewal or extension was allowed under the original regulations.~~ Any request for an extension of a valid permit following adoption of this Ordinance will be subject to Section 2.6.8, whether or not the original approval stipulates the duration of any time extension.

F) Any re-application for an expired project approval will meet the standards in effect at the time of re-application.

[3]Ordinance 2004-12, effective 2-6-2005

1.7.3 Pending Applications

Except for Comprehensive Plan amendments, a land use application or development permit submitted prior to the effective date of this Ordinance, and deemed complete within 180 days of the submittal date, will be subject to the terms of the prior Land Development Ordinance and any State rules in effect at the time the application or permit was first submitted. Any land use or development permit application submitted after the effective date of this Ordinance is subject to the terms of this Ordinance. In all cases, a decision on a Comprehensive Plan amendment is subject to the laws in effect on the date of the decision.

In order to avoid undue hardship, nothing in this Ordinance requires any change in the location, plans, construction, size, or designated use of any building, structure or part thereof for which a required building permit has been granted prior to the ~~enactment~~ effective date of this Ordinance. If no construction is initiated in reliance on a building permit that is later revoked or for any reason becomes void, all rights granted by this subsection are extinguished and the project will thereafter be required to conform to the provisions of this Ordinance.

1.7.4 Lawfully Established [Preexisting] Nonconformities Under Prior Ordinance

Any use, structure, or lot deemed a lawfully established [preexisting] nonconformity under the previous Land Development Ordinance is also considered a lawfully established [preexisting] nonconformity under this Ordinance, unless the use, structure or lot is rendered conforming by this Ordinance. (See Chapter 11.)

1.7.5 Preexisting Uses and Lots

A) ~~A use that was lawfully established before the effective date of this Ordinance but which no longer conforms to the uses or dwelling density allowed in the zoning district in which it is located, is considered nonconforming and is regulated either under Chapter 11 of this Ordinance, or Section 6.3.2 (A) Manufactured Dwelling Park where applicable.~~

A lawfully established preexisting use that would require a Type 2-4 Permit under this Ordinance if being established as a new use, but that has not received a permit, may be altered or expanded subject to approval of the most closely applicable current permit type and development standards of this Ordinance. Such alterations or expansions are not subject to the limitations applicable to ~~nonconforming uses~~ nonconformities found in Chapter 11.

B) Except where contrary to specific provisions in Chapter 4, lots and parcels that were lawfully created before the effective date of this Ordinance that do not meet the acreage, lot width or access requirements set forth herein will be entitled to the same development rights as conforming lots or parcels, once access is provided. (See ~~As set out in~~ Section 10.2.1)

1.7.6 Violations Continue

Any documented violation of previous land development ordinances related to permissible activities or structures on land that also violate this Ordinance will continue to be a violation subject to all penalties and enforcement under this Ordinance. Likewise, previous judgments rendered under past ordinances remain enforceable. Except as provided for in Chapter 10, when a violation of this Ordinance exists on a property, the County will not approve any application for building or land use permits on that property unless such application addresses the

remedy for the violation. Where a violation of any other local ordinance, state, or federal law has been documented on property to the satisfaction of the County, such violation must be corrected prior to application for a land use or development permit on that property, unless the violation can be remedied as part of the development application.

1.8 ENFORCEMENT AND PENALTIES

Enforcement of a violation of this Ordinance is processed in accordance with the provisions of the *Jackson County Codified Ordinance Chapters 202 and 203*, as applicable.

1.8.1 Violations

It is a violation of County Law for any person or other entity to violate this Ordinance. Specifically, it is a violation to:

A) Intentionally make false statements of material fact on any application.

B) Use land, construct, occupy, or place improvements, sell or transfer land by an instrument of conveyance, or conduct any activity on land, in any manner not in accordance with the standards set forth in this Ordinance, or with any special permit or order of the Development Services Department, Hearings Officer, Planning Commission, or Board of Commissioners issued hereunder.

C) Conduct, without a permit, any activity for which a permit is required by this Ordinance.

1.8.2 General Enforcement Provisions and Penalties

A) When a violation of this Ordinance is documented to exist on a property, the County will deny any and all development permits, unless such application addresses the remedy for the violation, or the violation has otherwise been corrected.

B) The County will not approve any application for a land use permit when a local, state, or federal land use enforcement action has been initiated on property, or other reliable evidence of such pending action exists. Such violations must be corrected prior to application for a land use or development permit on that property, unless the violation can be remedied as part of the development action.

C) A violation of any provision of this Ordinance will be deemed a nuisance. Nothing in this ordinance shall affect the ability of the County to pursue any action, suit, and/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.

D) Justice court, circuit court and the County Code Enforcement Hearings Officer have concurrent jurisdiction over prosecutions.

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TABLE 2.1-1: ORDINANCE ADMINISTRATION AND REVIEW ROLES						
Procedure	Cross Reference Chapters	Planning Division	Hearings Officer	Planning Commissions[1]		Board of Commissioners
				Jackson Co.	White City	
Type 1 Permits	3.1.2	Decision [2]	-	-	-	-
Type 2 Permits [5]: • Site Development Plan • Public Park Minor Alteration/Expansion • Partition • Property Line Adjustment • Administrative Adjustment • Historic Property Minor Alteration/Noncompatible Property/Parcel Area Reduction	3.1.3 3.2 3.2.10 3.3.2 3.4 3.12 7.1.1(F) 8.9	Decision	Hearing/ Decision [3]	-	Hearing/ Decision [3, 4]	-
Type 2 Permits [5] • Written Interpretations	3.9	Decision	-	-	-	Hearing/Decision (if appealed)
Type 3 Permits [5]: • Partition with roads • Variances • Historic Property New Construction/Major Alteration/Allowable Use Permit	3.1.4 3.3.2 3.11 7.1.1(F)	Decision	Hearing/ Decision [3]	-	Hearing/ Decision [3, 4]	
Type 4 Permits: • Solid Waste Disposal • Public Road Creation Without Land Division • Sewer Extension • Comprehensive Plan or Zoning Text Amendment • Comprehensive Plan or Zoning Map Amendment • UGB/Urban Fringe/Urban Buffer Amendment • JCPP • Historic Property Designation/Moving/Demolition	3.1.5 3.2.9 3.10' 3.6 3.7.1 3.8 3.7.3(E) 3.7.4 3.7.5/ 7.1.1(F)	Recommen-dation	-	Hearing/Recom-mendation	Hearing/Recom-mendation	Hearing/Decision
Type 4 Permits: • Subdivision • Planned Unit Development • Destination Resort	3.3.2 3.5 7.1.5	Recommen-dation	-	Hearing/Decision	Hearing/Decision	Hearing/Decision (if appealed)

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2.2 BOARD OF COMMISSIONERS

2.2.1 Review and Decision-Making Responsibilities

Without limiting any authority granted to the Board of County Commissioners (a.k.a., Board of Commissioners, Board, or BoC) by State law or by other ordinances of the County, the Board will, with respect to this Ordinance, have the powers and duties set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

In addition, the Board may elect to hear quasi-judicial planning applications initially decided by the Planning Commission or the Hearings Officer that have been remanded by the Land Use Board of Appeals (LUBA), the Oregon Court of Appeals, or the Oregon Supreme Court, when the remand requires an interpretation of the Land Development Ordinance or Comprehensive Plan. The Board also has the authority to act as the Urban Renewal Agency, and to delegate that authority to the Planning Commission.

2.3 PLANNING COMMISSIONS

2.3.1 Appointment; Membership

Planning Commission members are appointed by the Board of Commissioners, as provided in Part 12 of the *Codified Ordinances of Jackson County*, and any adopted Planning Commission Bylaws.

2.3.2 Review and Decision-Making Responsibilities

The Jackson County and White City Planning Commissions will, with respect to this Ordinance, have the powers and duties set forth in Table 2.1-1, and as set out in Part 12 of the *Codified Ordinances of Jackson County.*

2.3.3 Jurisdiction

There are two Planning Commissions within Jackson County. Jurisdiction over planning matters are split between the two (2) planning commissions depending on the geographic area that is the subject of an application.

For applications within the White City Urban Unincorporated Community (WCUUC), the White City Planning Commission has jurisdiction, performing applicable reviews and making recommendations to the Board of Commissioners on some Type 4 applications. In addition, certain Type 4 applications (subdivisions, and planned unit developments) within the WCUUC will be decided by the WCPC following an evidentiary hearing before them.[1] Upon passage of a development services funding mechanism for the WCUUC, the White City Planning Commission will also act as the appeal body for all Type 2 and Type 3 applications within the WCUUC.

The remainder of the County and issues of countywide significance are the responsibility of the Jackson County Planning Commission. The Jackson County Planning Commission performs the applicable review of quasi-judicial applications, rendering final decisions on subdivisions, planned unit developments and large destination resorts, and makes recommendations to the Board of Commissioners on long-range matters. Where amendments are made to the Jackson County Comprehensive Plan, Jackson County Land Development Ordinance or other long-

[1]Ordinance 2004-12, effective 2-6-2005

range documents, the Jackson County Planning Commission has jurisdiction and is empowered to author such amendments and make recommendations to the Board of Commissioners.

2.4 HEARINGS OFFICER

2.4.1 Appointment

The Hearings Officer(s) will be appointed by the Board of Commissioners and will serve at the pleasure of and at a rate of compensation fixed by the Board.

2.4.2 Review and Decision-Making Responsibilities

The Hearings Officer(s) will, with respect to this Ordinance, have the powers and duties set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

2.4.3 Decisions Final

The Hearings Officer will have authority to render a final decision on quasi-judicial land use applications and remands of those applications from LUBA when the Hearings Officer rendered the original decision, unless the remand requires an interpretation of the Comprehensive Plan or this Ordinance. When such interpretation is required, the Board of Commissioners may hear the remanded application (see Section 2.2). When the Hearings Officer interprets this Ordinance, the interpretation will only apply to the application in question. The Hearings Officer will not reconsider a final decision once rendered, except as necessary on remand from a higher authority. Likewise, the Hearings Officer may not remand applications back to ~~County Staff~~ the Development Services Department. The Hearings Officer may, however, request research assistance from ~~County~~ Planning Staff prior to rendering a final decision.

2.5 PLANNING DIVISION

2.5.1 Review and Decision-Making Responsibilities

The Planning Division will, with respect to this Ordinance, have the powers and duties set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

2.5.2 Other Powers and Duties

Authority to administer this Ordinance is vested in the Director of the Development Services Department. The Director may render advisory opinions in addition to binding Written Interpretations, as described in Section 3.9 of this Ordinance. Advisory opinions will be neither appealable nor binding upon the County.

2.6 COMMON PROCEDURES

The following general provisions apply to all applications for permits under this Ordinance. However, zone map and Comprehensive Plan map amendment applications are subject to the requirements of Sections 2.6.1 through 2.6.3, 2.6.5, 2.6.6 and 2.6.10.

2.6.1 Authority to File Applications

A) Unless otherwise specified in this Ordinance, applications for review and approval of all development proposals may be initiated by the property owner, purchaser under a recorded land sale contract, condemner who has been granted immediate possession by a court of competent jurisdiction, agent duly authorized in writing, or a public agency.

B) When an authorized agent files an application under this Ordinance on behalf of a property owner, the agent will provide the County with written documentation that the property owner has authorized the filing of the application. Such authorization will be considered valid until withdrawn by the property owner.

2.6.2 Filing Applications

Before engaging in any activity regulated by this Ordinance, an applicant must file an application for a land use permit on forms provided by the County accompanied by the required fee. All prior outstanding fees and charges must be paid prior to an application being submitted. Such fees and charges applicable to the property are the responsibility of the property owner. Each application for development activity must be submitted on forms provided by the Planning Division. The application will be accompanied by all information identified on the application form, along with the appropriate fee. The Planning Division may require an applicant to submit additional information deemed necessary to take action on the application in accordance with this Ordinance and applicable State laws.

2.6.3 Application Completeness[2]

A) An application that is consistent with the submittal requirements specified in the Land Development Ordinance User's Guide, will be considered complete once all outstanding fees and charges are paid, and sufficient information to address all applicable standards and criteria is included.

B) Within 30 days of the date an application is filed, the Planning Division will notify the applicant, in writing, specifying what additional information is required. The application will be deemed complete upon receipt of the missing information.

C) An applicant will have 180 days from the date of submittal to provide the Planning Division with the information requested to make an application complete. When an applicant fails to submit the requested information, the application will be deemed withdrawn on the 181st day after the application was filed.

D) If the applicant who receives notice of an incomplete application refuses to submit the missing information, the application will be deemed complete on the 31st day after the Planning Division first received the application. *(ORS 215.427(2))*

E) In the event the Planning Division fails to notify the applicant within 30 days of the date the application was filed, the application will be deemed complete on the 31st day.

2.6.4 Timetable for Final Decisions

A) For lands located within an urban growth boundary, and all applications for mineral or aggregate extraction, the County will take final action on applications submitted under this Ordinance, except applications for Comprehensive Plan amendments, within 120 days after the application is deemed complete. *(ORS 215.427 (1))*

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

B) For all other applications submitted under this Ordinance, except applications for Comprehensive Plan amendments, the County will take final action within 150 days after the application is deemed complete. *[ORS 215.427 (1)]*

C) These time-frames may be extended upon written request by the applicant. *[ORS 215.427 (4)]*

2.6.5 Simultaneous Application Review

Applications for more than one land use decision on the same property may, at the Director's discretion, be combined and heard or reviewed concurrently. Multiple land use applications involving different processing Types will be heard and decided under the higher processing type. For example, a combined application involving a Subdivision (Type 4) with a Variance (Type 3) will be reviewed and decided as a Type 4 request.

The Planning Commissions are authorized to consider and conditionally approve or deny land development applications that are paired with and contingent upon approval of a Comprehensive Plan or Zoning map or text amendment. The relevant Planning Commission's order of approval for the dependent land use permit application will be contingent upon affirmative action by the Board of Commissioners approving the Comprehensive Plan or Zoning map or text amendment(s) that would enable issuance of the dependent land use permit(s). If the Planning Commission or Board deny the map or text amendment(s), then any other application submitted concurrently and dependent upon it will also be denied. A land use permit decision that is contingent upon approval of a map or text amendment will not become final until a decision by the Board of Commissioners to adopt the map or text amendment becomes final. Since this decision may be appealed to LUBA after the final County decision, any development permits that rely on the decision will be held in abeyance by the County until the LUBA appeal period has lapsed. *(ORS197.620, 197.830, and Jackson Co. Charter Chapter 111, Section 14)*

2.6.6 Statement Supporting Decision Required *[ORS 215.416(9)-(10)]*

Approval or denial of any quasi-judicial development application under this Ordinance will be based on and accompanied by a brief statement that:

A) Explains the criteria and standards considered relevant to the decision;

B) States the facts relied upon in rendering the decision; and

C) Explains the justification for the decision based on the criteria, standards, and facts set forth.

Written notice of the approval or denial will be given to all parties to the proceeding.

2.6.7 Conditions of Approval

A) ***General Authorization to Impose Conditions of Approval***

In approving any type of development application, the decision-making body is authorized to impose such conditions as may be necessary to assure compliance with the applicable provisions of this Ordinance, the Comprehensive Plan, or other requirements of law. Any conditions attached to approvals will be directly related to the impacts of the proposed use or

development and will be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

B) ***Compliance with Conditions Required***
An applicant who has received development approval will comply with all conditions of approval in a timely manner. The County may modify, alter, suspend, or revoke an approved application for noncompliance with conditions of approval.

C) ***Enforcement and Penalties for Noncompliance with Conditions***
If the County modifies, alters, suspends, or revokes an approved application for noncompliance with conditions of approval, it may proceed under the penalty provisions of this Ordinance and/or schedule a public hearing before the Board of Commissioners. At the conclusion of any such hearing, and based upon findings of fact and conclusions of law, the hearings body will take such action on the application as it deems appropriate under the provisions of this Ordinance. Notice of any hearing scheduled under this Section will be served upon the owner of record of the subject property and, if different from the owner, the applicant or operator under the application in the same manner as a summons is served under Rule 7 of the Oregon Rules of Civil Procedure. Notice to all others will be accomplished pursuant to the standard review procedure set forth in Section 2.7, below.

D) ***Modification of Conditions Previously Approved***
At an applicant's request, the County may modify or amend one or more conditions of approval for an application previously approved and final. Decisions to modify or amend final conditions of approval that do not qualify as Administrative Adjustments under Section 3.12 will be made by the review authority with initial jurisdiction over the original application using the same type of review procedure as the original review.

2.6.8 Expiration and Extension of Land Use Permits
See Chapter 3 for partition or property line adjustment approval duration and extension of time. Except as provided in Section 4.1.3 for land use permits in EFU and forest zones or permits subject to Sections 3.3.2 and 3.4.2, a land use permit will be void after four (4) years, or such lesser time as the permit may specify, unless development has been initiated. (See Section 13.3) A one (1) year extension may be granted where all of the following standards are met:

A) An extension request is filed prior to the applicable expiration date or within 30 days after that date;

B) The extension request is filed in written form and includes all exhibits and fees required by the County. Extension requests filed up to 30 days after the expiration date are subject to double fees;

C) The provisions of this Ordinance or State law do not prohibit the extension;

D) The substantive approval criteria for the original decision found in State or County goals, Plan policies or ordinance language have not changed; and

E) Reasons not within the control of the applicant prevented the development from beginning or continuing within the approval period.

Additional one (1) year extensions may be authorized where the applicable standards for an extension set out in (A) through (E) above are met. Unless otherwise noted, authority to grant extensions of time will rest with the ~~Planning~~ Director. Approval of an extension granted under this Section is a Type 1 decision when made in accordance with the provisions of OAR 660-033-0140. Likewise, any other extension approval under this Section not requiring the exercise of discretion is not a land use decision as defined under ORS 197.015, and is not subject to appeal as a land use decision.

2.6.9 Amendment of Approved Land Use Permits

A valid land use permit that existed on the date of adoption of this Ordinance may be amended, extended, or modified in accordance with the procedures and standards established for the most comparable current application, as identified by the Director.

2.6.10 Remands

Reconsideration of quasi-judicial land use decisions remanded to the County will be based on the standards in effect at the time the completed application was first submitted if the application was subject to ORS 215.427. Applications not subject to ORS 215.427 will be reconsidered based on the standards and criteria in effect at the time of the County's final decision on remand. If the application involves a zone change or permit request which is not dependent on a Comprehensive Plan amendment, final action of the County will occur within 90 days of the effective date of the remand order issued by the Land Use Board of Appeals. Notwithstanding the preceding provision, the 90-day period will not begin until the applicant requests in writing that the County proceed with the remand. *[ORS 215.435]*

2.7 STANDARD REVIEW PROCEDURE

All applications for development approval are subject to some (but not all) processes in the standard review procedure. The table below summarizes the standard review procedure applicable to development applications under this Ordinance. Each procedure is illustrated on the accompanying diagram, and footnotes for the tables appear below. Specific provisions and approval criteria applicable to each type of application are included in Chapter 3.

Time periods in this Ordinance are computed by excluding the first day and including the last day. If the last day is Saturday, Sunday, or other state legal holiday, the act must be performed on the next working day. *[OAR 661-010-0075]*

Footnotes for Tables 2.7-1 and 2.7-2 (Amended by Ord. 2004-2RM, eff. 1-30-2005, Ord. 2004-12, eff. 2-6-2005, and Ord. 2004-14, eff. 2-13-2005

[1] Includes Major Comprehensive Plan Map and all Comprehensive Plan Text amendments.
[2] e.g., outdoor gatherings reviewed by WCPC; rendering plant, tannery, slaughter house; composting plant; waste disposal (recycling plant, sanitary landfill); new public roads in resource zones.
[3] Unless referred directly to hearing under Section 2.7.4(C).
[4] Responsibility for making <u>final</u> County decisions when an appeal is filed will transfer to WCPC upon passage by the Board of Commissioners (BoC) of a development services funding mechanism for the WCUUC.
[5] Notice of application may be sent at the County's discretion. See Section 2.7.3.

Table 2.7-1 SUMMARY OF REVIEW PROCEDURE FOR ALL TYPE 1 THROUGH 3 APPLICATIONS
X = APPLICABLE

Description	Review Type		
	1	2 (e.g,, Site Development Plan, Partition, Property Line Adjustment, Administrative Adjustment)	3 (e.g., Variances, Historic Allowable Use Permit)
Cross Reference Chapters	3.1.2	3.1.3, Chapters 7 and 8	3.1.4
Pre-application Conference	-	-	-
Application	-	X	X
Notice of Application	-	***[5]***	X
Planning Staff Decision or Recommendation	X	X	X
Notice of Staff Decision ***[3]***	-	X	X
Notice of quasi-judicial hearing ***if appealed***	-	X	X
Notice of ***required*** evidentiary hearing	-	-	-
Hearings Officer Decision ***if appealed***	-	X	X
JCPC Decision or Recommendation	-	-	-
WCPC Decision or Recommendation See Note***[4]***	-	X	X
BoC Decision on appeal	-	-	-
BoC required final Decision	-	-	-

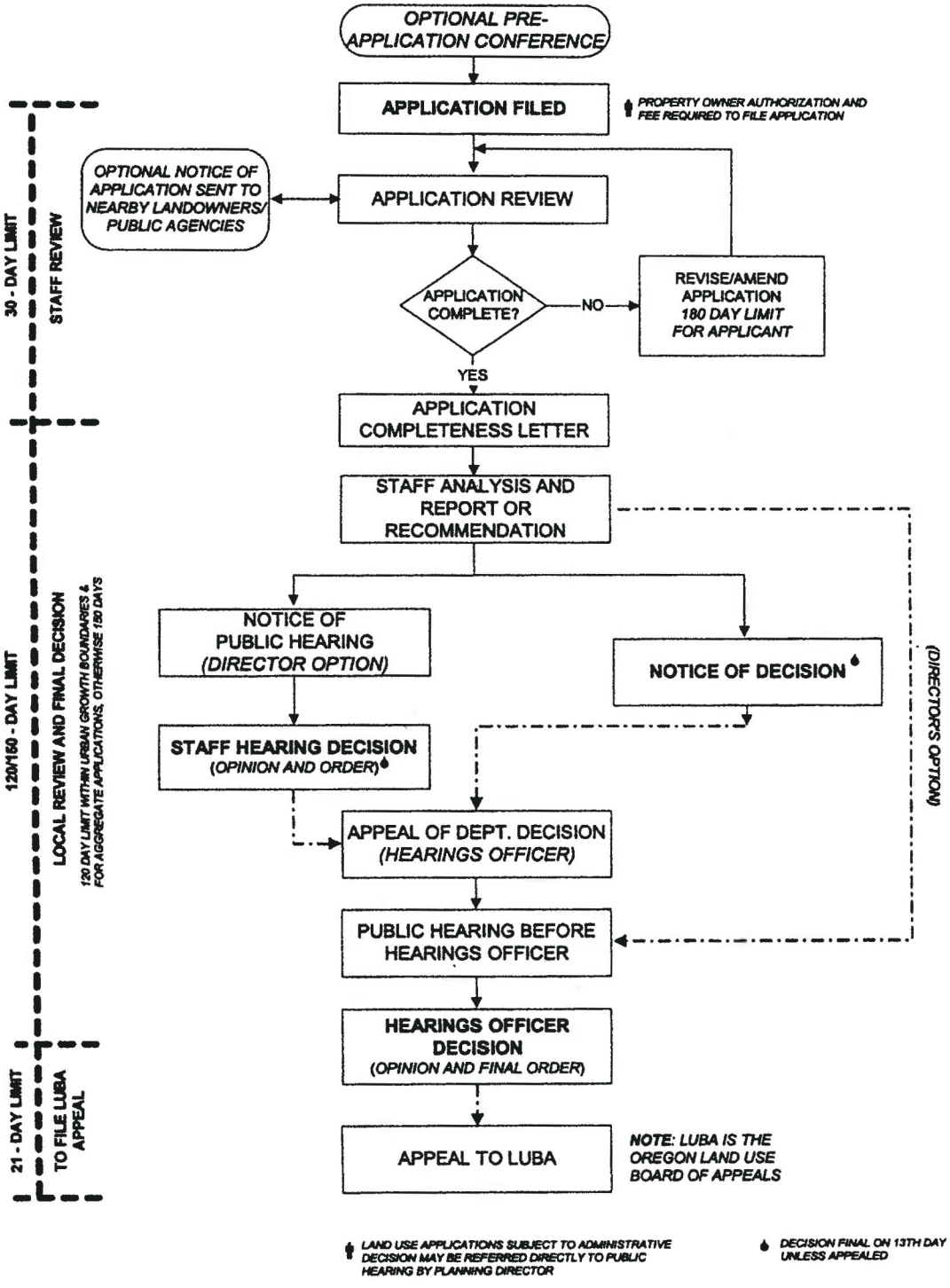
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Table 2.7-2 SUMMARY OF REVIEW PROCEDURE FOR TYPE 4 APPLICATIONS X = APPLICABLE								
	Sewer extension	Public road creation	Subdivision	PUD	Destination resort	Minor map amendment	Plan/LDO text amendment *[1]*	Other Type 4 review *[2]*
Cross Reference Chapters	3.6	3.3.2	3.3.2	3.5	7.1.5	3.7.3(C)	3.7.2	3.1.5
Pre-application Conference	X	X	X	X	X	X	-	X
Application	X	X	X	X	X	X	-	X
Notice of Application	X	-	X	X	X	X	-	X
Planning Staff Decision or Recommendation	X	X	X	X	X	X	X	X
Notice of Staff Decision *[3]*	-	-	-	-	-	-	-	-
Notice of quasi-judicial hearing ***if appealed***	-	-	-	-	-	-	-	-
Notice of ***required*** evidentiary hearing	X	X	X	X	X	X	X	X
Hearings Officer Decision ***if appealed***	-	-	-	-	-	-	-	-
JCPC Decision or Recommendation	X	X	X	X	X	X	X	X
WCPC Decision or Recommendation *[4]*	-	X	X	X	-	X	-	X
BoC Decision on appeal	-	-	X	X	X*	-	-	-
BoC required final Decision	X	X	-	-	X**	X	X	X

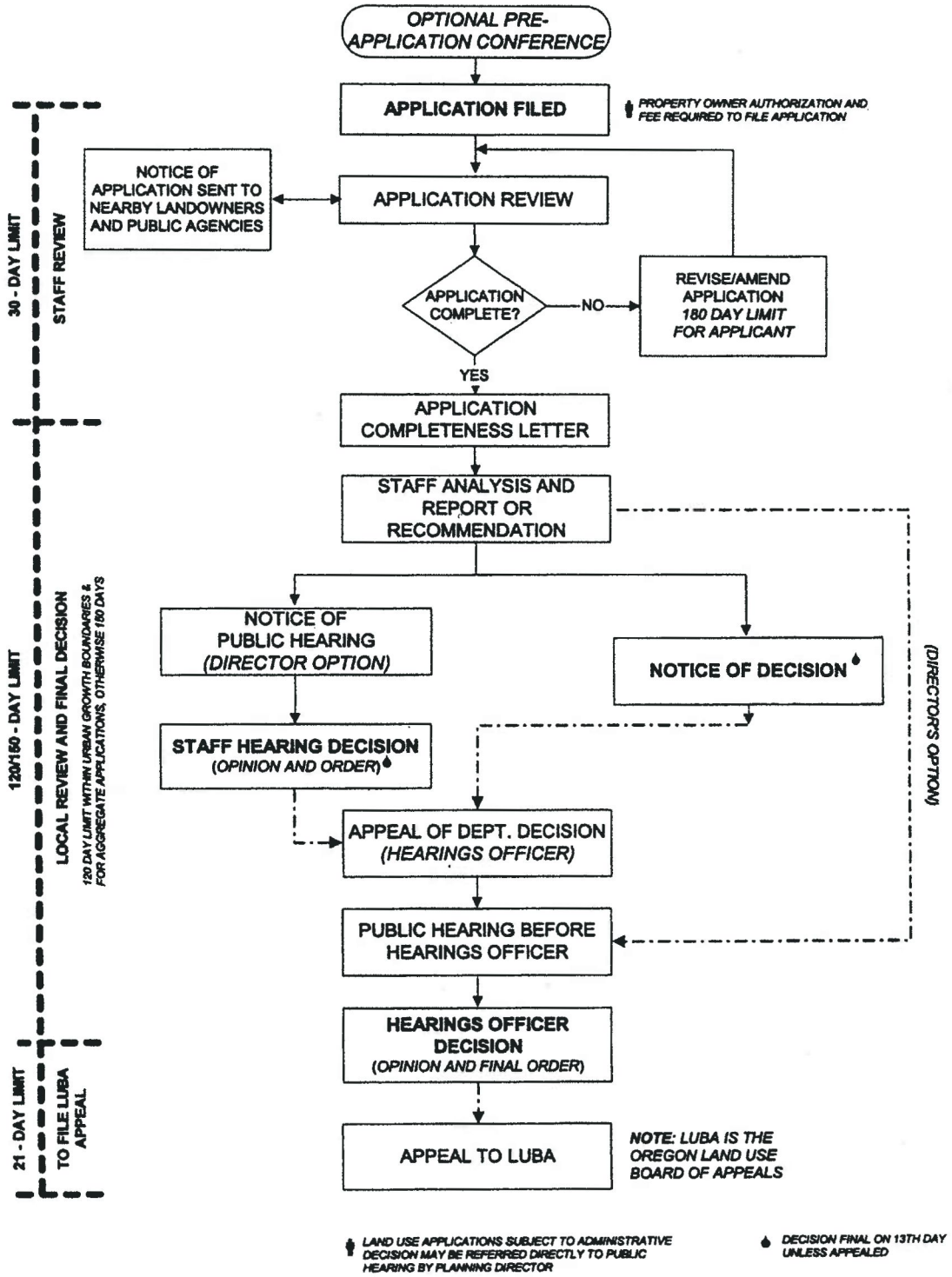
* If Planning Commission denial appealed.
** If Planning Commission recommends approval

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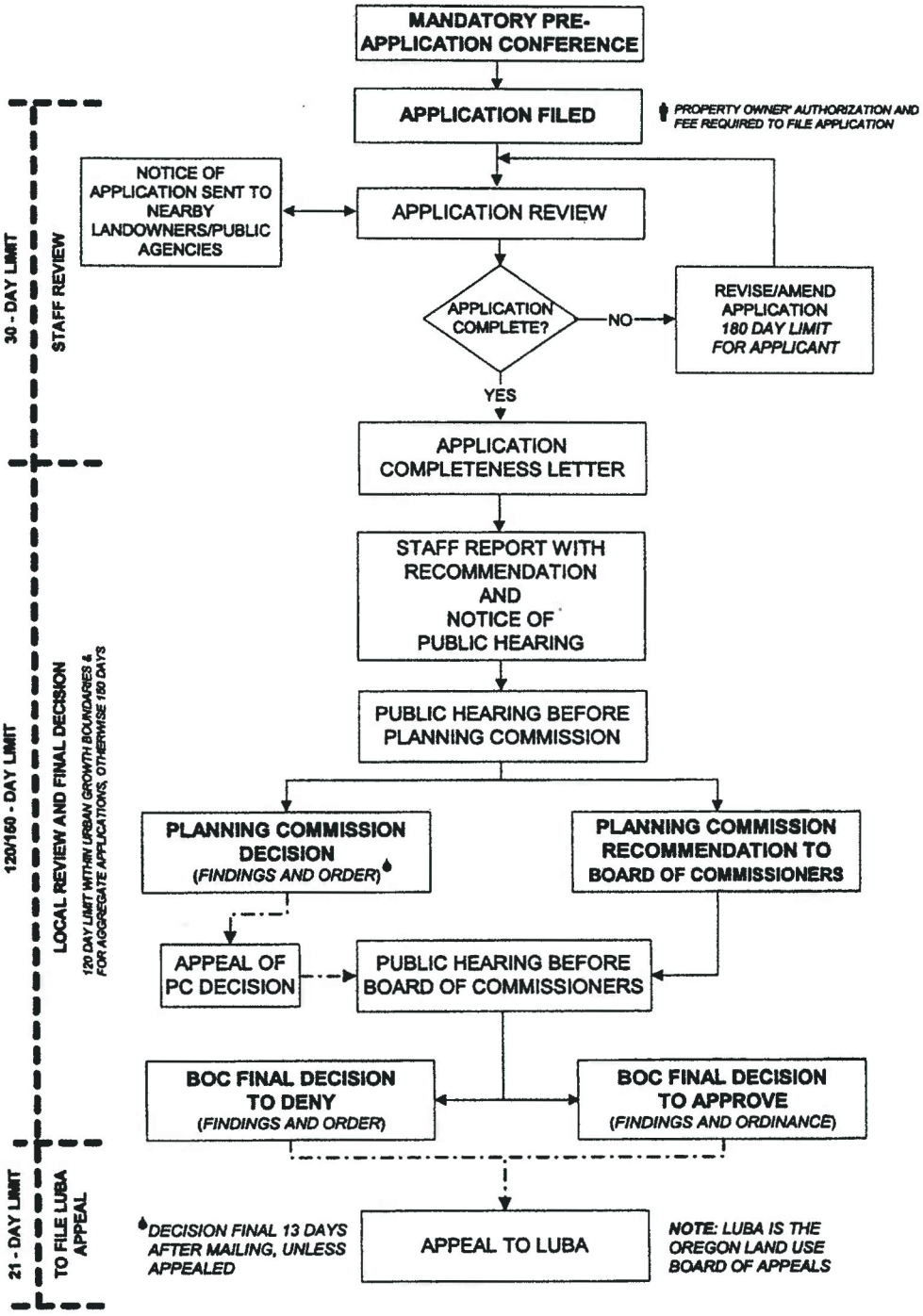
TYPE 2 PERMIT REVIEW PROCESS



TYPE 3 PERMIT REVIEW PROCESS

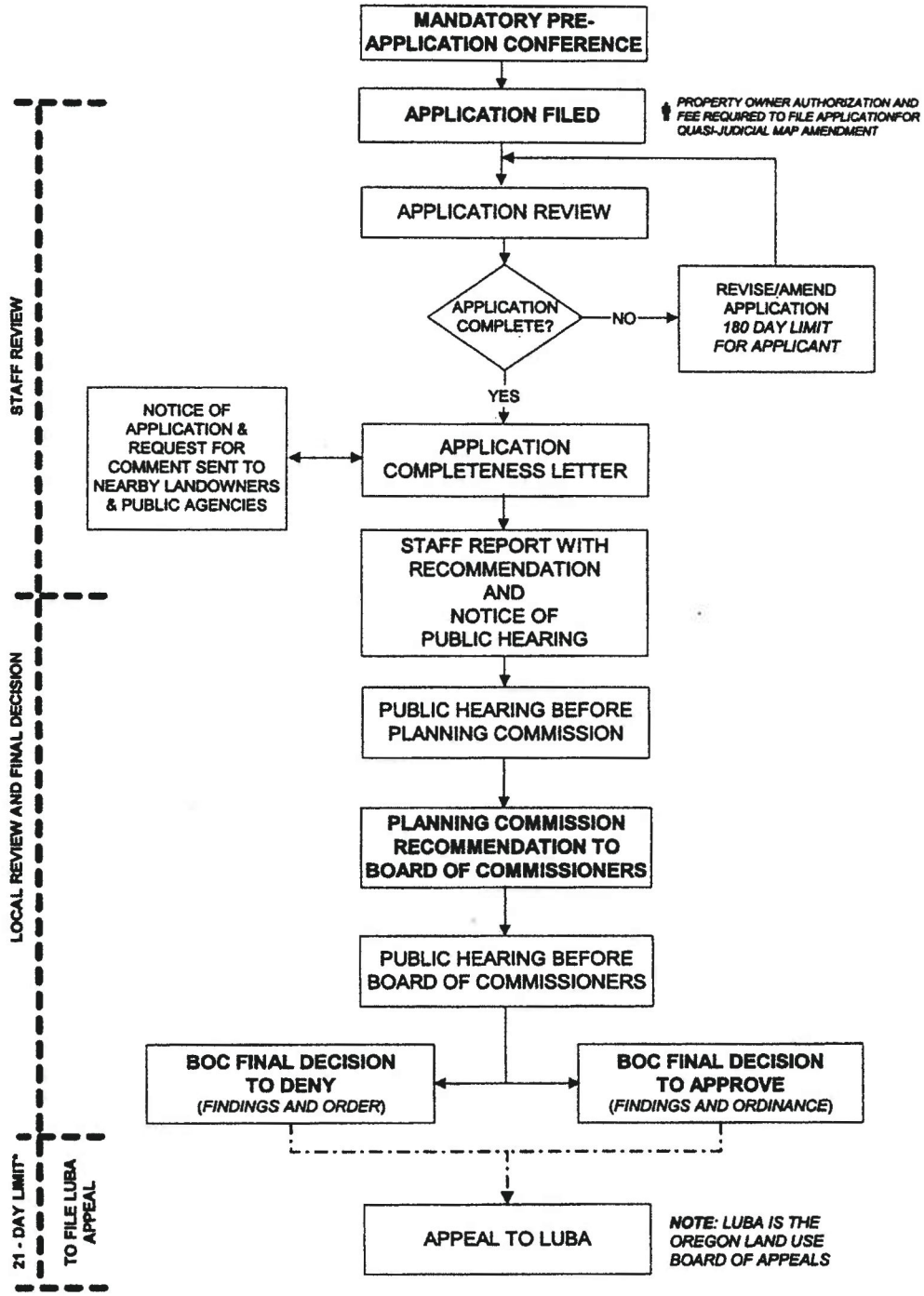


TYPE 4 PERMIT REVIEW PROCESS



TYPE 4 REVIEW PROCESS FOR COMPREHENSIVE PLAN OR ZONING CODE AMENDMENTS*

(MAP OR TEXT)



No time limits apply for processing Comprehensive Plan amendment applications at the local level. See Section 2.6.5 for simultaneous application review requirements.

2.7.1 Pre-Application Conference

A) ***Applicability***

A pre-application conference is mandatory prior to submission of all Type 4 land use applications (Table 2.7-2) and optional at the applicant's request for all other applications under this Ordinance.

B) ***Description***

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 with the Planning Division. Along with a written request for the conference, the applicant will identify the type of development permit sought and will provide a description of the character, location, and magnitude of the proposed development and any other supporting documents such as maps, drawings, or models.

C) ***Procedures***

The Planning Division will schedule a pre-application conference after receipt of a written request and the appropriate fee. The Planning Division will notify other agencies and persons deemed appropriate to attend to discuss the proposal. Following the conference, the Planning Division will prepare a written summary of the discussion and send it to the applicant.

2.7.2 Application Required

With the exception of Type 1 uses, an application is required for all land use permits regulated by this Ordinance. (See Section 2.6.2)

2.7.3 Notice of Application

A) ***Applicability***

Once an application has been deemed complete in accordance with Section 2.6.3, a Notice of Application will be prepared for the types of permits noted in Table 2.7-1 and 2.7-2. For those applications that may be referred directly to hearing under Section 2.7.4(C), a Notice of Application will be prepared and mailed to adjacent property owners during the initial 30-day completeness review.

B) ***Notice of Application Requirements***

Within 15 days of a Type 3 or 4 application being deemed complete that has not been referred directly to hearing under Section 2.7.4(C), the Planning Division will mail written notice to all persons entitled to Notice of Decision, pursuant to Section 2.7.5. In addition, notice will be sent to any parties who requested notice, and may be sent at the County's option to:

1) Any agencies or other jurisdictions that may be affected by the proposed action, and

2) The Department of Land Conservation and Development.

C) ***Content of Notice of Application***

Notices sent under this Section will state that the County has accepted an application, describe the nature of the proposed land use activity, and provide an opportunity to submit written comments within 14 days to the County.

2.7.4 Planning Staff Decision/Recommendation

A) ***Applicability***

1) *Planning Staff Decision*
Unless referred directly to a public hearing, a Planning Staff decision will be issued for all Type 2 or 3 reviews without a hearing, subject to Section 2.7.5.

2) *Planning Staff Recommendation*
The Planning Staff will prepare a written recommendation for all Type 4 reviews.

B) ***Description***

1) Following certification of the application as complete, the Planning Staff will review the application and refer it to the appropriate review agencies.

2) For applications requiring a decision, the Planning Staff will approve, approve with conditions, or deny the application in a written staff decision. For applications requiring a Planning Staff recommendation, a written staff report will be prepared that includes a staff recommendation.

3) The staff decision or recommendation will be based on factual information that supports findings as to whether the application complies with all applicable criteria of this Ordinance. In addition, responses and comments received will be considered prior to issuance of a decision or recommendation.

C) ***Elective Hearing Procedure***
Notwithstanding any other provision of this Ordinance, the Director may refer any Type 2 or 3 land use application directly to a first evidentiary hearing[3]. The purpose of an evidentiary hearing is to resolve unique land use issues by providing interested parties with an opportunity to present evidence before any land use decision is made by the County. Hearings may be before either the Director or a Hearings Officer in accordance with subsections (1) and (2) below:

1) *Director Evidentiary Hearing*: A decision to conduct a Director evidentiary hearing must be based on a finding that one or more of the following criteria is applicable to the application:

a) An application raises an issue that is of countywide significance.
b) An application raises an issue that will reoccur with frequency and is in need of policy guidance.
c) An application involves a unique environmental resource based upon evidence provided by a State or Federal agency,

[3]Some applications within the WCUUC will transfer to the White City Planning Commission upon passage by the Board of Commissioners of a development services funding mechanism for the WCUUC. (See Table 2.1-1)

or by a private professional with expertise in the field of the resource of concern.

d) An application involves an existing use with a compliance action pending against it or with neighborhood opposition against it.

e) An application involves persons with opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.

f) An application involves a contemplated use that would be of a different type than the uses of nearby properties and the owners of three or more nearby properties object to the use or request a hearing.

g) An application involves a contemplated use that would result in any of the following offsite impacts based upon information provided to the Director: the introduction of new commercial or industrial traffic, or ongoing truck traffic on local roads in a residential neighborhood; or the introduction of noise, odors or dust into a residential neighborhood.

h) An applicant or recognized CAC requests a hearing.

2) *Hearings Officer Evidentiary Hearing*: An election by the Director to refer an application to the Hearings Officer must demonstrate that the application satisfies one or more of criteria (a), (d), (e) or (f) above.

3) The evidentiary hearing before the Director or Hearings Officer will be scheduled for a date no later than ~~45~~ 60 days from the date the application is deemed complete.

~~4) At least 14 days before the first evidentiary hearing, the Planning Staff will provide the applicant with a copy of the findings that address compliance with the applicability criteria of subsection (1), above~~.

~~5~~ 4) A copy of the staff report containing the findings of fact and addressing the application review criteria upon which a decision can be based will be made available to the applicant and public at least seven (7) days prior to the hearing.

~~6~~ 5) Notice of the elective hearing will follow the process in Section 2.7.6.

~~7~~ 6) Notice of a decision made by the Director after an elective hearing will be provided as specified in Section 2.7.6(G)(1).

~~8~~ 7) Appeal from a decision made by the Director after an elective hearing will be as specified in Section 2.7.6(H).

2.7.5 Notice of Planning Staff Decision Made Without A Hearing

A) ***Applicability***

A Notice of Decision by the Planning Staff will be sent for all Type 2 or 3 reviews, unless referred directly to hearing (see Section 2.7.4(C)). When no appeal of the staff decision is received, or one is received that does not

meet the requirements of this Ordinance, the decision will be final on the 13th day after the Notice of Decision is mailed.

B) ***Recipients of Notice of Decision***
Notices will be provided to the following:

1) The applicant, agent, and owner of the subject property;

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;
   d) Notwithstanding (a) through (c) above, notice of a proposed aggregate use will be provided to all property owners within a 1,000 foot radius of the parcel to be used for aggregate removal or surface mining, to residences within one-half (½) mile of the mining site, and to owners of property adjacent to private aggregate site access roads.

   When the property borders another county, the property owner must supply, as part of their application, property owner addresses for those ownerships located in the adjacent county. The addresses supplied must be verified by the adjacent county or a title company as originating from the most recent tax assessment rolls of that county. At the County's option, applicants may also be required to supply those property owner addresses within Jackson County that are required to receive notice;

3) Any other persons that submitted comments to the County on the application or requested notice in writing;

4) Any neighborhood or community organization recognized by the Board and whose boundaries include the subject property;

5) At the discretion of Planning Staff, the Department of Land Conservation and Development; and

6) Any other persons, agencies or jurisdictions deemed appropriate by the County.

C) ***Content of Notice of Decision***
Notices of Decision will include the following information:

1) An explanation of the nature of the application and the proposed use or uses that could be authorized;

2) A description of the nature of the decision;

3) The street address or other easily understood geographical reference to the subject property;

4) The name and telephone number of the Planning Staff member who may be contacted for additional information regarding the application;

5) Indicate that a copy of the application, all documents and evidence relied upon in support of the application, and the applicable criteria are available for inspection at no cost and can be provided at reasonable cost;

6) Indicate that any person who is adversely affected or aggrieved or who is entitled to notice may appeal the decision by filing a written request for hearing accompanied by the appropriate fee;

7) Indicate that a person who is mailed written notice of the decision cannot appeal directly to the Land Use Board of Appeals under ORS 197.830; and

8) Indicate that the decision will not become final until the period for filing a request for hearing has expired. The appeal period will expire 12 days after the date that the written Notice of Decision is mailed. *[ORS 215.416(11)(a)(C); ORS 197.763(3)(a, c, g, h)]*

D) ***Appeal of a Decision***

1) Decisions made without first holding an initial evidentiary hearing may be appealed by any person or entity who:

   a) Is entitled to notice under this Section; or
   b) Is adversely affected or aggrieved by the decision, whether or not they received notice.

2) An appeal must:

   a) Be made in writing;
   b) Identify the decision that is being appealed and the date of the decision;
   c) State the reason(s) for the appeal;
   d) Be received by the Planning Staff at the address listed in the notice prior to the end of the appeal period; and
   e) Be accompanied by the required fee established by the County.

3) If an appeal is timely filed and is accompanied by the required fee, the decision will not be final. Planning Staff will schedule the application for an initial hearing on the earliest available date, taking into consideration procedures set out in Section 2.7.6 of this Ordinance and the date by which a final decision must be rendered.

4) If all persons or entities that requested a hearing withdraw their appeal prior to the final decision by the review authority, the appealed decision will become final on the date the appeal was withdrawn.

5) If the person or entity appealing the decision prevails at the hearing or upon subsequent appeal, the initial hearing fee will be refunded. Appeals that are not filed before the end of the appeal period, or that are not accompanied by the required fee, will not be accepted.

E) ***Applegate Rural Service Commercial (ARS) and Sams Valley Rural Service Commercial (SVRS)***
Additional notification will be provided as specified in the Applegate and Sams Valley rural community plans and the User's Guide.

2.7.6 Quasi-Judicial Hearing

A) ***Applicability***
A quasi-judicial hearing is required in those cases where:

1) A Type 2 or 3 application is referred directly to the Hearings Officer, or the Director elects to hold a hearing (Section 2.7.4(C));

2) A Planning Staff decision on a Type 2 or 3 application, made without a hearing, is appealed to the Hearings Officer (Section 2.7.5(D));

3) A decision by the Director on a Type 2 or 3 application, made after a hearing, is appealed to the Hearings Officer (Section 2.7.6(H)); or

4) The Planning Commission or Board of Commissioners holds a hearing on a quasi-judicial Type 4 application (Table 2.7-2).

B) ***Review Authorities***
The following review authorities will conduct quasi-judicial land use hearings.

1) The Director will hear applications that meet the criteria of Section 2.7.4(C)(1).

2) The Hearings Officer will hear all Type 2 and 3 applications which have been appealed under Section 2.7.5(D) or 2.7.6(H) or referred by the Director under Section 2.7.4(C)(2). The hearing held by the Hearings Officer will be a de novo evidentiary hearing, at which any relevant issue may be raised. The Hearings Officer's decision rendered after a quasi-judicial hearing will be the final decision of the County.

3) The Planning Commission will hear all quasi-judicial Type 4 applications, conduct a public hearing and either render a decision, or forward a recommendation to the Board of Commissioners.

a) For a subdivision, planned unit development, or large destination resort application, a quasi-judicial hearing will be scheduled for a date no later than 45 days from the date the application is deemed complete, taking into consideration

noticing requirements of subsection (C), below, and the date by which a final decision must be reached.

b) A Planning Commission decision rendered after a quasi-judicial hearing on a subdivision, planned unit development, or large destination resort application may be appealed to the Board of Commissioners as provided in Section 2.7.6(H). If not appealed as provided, the Planning Commission's decision will be the final decision of the County.

c) For all other quasi-judicial Type 4 applications, the Planning Commission will conduct a public hearing and forward its recommendation to the Board of Commissioners.

4) The Board of Commissioners will conduct a quasi-judicial hearing on any appeal of a decision by the Planning Commission on a subdivision, planned unit development, or large destination resort application. Appeal hearings before the Board of Commissioners will be de novo evidentiary hearings, at which the Board may consider any issue raised in making its decision. A hearing date will be scheduled on the earliest available date, taking into consideration the noticing requirements of subsection (C), below, and the date by which a final decision must be reached.

For all other quasi-judicial Type 4 reviews, the Board of Commissioners will conduct a quasi-judicial hearing after receiving the recommendation of the Planning Commission (Table 2.7-2). The hearing before the Board of Commissioners will be a de novo evidentiary hearing, at which the Board may consider any issue raised in making its decision. The decision of the Board of Commissioners rendered after a quasi-judicial hearing will be the final decision of the County.

C) ***Timing of Quasi-Judicial Hearing Notice***

1) When a quasi-judicial public hearing is scheduled on a development application, the Planning Staff will mail the required notice of hearing not less than 20 days prior to the hearing. Alternatively, if two (2) quasi-judicial public hearings are scheduled, the notice will be mailed not less than 10 calendar days prior to the date of the first public hearing and will include both public hearing dates.

2) At the Director's option, a notice of public hearing may also be published in the Legal Notices Section of a newspaper of general circulation at least 10 days prior to the hearing.

D) ***Recipients of Quasi-Judicial Hearing Notice***
Notices will be provided to:

1) The appellant(s), if any;

2) All persons who are entitled to receive notice under Section 2.7.5(B);

3) Any other persons or agencies deemed appropriate by the County; and

4) People who participated in person or in writing in any prior hearing on the application, including those requesting notice in writing.

Notwithstanding subsections (1) through (4) above, notices for zone change applications must be sent to surrounding property owners within 250 feet, minimum, of the subject property. *[ORS 215.223]*

E) ***Content of Quasi-Judicial Hearing Notice***
All notices required under this Section will contain the following information:

1) An explanation of the nature of the application and the proposed use or uses that could be authorized;

2) The street address or other easily understood geographical reference to the property which is the subject of the application;

3) A list of the approval criteria from this Ordinance that apply to the application;

4) The date, time and location of the hearing;

5) The name and telephone number of the Planning Staff member who may be contacted for additional information regarding the application;

6) In addition, the notice must state that:

a) Testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in the Ordinance which the person believes apply to the application;
b) Failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes an appeal based on that issue;
c) A copy of the application, all documents and evidence relied upon in support of the application and the approval criteria are available for inspection at no cost and will be reproduced at reasonable cost;
d) A copy of any staff report on the application will be available for inspection at no cost at least seven (7) days before the hearing and can be reproduced at reasonable cost; and,
e) A copy of rules governing conduct of the hearing and submission of evidence and testimony at the hearing may be inspected at the Planning Department at no cost any time prior to the hearing and can be reproduced at reasonable cost.

F) ***Procedures and Decision***
When a quasi-judicial hearing is required, as specified in Section 2.7.6(A), the hearings body will conduct a quasi-judicial hearing in accordance with Section 2.8 of this Ordinance and will render a written decision or recommendation. A copy of the staff report containing the findings of fact and addressing the application review criteria upon which a decision can be

based will be made available to the applicant and public at least seven (7) days prior to the hearing. All quasi-judicial decisions of the County will be based on written findings of fact prepared by either the Hearings Officer, Director, or Planning Staff explaining the justification for the decision, based on facts set forth and the relevant standards and criteria set forth in this Ordinance.

G) ***Notice of Quasi-Judicial Hearing Decision***

1) Notice of a quasi-judicial decision made by the Director will be mailed as follows:

   a) To the applicant, property owner, agent, and to all persons who participated either in person or in writing at the hearing.
   b) At the Director's option, the notification of decision may be expanded to include all persons who were entitled to receive notice under Section 2.7.5(B).

2) Notice of a quasi-judicial decision made by the Hearings Officer will be mailed to the appellant (if any), applicant, property owner, agent, and to all persons who participated either in person or in writing at the hearing. In addition, if the Hearings Officer reverses or modifies a Planning Staff or Director decision, all persons who were entitled to receive notice under Section 2.7.5(B) may also be mailed notice.

3) Notice of a quasi-judicial decision made by the Planning Commission will be made by mailing a Notice of Decision on a subdivision, planned unit development, or large destination resort to all persons who are entitled to receive notice under Section 2.7.5(B) and to all persons who participated either in person or in writing at the hearing.

4) Notice of a quasi-judicial decision made by the Board of Commissioners will be mailed as follows:

   a) In the case of applications falling under ORS 215.427, notice of the County's final decision will be mailed to all persons who are entitled to receive notice under Section 2.7.5(B) and to all persons who participated either in person or in writing at the hearing.
   b) In the case of other Type 4 applications or appeals to the Board of Commissioners, notice will be mailed as follows:

      i) To the appellant, applicant, property owner, agent, and to all persons who participated either in person or in writing at the hearing.
      ii) If requested by the Board of Commissioners, notice may also be sent to all persons who were entitled to receive notice under Section 2.7.5(B).

5) A Notice of Quasi-Judicial Hearing Decision will include the following information:

a) A description of the nature of the decision;
b) The street address or other easily understood geographical reference to the subject property;
c) The date of the decision; and
d) If the decision is by the Director or Planning Commission, a statement that the decision will not become final until the appeal period has expired, and that the appeal period will expire 12 days after the Notice of Quasi-Judicial Hearing Decision is mailed; or
e) If the decision is by the Hearings Officer or Board of Commissioners, a statement that the decision is the final decision of the County and may be appealed to the Land Use Board of Appeals under ORS 197.830 to 197.845.

H) ***Appeal of Quasi-Judicial Hearing Decision***

1) Decisions made by the Director after holding quasi-judicial hearing may be appealed to the Hearings Officer, and decisions made by the Planning Commission after holding a quasi-judicial hearing may be appealed to the Board of Commissioners, by any person or entity who:

   a) Participated in the first evidentiary hearing either orally or in writing; and either
   b) Was entitled to notice of the hearing under Section 2.7.6; or
   c) Is adversely affected or aggrieved by the decision.

2) An appeal must:

   a) Be made in writing;
   b) Identify the decision that is being appealed and the date of the decision;
   c) State the reason(s) for the appeal;
   d) Be received by the Planning Staff at the address listed in the notice prior to the end of the appeal period. The appeal period will expire 12 days after the date the Notice of Quasi-Judicial Hearing Decision is mailed; and
   e) Be accompanied by the required fee established by the County.

3) If an appeal is timely filed and is accompanied by the required fee, the decision appealed will not be final. Planning Staff will schedule the appeal for a hearing on the earliest available date, taking into consideration procedures set out in Section 2.7.6 and the date by which a final decision must be rendered.

4) If all persons or entities that requested a hearing withdraw their appeal prior to the final decision by the review authority, the appealed decision will become final on the date the appeal was withdrawn.

5) Appeals that are not filed before the end of the appeal period, or that are not accompanied by the required fee, will not be accepted.

2.7.7 Legislative Hearing and Planning Commission Recommendation

A) ***Applicability***

The following types of applications require a legislative hearing:

1) Major Comprehensive Plan map amendments;

2) Amendments to the Comprehensive Plan text;

3) Amendments to the Land Development Ordinance; and

4) Any other application for legislative approval requiring a Type 4 review.

B) ***Description***

1) The Planning Commission will conduct the first evidentiary hearing on the application pursuant to the relevant procedures set forth in Section 2.8.4.

   a) A legislative hearing will be conducted for all the types of amendment applications listed in Section 2.7.7(A), above. Notice of the hearing will be prepared in accordance with ORS 215.503, if applicable.

   b) The Planning Commission will consider the application, the Planning Staff report and recommendation, and the evidence presented at the public hearing, and then recommend the Board of Commissioners either approve, approve with conditions, or deny the application. The Planning Commission recommendation will include written findings of fact prepared by the Planning Staff explaining the justification for the recommendation, based on the facts set forth and relevant local and state laws.

2) The Board of Commissioners will conduct a public hearing on the application pursuant to the relevant procedures set forth in Section 2.8.4. Upon receipt of a Planning Commission recommendation, the Board of Commissioners will hold at least one (1) public hearing before taking final action on the application. The Board will then take final action to approve, approve with conditions, or deny the application. The Board of Commissioners may either adopt or direct Planning Staff to modify the findings and recommendation of the Planning Commission as part of its action.

2.8 PUBLIC HEARING PROCEDURES

2.8.1 Initiation of Hearing

A land use hearing may be initiated by any of the following:

A) An appeal made pursuant to Section 2.7.5(D) or 2.7.6(H); or

B) Referral of a Type 2 or 3 application directly to hearing by the ~~Planning~~ Director pursuant to Section 2.7.4(C)(1) or (2); or

C) Filing of a Type 4 application.

2.8.2 Authority of Presiding Officer

A) In conducting a public hearing, the presiding officer will have discretionary authority to dispose of motions, requests, and similar matters; rule on admissibility of evidence; impose reasonable time limitations on testimony and rebuttal; question any person testifying at the hearing and allow others to do the same; and take all such actions as may be reasonably necessary to maintain order.

B) All decisions of the presiding officer on procedural issues will be final, except that the presiding officer may be overruled by a majority vote of the members of the hearings body.

2.8.3 Order of Proceedings in Quasi-Judicial Hearings

A) At the commencement of a hearing, the presiding officer will:

1) List the applicable approval criteria from this Ordinance that apply to the application;

2) State that testimony, arguments, and evidence must be directed toward the approval criteria, or other criteria in this Ordinance which the person believes apply to the application;

3) State that failure to raise an issue with sufficient specificity to afford the hearings body and the parties an opportunity to respond to the issue precludes an appeal based on that issue;

4) Advise those in attendance that unless there is a continuance, if a participant so requests before the conclusion of the hearing, the public record will remain open for a period of at least seven (7) days after the hearing *[ORS 197.763(6)(a)]*; and

5) Explain to those in attendance their appeal rights.

B) The presiding officer, after complying with subsection (A) above, will call upon a representative of the Planning Staff for a report on the application for a land use decision and may permit members of the hearings body to inquire of the Planning Staff ~~representative~~ regarding the application.

C) After hearing the report of the Planning Staff ~~representative~~, the presiding officer will open the public hearing and ask first to hear from the applicant or the applicant's representative followed by all who wish to testify in favor of the application. The applicant bears the burden of proof. This means that the applicant must proceed first and bears the burden to present sufficient evidence to satisfy all of the approval criteria of this Ordinance that apply to the application.

When all in favor have testified, the presiding officer will ask for testimony from those opposed to the application. If there is testimony offered in opposition to the application, the presiding officer 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. The officer will

also ask for testimony from those neutral to the application. Before testifying, all witnesses must first state their name and address for the record.

D) Participants at hearings must conduct themselves in an orderly and respectful manner at all times. The presiding officer may exclude persons disrupting the proceedings from the hearing room or may adjourn the hearing.

E) Upon completion of evidence and testimony, if there has been no request to continue the hearing or leave the public record open, the presiding officer will close the public hearing.

F) Once the public hearing and record are closed, the decision-making body will proceed to deliberate prior to making a decision or formulating its recommendation.

2.8.4 Order of Proceedings in Legislative Hearings

A) At the commencement of a hearing, the presiding officer will call upon a representative of the Planning Staff for a report on the land use matter under consideration and may permit members of the hearings body to inquire of the Planning Staff ~~representative~~.

B) After hearing the report of the Planning Staff ~~representative~~, the presiding officer will open the public hearing and ask first to hear from those who wish to testify in favor of the land use matter under consideration. When all in favor have testified, the presiding officer will ask for testimony from those opposed. The officer may also ask for testimony from those neutral to the application. Before testifying, all witnesses must first state their name and address for the record.

C) Participants in hearings must conduct themselves in an orderly and respectful manner at all times. The presiding officer may exclude persons disrupting the proceedings from the hearing room or may adjourn the hearing.

D) Upon ~~the~~ completion of evidence and testimony, the presiding officer will, in the absence of any motions to continue the public hearing or leave the public record open, close both.

E) Once the hearing and public record are closed, the presiding officer will call for deliberation by the hearings body prior to making a decision or formulating its recommendation.

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CHAPTER 3. APPLICATION REVIEW AND DECISION

3.1 LAND USE PERMITS/DECISIONS

3.1.1 General Provisions

A) ***Land Use Permits Required***

Before establishing any land use regulated by this Ordinance, other than a Type 1 use, an application for a Land Use Permit will be filed with the Department. Approval criteria applicable to each permit type are specified below. All uses, regardless of permit type, will comply with any applicable standards set forth in Chapters 4 through 8, and with the general development standards set forth in Chapter 9.

B) ***Effect of Approval***

The Department will issue a Land Use Permit only when the development is in compliance with all applicable procedures and standards of this Ordinance, subject to the expiration provisions in Section 2.6.8. A Land Use Permit will run with the land, unless otherwise expressly provided in its terms or conditions, and the rights and responsibilities conferred by it will vest jointly and severally in the applicant, as defined in this ordinance, and person(s) holding legal and/or equitable title to the property and their successors or assigns. Compliance with the obligations imposed by its conditions is the responsibility of all the owners and successive owners of the land, and any other person who conducts or permits the use authorized by the permit.

C) ***Zoning Information Sheet***

Zoning Information Sheets (a.k.a., Zoning Clearance Sheets) are used to: (**1**) provide information regarding the status of development; (**2**) ensure compliance with all standards and procedures of this Ordinance; and, (**3**) to authorize Type 1 uses. However, other approvals may be necessary for specific developments, such as, but not limited to, building and septic permits. Such other approvals are addressed in other sections of the County Code. When a Zoning Information Sheet is used to authorize development, the authorization will be valid for a maximum of two (2) years from the date of issuance, provided there has been no change in applicable regulations or laws.

3.1.2 Type 1 Land Use Permits and Zoning Information Sheet

Type 1 uses are permitted by-right, requiring only non-discretionary staff review to demonstrate compliance with the standards of this Ordinance. A Zoning Information Sheet may be issued to document findings or to track progress toward compliance. Type 1 permits are limited to situations that do not require interpretation or the exercise of policy or legal judgment.

3.1.3 Type 2 Land Use Permits

Type 2 uses are subject to administrative review. These decisions are discretionary and therefore require a notice of decision and opportunity for hearing.

A) ***Procedures***
Applications for a Type 2 Land Use Permit will follow the applicable review procedure set forth in Section 2.7 as identified in Table 2.7-1.

B) ***Approval Criteria***
A site development plan may be required pursuant to Section 3.2.4. If a site development plan is required, it shall comply with Section 3.2 and all other applicable provisions of this Ordinance.

3.1.4 Type 3 Land Use Permits
The purpose of the Type 3 Land Use Permit is to allow the development of uses that may be suitable only in specific locations or if the site is regulated in a particular manner. Uses that require a Type 3 Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards, and submission of a site development plan (Section 3.2.4) when physical development is proposed as part of the permit. Type 3 decisions require a notice of decision and opportunity for hearing.[1]

A) ***Procedures***
Applications for a Type 3 Land Use Permit will follow the applicable review procedure set forth in Section 2.7 as identified in Table 2.7-1.

B) ***Approval Criteria***

1) The County may issue Type 3 and 4 Permits only upon finding that the proposed use is in conformance with any applicable development approval criteria ~~or~~ and standards ~~of~~ contained in the Comprehensive Plan, ~~and all~~ applicable standards of this Ordinance, and that all ~~of~~ the following criteria have been met:

   a) The proposed use will cause no significant adverse impact on existing or approved adjacent uses in terms of scale, site design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts). In cases where there is a finding of overriding public interest, this criterion may be deemed met when significant incompatibility resulting from the use will be mitigated or offset to the maximum extent practicable.
   b) Adequate public facilities (e.g., transportation) are available or can be made available to serve the proposed use;
   c) The proposed use is not a conflicting use certified in an adopted Goal 5 ESEE applicable to the parcel, or if an identified conflicting use, one that can be mitigated to substantially reduce or eliminate impacts;
   d) The applicant has identified and can demonstrate due diligence in pursuing all Federal, State, and local permits required for development of the property; and
   e) On land outside urban growth boundaries and urban unincorporated communities, the proposed use will either provide primarily for the needs of rural residents and

[1] Ordinance 2004-12, effective 2-6-2005

therefore requires a rural setting in order to function properly, or else the nature of the use (e.g., an aggregate operation) requires a rural setting, even though the use may not provide primarily for the needs of rural residents. ~~Churches and~~ Schools however are not subject to this criterion.

2) In addition, in the Exclusive Farm Use zone the use may be approved only where it:

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 the standards set forth in this Section will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. *[ORS 215.296; OAR 660-033-030(5)]*

3) In addition, in forest zones the use may be approved only when the following findings can be made:

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

b) The proposed use will not significantly increase fire hazard, significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel. Further, it must be demonstrated that the use will comply with the fire safety requirements in Chapter 8; and

c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. *[OAR 660-006-0025(5)(c)]*

3.1.5 Type 4 Land Use Permits *(See Section 3.7 for Comprehensive Plan and Zoning Map Amendments)*

A Type 4 Permit requires review by the Planning Commission and the Board of Commissioners, as applicable to ensure the proper integration of uses that may be suitable only in specific locations. Approval of a Type 4 Permit to allow a specific use requires review and approval of a site development plan pursuant to Section 3.2.4 when physical development is proposed, as part of the Type 4 permit review.[2]

A) ***Procedures***

Applications for a Type 4 land use permit will follow the applicable review procedure set forth in Section 2.7 as identified in Table 2.7-2.

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

B) ***Approval Criteria***
The County may issue Type 4 Permits only upon finding that all of the applicable approval criteria set forth in Section 3.1.4(B) have been met.

3.2 SITE DEVELOPMENT PLANS

3.2.1 Purpose
The purpose of the site development plan review process is to ensure compliance with the standards of this Ordinance, while encouraging quality development in the County reflective of the goals and policies found in the Comprehensive Plan. This process is implemented through zoning permit ~~approvals~~ review, and thus does not address every building, fire, or life safety requirement.

3.2.2 Applicability[3]
While "plot plans" are required for all development permits, site plan review as described in t~~T~~his section ~~does~~ is not ~~apply to~~ required to permit single family residential development ~~projects~~ on individual lots. New, expanded or altered multi-family, commercial, industrial, or public/semi-public uses are subject to all applicable standards of this Ordinance, including use-specific standards of Section 6.3 and the general regulations of Chapter 9. ~~Land use permits may incorporate site development plan review to ensure the development standards and approval criteria of this Ordinance are met.~~ When a site development plan is required, it will be submitted to and approved by the Planning ~~Division~~ Staff prior to issuance of building permits. Such reviews may be either ministerial (as with most Type 1 land use permits), or part of a discretionary review (as in Type 2-4 permits). In all cases, the review will follow the applicable procedures described in this Ordinance.

A Type 1 review site development plan may be submitted simultaneously with or prior to application for a building permit. In reviewing all site development plans, the County will, at a minimum, apply parking, pedestrian circulation, buffering, landscaping, access and other development standards of this Ordinance in determining if a land use permit may be issued.

3.2.3 Site Development Review Requirement[3]
Applications to expand, materially change, redevelop, or alter existing multi-family, commercial, industrial or public/quasi-public uses that do not exceed the thresholds below require a Type 1 review to verify compliance with the applicable development standards of this Ordinance~~,~~ only when no prior site plan has been approved, or the proposed change does not conform to any plan previously approved. A change in use or change in ownership in an existing development is not subject to this Section when the criteria of Section 3.2.5(~~C~~ B) are met.

New uses, substantial expansion, change in use (other than as exempted in Section 3.2.5(~~C~~ B)), redevelopment or alteration of existing uses require a site development plan review if the proposed development exceeds one or more of the thresholds listed below:

A) Non-residential construction where the change in use will result in an increase in traffic of more than 100 trips per day as a result of increased employees, customers or a combination of both~~:~~ ;

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B) Any new development of 20,000 square feet or more gross floor area, or any addition to an existing use that results in a gross floor area of 20,000 square feet or more~~.~~ ;

C) Any use adding or incorporating a drive-through or walk-up window~~.~~ ;

D) Any new paved area greater than 4,000 square feet for commercial/office uses, or 10,000 square feet for industrial/manufacturing uses, or any addition to an existing paved area that exceeds 4,000 or 10,000 square feet, respectively.

~~E) Projects with multiple principal structures on one tract.~~

~~F~~ E) Multi-family development with more than 10 dwelling units.

~~G~~ F) Expansion of lawful nonconforming structures or uses greater than 20% over a five (5)-year period.

3.2.4 Approval Criteria

A site development plan reviewed under a Type 2-4 procedure may only be approved if affirmative findings can be made for all the criteria set forth below. The County will require adherence to sound planning principles, while allowing for design flexibility in the administration of these criteria:

A) The site development plan fully complies, or in the case of a lawful nonconformity complies to the maximum extent feasible, with all applicable requirements of this Ordinance, including the general development regulations of Chapters 8 and 9 and the dedications and improvement requirements of Chapter 10~~.~~ ;

B) On properties that are not zoned for farm or forest use, the site development plan adequately protects other property from the potential adverse effects of nonresidential uses~~.~~ ;[4]

C) The site design promotes a proper relationship between existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure efficient traffic flow and control; to ensure easy access in cases of fire, catastrophe, and emergency; and so as not to create or contribute to undue traffic congestion on abutting public streets. An assessment of traffic impacts and identification of traffic impact mitigation measures may be required to demonstrate compliance with this criterion~~.~~ ;

D) The property owner and applicant have agreed to record in the County Clerk's Office a deferred improvement agreement against the property for any future public road improvements that will be required as a result of the proposed development. Deferral of frontage improvements will be required under the following circumstances: (**1**) the land served by an existing road is zoned for more intensive development; and (**2**) only a minor part of potential traffic on the road would be generated by the proposed

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

development. In both cases it will be necessary to obtain a binding commitment to make needed road improvements when warranted; and

E) The property owner and applicant have agreed to record a building site improvement agreement, agreeing to complete all conditions of approval either prior to issuance of any building permits or within the time period specified in the final land use decision (See Section 3.2.7); and

F) The site is served by sewer or septic, water, fire protection and access sufficient to meet the needs for the use as determined by local service providers.

3.2.5 Amendments to Approved Site Development Plans/Exemptions

~~A) *Minor Amendment*~~

~~Minor amendments to approved site development plans may be granted ministerially by the Director provided all development standards of this Ordinance will continue to be met. A revised site development plan showing any proposed changes must be prepared by the owner or applicant and submitted for approval. A minor amendment may only be approved if it complies with the following criteria:~~

~~1) There is a site plan approval of record on file with the Department; and~~

~~2) The amendment proposes a change of no more than 15% from any measurable component of identified in Section 3.2.3, above the site plan of record.~~

~~Upon the request of the property owner or their agent, the Director may ministerially approve minor changes to an approved but not yet constructed site development plan that was approved under a Type 4 process without further review by the Hearings Officer, Planning Commission, or the Board of Commissioners, if applicable, provided that no deviations from the requirements of this Ordinance are being requested.~~

~~B~~ A) ***Major Amendments***

An ~~major~~ amendment to an approved site development plan is required when the change would exceed one or more of the thresholds listed in Section 3.2.3 above ~~or result in a deviation of more than 15% in any approved component of the site plan of record~~. ~~Major~~ Amendment applications will follow the same procedure as for an original approval. A major amendment may be approved when all of the following criteria are met:

1) All changes conform to the minimum required standards for the zoning district in which the property is located;

2) The effect of the landscaping, buffers, or screening on the site is not diminished;

3) Access points to public roads are neither increased in number nor relocated in a manner that would interfere with their capacity or function; and

4) The changes will result in better or equal performance of all components of the approved site development plan and meet the objectives of the zoning district.

~~C~~ B) ***Exemption for Changes in Use or Ownership***[5]
A change in use or change in ownership in an existing development is exempt from the requirements of this Section when all of the following conditions are met:

1) The development is already subject to, and in conformance with, a site plan of record approved by the County;

2) Any change of use is to a listed use in the zoning district; and

3) The applicant presents clear and convincing evidence showing that ~~the~~ impacts ~~of any~~ resulting from the change in use will be ~~no greater than~~ commensurate with those of the existing use, including: ~~At a minimum, impacts associated with the following factors must be shown to be no greater than those created by existing conditions:~~

a) Overall traffic, including traffic generation to and from the site; access points, both in relation to location and number; and number of parking spaces and arrangement of internal traffic and pedestrian circulation;
b) Exterior impacts, including visibility and amount of outdoor storage or merchandise display; location of loading areas and trash storage; and amount of on-site lighting and signage; and
c) Hours of operation when the use is not in a commercial or industrial district.

For purposes of this Section, "existing use" means the current use, or if the site is not occupied, the last use of the site during the 24-month period preceding the request for exemption. Sites that have not been occupied for more than 24 months are subject to Site Development Plan review under subsections (A) ~~or (B)~~, above.

3.2.6 Effect and Duration of Approval

A) Upon approval by the review authority, the site development plan will act as the official plan of development for the parcel. Grading, excavating, or filling in mapped floodplain areas, construction (e.g., parking, detention/retention), or any building(s) or uses(s) to occur on the site must be in strict compliance with the approved plan. The approved site development plan may be modified only in accordance with Section 3.2.5.

B) Approval of a site development plan authorizes the applicant to proceed with any application for land use permits, building permits, or other permits and approvals that may be required in order to develop the property in conformity with the approved site development plan. A permit or other

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

approval may be issued by the County only if it conforms to the approved plan.

C) Once approved, a site development plan will remain in effect in accordance with Section 2.6.8.

3.2.7 Completion of Improvements

A) Any and all site improvements are the joint and several responsibility of the applicant, the person(s) holding legal and/or equitable title, and their successors or assigns. Improvements include the construction of roads, obtaining inspections of public roads from Roads and Parks Services, and inspection of private roads by the applicant's Oregon-registered professional engineer or engineering geologist.

B) Except for required landscaping, or when the conditions of approval for the development specifically state otherwise, the County will not approve any associated final plat nor will it finalize a building permit until the improvements have been completed and accepted by the applicable agency or department, or unless the applicant posts a performance bond or provides a letter of credit as provided in Chapter 10.

C) If inclement weather conditions do not allow immediate installation of landscaping, installation may be deferred but never for more than six (6) months. In this instance, a temporary certificate of occupancy may be issued prior to the installation of all required landscaping. In any event, required landscaping must be installed prior to issuance of a final certificate of occupancy.

D) All streets and roads for public use must be dedicated without any reservation or restrictions other than reversionary rights upon vacation and easements for public utilities.

3.2.8 Inspection for Compliance with Approval Conditions

It will be the joint and several responsibility of the applicant to contact the Department prior to issuance of the Certificate of Occupancy for an inspection to determine compliance with the conditions imposed by the Department. A subsequent landscaping inspection will be required after the first year of operation and will occur during the growing season to determine if plant materials have survived. In the case of an approved site development plan where no building permits are issued, inspections will occur prior to operation of the new use and one (1) year thereafter.

3.2.9 Minor Alteration or Expansion of Public Parks not Subject to a JCPP Overlay

This Section is for existing parks that were not developed under a Parks Master Plan, and does not apply to lands within the Jackson County Public Park Overlay. This Section is used as the sole basis to consider minor alterations or minor expansions of existing public parks. The uses and procedures of any other overlay affecting the park, such as Section 7.1.2, Floodplain Overlay, continue to govern with respect to allowable uses and activities, and the procedures for their authorization.

A) ***Authorization and Applicable Substantive Criteria***

Minor alteration or expansion of public parks existing prior to January 1, 1991 is allowed provided: (**1**) the alteration will not result in significant impacts beyond the boundaries of the existing park; or (**2**) in the event of a minor park expansion, beyond the expanded boundaries of the park. Minor park expansions, which are not located on high value farm land, may increase the total acreage by up to 20% or five (5) acres, whichever is less, subject to the review procedures described in this Section and the requirements of Chapter 4.

B) ***Procedure***

The method used by the County to consider minor alterations of existing public parks will be as follows:

1) A site plan and written narrative outlining the proposed alteration or expansion will be prepared by the Parks Division. Authorized representatives of the Planning Staff and the County Parks Divisions will hold a pre-application conference to discuss the proposed alteration or expansion. Following the meeting, the Planning Staff ~~Division~~ may require submission of a site development plan and written application covering any or all of the elements described in the User's Guide requirements for submission of a public park master plan under Section 3.7.4.

2) Based on the site plan and narrative, the Director ~~of Roads, Parks and Planning~~ will make a written determination of impacts and prepare findings regarding whether the proposed alteration or expansion is major or minor as described above. If the alteration or expansion is found to be major in nature, the project review will proceed in accordance with the requirements for a site development plan review under Section 3.2.

3) If the alteration or expansion is found to be minor, the written determination and findings of the Director will be considered a final land use decision unless appealed under Section 2.7.5(D). Notice of the action will be mailed to affected property owners in conformance with Type 2 noticing requirements.

3.3 LAND DIVISIONS

3.3.1 General Provisions

A) ***Purpose and Authorization***

The purpose of these regulations is to establish procedures to be followed in the development and approval of land divisions, related maps, and plats. Authorization and minimum standards for this Ordinance are provided by Oregon Revised Statutes (ORS) Chapters 92 and 215. See Chapter 10.

B) ***Applicability***

These land division regulations apply to all divisions of land located within the political boundaries of Jackson County, exclusive of the corporate limits of any city except expedited land divisions as described in (C), below. The specific types of land division are:

1) *Subdivisions*
A subdivision is the act of subdividing an area, parcel, or tract of land into four (4) or more lots within a calendar year.

2) *Partitions*
A partition is the division of land into two (2) or three (3) parcels within a calendar year.

3) None of the following acts constitute a division of land for purposes of authorizing development of a previously divided lot or parcel *[ORS 92.010]*:

a) Adjustment of a property line by the relocation of a common lot or parcel boundary. (See Section 3.4).
b) Creation of cemetery lots.
c) Creation or recording of a condominium plat.
d) Lien foreclosures and foreclosure of recorded contracts for the sale of real property.
e) Surveying of or recording a deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use.
f) Issuance of a mining patent or other lot created by the federal government.
g) 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 such sale or grant of property will continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. *[ORS 92.010(7)(d)]*
h) 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 or denied by the County. If the property line adjustment is approved, it will be recorded in the County deed records. *[ORS 92.010(7)(e)]*

C) ***Expedited Land Divisions***
Applications for expedited land divisions to partition residentially zoned land inside an urban growth boundary will be processed according to the standards and procedures in ORS 197.360 through 197.380 rather than this Ordinance.

3.3.2 Procedures
Applications for subdivisions, planned unit developments, and creation of public roads or streets are processed as a Type 4 procedure, partitions which include the creation of a private road or street are processed as a Type 3 procedure, and partitions which do not include creation of a road or street are processed as a Type

2 procedure, pursuant to Section 3.1.3 with the following modifications and additions:

A) ***Pre-Application Conference***
Pre-application conferences are required for all subdivision tentative plan applications.

B) ***Tentative Plan Application***
Applications will include the following:

1) A tentative subdivision or partition plan that conforms to the requirements of this Ordinance. The tentative plan must be to scale, complete, and accurate, and may be prepared by other than an Oregon registered land surveyor;

2) A Subdivision/Partition Title Report and exception documents for ~~any~~ proposed road area(s), if any. The report will be based on research going back in time without limitation, indicating all easements and encumbrances of record that affect the property, and will include any graphic depictions of such easements and encumbrances that are of record; and

3) Information indicating the proposed method of obtaining a potable water supply, sanitation and utilities consistent with Section 10.4.2.

C) ***Tentative Plan Procedures***

1) *Partitions, Subdivisions and Planned Unit Developments*
Applications for tentative plan approval for partitions not including creation of a road will be processed under the Type 2 procedure. Applications for tentative plan approval for partitions that also create a road and subdivisions will be processed under the Type 3 or 4 procedure, as applicable. County approval, approval with conditions, or denial of the tentative plan application will be set out in a written decision, and will be based on compliance with the approval criteria set forth in Section 3.3.3. Upon approval of the tentative plan, the applicant will comply with the standards and conditions set forth by the County in the approval and will prepare a final plat according to the procedures set forth below.

2) *Validity, Duration and Extension of Tentative Plan Approval*
Approval of a tentative plan is valid for 12 months, within which time the final plat must be prepared and submitted to the Department for review. Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8. After 12 months, or at the end of any extension granted, the tentative plan approval will be considered void if the final plat has not been submitted. In any event, the total time period within which to submit a final plat will not exceed two (2) years.

D) ***Final Plat Procedures***

Regardless of the type of approval process required for the tentative plan, the ~~Planning~~ Director will review the final plat for consistency with the approved tentative plan as a Type 1 review procedure. If the ~~Planning~~ Director determines that the final plat complies with the requirements of paragraphs (1) and (2) of this Section, the ~~Planning~~ Director will so certify and 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 paragraphs (1) and (2) of this Section, it will be returned to the developer to correct the deficiencies and must be resubmitted for approval within the time established through the tentative plan approval.

1) *Requirements for Final Plat Approval*

a) The final plat conforms to the tentative plan as approved by the County, including compliance with any conditions imposed or modifications required by the County at the time of tentative plan approval; ~~;~~

b) The final plat is prepared according to specifications established in ORS Chapter 92 (see User's Guide). The developer is required to consult with the County Surveyor prior to submitting the final plat for approval by the ~~Planning~~ Director; ~~;~~ **and**

c) When publicly dedicated land will be created, a signature line for the Board of Commissioners is provided. See Section 10.5.2.

2) *Required Documents for Land Divisions That Include Creation of a Road*

Final plats that include creation of a road will be accompanied by:

a) Any written certificates pertaining to improvement assurances or responsibilities, such as a road maintenance agreement prepared consistent with the requirements of this Ordinance; ~~;~~

b) A partition title report; ~~;~~ **and**

c) The location of all existing improvements, including dwellings and other structures, wells, and installed septic systems as necessary to show conformance with setbacks or other requirements of approval, will be identified on a copy of the original plat.

E) ***Completion of Improvements, Bonding, Other Assurances***

1) Any and all improvements will be the responsibility of the applicant prior to submittal of a final plat. Improvements include the construction of roads, inspection of County roads by the Roads Division, and the inspection of private roads by the applicant's Oregon-registered professional engineer or engineering geologist. Unless specifically stated otherwise in the conditions of approval for the development, the County will not approve the final plat or issue building permits until the improvements have been completed and certified as acceptable by the Road Division or applicant's engineer,

unless adequate bonding, consistent with Section 10.6, exists to ensure installation of the improvements.

2) All streets and roads for public use must be dedicated without any reservation or restrictions other than reversionary rights upon vacation of any such street or road and easements for public utilities.

F) ***Documents to be Recorded and Filed***
Approval of the final plat by the ~~Planning~~ Director as provided by this regulation will be conditioned on its prompt recording. The developer will, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat will be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

G) ***Replats***

1) The Department will review all proposed replats for compliance with the approval criteria set forth in Section 3.3.3.

2) All replats will be processed in the same manner as an application for a division occurring on lands not previously platted.

3) A replat will occur only as allowed under ORS Chapter 92.180 through 92.190. A property line adjustment between subdivision lots is not a replat.

H) ***Plat Amendment***
Any plat of a subdivision or partition properly filed and recorded under provisions of law may be amended by an affidavit of correction pursuant to ORS Chapter 92.

I) ***Vacation of Undeveloped Subdivisions***
Undeveloped subdivisions may be vacated according to the procedures established under ORS 92.205 through 92.245.

3.3.3 Approval Criteria
The County may approve applications for division of land only upon finding that the proposed division will comply with all applicable standards of the zoning district and development standards contained in Chapters 7 through 10. (See Section 10.3)

3.4 Property Line Adjustments

3.4.1 Purpose and Scope
Property line adjustments allow the relocation of a known common boundary line between ~~two (2)~~ abutting properties without creating additional lots or parcels. Property line adjustments may be permitted in any zoning district or across zoning districts, or between subdivision lots. Properties located within zoning districts with no minimum parcel size requirements (e.g., RR-00, commercial or industrial zones) are eligible for property line adjustments subject to the procedure and criteria in this Section. Boundary line agreements, as defined, are not subject to the requirements of this Section. A property line adjustment is not required when a boundary line

agreement is necessary to establish the physical location of an existing lawful property boundary.

3.4.2 Procedure

Applications for property line adjustments will be processed under the Type 2 procedure of Section 3.1.3, with the following modifications:

A) A scaled plot plan will be submitted that shows: (**1**) all existing property lines; (**2**) the proposed location of the adjusted property line; (**3**) the location of existing above ground structures; (**4**) septic systems and wells and their distances from existing and proposed property lines and easements; and (**5**) the amount of land area in square footage or acres being added or subtracted, along with the approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all water courses;

B) The owners of both properties that will be modified by the property line adjustment must sign the application form or a letter of authorization;

C) If the application is approved, the adjusted property line will be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, unless the circumstances in (1) or (2) apply. The survey will be submitted to the Planning Division for signature prior to filing with the County Surveyor, and will be accompanied by a written legal description of each of the adjusted parcels. A survey and monumentation are not required when either of the following circumstances apply:

1) Both parcels will be greater than 10 acres *[ORS 92.060(8)]*; or

2) The adjusted property line is a distance of even width along the common boundary of a lot in a subdivision or a parcel in a partition *[ORS 92.060(9)]*;

D) Within one (1) year of final approval of a property line adjustment application, the survey, if required, will be filed with the County Surveyor and the deeds or other instruments of conveyance will be recorded with the County Clerk. The deeds or other instruments will describe the adjusted properties in their entirety. Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8. After 12 months, or at the end of any extension granted, the approval will be considered void if the required documents have not been recorded. In any event, the total time period within which to finalize the approval will not exceed two (2) years; and

E) If the property line adjustment will result in any portion of a septic system, driveway, or well being located on a different parcel than the structure served by them, a condition of approval will require that an easement granting continued use of the improvement be recorded with the County Clerk.

3.4.3 Approval Criteria[6]

In nonresource districts, a property line adjustment may be approved if it complies with (A through ~~F~~ E) below. In resource districts, a property line adjustment may be approved if it complies with all of the following:

A) Both properties were lawfully created;

B) No new parcels will result from the adjustment;

C) Except as allowed in (~~G~~ F) below, both parcels will either conform to the minimum lot size and minimum lot width requirement of the underlying zoning district, or, if one (1) or both parcels are currently nonconforming, neither resulting parcel will be smaller or narrower than the existing smallest parcel, provided the standards of Section 10.4.4 are met. A property line adjustment may be exempted from this standard when the adjustment is needed to correct a building setback or other existing nonconformity, in which case the property line may be adjusted the minimum necessary to render building setbacks ~~conforming~~ or other development characteristics less nonconforming;

D) All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless a building or improvement does not currently comply with the minimum setback, in which case such building or improvement will not be made more nonconforming by the adjustment. Additionally, conforming on-site characteristics (e.g., landscaping or access) will not be made nonconforming;

E) The adjustment will not result in parcel(s) that overlap a city limit, urban growth boundary, county, or State line~~;~~.

F) In resource districts:

1) The adjustment will not result in a parcel being made developable that was not capable of being developed prior to the adjustment for reasons such as being too small or narrow. However, a parcel that cannot be developed for residential purposes because it lacks access may acquire road frontage and be made developable through a property line adjustment;

~~G) In resource districts:~~

2) A property line adjustment that will result in one or both parcels being smaller than the minimum lot size of the underlying zoning district may only be approved if the adjustment will not adversely impact existing or potential resource use of the parcels. Property line adjustments in resource districts for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change to a non-resource zone are prohibited; ~~and~~

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

3) A property line adjustment for the purpose of transferring a dwelling from one parcel to another may be approved provided the parcel receiving the dwelling qualifies for a homesite; and

4) 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. *(OAR 660-006-0005 & 033-0020)*

3.5 PLANNED UNIT DEVELOPMENT (PUD) PERMITS

3.5.1 Purpose and General Concept

Traditional zoning establishes zone boundaries, permitting specific uses of land within the various zones, and setting general conditions for those uses. Sometimes, however, land may be more effectively developed in planned unit developments (PUDs) that allow imaginative site design techniques through limited modification of the general standards of this Ordinance. This Section sets forth a procedure for developing PUDs, in order to achieve the following objectives:

A) To ensure the creation of attractive, healthful, and efficient environments for housing, commerce, and industry;

B) To permit flexibility in the application of this Ordinance in order to achieve more efficient and aesthetic development that harmonizes with adjoining uses;

C) To encourage variety in site design through creative location of buildings, open spaces, off-street parking areas, and street alignment;

D) To promote shared community facilities and sustainable development; and

E) To capitalize on the potential of special site features such as geography, topography, size, or shape.

3.5.2 Authorization and Applicability

The County may authorize PUDs as set forth in this Section. Such developments will be subject to all conditions imposed by the County and may be exempted from other provisions of this Ordinance only to the extent specified in the development approval. Uses allowed in a PUD are limited to those that may be permitted in the zoning district(s) in which the development is to be located.

3.5.3 Procedures

Applications for PUDs will follow the Type 4 standard review procedure set forth in Section 3.1.5, with the following modifications:

A) ***Application***

The application will include a preliminary development plan for the entire project and supporting materials as specified in the User's Guide. The preliminary development plan may propose phased development.

B) ***Planning ~~Department~~ Staff Recommendation***

The Planning ~~Division~~ Staff will prepare a written staff report, based upon the approval criteria set forth in Section 3.5.4, for review by the Planning Commission. The ~~staff~~ report will recommend approval, approval with conditions/modifications, or denial of the preliminary development plan based on those criteria.

C) ***Decision on Preliminary Development Plan***

1) After a quasi-judicial public hearing, the Planning Commission and, if an appeal from the Planning Commission is filed, the Board of Commissioners will issue a written decision approving, approving with conditions or modifications, or denying the preliminary development plan based on the criteria set forth in Section 3.5.4.

2) Modifications or conditions which may be imposed by the approval authority include, but are not limited to, the following:

   a) View-obscuring shrubbery, walls, or fences along property lines and around unsightly areas such as trash and equipment storage areas, and industrial and heavy commercial activities;
   b) Retention of and setbacks from specified trees, rock outcroppings, ponds or water courses, and other natural features;
   c) Sidewalks, dedicated rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes;
   d) Type and placement of lights used for pedestrian circulation and parking facilities;
   e) On-site fire hydrants, with protective barricades if specified;
   f) Height restrictions or increased setbacks;
   g) Environmental and/or economic impact studies; and
   h) Dedication of right-of-way needed for public use.

D) ***Final Development Plan and Platting Requirements***

Upon final approval of the preliminary development plan, the applicant will comply with the standards and conditions set forth by the County in the approval and will prepare a final development plan according to the procedures set forth below. In addition, when a PUD includes a land division, the final development plan must be accompanied by a final plat that satisfies the requirements of Section 3.3.2.

1) Within 12 months following the approval of the preliminary development plan, the applicant must submit the final plan to the County for review under a Type 1 procedure, along with any deed restrictions or deed declarations or land division plats needed to conform with the preliminary development plan approval. The final development plan and any land division plat required will contain the information required by the preliminary development plan approval, and will be reviewed by the County in accordance with Section 3.3.2(D);

2) The permit will be null and void if the above deadline is not met, unless an extension request is filed and approved in compliance with Section 2.6.8;

3) The final development plan and plat, if any, must conform to the preliminary development plan, as approved by the County and any additional conditions that were imposed. The final plan will be prepared according to User's Guide specifications;

4) If the final development plan does not conform with the approved preliminary development plan including any conditions or modifications imposed, the County will not approve the final plan or plat, if any, and the applicant will be advised to submit an application for amendment of the PUD, which will be processed and considered in the same manner as an original application;

5) Any and all improvement work, including construction and inspection of County roads by Roads and Parks Services, will be the responsibility of the applicant prior to submission of a final development plan or plat. Where the applicant intends to post a bond or provide other assurances in lieu of completing the improvements, pursuant to Section 10.6, such bond or assurances will be to the satisfaction of the ~~Planning~~ Director or other administrative official of the applicable agency or utility company, as a condition of final approval by the County; and

6) Development will be initiated within two (2) years of recordation of the final development plan and plat, if any. However, the County may grant a one (1) year extension as it deems appropriate.

E) ***Changes to a Planned Unit Development Subsequent to Its Completion***
The final development plan will continue to control the PUD after it is completed. Section 3.12 (Administrative Adjustments) does not apply to PUD approvals, and no change will be made in development contrary to the approved final development plan without approval of an amendment, as described in Section 3.5.3(D), except as follows:

1) Minor modifications of existing buildings or structures may be authorized by the Director through a Type 1 review process if they are consistent with the purposes and intent of the final plan and do not significantly modify the square footage of a building or structure.

2) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is in compliance with the final development plan.

No modification or amendment to a completed PUD may be approved that would violate a deed declaration limiting the use of the land, buildings, structures, and improvements within the area of the planned unit development.

3.5.4 Approval Criteria

~~In order to meet~~ The objectives of Section 3.5.1 must demonstrably be met by the proposed PUD plan. In addition, a PUD may be approved only if it complies with all of the following criteria:

A) There will be no significant adverse effects on the project site or surrounding areas, in terms of water quality, public facilities, public safety, natural hazards, or scenic quality labeled as such within an Area of Special Concern;

B) Adequate circulation facilities are provided in and around the project so that existing and planned development is not impeded, and no areas of undue congestion are created;

C) The development will not require publicly maintained roads, streets, or County services beyond those that would otherwise be required by this Ordinance; ~~and~~

D) There are adequate provisions for ongoing maintenance of open space and common areas, and if development is to occur in phases, early phases will have the same or higher ratio of amenities as proposed in later phases of the development~~.~~ and

E) In rural residential areas outside urban growth or urban unincorporated community boundaries, the proposed development complies with the standards of Section 6.3.2(D)(2) and OAR 660-004-0040(7)(e)(A) through (H).

3.6 SEWER SYSTEMS AND EXTENSIONS ON RURAL LANDS

3.6.1 Authorization

Public sewer systems may be constructed or extended within urban growth boundaries and acknowledged unincorporated communities without County review except where a floodplain development permit is required.

Pursuant to Statewide Planning Goal 11, the following sewer projects are restricted to public health hazard situations established in OAR 660-011-0060(2), unless otherwise justified within an acknowledged Goal 11 Exception Area, or as otherwise provided by State law *(ORS 197.712)*:

A) New sewer systems outside urban growth boundaries or unincorporated community boundaries;

B) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries; or

C) The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve new or existing uses that are outside such boundaries, except when necessary to mitigate a public health hazard.

3.6.2 Procedure

Where a sewer project has been constructed in accordance with a County approved sewer extension permit that was issued in accordance with rules in effect prior to the 1998 Goal 11 rule change, connections approved as part of the project may be made in accordance with the approved sewer extension permit conditions as a Type 1 procedure.

Permit applications for new sewer systems or sewer extensions to be constructed outside urban growth or unincorporated community boundaries in order to mitigate a public health hazard situation will be processed under the Type 4 procedures of this Ordinance, and in accordance with the provisions of OAR 660-011-0060. To be accepted as complete, a sewer permit application must be filed with a health hazard determination and recommendation from the Oregon Department of Environmental Quality (DEQ) or the Oregon Health Division.

Applications for sewer projects to be justified by goal exception will be processed as comprehensive plan amendments under the Type 4 procedures of this Ordinance, and in accordance with the provisions of the Comprehensive Plan and state law for goal exceptions.

3.6.3 Approval Criteria

The basis for approval of a development permit for a sewer service to rural lands will be OAR 660-011-0060 to mitigate existing public health hazard situations, unless a goal exception is justified for another purpose. Approval of an application for a Statewide Planning Goal 11 Exception Area must ensure that only rural land uses will be served, unless an exception to Statewide Planning Goal 14 is also justified for urban uses. If a Goal 11 exception is justified, the exception area will be depicted as within ASC 2003-1 on the Jackson County Comprehensive Plan and Zoning Maps, and uses within the area will be restricted to those justified in the exceptions document.

3.7 AMENDMENTS TO THE COMPREHENSIVE PLAN OR ZONING MAPS

3.7.1 Types of Comprehensive Plan Amendments

A) ***Amendments to Text***

Except for quasi-judicial map amendments (see Section 3.7.1(B)(1)), which may be initiated by private property owners, all Comprehensive Plan amendments must be initiated by a motion of either the Planning Commission or Board of County Commissioners.

1) *Minor Text Amendments (Legislative)*

Text amendments to the Comprehensive Plan that do not directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: changes to document style, format, or layout to enhance clarity; revising text to reflect updated inventories; adding explanatory text; and grammar. See Section 3.8 for text amendments to this Ordinance.

2) *Major Text Amendments (Legislative)*

Amendments that directly affect adopted goals, policies, or patterns of land use. Examples include, but are not limited to: adopting a new policy or implementation strategy; or revising goals of the Plan.

B) ***Amendments to the Official Comprehensive Plan Maps or Zoning Maps***

1) *Minor Map Amendments (Quasi-Judicial)*
Amendments that propose a change applicable to a relatively small area or number of parcels or ownerships and that do not have significant impact beyond the immediate area of the proposed change (e.g., changes to the Map designation of a single property). Such changes will be based on the factual evidence supporting the change.

2) *Major Map Amendments (Legislative)*
Amendments that may have widespread and significant impact beyond the immediate area or parcels where a land use action is proposed that are subject to the amendment; or that involve a qualitative change of use; or that involve a spatial change affecting a large area or many ownerships. Such amendments are intended to be the result of special studies or other information that can serve as the factual basis to support the change.

3) *Jackson County Public Park (JCPP) Overlay (Quasi-Judicial)*
The Jackson County Public Park (JCPP) Overlay is exempt from the provisions of Sections 3.7.2 and 3.7.3. Adoption or amendments of a JCPP is subject to the standards and procedures of Section 3.7.4.

4) *Historic Landmarks*
Designation of historic landmarks is subject to Section 3.7.5.

3.7.2 Procedures

A) ***Initiation***

1) Text amendments to the Comprehensive Plan may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

2) Minor Comprehensive Plan Map or Zoning Map amendments may be initiated as provided in Section 2.6.1 or by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

3) Major Comprehensive Plan Map or Zoning Map amendments may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

B) ***Scheduling Major and Minor Amendments***
Major and minor text or map amendments may be heard as often as deemed necessary by the relevant Planning Commissions or the Board of Commissioners. Text amendments needed to bring this Ordinance or the Comprehensive Plan into compliance with changes in State or Federal Law will be scheduled as needed.

C) ***Standard Review Procedure***
Comprehensive Plan amendments will follow the Type 4 review procedure set forth in Section 3.1.5.

D) ***Joint Consideration***
The relevant Planning Commission and the Board of Commissioners may hold a joint hearing on a proposed amendment, provided the notice of hearing required by Section 2.7.6 is mailed at least 20 days before the hearing. In addition, the Planning Commission or the Board of Commissioners may hold joint hearings with city planning commissions or city councils to consider matters of mutual concern. Joint hearings will be governed by the same general rules as would otherwise apply to hearings by the bodies separately. Prior to accepting testimony on the proposed amendment, the Commission and Board will determine if the bodies will jointly or separately deliberate on the matter.

3.7.3 Approval Criteria
Any amendment must comply with all applicable Statewide Planning Goals, Oregon Administrative Rules and the Comprehensive Plan as a whole. In addition, the following specific approval criteria apply:

A) ***Minor Text Amendments (Legislative)***
The amendment will correct a nonsubstantive error, improve the accuracy of information, or expand the data contained in the Comprehensive Plan.

B) ***Major Text Amendments (Legislative)***
The amendment will correct a substantive error, implement a change in policy, or bring the Comprehensive Plan into compliance with State and Federal laws or administrative rules. Such amendments may have widespread and significant impacts, which could require individual property owner notice. *(ORS 197.610 and ORS 215.503)*

C) ***Minor Comprehensive Plan Map or Zoning Map Amendments (Quasi-Judicial)***
All proposed minor map amendments will be reviewed for compliance with the criteria set forth below and with all other applicable provisions of this Ordinance and the Comprehensive Plan:

1) Adequate public safety, transportation, and utility facilities and services can be provided to the subject property. In the case of a minor zoning map amendment, adequate transportation facilities must exist or be assured.

2) The minor map amendment will not prevent implementation of any area of special concern or restrictions specified for that area in Chapter 7 or the adopting ordinance creating it, or both.

3) On resource zoned lands outside urban growth boundaries, the entire parcel is included in the minor Comprehensive Plan Map unless the purpose of the amendment conforms with the criteria of Policy 1 of the Comprehensive Map Designations Element.

4) Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres meet the requirements for an exception to Statewide Planning Goal 14.

5) Any minor Zoning Map amendment is consistent with the Comprehensive Plan Map designation; ;

6) In the case of a minor Comprehensive Plan Map amendment, community benefit as a result of the minor map amendment is clearly demonstrated; and

7) In determining the appropriateness of the proposed redesignation, the White City or Jackson County Planning Commission and Board of Commissioners will consider any factors relevant to the proposal, which may include: topography, geology, hydrology, soil characteristics, climate, vegetation, wildlife, water quality, historical or archaeological resources, scenic resources, noise, open space, existing site grading, drainage, adverse impacts on other property in the vicinity, and any other factors deemed to be relevant to the application.

D) ***Major Comprehensive Plan Map or Zoning Map Amendments (Legislative)***

Major map amendments may be made if one or more of the following apply:

1) Changes in economic or social conditions, or settlement patterns, require an adjustment in the configuration of land uses allowed in a region or subregion of the County;

2) Development occurs at rates other than that contemplated by the Plan, making a major map amendment necessary; or

3) An error needs to be corrected or the Official Plan and Zoning Map needs to be brought into compliance, or more into compliance, with Statewide Planning Goals and related Oregon Administrative Rules or other relevant law.

In designated Areas of Special Concern, such amendments will also comply with the relevant provisions of Chapter 7. Such amendments may have widespread and significant impacts. Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres require an exception to Statewide Planning Goal 14.

E) ***Standards For Amending an Adopted Urban Growth Boundary, Urban Fringe, or Buffer Area***

In addition to the requirements contained in joint urban growth boundary management agreements, all proposed boundary amendments must comply with applicable State Law, Statewide Planning Goals, the County Comprehensive Plan and any Regional Problem Solving documents adopted by the County.

3.7.4 Designation of a Jackson County Public Park Overlay (JCPP)

A) ***Public Park Master Plan Required***

A Jackson County Public Park Overlay will be adopted and applied to property only when in conjunction with a Public Park Master Plan pursuant to ORS 275.320 and the provisions of this Section. A Public Park Master

Plan is an overall plan adopted by the County to guide the development of park uses and services, and to define the boundaries of the JCPP Overlay.

Public Park Master Plans are adopted as part of the Comprehensive Plan in conformance with OAR 660-034-0040(1). Plans will be prepared and adopted applying criteria comparable to those required for uses in state parks under OAR 736, Division 18. Public Park Master Plans will also demonstrate compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use. *[OAR 660-034-0040]*

1) *Standards and Criteria*: In order to grant approval of a Public Park Master Plan, the County must make the following findings:

   a) That the Public Park Master Plan complies with applicable provisions of this Section and the Jackson County Land Development Ordinance as a whole, and applicable state statutes, federal laws, state and federal administrative rules, and regulations. Findings are not required for those portions of the Land Development Ordinance that have been specifically exempted by the provisions of this Section; and,

   b) For approval of a Public Park Master Plan covering land zoned for Exclusive Farm Use (EFU) under ORS Chapter 215, the County must also find that the use will not:

      i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or,

      ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

   The County, at its discretion, may impose any conditions it deems necessary to ensure the criteria identified in this Section are met.

2) *Contents of Public Park Master Plan*: A Public Park Master Plan composed of a physical development plan and narrative adopted under the provisions of this Chapter will contain the elements prescribed in the User's Guide for this Ordinance.

3) *Allowable Uses*: Allowable uses are subject to the provisions of the Jackson County Comprehensive Plan and Land Development Ordinance, except where specifically exempted or modified by the special provisions of this Section, or as otherwise provided below. An exception to Statewide Planning Goals 3 or 4 is not required for the uses listed herein on agricultural or forest land within a local park, provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a Public Park Master Plan adopted in accordance with this Section. *[OAR 660-034-0040]*

   a) Lawful uses in existence in local parks on July 15, 1998, may continue as otherwise provided by this Ordinance.

b) All uses allowed in the Jackson County Public Park Overlay are subject to a Public Park Master Plan as provided for in this Section. Uses approved as part of the plan are permitted as a Type 1 use, along with all uses allowed in the underlying zone. Uses may include some or all of the following:

i) Uses otherwise allowed in the underlying zone;
ii) Campground areas: recreational vehicle sites, tent sites, camper cabins, yurts, tepees, covered wagons, group shelters, campfire program areas, camp stores;
iii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
iv) Recreational trails: walking hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
v) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;
vi) Amenities related to park use intended only for park visitors and employees: laundry facilities, recreation shops, snack shops not exceeding 1,500 square feet of floor area;
vii) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
viii) Park maintenance and management facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
ix) Uses allowed by a park master plan that was adopted as part of the acknowledged Comprehensive Plan prior to July 15, 1998;

c) Other uses may be allowed if an exception to any Statewide Planning Goal that would prohibit the use, is adopted pursuant to ORS 197.732 and OAR Chapter 550, Division 004; and

d) In cases where land subject to a JCPP Overlay is also subject to one or more other overlays, the uses and procedures of the other overlays will govern.

B) ***Adoption Procedures***

In considering and adopting a Public Park Master Plan and JCPP Overlay, the administrative procedures of Section 3.1.5 will apply with respect to public notice, public hearings, conditions or approval, and appeals. A Public

Park Master Plan and JCPP Overlay may be initiated by written declaration by ~~the Director of~~ Jackson County Parks Services, Jackson County Board of Commissioners, or a designated agent of any local, state or federal jurisdiction. The declaration will state the scope and nature of the park to be proposed for consideration under this Section. The declaration will be noticed in the same manner as provided for public hearings under Section 2.7.5. After initiation, the procedures listed below will be followed:

1) The Jackson County Parks Advisory Committee will determine a level of citizen involvement appropriate to the scale and nature of the planning effort, and provide appropriate direction to the ~~Roads, Parks and Planning~~ Development Services Department regarding how citizen input should be solicited and received. Within five days following a determination by the Parks Advisory Committee, the Director ~~of Roads, Parks and Planning~~ will so advise the Board of Commissioners and the designated agent of any other public body in writing. The Board of Commissioners may direct a greater or lesser level of citizen involvement~~.~~

2) The Jackson County Parks Advisory Committee will gather and receive information and materials pertinent to the project, study the plans and information, consider alternatives, advise staff, revise plans where appropriate, formulate, and forward a recommendation to the Planning Commission~~.~~

3) Upon receiving a recommendation from the Jackson County Parks Advisory Committee, the Planning Commission will hold a public hearing for the purpose of formulating a recommendation to the Board of Commissioners regarding the adoption of a proposed Public Park Master Plan and JCPP Overlay~~.~~ and

4) Upon receiving the Planning Commission's recommendation, the Board of Commissioners will hold a public hearing for the purpose of considering the Parks Advisory Committee and Planning Commission recommendations. The Board of Commissioners may adopt, reject, or modify the recommendations. An action by the Board of Commissioners approving a Public Park Master Plan and JCPP Overlay will be in the form of an ordinance amending the Official Comprehensive Plan and Zoning Map(s), and may include conditions of approval deemed necessary to ensure the criteria of Section 3.7.4(A)(1).

C) ***Revisions of an Adopted Public Park Master Plan***

Revisions of an adopted Public Park Master Plan fall into three (3) categories: changes to elements within building envelopes, minor revisions, and major revisions. The Director ~~of Roads Parks and Planning~~ will determine whether proposed changes are to be considered major or minor under the provisions of this Section. The standards and criteria for major and minor revisions are the same as set forth in Section 3.7.4(A)(1). The procedures for considering and adopting the different types of revisions are as follows:

1) *Elements within Building Envelopes*: Within building envelope(s) as illustrated and described in an adopted Public Park Master Plan, the size, location, and arrangement of elements is expressly allowed to change without need for further authorization unless the Director ~~of Roads, Parks and Planning~~ determines that the scope of the changes are of sufficient importance to warrant a minor or major revision.

2) *Minor Revisions*: Minor revisions include any revision to a Public Park Master Plan that will not result in widespread or significant impacts beyond the boundaries of an existing JCPP Overlay. Minor revisions may be approved by the County under the Type 2 procedures described in this Chapter.

3) *Major Revisions*: Major revisions include any revision that significantly changes the boundaries of a Public Park Master Plan or JCPP Overlay, or other change which will result in widespread or significant impacts beyond the boundaries of an existing JCPP Overlay. Major revisions will follow the same procedures as used for the original adoption, as described in this Section.

3.7.5 Designation of Historic Landmarks

The Jackson County Register of Historic Landmarks, hereafter referred to as the "Register," is a document that has as its purpose an increase in public awareness of, together with an official recognition and intent to protect, the districts, sites, buildings, structures, objects, and natural features that have contributed to the archaeological, architectural, aesthetic, cultural, and historic development of Jackson County.

A) **Designation of Historic Landmark**

1) *Required Findings*
The County may designate an historic resource as a landmark under a Type 4 procedure when the resource has been listed on the National Register of Historic Places or if all of the following findings can be made:

a) The proposed historic landmark has historic significance;
b) The proposed historic landmark has integrity of location, design, setting, materials or workmanship; and,
c) The value of preserving the historic resource as an historic landmark outweighs the value of the identified conflicting uses, taking into consideration the economic, social, environmental, and energy consequences of each alternative.

The specific criteria relevant to each of these are set out fully in subsections (2) through (4) below.

2) *Criteria for Historic Significance*
In order for a property to be determined to be of historic significance and eligible for listing in the Register, it must be at least 50 years of age (if the property is less than 50 years of age it must be shown to

be of exceptional significance) and satisfy at least one of the following criteria:

a) Inclusion on the National Register of Historic Places;
b) Association with events or periods of development that have made a significant contribution to the broad cultural patterns of history. This association will be direct and the event or activities will have significantly affected past social behavior, historic trends, or community, state, or national development;
c) Significant architectural design or mode of construction because of:

   i) Representative character of a period or style of architecture or method of construction;
   ii) Extraordinary or unusual architectural merit by reason of its design detail, use of materials or craftsmanship; or,
   iii) Identification as the work of an architect, designer, or master builder whose individual work has influenced development in the nation, state, region, or County;

d) Association with ethnic, religious, or social groups with distinctive traits, beliefs, and social forms;
e) Identification as a significant object representing an aesthetic, educational, or scientific feature of the region, such as:

   i) Archaeological sites which contain material evidence of human activities of the prehistoric or historic past;
   ii) Natural features which provided habitat or influenced settlement and development of the prehistoric or historic past;
   iii) Scenic features which have received value for their aesthetic appearance and recreational use during the historic period; or,
   iv) Conservation areas which represent early attempts at protecting natural resources for public benefit; and,

f) Contains interior features of a nonresidential, historic landmark provided the County finds that the feature:

   i) Is in a building or structure that is normally open to the public;
   ii) Is physically attached to the building or structure so as to become a part of the building or structure; and,
   iii) Meets the historic significance, integrity, and conflicting use identification criteria of this Section.

3) *Determination of Integrity, Quality, and Quantity*
In determining whether the proposed historic landmark has integrity of location, design, setting, materials, or workmanship, the County will consider the criteria below:

a) Findings will be made as to the quality of the proposed resource site's relative value as compared to other examples of the same resource within the study area. Relevant, but not necessary to this finding, are the following:

i) Whether or not the property is in its historic setting and remains essentially as it appeared during the relevant historic period;
ii) Whether or not sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period;
iii) Whether or not the immediate setting of the property retains the planting scheme, plant materials, or land uses of the relevant historic period or the landscaping is consistent with that period; and,
iv) Whether or not the property contributes materially to the architectural continuity or scheme of the area (street or neighborhood)~~.~~ and

b) Findings will be made as to the relative abundance of the same or similar resource within the study area.

4) *Conflicting Use Identification*
In order to carry out the conflicting use analysis contained within Section 3.7.5(A)(1)(c) above, uses that, if allowed, could negatively impact the historical site will be identified and weighed against the use of the site as an historical landmark. The actual use planned for the property by its owner or owners may be identified as a conflicting use. In the absence of a development proposal, this conflicting use will be the highest and best use (i.e., commercial, industrial, high-density residential, etc.) of the property, as improved with the most intensive development and structures allowed by the currently applicable zoning and Comprehensive Plan designation. "Highest and best use" means the reasonable and probable use that is physically possible and financially feasible that supports the highest present value of the land.

B) ***Register Designation/Removal Procedures***

1) Nomination to or removal from the Register of an historic resource may be requested by the owner or the owner's agent. The County or a member of the general public may also request nomination but will first obtain the written permission of the property owner.

2) Owners of property on the Register may refuse historic resource designation at any time prior to adoption of the designation. The County will not include a site on the Register if the owner of the property objects to its designation *(OAR 660-023-0200(5))*.

C) ***Historic Landmark Preservation Conditions***
At the time of designation, the County may prescribe conditions intended to preserve or enhance the unique characteristics of the proposed historic

landmark in its final ordinance designating historic landmark status. Conditions prescribed may include any or all of the following:

1) Design standards to be applied to exterior and interior alterations and new construction not otherwise addressed in this Section. Included in these design standards will be a description of the character-defining features of the historic landmark;

2) Development standards, to be applied to designated historic property or districts, which may prescribe building placement, lot coverage, setbacks, and general site development in order to retain views and site features. Included in these development standards will be a description of the physical boundaries of the designated property and identification of the contributing and noncontributing elements of the resource;

3) A maintenance section setting forth the extent and types of repair and maintenance that may be undertaken without first obtaining an alteration permit; or,

4) A modifications section based on the requirements pertaining to modification of certain regulations and specifically listing what modifications to zoning and sign development regulations are to be applied to the proposed historic landmark.

D) ***Modification of Regulations***

1) The County may modify zoning regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of off-street parking spaces required, and regulations prescribing setbacks subject to the provisions listed below. Modification of zoning regulations will be clearly stated in the final order designating historic landmark status, and if further modifications become necessary and were unanticipated at the time of original designation, the County may change its final order for said further modifications providing it is found that the modifications:

   a) Are necessary to preserve the historic character, appearance or integrity of the proposed historic landmark; and,
   b) One of the following:

      i) Are in accordance with the purposes of zoning and sign regulations; or,
      ii) Will assist in providing an economic incentive for the preservation of the proposed historic landmark.

2) When considering property for designation, or alteration after designation, the County may recommend to the Building Official that alternative materials and methods be used or considered for use or that other code considerations be applied to historic property subject to the provisions of the State of Oregon Uniform Building Code, "Historical Buildings Section 104(F)." The decision by the Building

Official will be in writing and be incorporated in the designation of the historic landmark.

3) At the owner's written request, the County will remove a historic property designation that was imposed on a property by the County. *(OAR 660-023-0200(6))*

4) The County will not issue a permit for demolition or modification of an historic resource described in (3) above for at least 120 days from the date a property owner requests removal of historic resource designation from the property. *(OAR 660-023-0200(9)*

3.8 TEXT AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE

3.8.1 Purpose

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

3.8.2 Procedures

A) ***Initiation***

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

B) ***Standard Review Procedure***

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

3.8.3 Approval Criteria

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

3.9 WRITTEN INTERPRETATIONS

An application for written interpretation of this ordinance will be processed under the Type 2 procedures of Section 3.1.3 with the following modifications:

The ~~Planning~~ Director's interpretation will be in writing, and a copy will be provided to the applicant and parties entitled to notice of the decision. The Director's interpretation will thereafter be binding in relation to the specific matter presented by the applicant, and will have no other binding or precedential effect. The record of interpretations will be kept in the ~~Planning~~ Development Services Department and will be available for public inspection during normal business hours. Appeal of the Director's interpretation will be to the Board of Commissioners in accordance with Table 2.1-1.

3.10 CREATION OF NEW ROADS WITHOUT LAND DIVISION

3.10.1 General Provisions

A) ***Purpose***

The purpose of these regulations is to establish procedures to be followed in the creation and development of new publicly maintained and private roads when no land division is proposed.

B) ***Applicability***

These provisions are applied when a new road is proposed to serve as access to an existing lot or parcel. New roads that will be created to serve as access to lots and parcels created as part of a land division are subject to the land division procedures of Section 3.3 and Chapter 10.

3.10.2 Procedures

A request to create a new private road to provide access to existing lots or parcels is processed under the Type 1 procedure unless otherwise required in the underlying zoning district. A request to create a new public road is processed under a Type 4 procedure. See also Section 9.5.1(E).

A) ***Application Requirements***

The following information must be submitted as part of a request for a new road:

1) A tentative map showing the proposed location, width and length of the road~~;~~

2) A Title Report and exception document showing all existing easements of record within the proposed road area. The report will be based on research going back in time without limitation, and must indicate all easements and encumbrances that affect the property~~;~~

3) An engineer's design report for any proposed private road that specifically identifies both the minimum construction standards necessary for the road to provide a minimum life of five years, necessary maintenance measures, type of work to be done annually, and the minimum annual maintenance cost. The engineer's design report will take into consideration the terrain, soil, and slope aspects of the property and the proposed road~~;~~ and

4) Written authorization and consent to creation of the road by all owners of the property the road will cross.

B) ***Approval***

The ~~Planning~~ Director will review the proposed road for consistency with the standards in Section 9.5 and any other applicable standards of the affected zoning designation and this Ordinance. If the ~~Planning~~ Director determines that the standards have been or can feasibly be met, the road will be approved. Conditions may be placed on the approval when necessary to assure that all standards will be met.

3.11 VARIANCES

3.11.1 Approval Criteria

Applications for variances will be processed under the Type 3 procedures of Section 3.1.4, and may only be approved when **all** of the following criteria are met:

A) Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zoning district or vicinity, and result from 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 of the applicant, substantially the same as is possessed by owners of other property in the same zoning district or vicinity;

C) The variance would not be materially detrimental to the intent of this Ordinance, to property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the objectives of any County plan or policy;

D) The variance requested is the minimum variance that would alleviate the hardship; and

E) The conditions for which the variance is requested were not self-imposed through the applicant's own actions, nor the actions of the applicant's agents, employees, or family members.

3.12 ADMINISTRATIVE ADJUSTMENTS

3.12.1 Purpose and Scope

While special setbacks (e.g., resource district setbacks, riparian habitat, fuelbreak, vision clearance) may not be administratively adjusted, minor modification of certain site development standards of this Ordinance may be allowed under a Type 2 procedure to create flexibility in site development, or to address site-specific constraints.

3.12.2 Approval Criteria

The Director may authorize an adjustment in accordance with Section 3.12.3 below, only upon finding that the adjustment:

A) Advances the goals and purposes of this Ordinance;

B) Results in less visual impact;

C) Results in more effective environmental or open space preservation; or

D) Relieves practical difficulties in developing a site.

3.12.3 Modifications Authorized

The following modifications may be authorized under this Section:

A) Modification up to 10 percent per lot of any zoning district setback, lot width, or height standard up to a maximum of two lots per development. An

administrative adjustment of the maximum height standard is not permitted in the Airport Approach or Airport Concern Overlay.

B) Modification up to 20 percent of any of the commercial zoning district sign area standards of Section 9.6; and

C) Modifications up to 10 percent of any of the site landscaping standards of Section 9.2.

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CHAPTER 4. RESOURCE DISTRICTS

4.1 GENERAL PROVISIONS

4.1.1 Resource Districts Distinguished

This Chapter sets forth regulations for land use and development within the County's three (3) resource districts: Exclusive Farm Use (EFU), Forest Resource (FR), and Aggregate Removal (AR). The EFU and FR districts are fundamentally different from all other districts established in the County. While the County's authority under Oregon law to regulate development in the other districts is broad, the County's authority to regulate development in the EFU and FR districts is strictly governed by state law. For this reason, the uses permitted in the resource districts, standards for such uses, and the choice of administrative procedure for approving such uses, are set forth in this Chapter. Chapter 6 (Use Regulations) sets out standards for the uses permitted in the non-resource districts listed in Chapter 5 (Zoning Districts). The provisions of Chapter 6 do not apply to uses in a resource district unless:

A) Numerical references in the "*See Also*" columns of Tables 4.2-1, 4.3-1, or 4.4-1 specifically provide that a Chapter 6 provision is applicable; or

B) A specific Chapter 6 section states that it is applicable to "all zoning districts" or to "resource zoning districts" (e.g., Sections 6.4 and 6.5).

4.1.2 Compliance With Overlay and Dimensional Standards Required

In the resource districts, no building or structure shall be erected, converted, enlarged, reconstructed, replaced, or altered, nor shall any, building, or structure be used or changed, except in accordance with the provisions of this Chapter, Chapter 8, 9, and Chapter 7 if applicable. All buildings are subject to the fire safety requirements of Chapter 8.

4.1.3 Permit Expiration Dates *[OAR 660-033-0140; ORS 215.417]*

Except for a replacement dwelling that has received a deferred placement permit (see Section 4.2.6(B)), ~~a~~A decision approving any dwelling, other than those listed below, or a Type 2, 3, or 4 use on Exclusive Farm or Forest Resource land outside an urban growth boundary (except for a land division) is void two (2) years from the date of the final decision if development is not initiated. An extension of up to 12 months may be granted pursuant to the provisions of Section 2.6.8, provided that the extension request is filed prior to the expiration of the applicable approval period. Approval of the following dwelling types is void four (4) years from the date of the final decision if development is not initiated, notwithstanding any shorter time period specified in the County approval. *[Butori v. Clatsop County, LUBA No. 2003-064]* For the following dwelling types, an extension of up to two (2) years may be granted pursuant to the provisions of Section 2.6.8, provided that the extension request is filed prior to the expiration of the applicable approval period:

A) Alteration, restoration or replacement of a lawfully established dwelling under Section 4.2.6(B) or 4.3.6(A).

B) Nonfarm dwelling under Section 4.2.6(H).

C) Ownership of record dwelling under Section 4.2.6(F) or 4.3.6(D).

D) Forest template dwelling under Section 4.3.6(B).

E) Large tract forest dwelling under Section 4.3.6(C).

F) Caretaker residence for public parks and fish hatcheries in the Forest Resource District.

4.2 EXCLUSIVE FARM USE (EFU) DISTRICT

4.2.1 Purpose

The purpose of the (EFU) District is to conserve agricultural land. This Section implements the Oregon Agricultural Land Use Policy, ORS 215.243, Statewide Planning Goal 3 (Agricultural Lands), and OAR 660-033.

4.2.2 Table of Permitted Uses[1]

Table 4.2-1 sets forth the uses allowed subject to Type 1, 2, 3, or 4 approval procedures in the EFU District. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 2, 3 or 4 review, unless otherwise specified on Table 4.2-1.

A) ***Type 1***
A "1" in the Table indicates that a use is allowed by-right, provided it complies with any standards listed in the "*See Also*" column.

B) ***Type 2***
A "2" in the Table indicates that a use is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3.

C) ***Type 3***
A "3" in the Table indicates that a use may be conditionally allowed, subject to review and approval in accordance with the Type 3 review procedures and approval criteria of Section 3.1.4.

D) ***Type 4***
A "4" in the Table indicates that a use is subject to review and approval by the Planning Commission and Board of Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5.

E) ***Prohibited Uses***
An "**X**" in the Table indicates that the use is not permitted on High Value Farm Land (HVFL). However, existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 2 review.

F) ***Numerical References***
The numbers contained in the "*See Also*" column are references to additional standards and requirements that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9.

Ord. 2004-12, eff. 2-6-2005; Ord. 2004-2RM, eff. 1-30-2005; Ord. 2004-14, eff. 2-13-2005

G) ***Accessory Uses and Structures***
Accessory uses and structures are allowed in all zoning districts (Section 6.4).

TABLE 4.2-1. USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review X = Prohibited **HVFL = High-Value Farmland**					
#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
FARM AND FOREST USES					
1	Farm use	1	1	ORS 215.203 (definition); OAR 660-033-0120	
2	**Buildings, other than dwellings**, customarily provided in conjunction with farm use	1	1	ORS 215.283(1)(f); OAR 660-033-0120	
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c); OAR 660-033-0120	
4	Temporary facility for primary processing of forest products	2	2	ORS 215.283(2)(j); OAR 660-033-0120 & 0130(6)	4.2.3 and 4.2.4(B)
5	Facility for processing farm crops	2	2	ORS 215.283(1)(u); OAR 660-033-0130(28)	4.2.4(A)
NATURAL RESOURCE USES					
6	Creation, restoration, or enhancement of wetlands	1	1	ORS 215.283(1)(p); OAR 660-033-0120	
7	The propagation, cultivation, maintenance, & harvesting of aquatic or insect species	2	2	ORS 215.283(2)(p); OAR 660-033-0120 & 033-0130(5) & (27)	4.2.3 4.2.5(A)
RESIDENTIAL USES					
8	Dwelling customarily provided in conjunction with farm use	2	2	ORS 215.283(1)(f); OAR 660-033-0120, 0130(1), (30) & 0135	4.2.6(A) & (C)
9	Farm dwelling for relative	1	1	ORS 215.283(1)(e); OAR 660-033-0120 & 0130(9), (30)	4.2.6(A) & (D)
10	Accessory farm dwellings, including farmworker housing	2	2	ORS 215.277-278 and ORS 215.283(1)(f);OAR 660-033-0120 & 0130(24), (30)	4.2.6(A) & (E)
11	Ownership of record dwelling	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0120 & 0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0120 & 0130(5), (10) & (30)	4.2.3; 4.2.6(A) & (G), 6.5.3(G)
13	Nonfarm dwelling	2	2	ORS 215.236(2) & (3); 215.263(4); 215.284(2) & (3); OAR 660-033-0120 & 0130(4)(c)-(d) & (30)	4.2.6(A) & (H)

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review X = Prohibited **HVFL = High-Value Farmland**					
#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
14	Residential home	2	2	ORS 197.660(definition), 197.665(3), 215.283(2)(o); OAR 660-033-0120 & 0130(5), (30)	4.2.3; 4.2.6(A) & (J)
15	Room and board arrangements for a maximum of five unrelated persons in an existing residence	2	2	ORS 215.283(2)(u); OAR 660-033-0120 & 0130(5), (30)	4.2.3 4.2.6(A)
16	Alteration, restoration, or replacement of a lawfully established dwelling	1	1	ORS 215.283(1)(s); OAR 660-033-0120 & 0130(8), (30)	4.2.6(A) & (B)
17	**Historic dwelling** replacement	1	1	ORS 215.283(1)(o); 358.480; OAR 660-033-0120 & 0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	1	1	ORS 657A.440	4.2.6(K)
COMMERCIAL USES					
19	**Commercial activities** in conjunction with farm use	3	3	ORS 215.283(2)(a); OAR 660-033-0120 & 0130(5)	4.2.3, 4.2.7(A) 6.4.4(E)
20	Breeding, kenneling, & training greyhounds for racing	X	1	ORS 215.283(1)(j); OAR 660-033-0120 & 0130(18)	
21	Dog kennels	X	2	ORS 215.283(2)(n); OAR 660-033-0120 & 0130(5) & (18)	4.2.3
22	Home occupation/home business	2	2	ORS 215.283(2)(i), 215.448; OAR 660-033-0120 & 0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X	4	ORS 197.435-.467; 215.283(2)(t); OAR 660-033-0120 & 0130(5) & (18)	4.2.3, 7.1.5
24	Destination resort, small	X	~~4~~ X	ORS 197.435- ~~.467~~ 445(6)(a); OAR 660-033-0120 & 0130(5)	4.2.3, 7.1.5
25	Winery	1	1	ORS 215.283(1)(q), & .452; OAR 660-033-0120	4.2.7(F)
26	Farm stand	1	1	ORS 215.283(1)(r); OAR 660-033-0120 & 0130(23)	4.2.7(D)
27	Landscape business in conjunction with nursery	2	2	ORS 215.283(2)(z)	4.2.7(G)

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review X = Prohibited **HVFL = High-Value Farmland**					
#	**USE**	**HVFL**	**ALL OTHER**	**STATE LAW REFERENCE**	**SEE ALSO**
MINERAL, AGGREGATE, OIL, AND GAS USES					
28	Exploration & production of geothermal, oil & gas	2	2	ORS 215.283(1)(g), 520.005 (definition), 522.005 (definition) & OAR 660-033-0120	4.2.8(A)
29	Exploration for minerals	1	1	ORS 215.283(1)(h), 517.750 (definition); & OAR 660-033-0120	4.2.8(B)
30	Operations for mining & processing geothermal, oil & gas resources not otherwise permitted under this Ordinance	3	3	ORS 215.283(2)(b)(A); 520.005 (definition); 522.005 (definition); OAR 660-033-0120 & 0130(5)	4.2.3 4.4.8
31	Mining, crushing, or stockpiling aggregate & other mineral & subsurface resources	3	3	ORS 215.283(2)(b)(B), .298 & .301 OAR 660-033-0120 & 0130(5)	4.2.3 4.2.8(C) 4.4.8
32	Processing aggregate into asphalt or portland cement	3	3	ORS 215.283(2)(b)(C); 517.750 (definition); OAR 660-033-0120 & 0130(5), (15)	4.2.3 4.2.8(D) 4.4.8
33	Processing other mineral and subsurface resources	3	3	ORS 215.283(2)(b)(D); OAR 660-033-0120 & 0130(5)	4.2.3, 4.4.8
TRANSPORTATION USES					
34	**Personal use airports** for airplanes & helicopter pads	3	3	ORS 215.283(2)(h); OAR 660-033-0120 & 0130(5), (7) See also ORS 836.610-630	4.2.3 4.2.9(A)
35	Climbing & passing lanes within the right-of-way existing as of July 1, 1987	1	1	ORS 215.283(1)(k); OAR 660-033-0120	
36	Construction of additional passing & travel lanes requiring acquisition of rights-of-way, not resulting in creation of new parcels	2	2	ORS 215.283(2)(q); OAR 660-033-0120 & 0130(5)	4.2.3
37	Reconstruction or **modification of public roads and highways**, including placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, not including addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result	1	1	ORS 215.283(1)(l); OAR 660-033-0120	

TABLE 4.2-1 USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT
1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review
X = Prohibited **HVFL = High-Value Farmland**

#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
38	Reconstruction or **modification of public roads or highways** involving removal or displacement of buildings, but not resulting in creation of new parcels	2	2	ORS 215.283(2)(r); OAR 660-033-0120 & 0130(5)	4.2.3
39	Temporary public road & highway detours that will be abandoned & restored to original condition or use at such time as no longer needed	1	1	ORS 215.283(1)(m); OAR 660-033-0120	
40	Minor betterment of **existing public roads & highway related facilities** (e.g., maintenance yards, weighstations & rest areas) within a right-of-way existing as of July 1, 1987, & contiguous publicly-owned property to support operation & main-tenance of public roads & highways	1	1	ORS 215.283(1)(n); OAR 660-033-0120	
41	**Public road and highway-related facilities** improvement (e.g., maintenance yards, weigh stations, & rest areas) where additional property or right-of-way is required, not resulting in creation of new parcels	2	2	ORS 215.283(2)(s); OAR 660-033-0120 & 0130(5)	4.2.3
42	Roads, highways, & other transportation facilities and improvements not otherwise allowed in the EFU District	2 or 4	2 or 4	ORS 215.283(3); OAR 660-012-0065 (Type 2 uses listed, Type 4 uses not listed); OAR 660-012-0070; OAR 660-033-0120 & 0130(13)	4.2.3; 4.2.9(B)
43	Parking no more than seven log trucks	2	2	ORS 215.311(3)	4.2.3
UTILITY/SOLID WASTE DISPOSAL FACILITIES					
44	**Utility facilities necessary for public service**, including wetland waste treatment systems, not including commercial facilities for generating electrical power for public use by sale, or transmission towers over 200 feet high	2	2	ORS 215.275 and .283(1)(d); OAR 660-033-0120 & 0130(16)	4.2.10(C) 6.3.6(A)

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review X = Prohibited **HVFL = High-Value Farmland**					
#	**USE**	**HVFL**	**ALL OTHER**	**STATE LAW REFERENCE**	**SEE ALSO**
45	Telecommunications towers - co-location of antennae on an existing tower	1	1		6.3.6(A)
46	Transmission towers over 200 feet high.	2	2	ORS 215.283(2)(m); OAR 660-033-0130(5)	4.2.3 6.3.6(A)
47	**Solid waste disposal** site ordered established by the EQC	1	1	ORS 459.049, 215.283(1)(i);	4.2.10
48	**Solid waste disposal** site for which DEQ permit is required	**X**	4	ORS 215.283(2)(k), 459.245; OAR 660-033-0120 & 0130(5) & (18)	4.2.3; 4.2.10 6.3.6(C)(2)
49	**Modification** of a waste related use	2	2		6.3.6(D)
50	Fire service facilities providing rural fire protection	1	1	ORS 215.283(1)(v); OAR 660-033-0120	
51	Irrigation canals, delivery lines, and accessory structures and facilities associated with a district	1	1	ORS 215.283(1)(w), 540.505 (definition); OAR 660-033-0120	
52	Utility facility service lines	1	1	ORS 215.283(1)(x); OAR 660-033-0120 & 0130(32)	4.2.10
53	Commercial utility facilities for generating power for public use by sale	2	2	ORS 215.283(2)(g); OAR 660-033-0120 & 0130(5), (17) & (22)	4.2.3 4.2.10
54	Composting facilities for which a permit has been granted by the DEQ	**X**	4	ORS 215.283(2)(k), 459.245; OAR 340-096-0020, 0024; 660-033-0120 & 0130(5), (18), (29)	4.2.3 4.2.10 6.3.6(C)(2)
PARKS/PUBLIC/QUASI-PUBLIC USES					
55	Public/ private schools, including essential buildings	1	1	ORS 215.283(1)(a); OAR 660-033-0120 & 0130(2), (18)	4.2.11(I)
56	Churches & cemeteries in conjunction with churches	**1**	1	ORS 215.283(1)(b) & .441; OAR 660-033-0120 & 0130(2), (18)	4.2.11(B)
57	Private parks, playgrounds, and hunting and fishing preserves	**X**	3	ORS 215.283(2)(c); OAR 660-033-0120 & 0130(5), (18)	4.2.3
58	Campgrounds	**X**	3	ORS 215.283(2)(c); OAR 660-033-0120 & 0130(5), (18), (19)	4.2.3; 4.2.11(A)
59	Public parks and playgrounds	2	2	ORS 195.120, 215.283(2)(d); OAR 660-033-0120 & 0130(5) & (31); 660-034-0035 & 0040	3.7.4; 4.2.3 4.2.11(H)

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review X = Prohibited **HVFL = High-Value Farmland**					
#	**USE**	**HVFL**	**ALL OTHER**	**STATE LAW REFERENCE**	**SEE ALSO**
60	Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community	2	2	ORS 215.283(2)(e); OAR 660-033-0120, 0130(5)	4.2.3 4.2.11(K)
61	Golf courses	X	3	ORS 215.283(2)(f); OAR 660-033-0120 & 0130(5), (18), (20)	4.2.3 4.2.11(C)
62	Living history museum	2	2	ORS 215.283(2)(x); OAR 660-033-0120 & 0130(5), (21)	4.2.3 4.2.11(E)
63	On-site filming & accessory activities for 45 days or less	1	1	ORS 215.306(3)(a) & (4); OAR 660-033-0120	4.2.11(F)
64	On-site filming & accessory activities for more than 45 days	2	2	ORS 215.306(3)(b) & (4); OAR 660-033-0120 & 0130(5)	4.2.3 4.2.11(G)
65	Takeoff & landing site for model aircraft	1	1	ORS 215.283(1)(t); OAR 660-033-0120 & 0130(26)	4.2.11(J)
66	Expansion of existing county fairgrounds & directly related activities	2	2	ORS 215.283(2)(w), 565.210; OAR 660-033-0120 & 0130(5);	4.2.3
67	Operations for extraction and bottling of water	2	2	ORS 215.283(2)(v); OAR 660-033-0120 & 0130(5)	4.2.3
68	Land application of biosolids transported by vehicle to a tract.	1	1	ORS 215.246, .247, .249, .251, & .283(1)(y); OAR 660-033-0130(11)	4.2.11
69	Land application of reclaimed water, and agricultural or industrial process water	2	2	ORS 215.246, .249, .251, & .283(1)(y); OAR 660-033-0130(11)	4.2.11
70	Firearms training facility; Law enforcement facility	Existing only		ORS 197.770; ORS 215.283(1)(z)	6.3.7 4.2.11(L)
OUTDOOR GATHERING USES					
71	Outdoor gathering less than 3,000 persons not to con-tinue more than 120 hours in any 3-month period.	1	1	ORS 197.015(10)(d); 433.735; OAR 660-033-0120 & 0130(33)	6.5.3(J)
72	Outdoor gathering more than 3,000 persons to con-tinue more than 120 hours in any 3-month period.	4	4	ORS 433.735(1) & .763; OAR 660-033-0120 & 0130(34)	6.5.3(J)

4.2.3 General Review Criteria for Type 2-4 Permits

The use 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. *[ORS 215.296; OAR 660-033-0030(5)]*

4.2.4 Farm and Forest Use Regulations

A) ***Facility for Processing Farm Crops*** *[ORS 215.283(1)(u); OAR 660-033-0130(28)]*

1) The farm on which the processing facility is located must provide at least one-quarter (¼) of the farm crops processed at the facility.

2) 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.

B) ***Temporary Facility for Primary Processing of Forest Products*** *[ORS 215.283(2)(j); OAR 660-033-0120 and 0130(6)]*

The primary processing of a forest product, for purposes of this Ordinance, 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. This use is subject to the following standards:

1) The processing facility shall be located on, or on a parcel contiguous to and in the same ownership as, the parcel on which the forest products are grown.

2) The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses in the area.

3) The use is intended to be portable or temporary in nature and may be approved for a one (1)-year period which is renewable.

4.2.5 Natural Resource Use Regulations

The propagation, cultivation, maintenance, and harvesting of aquatic or insect species is a Type 2 use in the EFU zone. 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. Notice shall be mailed in accordance with Section 2.7.3 but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

4.2.6 Residential Use Regulations

A) ***New Dwellings***

1) The County shall notify the County Assessor that a dwelling is being approved. *[ORS 215.705(1); OAR 660-033-0130(h)]*

2) As a condition of approval for all residential uses, the landowner shall be required to 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, and requiring owner control of dogs. *[ORS 215.293; OAR 660-033-0130(30)]*

B) ***Alteration, Restoration, or Replacement of a Lawfully Established Dwelling*** *[ORS 215.283(1)(s); OAR 660-033-0120 and 0130(8) and (30)]*

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 (3) months of the completion of the replacement dwelling or issuance of a deferred replacement permit under subsection 4.2.6(B)(4). 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, including the dimensional requirements set forth in Chapter 4 of this Ordinance, the sensitive fish and wildlife habitat requirements of Section 7.1.1(C), and the fire safety requirements in Section 8. However, such standards shall not be applied in a manner that prohibits the siting of the dwelling.

3) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, 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 zoned EFU (see also Section 5.1.4(C)(5)). 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 or its designee and state that the provisions of this Section regarding replacement dwellings have changed to allow the siting of another dwelling. ~~Following adoption of this Ordinance, the County will maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this Section, including a copy of the deed restrictions and release statements filed under this Section.~~

4) A Type 1 deferred replacement permit may be issued for t~~T~~he dwelling being replaced when the established dwelling is removed or demolished within three months of the deferred replacement permit being issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant. ~~shall not have been established as a temporary medical hardship dwelling. However, at such time as the permit for the temporary medical hardship dwelling expires, the temporary dwelling may replace the permanent dwelling provided the permanent dwelling is removed, demolished or converted to an allowable use pursuant to the regulations stated above.~~

5) An accessory farm dwelling authorized pursuant to Section 4.2.6(E)(1)(c), may only be replaced by a manufactured dwelling.

C) *Dwelling Customarily Provided in Conjunction With Farm Use [ORS 215.283(1)(f); OAR 660-033-0120; 0130(1) and (30); and 0135]*

1) *Large Tract Standards [OAR 660-033-0135(1)]*
On land not identified as high-value farmland a dwelling shall be considered customarily provided in conjunction with farm use if:

a) The parcel on which the dwelling will be located is at least 160 acres;
b) The subject tract is currently employed for farm use, as defined in ORS 215.203;
c) 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
d) 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.

2) *Farm Capability Standards [OAR 660-033-0135(2)]*
On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a) 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 (1) mile from the perimeter of the subject tract;
b) 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 (a) of this Section;

c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this Section, 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;

d) The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;

e) 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;

f) 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

3) *Farm Income Standards* *[OAR 660-033-0135(5), (7), (8) and (9)]*
A dwelling may be considered customarily provided in conjunction with farm use if:

a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, at a level that produced in the last two (2) years or three (3) of the last five (5) years one of the following:

i) On land not identified as high-value farmland, at least $32,500 in gross annual income; or

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

b) 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; and

c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this Section.

d) In determining the gross income required by subsection (a), 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.

e) Lots or parcels zoned EFU in Jackson County or a contiguous county may be used to meet the gross income required by subsection (a). 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 Manager~~ Director.

4) *Relocated Farm Operations [OAR 660-033-0135(12)]*
A dwelling may be considered customarily provided in conjunction with farm use if:

a) Within the previous two (2) years, the applicant owned and operated a farm or ranch operation that earned in each of the last five (5) years or four (4) of the last seven (7) years one of the following, whichever is applicable:

i) On land not identified as high-value farmland, at least $32,500 in gross annual income; or

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

b) The subject lot or parcel on which the dwelling will be located is currently employed for the farm use, as defined in ORS 215.203, at a level that produced in the last two (2) years or three (3) of the last five (5) years one of the following, whichever is applicable:

i) On land not identified as high-value farmland, at least $32,500 in gross annual income; or

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

c) The subject lot or parcel on which the dwelling will be sited is at least 80 acres in size;

d) 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;

e) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this Section;

f) In determining the gross income required by subsections (a) and (b) of this Section, 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.

5) *Commercial Dairy Farm Standards* *[OAR 660-033-0135(10)]*
A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

a) 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:

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 $32,500 in gross annual income.

b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
c) 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;
d) 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;
e) 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;
f) 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.

D) *Farm Dwelling for Relatives [ORS 215.283(1)(e); OAR 660-033-0120 and 0130(9) and (30)]*

1) A dwelling on real property used for farm use may be approved if:

a) The dwelling will be located on the same lot or parcel as the dwelling of the farm operator;
b) 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;

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

d) The farm operator shall 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.

2) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size under Section 4.2.12(A), 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 do not meet the definition of partition under ORS 92.010(7)(a).

E) ***Accessory Farm Dwellings*** *[ORS 215.277-278 and ORS 215.283(1)(f); OAR 660-033-0120, 0130(24), (30)]*

A second or subsequent farm dwelling may be allowed if each accessory farm dwelling meets all of the following:

1) 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 with a deed restriction. The deed restriction shall be filed with the County Clerk and require 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 4.2.6(A) and (C); 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 to 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, a condition of approval will require that all accessory farm dwellings approved under this subsection 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 and the lot or parcel complies with the gross farm income requirements of Section 4.2.6(C)(3).

2) An accessory farm dwelling approved under this subsection shall 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;

3) 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;

4) The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:

a) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two (2) years or three (3) of the last five (5) years at least $32,500 in gross annual income. 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 primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least $80,000 in gross annual income from the sale of farm products in the last two (2) years or three (3) of the last five (5) 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 as defined in Section 4.2.6(C)(5); 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.

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

4.2.6(A) and (C), and both parcels satisfy the 80-acre minimum lot size of Section 4.2.12.

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

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

F) ***Ownership of Record Dwelling*** *[ORS 215.705(1), (2), (5)-(7); OAR 660-033-0120 and 0130(3) & (30)]*

1) A dwelling may be approved if:

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 as defined in subsection (2) below:

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) 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 acknowledged comprehensive plan and land use regulations and other provisions of law;

e) The lot or parcel on which the dwelling will be sited is not high-value farmland, as defined in Chapter 13, except as provided in subsection (4) below;

f) When the lot or parcel on which the dwelling will be sited lies within a designated deer and elk habitat area, the siting of the dwelling shall be consistent with Section 7.1.1(C)[2]; and

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.

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.

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3) When the County approves an application for a single-family dwelling under this Section, the application 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.

4) 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 subsection and the Hearings Officer 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 4.2.6 (H)(2).

All applications for ownership of record dwellings on HVFL will be referred directly to the Hearings Officer under Section 2.7.4(C).

5) The County shall provide notice of all applications for ownership of record dwellings on high value farm land to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

G) ***Temporary Medical Hardship Dwelling*** *[ORS 215.283(2) (L); OAR 660-033-0120 & 0130(3), (30)]*

1) 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 6.5.3(G); and

2) The temporary dwelling will be used to care for the resident, or a relative of the resident, defined as a parent, stepparent, stepgrandparent, stepbrother, stepsister, niece, nephew, first cousin, child, grandparent, grandchild, brother, or sister of the existing residents, for the term of a hardship suffered by the resident or the relative. For purposes of this Section, "hardship" means a medical hardship or a hardship for the care of an aged or infirm person or persons.

H) ***Nonfarm Dwelling*** *[ORS 215.284(4)(A)(C), (3); OAR 660-033-0120 and 0130(4)(c)-(d) & (30)]*

A single-family dwelling, not provided in conjunction with farm use, may be approved if the following standards are met:

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 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 which meet the criteria of 4.3.6(A)(1) (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 ORS 215.263(4). 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.

3) The dwelling foundation 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 the lot or parcel may 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 *(ORS 215.283)*[3];

b) 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 can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use;

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

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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 50 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.

4) The dwelling will be situated on:

   a) A lot or parcel legally created before January 1, 1993; or
   b) A lot or parcel legally created on or after January 1, 1993, as allowed under Section 4.2.12(B) or (C). If a new parcel will be created, consideration shall be given as to whether approval of the parcel will lead to the creation of other nonfarm parcels, to the detriment of agriculture in the area. To address this standard, the provisions of subsection (1) above shall be used.

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

6) If a new lot will be created, pursuant to subsection (4)(b) above, and Section 4.2.12(B) or (C), the parent lot or parcel does not contain an ownership of record dwelling approved under Section 4.2.6(F) or a forest dwelling approved under Section 4.3.6.

7) Final approval shall not be granted and septic or building permits shall not be issued for proposed dwellings which are reviewed under this Section on a lot or parcel which is, or has been, receiving special assessment until the applicant has furnished the County with evidence 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 4.1.3. *[ORS 215.236(2) and (3)]*

l) ***Historic Dwelling Replacement*** *[ORS 215.283(1)(o); and 358.480; OAR 660-033-0120 & 0130(12) and (30)]*

1) The existing dwelling shall be listed on the National Register of Historic Places.

2) The location of the replacement dwelling shall be consistent with the sensitive fish and wildlife habitat requirements of Section 7.1.1(C), and the fire safety requirements in Section 8.7

J) ***Residential Home*** *[ORS 197.660(definition); 197.665(3); and 215.283(2)(o); OAR 660-033-0120 & 0130(5) & (30)]*

1) The existing dwelling shall have been lawfully established.

2) For purposes of this Section, "residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Land Conservation and Development, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which 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 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 home.

K) ***Registered Child Care Facility/Certified Group Child Care Home*** *[ORS 657A.440]*

1) A registered child care facility or certified group child care home may be allowed if it meets the following standards:

   a) The use will take place in an existing dwelling.
   b) Child care will be offered in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.

2) A land division to create a parcel with an existing dwelling to be used as a registered child care facility or certified group child care home may be approved pursuant to Section 4.2.12(M).

4.2.7 Commercial Use Regulations[4]

A) ***Commercial Activities in Conjunction With Farm Use*** *[See Section 6.4.4(E); ORS 215.283(2)(a); OAR 660-033-0120; and 0130(5); City of Sandy v. Clackamas County, LUBA No. 94-104; Craven v. Jackson County, SC S35826]*

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~~ products;

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.

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B) **See Chapter 7, Section 7.1.5, Destination Resort Overlay**

C) **See Chapter 7, Section 7.1.5, Destination Resort Overlay**

D) ***Farm Stand*** *[ORS 215.283(1)(r); OAR 660-033-0120; and 0130(23)]*
A farm stand may be approved when:

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.

E) ***Home Occupation and Home Business*** *[ORS 215.283(2)(i); 215.448; OAR 660-033-0120; and 0130(5) & (14)]*
Home occupations and home businesses shall comply with the following standards, in addition to any applicable standards in Section 6.4.4(C) and (D). In case of conflict between this Section and any other Chapter of this Ordinance, this Section prevails.

1) The home occupation shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

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

3) The home occupation shall employ on the site no more than five (5) full-time or part-time persons.

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

F) ***Winery*** *[ORS 215.452; 215.283(1)(q); OAR 660-033-0120]*
A winery may be approved as a Type ~~2~~ 1 use when it complies with the following:

1) The "winery" is a facility that produces wine with a maximum annual production of:

a) Less than 50,000 gallons and that:

i) Owns an on-site vineyard of at least 15 acres;
ii) Owns a contiguous vineyard of at least 15 acres;

iii) 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

iv) Obtains grapes from any combination of paragraphs (i), (ii), or (iii) above; or

b) At least 50,000 gallons and no more than 100,000 gallons and that:

i) Owns an on-site vineyard of at least 40 acres;
ii) Owns a contiguous vineyard of at least 40 acres;
iii) 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
iv) Obtains grapes from any combination of paragraphs (i), (ii), or (iii) above.

2) Prior to the issuance of a Type ~~2~~ 1 permit to establish a winery, the applicant must show that a qualifying vineyard described in subsection (1) above has been planted or that the contract has been executed, as applicable.

3) Product sales at a winery approved in accordance with this Section will 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 as defined in Chapter 13.

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

4) When reviewing an application for a Type ~~2~~ 1 winery permit, the County will adopt findings addressing the applicable standards included in subsection (1) (a) or (b) above and paragraphs (4)(a) and (b) below. Standards imposed on the siting of a winery must 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.

G) ***Landscaping Business*** *[ORS 215.283(2)(z)]*
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 may be approved through a Type 2 permit.

4.2.8 Mineral, Aggregate, Oil and Gas Use Regulations

A) ***Exploration for and Production of Geothermal Resources, Oil and Gas*** *[ORS 520.005 and 522.005 (definitions); 215.283(1)(g); 215.298; OAR 660-033-0120]* See definitions in Chapter 13.

1) The use may include the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to the wellhead.

2) Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732(1)(a) or (b).

B) ***Exploration for Minerals*** *[ORS 517.750 (definition); 215.283(1)(h); OAR 660-033-0120]* Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732(1)(a) or (b). See definitions in Chapter 13.

C) ***Mining, Crushing, or Stockpiling of Aggregate and Other Mineral and Subsurface Resources*** *[ORS 215.283(2)(b)(B); 215.298(3) definition; OAR 660-033-0120 and 0130(5)]*:

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 (1) acre.

2) A permit for mining may be approved only for resources found to be significant pursuant to Statewide Planning Goal 5. *[Beaver State Sand and Gravel, Inc. v. Douglas Co., LUBA No. 2002-065; A119715]*

D) ***Processing of Aggregate Into Asphalt or Portland Cement*** *[ORS 215.283(2)(b)(C); 517.750 (definition); OAR 660-033-0120 and 0130(5) & (15)]*
The use is not allowed within two (2) miles of a planted vineyard. Planted vineyard means one (1) or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

4.2.9 Transportation Use Regulations

A) ***Personal Use Airports*** *[ORS 215.283(2)(h); 836.610-630; OAR 660-033-0120 and 0130(5) & (7)]*
A personal use airport is 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. Exemption 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.

B) ***Roads, Highways, and Other Transportation Facilities and Improvements***

1) Accessory transportation improvements for a use allowed or conditionally allowed, as listed in OAR 660-012-0065(3)(a), may be allowed, subject to the same procedures, standards and requirements applicable to the use to which they are accessory.

2) Roads, highways, and other transportation facilities and improvements that are listed in OAR 660-012-0065(3)(c) through (o) may be allowed as Type 2 uses. Uses listed in OAR 660-012-0065(3)(d) to (g) and (o) are also subject to the requirements of OAR 660-012-0065(5).

3) Roads, highways, and other transportation facilities and improvements not listed in OAR 660-012-0065 may be established subject to Type 4 review, adoption of an exception to Goal 3 (Agricultural Lands) and to any other applicable goal with which the facility or improvement does not comply, and compliance with OAR 660-012-0070.

4.2.10 Utility/Solid Waste Use Regulations

A) ***Composting Facilities for Which a Permit Has Been Granted*** *[ORS 215.283(2)(k); 459.245; OAR 340-096-0020, 0024; 660-033-0120; and 0130(5), (18), & (29)]* 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.

G) ***Solid Waste Disposal Site Ordered Established by the EQC*** *(ORS 459.049, 215.283(1)(i))* Use requires evidence of EQC order, and that the operation includes equipment, facilities or buildings necessary for the operation.[5]

C) ***Commercial Utility Facilities to Generate Power for Public Use by Sale*** *[ORS 215.283(2)(g); OAR 660-033-0120 and 0130(5), (17) & (22)]*

1) 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.

2) On land identified as high-value farmland, a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4.

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D) ***Utility Facilities Necessary for Public Service*** *[ORS 215.275; 215.283(1)(d); OAR 660-033-0120; and 0130(16)]*

1) A utility facility is necessary for public service if the facility must be sited in the EFU 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 zone due to one (1) 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 (1) 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) in the EFU zone 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.

E) ***Utility Facility Service Lines*** *[ORS 215.283(1)(x); OAR 660-033-0120; and 0130(32)]* 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.

F) ***Solid Waste Disposal Site Which Requires a Permit*** *[ORS 215.283(2)(k); 459.245; OAR 660-033-0120; and 0130(5) & (18)]* This provision includes equipment, facilities or buildings necessary for operation.

1) A permit for the proposed site and operation has been granted by the Department of Environmental Quality under ORS 459.245.

2) The equipment and facilities shall be necessary to the operation of the solid waste disposal site.

4.2.11 Parks/Public/Quasi-Public Use Regulations

A) ***Campgrounds*** *[ORS 215.283(2)(c); OAR 660-033-0120; and 0130(5), (18) & (19)]* Approval of a campground is subject to the following standards:

1) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three (3) 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. 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.

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 Chapter, does not include off-road vehicle or other motorized recreation use. 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 zoning district shall not include intensively developed recreational

uses such as swimming pools, tennis courts, retail stores, or gas stations.

4) 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 (5) below.

5) No more than one-third (1/3) 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.

6) Plans for water supply and sewage disposal shall be approved by the State Health Division and the Department of Environmental Quality. Evidence shall be provided that the campground will be eligible for a certificate of sanitation as required by the Oregon Department of Environmental Quality.

B) ***Churches and Cemeteries*** *[ORS 215.283(1)(b) & 215.441; OAR 660-033-0120; and 0130(2) & (18)]*
Churches or cemeteries in conjunction with churches, consistent with ORS 215.441, shall not be approved within three (3) miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved. However, existing facilities wholly within the EFU District may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

C) ***Golf Course*** *[ORS 215.283(2)(f); OAR 660-033-0120; and 0130(5), (18) & (20)]*
Golf courses permitted in the EFU District are nine (9) or 18 hole regulation golf courses, or a combination nine (9) and 18 hole regulation golf course, that comply with all of the following standards:

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 nine (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 in the EFU zoning District. A non-regulation golf course is a golf course or golf course-like development that does not meet the definition of golf course in paragraphs (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 are 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. 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; housing.

b) Accessory uses shall be limited in size and orientation to 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;

5) The golf course owner shall provide buffering from adjacent farm and forest land as needed. This buffering may include trees, netting, fencing, or other devices found to be adequate and necessary by the County;

6) On high value farm land, an existing golf course may be maintained, enhanced, or expanded on the same tract, consistent with the requirements of this Section, and subject to Section 4.2.3, but shall not be expanded to exceed 36 total holes.

D) ***Land Application of Biosolids*** *[ORS 215.246, 215.247, 215.249, 215.251, 215.283(1)(z); OAR 660-033-0130(11)]*

1) The land application of reclaimed water (OAR 340-055-0010(8) definition), agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone under OAR 660-033, may be allowed subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095. The uses allowed under this Section require 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.

The transportation of biosolids by vehicle to a tract and the subsequent land application of the biosolids on that tract is permitted as a Type 1 use, and is not a land use decision. An application for the transportation and land application of reclaimed water, agricultural or industrial process water, or for the land application of biosolids not transported to the application site by vehicle shall be processed as a Type 2 use.

2) The 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;

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 complies with Section 4.2.10(C)(3); and

d) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.

3) 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 4.2.10(D).

4) If the application is considered at a public hearing, prior to the County making a final decision the applicant shall explain in writing how 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.

5) 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;
c) The different use of the tract is a farm use as defined in ORS 215.203; 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).

E) ***Living History Museum*** *[ORS 215.283(2)(x); OAR 660-033-0120; and 0130(5) & (21)]* 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 located within authentic buildings of the depicted historic period or the museum administration building, if areas other than the EFU 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 County governing body and organized under ORS Chapter 65.

F) ***On-Site Filming and Accessory Activities for 45 Days or Less*** *[ORS 215.306(3) and (4); OAR 660-033-0120]*

1) The use includes:

a) Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site 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.

3) The use is permitted, provided these activities:

a) Will involve no more than 45 days on any site within a one (1)-year period; and,
b) Will not involve erection of sets that would remain in place for longer than any 45-day period.

G) ***On-Site Filming and Accessory Activities for More Than 45 Days*** *[ORS 215.306(3)(b) & (4); OAR 660-033-0120; and 0130(5)]*

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(1)-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 on-site 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.

H) ***Public Local Parks*** *[ORS 195.120; 215.283(2)(d); OAR 660-033-0120; and 0130(5)]*

1) For purposes of this Section, "public local park" means a park owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local community.

2) Lawful uses in existence in public local parks on July 15, 1998, may continue as otherwise provided by this Ordinance.

3) If a public local park is within a Jackson County Public Park (JCPP) Overlay, or is otherwise subject to a public park master plan adopted pursuant to Section 3.7.4, those uses approved in the master plan or subsequent amendments to it are permitted as Type 1 uses.

4) If a public local park is not subject to a public park master plan adopted pursuant to Section 3.7.4, the uses in such park shall be limited to those otherwise allowed in the EFU zone, unless an exception to Statewide Planning Goal 3, and any other goal which would prohibit the use, is adopted pursuant to ORS 197.732 and OAR Chapter 660, Division 4. Uses are subject to the review procedures and additional regulations listed in Table 4.2-1.

I) ***Public or Private Schools*** *[ORS 215.283(1)(a); OAR 660-033-0120; 0130(2) & (18); Warburton v. Harney County, LUBA No. 2000-096]*

1) Public or private schools includes all buildings essential to school operation.

2) Public or private schools and school facilities shall not be approved within three (3) miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved. Existing facilities wholly within the EFU District may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

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) ***Takeoff and Landing Sites for Model Aircraft*** *[ORS 215.283(1)(t); OAR 660-033-0120; and 0130(26)]*
Buildings and facilities shall be no more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. 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.

K) ***Community Centers*** *[ORS 215.283(2)(e)]*
A existing community center in an EFU zone may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, provided the facility that was in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

J) ***Law Enforcement Facility*** *[ORS 215.283(1)(z)]*
A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135 is a permitted use.

4.2.12 Land Divisions
Procedures and approval criteria for land divisions in the resource districts are set out in Section 3.3 and 10.3. Unless this Section specifically provides otherwise, the minimum size of a new parcel shall be 80 acres. Compliance with the minimum parcel size does not mean that a dwelling in conjunction with a farm use may be approved by right on that parcel. New parcels less than the 80 acre minimum lot size may be approved subject to the requirements of Section 3.3 and the following:

A) A new parcel may be created for nonfarm uses listed in ORS 215.283(2), other than a dwelling, upon a finding that the parcel for the nonfarm use is not larger than the minimum size necessary for the use, and the lot is large enough to provide for a minimum setback of 200 feet from the residual farm land. *[See ORS 215.263(3)]*

B) Up to two new parcels may be created, each to contain a nonfarm dwelling, if:

1) The nonfarm dwellings have been approved under Section 4.2.6(H);

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 complies with the 80 acre minimum lot size;

4) The remainder of the original lot or parcel that does not contain the nonfarm dwellings will comply with the 80 acre minimum lot 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. *[ORS 215.263(4)(a)]*

C) A parcel may be partitioned into two (2) lots, each to contain one nonfarm dwelling if:

1) The nonfarm dwellings have been approved under Section 4.2.6(H);

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 equal to or smaller than the 80 acre minimum parcel size, but equal to or larger than 40 acres;

4) The parcels for the nonfarm dwellings are:

a) Not capable of producing 50 cubic feet or more per acre per year of wood fiber; and
b) Composed of at least 90 percent Class VI through VIII soils.

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. *[ORS 215.263(4)(b)(D)(i)]*

D) A new parcel which contains an existing dwelling to be used as a residential home under Section 4.2.6(J) may be created only if the existing dwelling has

been approved as a nonfarm dwelling under Section 4.2.6(H). *[ORS 215.263(9)(a)]*

E) 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. *[ORS 215.263(9)(b)]*

F) 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, providing:

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 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. *[ORS 215.263(10)]*

3) As a condition of approval, the landowner is required to 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 or action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *[ORS 215.265]*

G) A land division creating a parcel below the minimum parcel size may be approved if:

1) The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

2) The church has been approved under Section 4.2.11(B);

3) The newly created lot or parcel for the church is not larger than five (5) acres; and

4) The remaining lot or parcel, not including the church, meets the 80 acre minimum lot or parcel size either by itself or after it is consolidated with another lot or parcel. *[ORS 215.263(11)]*

H) A division of land to create a parcel for a nonfarm use under subsections (A) through (G) of this Section may not be approved unless any additional tax imposed for the change in use has been paid. *[ORS 215.263(12)]*

I) A land division may not be approved for the purpose of creating a new parcel for a farm assistance dwelling for relatives approved under Section 4.2.6(D) or a temporary hardship dwelling approved under Section 4.2.6(G), or if it would have the effect of separating a farm crop processing facility approved under Section 4.2.4(A) from the farm operation that provides at least one-quarter (¼) of the farm crops processed at the facility. *[ORS 215.263(8)]*

J) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water or biosolids as described under Section 4.2.11(D). *[ORS 215.249]*

K) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established. *[ORS 215.263(6)]*

L) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property. *[ORS 215.263 (7)]*

M) A new parcel which contains an existing dwelling to be used as a registered child care facility or certified group child care home under Section 4.2.6(k) may be created only if the existing dwelling has been approved as a nonfarm dwelling under Section 4.2.6(H). *[ORS 657A.440(3)(c); ORS 215.263(9)(a)]*

4.3 FOREST RESOURCE (FR) DISTRICTS

4.3.1 Purpose

The purpose of the Forest Resource (FR) zoning Districts is to conserve forest lands. This Section implements Statewide Planning Goal 4 (Forest Lands) and OAR 660.006.

4.3.2 Application

Various zoning districts are applied to areas that are identified as forest land by the Jackson County Comprehensive Plan. These lands are designated in the Comprehensive Plan and on the comprehensive plan map(s) as Forest Open Space (FOS). The adopted Zoning map(s) divide the FOS designated lands into three (3) zoning districts; Forest Resource (FR), Woodland Resource (WR), and Open Space Reserve (OSR).

4.3.3 Table of Permitted Uses[6]

Table 4.3-1 sets forth the uses allowed subject to Type 1, 2, 3, or 4 approval procedures in the forest districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 2, 3 or 4 review, unless otherwise specified on Table 4.3-1.

A) ***Type 1***
A "1" in the Table indicates that a use is allowed by-right, provided it complies with any standards listed in the "*See Also*" column.

B) ***Type 2***
A "2" in the Table indicates that a use is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3.

C) ***Type 3***
A "3" in the Table indicates that a use may be conditionally allowed, subject to review and approval in accordance with the Type 3 review procedures and approval criteria of Section 3.1.4.

D) ***Type 4***
A "4" in the Table indicates that the use is subject to review and approval by the Planning Commission and Board of County Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5.

E) ***Numerical References***
The numbers contained in the "*See Also*" column are references to additional standards and requirements that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8 and 9.

G) ***Accessory Uses and Structures***
Accessory uses and structures are allowed in all zoning districts (Section 6.4).

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

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
FARM AND FOREST USES				
1	Farm use	1	ORS 215.203 (definition);OAR 660-006-0025(3)(b)	
2	Forest operations or practices including (not limited to), reforestation of forest land, road construction & maintenance, harvesting of forest tree species, application of chemicals, & disposal of slash	1	ORS Chapter 527; OAR 660-006-0025(2)(a)	
3	Temporary auxiliary structures for a forest operation	1	ORS Chapter 527; OAR 660-006-0025(2)(b)	4.3.5(D)
4	Physical alterations to land auxiliary to forest practices	1	ORS Chapter 527; OAR 660-006-0025(2)(c)	4.3.5(B)
5	Temporary facility for primary processing of forest products	2	OAR 660-06-0025(3)(d)	4.3.5(C)
6	Permanent facility for primary processing of forest products	2	OAR 660-006-0025(4)(a) and (5)	4.3.4; 4.3.12 See definition Chapter 13
7	Permanent logging equipment repair and storage	2	OAR 660-006-0025(4)(b) and (5)	4.3.4; 4.3.12
8	Log scaling and weigh stations	2	OAR 660-006-0025(4)(c) & (5)	4.3.4; 4.3.12
9	Forest management research experimentation facilities as defined, or where accessory to forest operations	2	ORS 526.215 (definition);OAR 660-006-0025(4)(x) & (5)	4.3.4; 4.3.5(A) 4.3.12
10	Temporary forest labor camps	1	OAR 660-006-0025(3)(l)	See definition Chapter 13
NATURAL RESOURCE USES				
11	Uses to conserve soil, air & water quality, & to provide for wildlife & fish resources	1	OAR 660-006-0025(3)(a)	
12	Uninhabitable structures accessory to fish and wildlife enhancement	1	OAR 660-006-0025(3)(k)	
RESIDENTIAL USES				
13	Large tract forest dwelling	2	ORS 215.740;OAR 660-006-0027(1)(e)(B) & (4)-(6)	4.3.6(C); 4.3.12
14	Forest template dwelling	2	ORS 215.750(1), (3)-(6); OAR 660-006-0027(1)(f), (h) -(i), and (2)-(5)	4.3.6(B); 4.3.12

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
15	Ownership of record dwelling	2	ORS 215.705(1), (5)-(7); ORS 215.720 (1)(a) and (2); OAR 660-006-0027 (1)(a)-(d), (4) & (5)	4.3.6(D); 4.3.12
16	Alteration, restoration or replacement of a lawfully established dwelling	1 or 2	ORS 215.755(1);OAR 660-006-0025(3)(p)	4.3.6(A); 4.3.12
17	Registered child care facility/certified group child care home	1	ORS 657A.440	4.3.6(F)
18	Temporary medical hardship dwelling	2	ORS 215.755(2); OAR 660-006-0025(4)(t) & (5)	4.3.4; 4.3.6(E); 4.3.12; 6.5.3(G)
19	Caretaker residence for public parks and fish hatcheries	2	ORS 215.755(3); OAR 660-006-0025(3)(j)	4.3.12
COMMERCIAL USES				
20	Large Destination Resort	4	ORS 197.435 - .467; OAR 660-006-0025(3)(n)	4.3.12, 7.1.5
21	Small Destination Resort	4	ORS 197.435 -.467; OAR 660-006-0025(3)(n)	4.3.12, 7.1.5
22	Home occupation/Home business	2	OAR 660-006-0025(4)(s) & (5); ORS 215.448 (definition)	4.3.4; 4.3.7(A) 6.4.4(C) & (D)
MINERAL, AGGREGATE, OIL, AND GAS USES				
23	Exploration for mineral and aggregate resources as defined in ORS 517	1	ORS 517.750; OAR 660-006-0025(3)(e)	
24	Exploration for and production of geo-thermal, gas, oil,	1, 2 if includes produc-tion	ORS 520.005, 522.005; OAR 660-006-0025(3)(m)	4.4.8
25	Mining & processing of oil & gas <u>not other wise permitted</u> under this Section (e.g., compressors, separators & storage serv-ing multiple wells); & **mining & proces-sing of aggregate & mineral resources**	3	ORS 517.750 (definition), 520 (definition) 522.005; OAR 660-006-0025(4)(g) and (5)	4.3.4; 4.4.8 6.3.4(A)
26	Temporary asphalt and concrete batch plants, accessory to specific public road or highway projects	2	OAR 660-006-0025(4)(r) and (5)	4.3.4; 4.4.8 6.3.4(A)
TRANSPORTATION USES				
27	Expansion of existing airports	2	OAR 660-006-0025(4)(u) and (5)	4.3.4;

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
28	Widening of roads within existing rights-of-way and public road & highway projects listed in ORS 215.283(1)(k)-(n)	1	ORS 215.283(1)(k)-(n)(definition); OAR 660-006-0025(3)(h)	4.3.8(A)
29	Public road and highway projects listed in ORS 215.283(2)(q)-(s) and (3)	2 or 4	ORS 215.283(2)(p)-(r) and (3); OAR 660-006-0025(4)(v), (5) & 012-0065 & 0070	4.3.4; 4.3.8(B)
30	Aids to navigation and aviation	2	OAR 660-006-0025(4)(k) and (5)	4.3.4
UTILITY/SOLID WASTE DISPOSAL FACILITIES				
31	Local distribution lines (e.g., electric, telephone, natural gas) & accessory equipment (e g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups	1	OAR 660-006-0025(3)(c)	
32	New electric transmission lines with right-of-way widths of up to 100 feet. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width	3	OAR 660-006-0025(4)(q) and (5);ORS 772.210	4.3.4
33	Television, microwave & radio communication facilities and transmission (telecommunications) towers	2	OAR 660-006-0025(4)(h) and (5)	4.3.4; 4.3.12 6.3.6(A)
34	Telecommunications tower co-location of antennae	1		4.3.12; 6.3.6(A)
35	Utility facilities for generating power	2	OAR 660-006-0025(4)(j) and (5)	4.3.4; 4.3.9(A); 4.3.12; 6.3.6(B)
36	Towers and fire stations for forest fire protection	1	OAR 660-006-0025(3)(g)	4.3.12
37	Fire stations for rural fire protection	2	OAR 660-006-0025(4)(i) and (5)	4.3.4; 4.3.12
38	Water intake facilities, canals & distr.-bunion lines for farm irrigation & ponds	1	OAR 660-006-0025(3)(i)	
39	Water intake facilities, related treatment facilities, pumping stations, & distribution lines for nonfarm use	2	OAR 660-006-0025(4)(l) and (5)	4.3.4
40	Reservoirs and water impoundments	2	OAR 660-006-0025(4)(m) and (5)	4.3.4

TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
41	**Solid waste disposal** site ordered established by the Oregon EQC (ORS 459.049), with equipment, facilities or buildings necessary for its operation	1	ORS 459.049; OAR 660-006-0025(3)(o)	6.3.6(C)(2)
42	**Solid waste disposal** site for which a permit is required from the Oregon DEQ (ORS 459.245), with equipment, facilities or buildings necessary for its operation	4	OAR 660-006-0025(4)(d) and (5)	4.3.4; 6.3.6(C)(2)
43	**Modification** of waste related use	2		6.3.5(D)
PARKS/PUBLIC/QUASI-PUBLIC USES				
44	Public parks including only those uses specified under OAR 660-034-0035	2	OAR 660-006-0025(4)(f), (5); 034-0035 & 0040	4.3.4; 4.3.10(D); 4.3.12
45	Private parks	2	OAR 660-006-0025(4)(e) and (5)	4.3.4
46	Campgrounds	3	OAR 660-006-0025(4)(e) and (5)	4.3.4; 4.3.10(A)
47	Private hunting and fishing operations without any lodging accommodations	1	OAR 660-006-0025(3)(f)	
48	Private accommodations for fishing occupied on a temporary basis	2	OAR 660-006-0025(4)(w) and (5)	4.3.4, 4.3.12 4.3.10(B),
49	Private seasonal accommodations for fee hunting operations	2	OAR 660-006-0025(4)(p) and (5)	4.3.4; 4.3.12 4.3.10(C)
~~45~~ 50	Youth camp	2	OAR 660-006-0031	4.3.4(A); 4.3.10(E)
51	Firearms training facility	2	OAR 660-006-0025(4)(n) and (5)	4.3.4; 4.3.12
52	Cemeteries	2	OAR 660-006-0025(4)(o) and (5)	4.3.4
OUTDOOR GATHERING USES				
53	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	ORS 197.015(10)(d); ORS 433.735;OAR 660-006-0025(3)(q)	6.5.3(J)
54	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	OAR 660-006-0025(4)(y) & (5) ORS 433.735(1) and .763	4.3.4; 6.5.3(J)

4.3.4 General Review Criteria for Type 2-4 Permits

The use shall be approved only when the following findings can be made:

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

B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. Further, it must be demonstrated that the use will comply with the fire safety requirements in Section 8.7.

A written statement must be recorded in the public records with the deed or written contract, or its equivalent must be obtained from the land owner, which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. *[OAR 660-006-0025(5)]*

4.3.5 Farm and Forest Use Regulations

A) ***Forest Management Research and Experimentation Facilities*** *[ORS 526.215 (definition);OAR 660-006-0025(4)(x) & (5)]*
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.

B) ***Physical Alterations to Land Auxiliary to Forest Practices*** *[ORS Chapter 527; OAR 660-006-0025(2)(c)]*
For purposes of this Section, "auxiliary" means a use or alteration of land that provides help or is directly associated with the conduct of a particular forest site. Alterations include, but are not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. *[OAR 660-006-0025(2)(d)]*

C) ***Temporary Facility for Primary Processing of Forest Products*** *[OAR 660-06-0025(3)(d)]*
The primary processing of a forest product, for purposes of this Ordinance, 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. This use is subject to the following standards:

1) The processing facility shall be located on, or on a parcel contiguous to, the parcel on which the forest products are grown.

2) The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses in the area.

3) The use is intended to be portable or temporary in nature and may be approved for a one (1)-year period which is renewable.

D) ***Temporary Auxiliary Forest Use Structures*** *[ORS Chapter 527; OAR 660-006-0025(2)(b)]*
For purposes of this Section, "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 site. An auxiliary structure shall be located on site, be temporary in nature, and shall not be designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use shall be removed when a particular forest practice has concluded. *[OAR 660-006-0025(2)(d)]*

4.3.6 Residential Use Regulations

A) ***Alteration, Restoration or Replacement of a Lawfully Established Dwelling*** *[ORS 215.755(1);OAR 660-006-0025(3)(p)]*

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) If the dwelling is being replaced, the original dwelling must be removed, demolished or converted to an allowable nonresidential use within three (3) months of the completion of the replacement dwelling.

3) The dwelling being replaced shall not have been established as a temporary medical hardship dwelling. However, at such time as the permit for the temporary medical hardship dwelling expires, the temporary dwelling may replace the permanent dwelling provided the permanent dwelling is removed, demolished or converted to an allowable use pursuant to the regulations stated above.

4) If the location of the replacement dwelling will be more than 100 feet from the dwelling to be replaced, the replacement dwelling will be subject to the standards in Section 4.3.12 under a Type 2 review.

B) ***Forest Template Dwelling*** *[ORS 215.750(1) and (3)-(6); OAR 660-006-0027(1)(f), (h)-(i), and (2)-(5)]*
Dwellings, as referenced in this section, must meet the standards listed in Section 4.3.6(A)(1). A forest template dwelling may be allowed if it complies with all of the following requirements. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under this Section.

1) The tract on which the dwelling will be sited does not include a dwelling **(as defined in Section 4.3.6(A)(1)**;

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 49 cubic feet per acre per year of wood fiber and all or part of at least three (3) 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 (3) dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels;

b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber and all or part of at least seven (7) 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 (3) dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels; or,

c) Capable of producing more than 85 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 (3) dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

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 rectangle in accordance with subsection (3) above. However, one (1) of the three (3) 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.

5) If a road crosses the tract on which the dwelling will be sited, at least one (1) of the three (3) 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. Where the Comprehensive Plan or this Ordinance require a dwelling be located in a 160-acre square or rectangle, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the square or rectangle; 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.

C) ***Large Tract Forest Dwelling*** *[ORS 215.740;OAR 660-006-0027(1)(e)(B) & (4)-(6)]*
A large tract forest dwelling may be allowed, if it complies with the following:

1) The dwelling will be sited on a tract:

   a) Of at least 160 contiguous acres; or
   b) That is part of at least 200 noncontiguous acres comprised of two (2) or more tracts in one ownership that are located in Jackson 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. 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.

D) ***Ownership of Record Dwelling*** *[ORS 215.705(1), (5)-(7); 215.720 (1)(a) and (2); OAR 660-006-0027 (1)(a)-(d), (4) & (5)]*
A dwelling may be approved if:

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) 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 5,000 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 that provides or will provide access to the subject tract. The road shall not be a U.S. Bureau of Land Management (BLM) or U.S. Forest Service (USFS) road, except as provided in OAR 660-006-0027;[7]

7) When the lot or parcel on which the dwelling will be sited lies within a designated deer and elk habitat area, the siting of the dwelling shall be consistent with ~~the limitations on density in~~ Section 7.1.1(C);

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. Consolidation prior to the issuance of a building permit shall be a condition of approval.

10) No dwellings will be allowed on the remaining portion of the tract that is consolidated into a single lot or parcel. Irrevocable deed restrictions, precluding all future rights to construct a dwelling on the consolidated remainder lot or parcel or to use the remainder lot or parcel 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 land, shall be recorded with the deed fo each lot and parcel; and

11) If a dwelling is approved pursuant to the requirements of this Section, the application 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.

E) *Temporary Medical Hardship Dwelling [ORS 215.755(2); OAR 660-006-0025(4)(t) & (5)]*

1) One (1) manufactured dwelling or recreational vehicle, or the temporary use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of hardship

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suffered by the existing resident or a relative of the resident subject to the requirements of Section 6.5.3(G); and

2) The temporary dwelling will be used to care for the resident, or a relative of the resident, defined as a parent, child, grandparent, stepparent, stepgrandparent, stepbrother, stepsister, niece, nephew, first cousin, grandchild, brother, or sister of the existing residents, for the term of a hardship suffered by the resident or the relative. For purposes of this Section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

F) *Registered Child Care Facility/Certified Group Child Care Home [ORS 657A.440]*

1) A registered child care facility or certified group child care home may be allowed if it meets the following standards:

a) The use will take place in an existing dwelling.
b) Child care will be offered in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.

4.3.7 Commercial Use Regulations

A) ***Home Occupation and Home Business*** *[ORS 215.448 (definition); OAR 660-006-0025(4)(s) & (5); 033-0120 & 0130(14)]*

Home occupations and home businesses shall comply with the following standards, in addition to any applicable standards in Section 6.4.4(C) and (D). In case of conflict between this Section and any other Chapter of this ordinance, this Section shall prevail:

1) The home occupation shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

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

3) The home occupation shall employ on the site no more than five (5) full-time or part-time persons.

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

4.3.8 Transportation Use Regulations

A) ***Widening Roads Within Existing Rights-of-Way and Public Road & Highway Projects Listed in ORS 215.283(1)(k)-(n)*** *[ORS 215.283(1)(k)-(n)(definition); OAR 660-006-0025(3)(h)]*

Widening of roads within existing rights-of-way must be in conformance with the Transportation Element of the Jackson County Comprehensive Plan. The public road and highway projects listed in ORS 215.283(1)(k)-(n) are:

1) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

2) Reconstruction or modification of public roads and highways including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result;

3) Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed; and

4) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within rights-of-way existing as of July 1, 1987, and contiguous public-owned property used to support the operation and maintenance of public roads and highways.

B) ***Public Road and Highway Projects*** *[See ORS 215.283(2)(p)-(r) and (3); OAR 660-012-0065; OAR 660-006-0025(4)(v) and (5)]*:

1) This use includes the following, which may be allowed subject to Type 2 review:

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 roads 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; and

d) Other transportation improvements listed in OAR 660-012-0065(3). Uses listed in OAR 660-012-0065(3)(d) to (g) and (o) are also subject to the requirements of OAR 660-012-0065(5).

2) Roads, highways, and other transportation facilities and improvements not listed in Section 4.3.8(A) or (B)(1) or OAR 660-012-0065 may be established subject to Type 4 review, adoption of an exception to Goal 4 (Forest Lands) and to any other applicable goal with which the facility or improvement does not comply, and compliance with OAR 660-012-0070.

4.3.9 Utility/Solid Waste Use Regulations

A) ***Utility Facilities for Power Generation*** *[OAR 660-006-0025(4)(j) and (5)]*

A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.

4.3.10 Parks/Public/Quasi-Public Use Regulations

A) ***Campgrounds*** *[OAR 660-006-0025(4)(e) and (5)]*

1) Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three (3) 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) 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, or recreational vehicle. Separate sewer, water, or electric service hook-ups shall not be provided to individual camp sites.

5) Campgrounds authorized by this Section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

6) 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.

B) ***Private Temporary Fishing Accommodations*** *[OAR 660-006-0025(4)(w) & (5)]:*

1) Accommodations are 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 temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

4) Accommodations must be located within one-quarter (¼) mile of fish bearing Class 1 waters.

C) ***Private Fee Hunting Accommodations*** *[OAR 660-006-0025(4)(p), (5)]:*

1) Accommodations are 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 may only be occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

D) ***Public Parks*** *[OAR 660-006-0025(4)(f) and (5);OAR 660-034-0035; and 0040]*

1) Lawful uses in existence in public local parks on July 15, 1998, may continue as otherwise provided by this Ordinance.

2) If a public local park is within a Jackson County Public Park (JCPP) Overlay, or is otherwise subject to a public park master plan adopted pursuant to Section 3.7.4, those uses approved in the master plan or subsequent amendments to it are permitted as Type 1 uses.

3) If a public local park is not subject to a park master plan adopted pursuant to Section 3.7.4, the uses in such park shall be limited to those otherwise allowed in the FR zone, unless an exception to Statewide Planning Goal 4, and any other goal which would prohibit the use, is adopted pursuant to ORS 197.732 and OAR Chapter 660, Division 4. Uses are subject to the review procedure and additional regulations listed in Table 4.3-1.

E) ***Youth Camps*** *[OAR 660-006-0031]*

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 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 youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff. However, the number of overnight participants may exceed 350 for up to eight (8) nights during the calendar year if approved by the County.

2) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

3) A private park or campground 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 40 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.

4.3.11 Land Divisions

Unless this Section specifically provides otherwise, the minimum size of a new parcel shall be 80 acres or one-eighth (1/8) Section. New parcels less than the 80 acre minimum lot size may be approved subject to the requirements of Section 3.3 and the following:

A) A new parcel may be created for uses listed in Table 4.3-1 and numbered 6 through 8, 20, 21, 24, 25, 30, 33, 34, 35, 37, 38, 40 through 45, 50 and 51 (OAR 660-006-0025, (3), (m-o) and (4) (a-o)), provided that such uses have been approved pursuant to the required approval process. The parcel that is created shall be the minimum size necessary for the use. *[OAR 660-006-0026(2)(a)]*

B) A new parcel may be created for an existing dwelling subject to the following requirements: *[ORS 215.780(4 2)(b) and OAR 660-006-0026(2)(b)]*

1) The new parcel shall not be larger than five (5) acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;

2) The dwelling existed prior to June 1, 1995;

3) The remaining parcel, or portion of the parcel zoned for resource use, 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, or remains unchanged as to the amount of land zoned for resource use; and

b) Is not entitled to a dwelling unless subsequently authorized by law or goal.

4) The applicant for a division under this Section shall provide evidence that a restrictive deed declaration has been recorded as to the remaining parcel with the Jackson County Clerk, which prohibits dwellings, unless authorized by law or goal. 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 Goals pertaining to agricultural land or forest land; and

5) The landowner 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.

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: *[ORS 215.780(2)(d) and OAR 660-006-0026(2)(c)]*

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 redesignation or rezoning of resource lands;

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 the 80 acre minimum lot or parcel size or the minimum size required for large tract forest dwellings approved under Section 4.3.6(C); and

6) The landowner 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.

D) When there is more than one (1) dwelling on a parcel, a new parcel may be created for each dwelling if the following requirements are met: *[ORS 215.780(2)(e) and OAR 660-006-0026(2)(d)]*

1) At least two (2) 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 Section 4.3.6(A);

3) Except for one (1) lot or parcel, each lot or parcel created will be between two (2) and five (5) acres in size;

4) At least one (1) dwelling will be located on each lot or parcel;

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

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; and

7) The landowner 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.

4.3.12 Siting Standards For Dwellings and Structures *[OAR 660-006-0029; 0035; and 0040; ORS 215.730]*

The following siting standards shall apply to all new dwellings and structures, except accessory structures within 100 feet of the principal dwelling, and replacement dwellings that will be within 100 feet of the existing dwelling. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

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, dwellings and structures is minimized; and,

4) The risks associated with wildfire are minimized.

B) Conditions of approval satisfying this Section may include 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) A dwelling shall not be sited on a slope of greater than 40 percent.

D) Dwellings and structures shall meet the fire safety requirements and guidelines outlined in Chapter 8.

E) The applicant must provide evidence of a domestic water supply. Authorization to appropriate groundwater for domestic use will be in accordance with Oregon Water Resources Department regulatory statutes (ORS 537.515 and 537.525) which allows the use of 15,000 gallons per day for domestic use and the watering of any lawn and/or non-commercial garden totaling one-half acre or less in area. A proposed use of water from a surface water source: stream, creek, river or lake must be evidenced by documentation of a right granted by the Oregon Water Resources department (ORS 537.130). If the domestic water supply is not provided by a public facility or taken from a well on the property or from a spring that meets the Oregon Water Resources Department definition of a water use exempt from the requirement for a water right (ORS 537.800), then the applicant must provide evidence of legal authorization to place domestic water lines across properties of affected owners. For the purposes of this subsection, evidence of a domestic water supply means:

1) A surface water right granted by the Oregon Water Resources department for the use described in the application; or

2) If the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, the applicant shall submit a copy of the Water Well Report that describes the construction of the well.

3) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water.

F) As a condition of approval, if the 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 a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

G) If the lot or parcel is more than 10 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 Planning ~~Department~~ **Division** shall 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 shall verify that the minimum stocking requirements have been met by the time required by

Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a Stocking Survey Report or where the survey report indicates that minimum stocking requirements have not been met.

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

H) As a condition of approval for a dwelling, the following declaration shall be recorded in the manner and format provided by the County:

"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. Jackson County shall be a party to this declaration which cannot be removed or modified without written consent of the County."

4.4 AGGREGATE REMOVAL (AR) DISTRICT

4.4.1 Purpose

The purpose of the Aggregate Removal (AR) District is to allow for the protection and utilization of aggregate and other mineral resources, and to ensure the reclamation of mined land.

4.4.2 Application

This zoning district will be applied to parcels, or portions of parcels, that have been determined by the Board of Commissioners to contain significant deposits of aggregate or other mineral resources through the Statewide Goal 5 planning process.

4.4.3 Table of Permitted Uses [8]

Table 4.4-1 sets forth the uses allowed subject to Type 1, 2, 3, or Type 4 approval procedures in the AR District. This Table applies to all new uses, expansions of existing uses, and changes of use except as otherwise specified in subsection (F), below.

A) ***Type 1***

A "1" in the Table indicates that a use is allowed by-right, provided it complies with any standards listed in the "*See Also*" column.

B) ***Type 2***

A "2" in the Table indicates that a use is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3.

C) ***Type 3***

A "3" in the Table indicates that a use may be conditionally allowed, subject to review and approval in accordance with the Type 3 review procedures and approval criteria of Section 3.1.4.

D) ***Type 4***

A "4" in the Table indicates that a use is subject to review and approval by the Planning Commission and Board of Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5.

E) ***Numerical References***

The numbers contained in the "*See Also*" column are references to additional standards and requirements that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8 and 9.

F) ***Expansion/Right to Continue Operations***

1) *Expansion*

An expanded use means the commencement of methods or processing measures such as crushing or blasting not previously performed on the premises, or expanded or new operations within the floodplain and/or floodway. Any expanded use of property for aggregate removal, mining or quarry operations or the processing of materials shall be considered a new use, subject to all of the

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

provisions of the Ordinance in effect at the time of expansion, and shall be reviewed under the procedures listed in Table 4.4-1.

2) *Interruption or Discontinuance*
Any use of a property for aggregate removal, mining, or quarry operations, or the processing of materials therefrom, may be continued and shall not be deemed to be interrupted or discontinued provided:

a) The owner or operator was issued and continuously renewed a DOGAMI operating permit, or received and maintained a DOGAMI exemption from mining regulations; and
b) The mining use was not inactive for a period of 12 consecutive years or more.
c) For purposes of this subsection, "inactive" means no aggregate materials were excavated, removed, crushed, stockpiled, or sold by the owner or operator of the operation. *[ORS 215.130(7)(b)]*

G) ***Accessory Uses and structures***
Accessory uses and structures are allowed in all zoning districts (Section 6.4).

TABLE 4.4-1: USE TABLE FOR AGGREGATE REMOVAL DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
FARM AND FOREST USES				
1	Agriculture (farm use)	1		
2	Managing, growing, harvesting timber and forest products	1		
RESIDENTIAL USES				
3	Single family dwelling, permanent	2		4.4.6(A)
4	Temporary single family dwelling, caretaker or site operator	1		4.4.6(B)
COMMERCIAL USES				
5	Auction services, temporary	1		4.4.7(A)
6	Destination Resort, large	4	ORS 197.435- .467	4.4.4; 4.4.5, 7.1.5
7	Destination Resort, small	4	ORS 197.435- .467	4.4.4; 4.4.5, 7.1.5
MINERAL, AGGREGATE, OIL, AND GAS USES				
8	Mining, processing & stockpiling aggregate, mineral & other subsurface resources	1		4.4.8(A)
9	Processing of aggregate from a new or expansion site at an existing processing site	1		4.4.8(A)
10	Equipment or structures accessory to mining operations	1		
11	Manufacture, fabrication & sale of concrete & aggregate products in conjunction with aggregate operations	1		
12	Processing and stockpiling of aggregate or mineral resources from offsite where processing and stockpiling of materials from on-site has been lawfully established.	1		4.4.8(A) 13.3(6)(H)
13	Processing and stockpiling of aggregate or mineral resources where no operating permit or preexisting use has been lawfully established.	2		4.4.5; 4.4.8(A) 13.3(6)(H)
14	Sedimentation ponds in conjunction with mining operations	1		
15	Storage or repair of heavy equipment in conjunction with a mining operation	1		
16	Emergency extraction	1		4.4.8(B)

TABLE 4.4-1: USE TABLE FOR AGGREGATE REMOVAL DISTRICT 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review				
#	USE	TYPE	STATE LAW REFERENCE	SEE ALSO
TRANSPORTATION USES				
17	Transportation improvements (all types)	1		6.3.5
UTILITY/SOLID WASTE DISPOSAL FACILITIES				
18	Freestanding transmission towers	2		6.3.6
19	Cell tower: stealth or co-location	1		6.3.6
20	Utility facilities	2		4.4.4; 4.4.5, 6.3.6
21	Sanitary landfill	4		4.4.4; 4.4.5, 6.3.6
22	Solid waste transfer station	3		4.4.4; 4.4.5, 6.3.6
PARKS/PUBLIC/QUASI-PUBLIC USES				
23	Bike paths	2		6.3.5
24	Park or playground	2		4.4.4, 4.4.5
25	Public works buildings and facilities	2		4.4.4; 4.4.5, 6.3.7
26	Firearm Training Facility/Shooting Range	2		6.3.7(A)

4.4.4 Restricted Uses

Destination resorts, parks, playgrounds, minor utility facilities, public works buildings and facilities, sanitary landfills and solid waste transfer stations are only allowed in conjunction with reclamation of the site, or upon a finding of no conflict with the existing or potential use of the property for aggregate or other mineral resource extraction.

4.4.5 General Review Criteria for Type 2-4 Permits

The use 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 the standards set forth in this subsection will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective. *[ORS 215.296; OAR 660-033-0030(5)]*

4.4.6 Residential Use Regulations

A) ***Permanent Single-Family Dwelling***

No more than one (1) permanent residence may be permitted. Approval is subject to findings that the request complies with one of the following:

1) Goals 3 or 4 do not apply, or

2) The dwelling meets the criteria for a dwelling in a farm or forest zone. In most cases, determination of which criteria apply shall be based on the former zoning of the property or the adjacent resource zoning district which abuts the largest percentage of the perimeter of the property on which the dwelling is proposed.

B) ***Temporary Dwelling***

No more than one (1) temporary manufactured dwelling that will be occupied by the caretaker or operator of an aggregate operation may be allowed. The residence must be removed when the aggregate operation is discontinued, unless the dwelling is approved as a permanent residence pursuant to the requirements of Section 4.4.6 (A), above.

4.4.7 Commercial Use Regulations

A) ***Temporary Estate Sales/Auctions***

Temporary estate sales or auctions to dispose of equipment used in a mining or processing operation are allowed for a maximum of three (3) days in any calendar year.

4.4.8 Mineral, Aggregate, Oil and Gas Use Regulations

A) ***Aggregate Mining and Processing***

Prior to commencement of new or expanded operations for mining, crushing, stockpiling or processing of aggregate or other mineral resources, evidence shall be submitted showing that the operation will comply with the following operating standards, in addition to any requirements and conditions that were placed on the site at the time it was designated AR, or that were otherwise required through the Goal 5 process, or approved through a mining permit issued by the County. In AR zones, if the Board Ordinance designating the site AR required a higher level of review than shown in Table 4.4-1, the review and noticing requirements of the Board Ordinance will be used.

1) All necessary County and state permits have been obtained, and a current Department of Geology and Mineral Industries (DOGAMI) operating permit has been issued. Equipment testing necessary to obtain permits is allowed.

2) All facets of the operation will be conducted in a manner that complies with applicable DEQ air quality, water quality and noise standards, and in conformance with the requirements of the DOGAMI permit for the site.

3) A site reclamation plan, approved by DOGAMI, has been submitted for inclusion in the Planning ~~Department~~ Division records. Such plan must return the land to natural condition, or return it to a state compatible with land uses allowed in the zoning district or otherwise identified through the Goal 5 review process.

4) A written statement from the County Road Department and/or ODOT has been submitted 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. The property owner or operator is

responsible for making all necessary road improvements, or must pay a fair share for such improvements if agreed to by the County Road Department or ODOT.

5) On-site roads and private roads from the operating area to a public road have been designed and constructed to accommodate the vehicles and equipment that will use them, and meet the following standards:

   a) All access roads within 100 feet of a paved public road are paved, unless the operator demonstrates that other methods of dust control will be implemented.
   b) All unpaved roads that will provide access to the site or that are within the operating area will be maintained in a dust-free condition at all points within 250 feet of a dwelling or other identified conflicting use.

6) 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 (½) mile of the site at least three (3) 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 (1) or more of the households within the notice area did not receive the notice.

7) The operation is insured for a minimum of $500,000 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 policy of such insurance which is in effect for a period of one (1) year shall be deposited with the County prior to commencing any operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.

8) The operation will observe the following minimum setbacks except where the operation is lawfully preexisting and encroachment within the prescribed setbacks has already occurred:

   a) No extraction or removal of aggregate/minerals will occur within 25 feet of the right-of-way of public roads or easements of private roads.
   b) Processing equipment, batch plants, and manufacturing and fabricating plants will 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 zoning district, unless written consent of the property owner(s) has been obtained.

9) If the aggregate removal and surface mining operation will take place within the Floodplain Overlay the requirements of Section 7.1.2 have been met.

10) Mining and processing activities, including excavated areas, stockpiles, equipment and internal roads, will be screened from the view of dwellings, scenic resources protected under ASC 90-9, and any other conflicting use identified through the Goal 5 process or Type 3 review. 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 planted six (6) feet on center and a height of six (6) feet at the commencement of the operation. An exemption to the screening requirements may be granted when the operator demonstrates any of the following:

    a) Supplied screening cannot obscure the operation due to local topography.
    b) There is insufficient overburden to create berms, and planted vegetation will not survive due to soil, water, or climatic conditions.
    c) The operation is temporary and will be removed, or the site will be reclaimed within 18 months of commencement.
    d) 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.

11) Existing trees and other natural vegetation adjacent to any public park, residential zoning district, or parcel on which a dwelling is situated will be preserved for a minimum width of 25 feet along the boundary of the property on which the operation is located.

12) Operations will observe the following hours of operation:

    a) Mining, processing, and hauling from the site are restricted to the hours of 6 a.m. to 7 p.m. Monday through Saturday. The hours of operation do not apply to hauling for public works projects.
    b) Neither mining, processing, nor hauling from the site will take place on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, and Christmas Day.
    c) An exemption to the hours of operation may be requested. Notice of the proposed change in operating hours must be provided to all property owners within 1,000 feet radius of the aggregate removal or surface mining operation, to residences within one-half (½) mile of the site, and to owners of property adjacent to private site access roads. If no request for a public hearing is made within 12 calendar days of mailing said notice, the operating hours can be changed as requested by the operator. If a request is made for a public hearing, adjustment of standard operating hours shall

be determined by the Hearings Officer, subject to findings that the proposal is consistent with the best interests of public health, safety, and welfare and that the operation will not conflict with other land uses.

B) ***Emergency Extraction***
The County may permit the immediate initiation of a temporary aggregate operation if necessary to prevent potentially serious damage to property or threat to human life. The operation may be initiated only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. If necessary, the County may adjust the operating standards as contained in Section 4.4.8(A) above. An aggregate operation approved under this Section shall cease once the threat to human life and property is no longer serious or imminent.

4.4.9 Land Divisions
The creation of a new parcel may be approved subject to Section 3.3 and the adoption of findings demonstrating compliance with the following standards:

A) A division of land in the AR District shall be shown to be appropriate for and necessary to the safe and efficient extraction of material, and reclamation of the site based on a specific proposed use.

B) The minimum size of a new parcel shall be 80 acres unless an exception has been taken to Goals 3 and/or 4.

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CHAPTER 5. ZONE DISTRICTS

5.1 GENERAL PROVISIONS

5.1.1 Purpose

These zoning regulations are established pursuant to Oregon Revised Statutes, Chapter 215, for the purpose of promoting the health, safety, and general welfare of the people of Jackson County, and to achieve the following objectives:

A) To implement the Statewide Planning Goals;

B) To implement the County Comprehensive Plan;

C) To provide a guide for the growth and development of unincorporated areas of the County;

D) To establish zoning districts within which the needs of agriculture, forestry, commerce, industry, residences, and other land uses can be appropriately met;

E) To provide minimum standards within zoning districts for the uses of land, location and height of buildings, density of population, signs, and off-street parking facilities;

F) To facilitate adequate provision of services and facilities, such as water, sewerage, schools, parks, transportation, utilities, and other public requirements; and

G) To encourage urban level growth in appropriate urbanizable areas and ensure the orderly transition from rural to urban development.

5.1.2 Compliance With District, Use, and Dimensional Standards Required

A) ***Resource Districts (Chapter 4)***

While the County's authority under Oregon law to regulate development in the unincorporated areas is broad, development in the Forest and Farm districts is strictly governed by state law. Development will be conducted in accordance with Chapter 4, Chapter 6 (Sections 6.4 and 6.5), and all other applicable provisions of this Ordinance (e.g., Chapters 7 through 10).

B) ***All Other Districts: Chapters 5, 6, 7 and 8***

In all other districts except the resource districts, no building or structure will be erected, converted, enlarged, reconstructed, removed, replaced, or altered for use, nor will any land, building, or structure be used or changed, except in accordance with the zoning district regulations of this Chapter, and all other applicable regulations of this Ordinance.

5.1.3 Overlay Districts

A) Where the property is classified in an overlay district as well as a general use district, then the regulations governing development in the overlay district (Chapter 7) will apply in addition to the regulations governing development in the underlying district.

B) In the event of a conflict between general standards applicable in a zone and the standards of an overlay district that apply to a particular property, the overlay district standards control.

5.1.4 Official Zoning Map(s)

A) ***Incorporation Into This Ordinance***

The designations, locations, and boundaries of the zoning and overlay districts established by this Ordinance will be shown on the Official Zoning Maps of Jackson County ("Official Zoning Maps"). The Official Zoning Maps will be numbered, dated, and signed by the Board of Commissioners and maintained by the Jackson County ~~Planning~~ Development Services Department. These maps and all notations, references, and data shown thereon are incorporated by reference into this Ordinance, and will be as much a part of the Ordinance as if all were fully described herein.

B) ***Application of Zoning Districts***

1) *General Map Designations*

This Ordinance establishes base zoning districts for the Official Zoning Maps. The map symbols and abbreviated designations for these districts appear in Sections 5.2 through 5.6 following the name of each district. The Official Zoning Maps are intended to implement the Comprehensive Plan and are a site-specific embodiment of goals, findings, and policies found in the Jackson County Comprehensive Plan.

2) *Special Map Designations*

Special map designations also are displayed on the official maps and take three basic forms:

a) *Areas of Special Concern*

Areas that are designated as Areas of Special Concern, pursuant to Section 7.1.1 are generally identified on the Zoning Maps by the letters "ASC." Use of this land is governed by the provisions of this Ordinance as well as conditions specific to the Area of Special Concern, which are set forth in Section 7.1.1.

b) *Urban Growth Boundaries*

Areas within established urban growth boundaries (e.g., urbanizable areas) are identified on the Official Zoning Maps to indicate areas that are needed for urban expansion over a 20-year time period from the date each agreement is adopted.

c) *Unincorporated Communities*

Areas within unincorporated communities are identified on the Official Zoning Maps to indicate rural communities, rural service centers, and urban unincorporated communities (such as White City).

C) **Interpretation of Zoning Map Boundaries**

Initial Zoning boundary interpretations will be made by Planning Staff using maps generated by the County's Geographic Information System (GIS) data base, and printed GIS maps. In case of any dispute regarding the Zoning classification of property subject to this Ordinance, the original maps

contained in the Official County Records will control. Where uncertainty exists with respect to the boundaries of the Zoning districts shown on the Official Zoning Maps, the ~~Planning~~ Director will use the following rules to interpret the Official Zoning Maps:

1) Where the Official Zoning Maps show a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary will be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the Official Zoning Maps, then the actual location will control~~:~~

2) Where the Official Zoning Maps show a boundary line as being located a specific distance from a street line or other physical feature, this distance will control~~:~~

3) Where the Official Zoning Maps show a district boundary to approximately coincide with a property line, urban growth boundary, or municipal border, the property line, urban growth boundary, or municipal border will be considered to be the district boundary, unless a specific distance from a street line or other physical feature is shown~~:~~

4) Where the Official Zoning Maps show a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary will be determined by use of the scale appearing on the Official Zoning Maps~~:~~

5) In instances where a parcel includes two or more zoning districts described in Sections 5.3 through 5.6, or a combination of one or more of those districts with a resource district described in Section 5.2, each part of the parcel will be used in conformity with the standards established by this Ordinance for the zoning district in which that part is located. See also Section 4.2.6(B)(3) *[Roth v. Wood & Jackson County, LUBA 2000-083 & 2001-121]*~~;~~ and

6) When urban growth and other community boundaries include public rights-of-way, the entire right-of-way that abuts lands within the urban growth or community boundary is also within the boundary, unless otherwise specified in a city or County ordinance adopting the boundary.

D) ***Measurements on the Zoning Maps***
County staff may use standard engineering scales, rulers, or other measuring devices as necessary to determine distances on the Official Zoning Maps. Where these measurements are disputed, aggrieved persons may appeal the staff determination through a Type 2 review process.

5.1.5 Establishment of Zoning Districts
Sections 5.2 through 5.7 set forth the name and description of all zoning districts established for the purposes of this Ordinance.

5.2 RESOURCE DISTRICTS

The purposes of the resource districts are set forth below. The resource districts are fundamentally different from all other districts established in the County. While the County's authority under Oregon law to regulate development in the rural residential, urban residential, commercial, and industrial districts is broad, the County's authority to regulate development in the resource districts is strictly governed by state law. For this reason, the uses permitted and the standards for development in the resource districts are set forth in a separate part of this Ordinance: Chapter 4: Resource Districts. All uses in the resource districts will comply with the general dimensional standards set forth in Chapter 8.

5.2.1 Exclusive Farm Use (EFU)

This district is intended to conserve agricultural land, and implements the Oregon Agricultural Land Use Policy, ORS 215.243, Oregon Administrative Rules, and Statewide Planning Goal 3 (Agricultural Lands). See Section 4.2 of this Ordinance.

5.2.2 Forest Resource (FR); Woodland Resource (WR); Open Space Reserve (OSR)

These districts are intended to conserve forest lands and implement the Oregon Administrative Rules, and Statewide Planning Goal 4 (Forest Lands). See Section 4.3 of this Ordinance.

5.2.3 Aggregate Removal (AR)

The purpose of this district is: to allow the development and use of significant mineral and aggregate resources subject to uniform operating standards; to balance and resolve conflicts between surface mining activities and activities on surrounding land; and to ensure the protection of natural resources and the reclamation of mined land. See Section 4.4 of this Ordinance.

5.3 RURAL RESIDENTIAL ZONING DISTRICTS

The purposes of the rural residential zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

5.3.1 Rural Use (RU) District *[See LRP2005-00008 for alternative approach]*

The purpose of this district is to provide a designation for lands that are not urban or urbanizable, and either do not meet the state definitions of agricultural or forest land, or qualify for an exception to Statewide Planning Goals 3 and/or 4.

5.3.2 Rural Residential (RR-2.5, RR-5, RR-5(A), RR-10, RR-00)

The purpose of the rural residential zoning districts is to provide for large-lot residential areas, consistent with the predominant rural character of the area and the physical capability of the land. The RR-00 district is established for areas where there are physical limitations in water, or land resources or service availability, or for areas where rural residential divisions could inhibit future urban development.

5.4 URBAN RESIDENTIAL ZONING DISTRICTS

The purposes of the urban residential zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

5.4.1 Urban Residential (UR-1, UR-4, UR-6, UR-8, UR-10)

The purpose of these districts is to encourage, provide, and protect suitable environments for single- and multiple-family residences within urbanized areas of the County where public services and facilities are available, and to provide planned residential areas with densities up to 10 dwellings per acre.

5.4.2 Urban High-Density Residential (UR-30)

This district establishes high-density residential developments up to 30 dwellings per acre in existing urban areas where public services and facilities are available.

5.4.3 White City Urban Residential (WCUR-4, WCUR-6, WCUR-8, WCUR-10, WCUR-30)

Within the White City Urban Unincorporated Community urban residential areas provide for urban levels of residential development with densities up to 10 dwellings per acre for single family dwellings and up to 30 dwellings per acre for multiple-family dwellings where public services and facilities are available. Unless otherwise specified in Chapter 12, development in the WCUR districts is subject to all the same requirements as the urban residential districts described in Section 5.4.1 and 5.4.2, above.

5.5 COMMERCIAL ZONING DISTRICTS

The purposes of the commercial zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

5.5.1 General Commercial (GC)

The purpose of this district is to provide locations for larger retail service commercial centers along major highways and within existing urban areas where public services and facilities are available.

5.5.2 Interchange Commercial (IC)

The purpose of this district is provide for commercial uses that serve the immediate needs of the traveling public, and are located at freeway interchanges with state highways or county roads.

5.5.3 Neighborhood Commercial (NC)

The purpose of a small neighborhood commercial center is to conveniently provide basic commodities for residential neighborhoods and to provide a mix of commercial and residential uses that are within easy walking or short driving distance of residential neighborhoods and alternative transportation systems. Because of their pedestrian orientation, drive-throughs and uses that rely solely on auto trips are prohibited (OAR 660-012-0060(5)(a))

5.5.4 Rural Service Commercial (RS)

The purpose of this district is to provide basic commodities to rural areas for which a specialized RS district has not been adopted. These include the community core areas of the Foots Creek, Savage Creek, and Trail Rural Service Center areas.

5.5.5 Unincorporated Communities Rural Service Commercial (ARS, RRS, SVRS)

The purpose of these districts is to provide basic commodities to the Applegate (ARS), Ruch (RRS) and Sams Valley (SVRS) unincorporated communities.

5.6 INDUSTRIAL ZONING DISTRICTS

The purposes of the industrial zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

5.6.1 General Industrial (GI)

The purpose of this district is to provide for heavy industrial uses.

5.6.2 Light Industrial (LI)

The purpose of this district is to provide for light manufacturing and fabrication. In addition, this district allows limited retail commercial and office uses in existing and new industrial parks when such uses are subordinate to industrial uses.

5.7 SITE-SPECIFIC ZONING DISTRICTS

5.7.1 Limited Use (LU), a Type 4 review

The purpose of this district is to limit uses and activities to those justified in a Comprehensive Plan Amendment "Reasons" exception statement adopted by the County and acknowledged by the state pursuant to ORS 197.732(1)(c) as required by OAR 660-004-0018(4)(a), or to recognize existing lawfully established nonconformities as permitted uses (see Section 13.3). A Comprehensive Plan Amendment "Reasons" exception adopted by the County, and acknowledged by the State pursuant to OAR 660-004-0022(1), may or may not include a minor map amendment to designate the property LU at the County's discretion. Similarly, a rezone to LU to recognize the continued existence of a legal nonconforming use may be approved where the use is:

A) Of a non-industrial nature; ~~;~~

B) The use has continuously existed for 20 or more years; ~~;~~ and

C) No citations have been issued by the County against the use.

It is intended that uses and activities in a Limited Use district will be those uses and activities specified in the Ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged Ordinance adopting the designation for the property. In no event will the predominant use in an LU district be industrial. Uses in the LU district will be subject to other applicable standards, statutes, and rules governing sewage disposal, noise, and air and water quality.

5.7.2 Rural Limited Industrial (RLI), a Type 4 review

The purpose of this district is to provide for industrial uses that rely on site-specific natural resources for their processes and activities, or create a byproduct of substantial direct benefit to resource-producing lands or uses. Such uses are more appropriately located outside an urban growth boundary. Natural resources associated with the RLI use must be located on the subject parcel or lands immediately adjacent to it. Such industrial uses are inappropriate in an urban industrial setting because of the nature of their operating characteristics, but can be made compatible with rural land uses. A Comprehensive Plan Amendment Goal exception adopted by the County, and acknowledged by the State may or may not include a minor map amendment to designate the property RLI at the County's discretion.

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CHAPTER 6. USE REGULATIONS

6.1 APPLICABILITY

6.1.1 Resource Districts

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

6.1.2 All Other Districts

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

6.1.3 Overlay Districts

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

6.2 TABLE OF PERMITTED USES

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

6.2.1 Explanation of Table Abbreviations

A) ***Type 1***

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

B) ***Type 2***

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

C) ***Type 3***

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

D) ***Type 4***
A "4" in the Table indicates that a use type is subject to review and approval by the Planning Commission and Board of Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5. In addition, Type 4 land use permits require a site development plan pursuant to Section 3.2.

E) ***Uses Not Allowed***
A dash (-) indicates that the use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

F) ***Numerical References***
The references contained in the "*See Also*" column are references to additional standards and requirements that apply to the use type listed. The regulations are set forth immediately following the table, in Section 6.3, or as otherwise specified. Standards referenced in the *See Also* column apply in all zoning districts unless otherwise expressly stated. Uses are also subject to applicable standards of Chapters 7, 8 and 9.

G) ***Use Categories/Use Types***
All of the major use categories listed in Table 6.2-1 are described in Section 13.2 "Use Classifications." "Specific uses" are listed in the second column of the table. The use categories are intended to be mutually exclusive. If a use type is specifically listed in the table, that use type is allowed only in the districts indicated, not within the districts that allow the broader classification. If a use type is not listed, then the County will, upon the request of any interested party and pursuant to the procedures set forth in Section 6.2.3, "Procedure for classifying Unlisted Uses" make a determination within which use category, if any, such use type should be included.

H) ***Uses***
See Section 13.2 "Use Characteristics", and Section 6.2.3 "Procedure for Classifying Unlisted Uses." **Accessory and temporary uses are allowed in all zoning districts.**

6.2.2 Use Table for Base Zoning Districts[1]

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

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)																
Agriculture	Horse boarding & riding facilities	1	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Intensive livestock ~~poultry/furbearing animal production~~	3	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Non intensive agriculture	1	1	1	-1*	-1*	1	1	1	1	1	1	1	1	1	6.3.1(A); 5.5.3; 12.3.1
	Plant nursery	~~3~~2	~~3~~2	3	-	-	2	-	-	2	2	2	2	-	-	6.3.1(B) 6.4.4(D)
Forestry	Manage, grow, harvest, process timber & forest products	1	1	1	-	-	-	-	-	-	-	-	-	-	-	

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

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

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TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
Mineral and aggregate	Aggregate or surface mining, stockpiling or processing (e.g., batch plants)	3	-	-	-	-	-	-	-	-	-	-	-	2	-	4.4.8; 6.3.4(A)
Fish and game	Fish hatchery/culture/game refuge or management	1	3	-	-	-	-	-	-	-	-	-	-	-	-	
RESIDENTIAL USES																
Household Living	Accessory dwelling	-	-	-	1	-	-	-	-	-	-	-	-	-	-	6.4.4(B)
	Co-housing	-	-	~~-~~ 2	2	~~-~~ 2	-	-	-	-	-	-	-	-	-	
	Detached single-family dwelling, first	1	1	1	~~2~~ 1	2	2	-	2	2	2	3	2	2	2	6.3.2(C)
	Manufactured dwelling park	-	-	-	3	3	-	-	-	-	-	-	-	-	-	6.3.2(A)
	Multi-family dwelling	-	-	-	-	1	-	-	-	-	-	-	-	-	-	6.3.2(B); 3.2
	Rectory/parsonage	-	1	1	1	1	2	-	2	2	2	3	2	2	2	6.3.2(C)

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Single-family dwelling, two or more (attached or detached)	-	2	2	2	- 2	-	-	-	-	-	-	-	-	-	6.3.2(D)
Group Living	Convent or monastery	-	3	3	3	-	-	-	-	-	-	-	-	-	-	3.2
	Farm labor housing	-	3	-	-	-	-	-	-	-	-	-	-	-	-	
	Nursing home	-	3	3	3	3	-	-	-	-	-	-	-	-	-	
	Residential facility/ Community housing	-	3	3	3	1	-	-	-	-	-	-	-	-	-	ORS 197.660 ORS 426.502
	Residential home/ in-home day care	-	1	1	1	1	1	-	1	1	1	1	1	1	1	ORS 197.660; 6.3.3(K); 12.3.1
	Substance abuse rehabilitation	-	3	3	3	-	-	-	-	-	-	-	-	-	-	~~3.2~~
COMMERCIAL/OFFICE USES																
Agricultural Sales and Service	Agriculture produce stand	-	3	3	-	-	-	-	-	2	2	-	2	-	-	6.3.3(A)
	Farm equipment repair	-	-	-	-	-	2	-	-	2	2	3	2	2	2	

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Farm equipment sales	-	-	-	-	-	2	-	-	-	-	-	2	2	2	6.3.4(C)
	Farm equipment storage	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Firewood retail sales	-	2	2	-	-	2	-	-	-	-	-	-	2	-	6.3.3(M)
	Stock auction yard	-	-	-	-	-	-	-	-	-	-	-	-	3	-	
	Winery, tasting room	-	3	3	-	-	3	-	-	-	3	3	3	2	2	6.4.4(E)
Animal Sales and Service	Small animal clinic/hospital	-	3	-	-	-	2	-	-	3	3	3	2	-	3	6.3.3(B)
	Large/livestock/ exotic animal clinic/hospital	-	3	3	-	-	-	-	-	-	-	-	-	2	2	6.3.3(B)
	Kennel	-	3	-	-	-	2	-	-	2	-	-	-	-	2	6.3.3(B)
	Pet shop	-	-	-	-	-	2	-	2	-	-	-	-	-	-	
Building Materials	Building material and lumberyard	-	-	-	-	-	1	-	-	3	3	-	2	2	2	6.3.3(H)
Day care	Adult day care/in-home child care	1	1	1	1	1	1	-	1	1	1	1	1	1	1	6.3.3(K); 12.3.1; ORS 657A.440
	Child care center	-	3	3	3	3	2	-	2	2	2	2	2	2	2	6.3.3(K), 12.3.1

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
Eating and Drinking Establishment	Community commercial kitchen	-	-	-	-	-	-	-	-	2	2	-	2	-	2	
	Eating establishment	-	-	-	-	-	2	2	2	2	2	2	2	-	3	5.5.3, 12.3.1
	Drinking establishment	-	-	-	-	-	2	2	~~3~~ 2	3	3	-	3	-	-	6.3.3(L), 12.3.1
	Drive-thru food and beverage	-	-	-	-	-	3	3	-	-	-	-	-	-	-	9.4.9
Financial Institutions	Bank, credit union, check cashing center	-	-	-	-	-	2	-	2	3	3	2	2	-	-	5.5.3, 12.3.1
Food and Beverage Sales	Foods & sundries convenience	-	-	-	-	-	2	3	2	-	-	3	-	-	-	5.5.3;6.3.3(J) 12.3.1
	Farmers market	-	-	-	-	-	3	-	~~3~~ 2	3	2	-	2	-	-	5.5.3, 12.3.1
	Grocery store	-	-	-	-	-	2	-	-	2/3	2/3	2	2	-	-	6.3.3(P)
	Wine shop	-	-	-	-	-	2	-	2	2/3	2/3	2	2	-	-	5.5.3;6.3.3(X), 12.3.1
Landscaping Sales/Service	Landscape contracting	-	-	-	-	-	2	-	-	3	3	3	3	2	2	

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
Medical Services	Emergency medical center	-	3	3	3	3	2	-	-	2	2	2	2	-	-	
	Hospital	-	-	-	3	3	-	-	-	-	-	-	-	-	-	
	Medical/dental/ optical clinic	-	3	3	3	3	2	-	2	2	2	2	2	-	-	12.3.1
Office	Studio: broad-casting/recording	-	-	3	-	-	2	-	-	3	3	-	3	-	-	
	Business or professional office	-	-	-	-	-	2	-	2	3	2	2	2	-	-	12.3.1
Personal Service	Studio: art/dance/ music/skills	-	-	-	-	-	2	-	2	2	2	3	2	-	-	12.3.1
	Barber or beauty shop	-	-	-	-	-	2	2	2	2	2	-	2	-	-	6.3.3(F), 12.3.1
	Laundromat or dry cleaner	-	-	-	-	-	2	-	2	3	3	-	3	-	-	5.5.3; 6.3.3(S),
	Mortuary	-	-	-	-	-	2	-	-	-	-	-	-	-	-	
	Tanning salon	-	-	-	-	-	2	-	~~2~~	-	-	-	2	-	-	12.3.1
Recreation and Entertainment	Amusement establishment (indoor)	-	-	-	-	-	2	-	-	-	-	-	-	-	-	

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Amusement establishment (outdoor)	-	-	-	-	-	3	-	-	-	-	-	-	-	-	6.3.7(C)
	Theater (indoor)	-	-	-	-	-	2	-	2	-	-	-	-	-	-	
Retail Sales	Auction service, commercial	-	-	-	-	-	2	-	-	-	-	-	-	2	2	6.3.3(D)
	Auction service, temporary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(E); 12.3.1
	Feed/seed store	-	-	-	-	-	2	-	-	2	2	3	2	-	-	
	Flea market	-	-	-	-	-	-	-	-	-	-	-	-	-	3	6.3.3(N)
	Florist/garden shop, drug store, or bake shop	-	-	-	-	-	2	-	2	2/3	2/3	3	2	-	-	5.5.3;6.3.3(X), 12.3.1
	Clothing/general merchandise store	-	-	-	-	-	2	-	2	2/3	2/3	2	2	-	-	6.3.3(I)
	Gift, antique, or specialty shop	-	-	-	-	-	2	2/3	2	2	2	3	2	-	-	6.3.3(O), 12.3.1
	Hardware store	-	-	-	-	-	2	-	2	2	2	2	2	-	-	6.3.3(Q), 12.3.1
	Pawn/second hand store	-	-	-	-	-	2	-	-	-	-	-	-	-	-	6.3.3(W)

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Wholesale establishment	-	-	-	-	-	2	-	-	-	-	-	-	2	2	
	Other retail sales	-	-	-	-	-	2	-	-	2/3	2/3	2/3	2	-	-	6.2.3; 6.3.3(Y)
Service and Repair Businesses	Appliance repair & incidental sales	-	-	-	-	-	-	-	2	2	2	3	2	-	-	6.3.3(C)
	Bicycle repair & incidental sales	-	-	-	-	-	2	-	2	2	2	3	2	-	-	
	Gun repair	-	-	-	-	-	2	-	-	-	-	-	-	-	-	
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	2	2	
	Rental facilities & equipment rentals	-	-	-	-	-	2	-	-	-	-	-	2	-	-	
	Small engine repair, machine, welding shop	-	-	-	-	-	2	-	-	3	3	3	2	-	2	
	Other (e.g.,well driller, cabinet shop, sanitary service installer, upholstery)	-	-	-	-	-	2	-	-	3	3	3	3	-	2	

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
Vehicles and Equipment	Body/fender shop	-	-	-	-	-	3	-	-	-	-	-	-	2	2	6.3.3(G)
	Manufactured dwelling, mobile home, & RV sales	-	-	-	-	-	2	-	-	-	-	-	-	-	-	
	Motor vehicle impound	-	-	-	-	-	3	-	-	-	-	-	-	2	2	
	Motor vehicle sales and rental	-	-	-	-	-	2	-	-	-	-	-	2	2	2	6.3.3(T)
	Motor vehicle service & repair	-	-	-	-	-	2	-	3	3	3	3	2	2	2	6.3.3(T)
	Motor vehicle storage	-	-	-	-	-	2	-	-	-	-	-	2	2	2	6.3.3(U)
	Motor vehicle washing/detailing	-	-	-	-	-	2	-	-	-	-	-	-	-	-	
	Parking area, commercial	-	-	-	-	-	2	-	-	-	-	-	-	-	2	6.3.3(V)
	Service station	-	-	-	-	-	2	2	3	2	2	3	2	-	-	
Visitor Accom-modation	Destination resort large	-	4	-	-	-	4	-	-	-	-	-	-	-	-	7.1.5
	Destination resort small	-	4	-	-	-	3	-	-	-	-	-	-	-	-	7.1.5

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

CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Guest ranch	-	3	3	-	-	-	-	-	-	-	-	-	-	-	
	Hotel or motel	-	-	-	-	-	2	2	-	3	-	-	-	-	-	6.3.3(R)
INDUSTRIAL/MANUFACTURING USES																
Equipment Storage and Repair	Equipment storage	-	-	-	-	-	2	-	-	-	-	-	-	2	2	6.3.4
	Heavy machinery/ equipment repair	-	-	-	-	-	2	-	-	3	3	3	2	2	2	6.3.4(C)
	Outdoor storage areas	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Wrecking/salvage or junk yard	-	-	-	-	-	3	-	-	-	-	-	-	2	2	6.3.4(E)
Industrial Service	Industrial service, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Industrial service, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	-	6.3.4
	Laundry/dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	2	2	
Manufacturing & Production	Firewood processing/sales	-	-	-	-	-	-	-	-	-	-	-	-	2	-	

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Manufacturing and production, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Manufacturing and production, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Manufacturing paper and allied products	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
	Manufacturing petroleum by-product	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
Warehouse and Freight Movement	Feed mills/elevators/granaries	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Mini-warehouse	-	-	-	-	-	2	-	-	2	-	-	2	2	2	6.3.4(D)
	Truck terminal, freight forwarding facility, or yard	-	-	-	-	-	-	3	-	-	-	-	-	2	2	
	Warehouse, food storage	-	-	-	-	-	-	-	-	-	-	-	-	-	2	6.3.4
TRANSPORTATION USES																

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
Aviation	Airport/heliport	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.5(A) ORS Chapter 836
Bike Paths	All types	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~ 1	~~2~~1	6.3.5(B) Ch. 9
Public Transportation	Station only	-	-	-	-	-	3	-	-	2	2	3	-	-	-	3.2
	Terminal/station	-	-	-	-	-	3	-	-	3	3	3	-	2	2	3.2
Transportation Facility	Park-and-ride lot	-	-	-	2	2	~~2~~ 1	~~2~~ 1	- 1	2	2	2	2	-	-	3.2; 6.3.3(V)
Transportation Improvements	All types[2]	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(C); 12.3.1
UTILITY/SOLID WASTE USES																
Utility	Building-mounted transmission towers	2	2	2	2	2	2	2	2	2	2	2	2	1	1	6.3.6(A)
	Co-location on existing towers	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1
	Concealed transmission towers (stealth)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1

[2]Discretionary review may be required pursuant to Section 6.3.5(C)

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			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Freestanding transmission towers (new)	2	2	2	-	-	2	2	-	-	-	-	-	2	2	6.3.6(A)
	Major utility facilities	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.6(B)
	Minor utility facilities	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(B)
	Small scale energy producing facility	3	3	3	-	-	-	-	-	-	-	-	-	2	2	6.3.6(B)
Waste-Related Use	Composting plant	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Incinerator	-	-	-	-	-	-	-	-	-	-	-	-	4	4	
	Modification of waste related use	-	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(D)
	Recycle drop-box	-	2	2	2	2	2	2	2	2	2	2	2	2	2	5.5.3;6.3.6(C)
	Recycling plant	-	-	-	-	-	-	-	-	-	-	-	-	4	4	6.3.6(C)
	Sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Slaughter house/ tannery/animal tallow/rendering plant	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)

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		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Solid waste transfer station	-	-	-	-	-	3	-	-	-	-	-	-	3	3	6.3.6(C); 3.2
PARKS/PUBLIC/QUASI-PUBLIC USES																
Cemetery	Cemetery (incl. animals)	-	3	3	3	-	-	-	-	-	2	-	-	-	-	12.4.1(H)
Library	All types	-	3	3	3	3	2	3	3	3	2	2	2	2	2	6.3.7(B); 12.4.1(H)
Museum	All types	-	3	3	3	-	2	-	2	2	2	-	-	-	-	12.4.1(H)
Parks and Recreation	Campground/RV (new)	-	-	-	-	-	3	3	-	3	3	-	3	-	-	6.3.7(C); 12.4.1(H)
	Campground/RV (expand existing)	-	3	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Country club	-	3	3	-	-	-	-	-	-	-	-	-	-	-	6.3.7(C); 12.4.1(H)
	Fairgrounds or rodeo grounds	-	3	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Firearm training or shooting range	-	-	-	-	-	3	-	-	3	-	-	-	3	-	6.3.7(A); 12.4.1(H)
	Golf course	-	3	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Park/playground	-	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.7(C); 12.3.1, 12.4.1(H)

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			RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
		RU	RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	Recreation/sports club, private	-	3	3	3	3	2	-	2	-	-	-	-	2	2	12.4.1(H)
	Recreation/sports club, public	-	3	3	2	2	2	-	2	-	-	-	-	2	2	12.4.1(H)
Post Office	Post office substation	-	-	-	-	-	2	-	2	2	2	2	2	-	2	5.5.3; 12.3.1, 12.4.1(H)
Public Assembly	Community/town hall/grange	-	3	3	3	3	2	2	2	2	2	2	2	2	2	12.3.1, 12.4.1(H)
	Convention and exhibit hall	-	-	-	-	-	2	-	-	-	-	-	-	2	2	12.4.1(H)
Public Works	Public works buildings & facilities	3	3	3	3	3	2	3	3	3	3	3	2	2	2	6.3.7(D); 12.4.1(H)
Religious	Religious assembly, house of worship (church)	-	2	2	2	2	2	-	2	2	2	2	2	-	-	2.7.4(C) 12.4.1(H)
	Seminary	-	3	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
Safety Services	Emergency medical, ambulance service, fire/police stations	3	3	3	3	3	2	2	2	2	2	2	2	2	2	12.3.1, 12.4.1(H)
Schools	Commercial or business school	-	-	-	-	3	2	-	3	-	-	-	-	2	2	12.4.1(H)

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		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR30	GC	IC	NC	RS	ARS	RRS	SVRS	GI	LI	
	College/university	-	-	-	3	3	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Public or private school (K thru 12)	-	3	3	3	3	-	-	-	-	1	-	-	-	-	12.4.1(H)
	Satellite campus	-	3	3	3	3	2	-	2	2	2	3	2	2	2	12.4.1(H)

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6.2.3 Unlisted Uses

A) ***Procedure for Classifying Unlisted Uses***

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

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

B) ***Criteria for Approving Unlisted Uses***

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

1) Whether the proposed use(s) is of the same general character as uses listed in the zoning district. The Director will give due consideration to the intent of the Jackson County Comprehensive Plan and this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question;

2) Whether the use or activities associated with it are likely to be found independent of other activities on the site;

3) Whether the impacts of the unlisted use are similar in nature, function, and duration to identified listed uses in relation to the following factors:

   a) Any on-premise processing, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
   b) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);

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

6.3 ADDITIONAL USE-SPECIFIC REGULATIONS

6.3.1 Resource Uses

A) ***Agriculture***

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

1) Large animals, such as cows, horses, mules, donkeys, llamas, camels, buffalo, and the like, must maintain a standard of one (1) acre per each animal. A single large animal may not be kept on a parcel smaller than 30,000 square feet in size;

2) Alpacas, sheep or goats, and miniature horses - three (3) per acre;

3) Poultry - 20 per acre;

4) Ostriches - two (2) per acre;

5) Emus and rheas - four (4)per acre;

6) Fur-bearing animals - 50 per acre; or

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

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

6.3.2 Residential Uses

A) ***Manufactured Dwelling Park***

1) *Applicability*

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

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

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

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

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

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

f) Each manufactured dwelling park with less than 20 total dwelling units will have a minimum of one (1) direct access point on a County maintained road that has adequate capacity to accommodate the use. Such access will be physically available to the property. Each park with 20 or more dwelling units will have a minimum of one (1) primary point of access and secondary points of access sufficient for use by emergency vehicles;

g) There will be no driveway access from individual residences directly onto adjoining public roads;

h) Easements for public utility lines will be located along property boundaries when possible; and

i) An approved manufactured dwelling park may have a caretaker's residence (subject to density requirements), an office/ community/administration building, and/or an indoor or outdoor recreation center as accessory uses. Residents of the park may engage in permitted home occupations provided that all conditions applicable to the home occupation in Section 6.4.4 can be met on the manufactured dwelling site.

4) *Limited Expansion of Existing Manufactured Dwelling Parks*

a) Purpose

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

b) General Review Procedure

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

c) General Approval Criterion

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

d) Density Increases Restricted

An increase in the density of a nonconforming manufactured dwelling park that already exceeds allowable density under this Ordinance is prohibited, unless the County finds that all of the following are met:

i) Such increase is required to allow improvement of the older part of the manufactured dwelling park;
ii) Such increase is compatible with the neighborhood;
iii) A limited increase in density is necessary to achieve the purpose of this Section;
iv) The water and sanitary facilities will be adequate to meet the needs of the park's present and future residents; and
v) The proposed expansion is consistent with subsection (e) below.

e) Standards for Expansion

i) Notwithstanding the density requirements of the base zoning district, the expanded number of dwellings will not exceed more than 50 percent of the existing developed spaces within the park or 20 manufactured dwellings, whichever is less. The County may approve fewer spaces than proposed, depending on the proposed degree of improvement and conformance of the park with Section 3 above;
ii) The County may require that some existing manufactured dwellings within the park be moved to the expansion area to make the manufactured dwelling park, as a whole, more conforming with the standards of the zoning district and the provisions of this Section;
iii) The expansion will be allowed to occur only on a single lot, parcel, or ownership;
iv) External streets or roads serving the park must be adequate in condition and capacity to serve the additional traffic;
v) Urban development standards will apply to expansions and overall park improvements when within an urban growth or urban unincorporated community boundary;
vi) The manufactured park expansion area will meet all standards set forth in Section 6.3.2(A)(3)(b) through (h), with the exclusion of density requirements;
vii) All expanded manufactured dwelling parks will be included within a rural fire protection district, and will meet all applicable regulations of the local fire district, which may include construction and maintenance of at least one (1) on-site source of water supply for fire suppression; and

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

f) Additional Standards for Parks Near Resource Lands

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

i) A deed declaration will be recorded on the deed for the property if the park is near farm or forest land acknowledging and accepting the effects of customary and accepted farm or forest practices. The applicant will agree to provide a copy of the deed declaration to all existing and new residents of the park; and

ii) In addition to complying with requirements for setbacks, buffering, and landscaping otherwise applicable in the zone district, the County may require additional perimeter buffering techniques, which may include additional fencing, berming, and/or landscape plantings, increased setbacks, altered road placements, and other measures designed to increase distance between residences and potentially conflicting resource uses.

5) *Manufactured Dwelling Park Conversion*

a) Purpose and Scope

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

b) Approval Criteria

i) The manufactured dwelling park or mobile home park was lawfully established prior to July 2, 2001;

ii) The park is in compliance with the standards in Section 6.3.2(A) for a manufactured dwelling park or is an approved nonconforming use. For the purposes of this Section, a park is in compliance if a written notice of noncompliance was not issued prior to July 2, 2001;

iii) There will be no increase in the number of spaces (proposed for conversion to lots), no change in the boundary lines or setback requirements originally approved for the park or other development changes; and

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

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

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

1) Except as provided in (3) below, in all Rural Residential, and UR districts, the first single-family dwelling on a lawfully created parcel is a use permitted by right.[3]

2) In all Rural Residential zoning districts outside urban growth boundaries, a deed declaration acknowledging and accepting customary farm and forest practices and irrigation rights must be recorded prior to issuance of building permits for new and replacement dwellings.

3) In the UR-10 and UR-30 districts, approval of a detached single-family dwelling is a permitted use subject to the Type 2 review provisions of Section 3.1.3.

4) In the RS, ARS, RRS, SVRS, NC, GC, LI, and GI districts, one (1) single-family dwelling is a permitted accessory use provided it is accessory to a permitted commercial or industrial use and subject to a deed declaration that limits it to use by the owner, operator, caretaker, or night watchman employed on the premises.

5) In the Floodplain Overlay, development must comply with the requirements of Section 7.1.2.

D) ***Attached or Detached Single-Family Dwelling, Two or More***
Except as provided below, the County will not allow more than one (1) permanent detached single-family dwelling to be placed on a lot or parcel.

1) *Temporary Medical Hardship*
Medical hardship dwellings may be permitted pursuant to the requirements of Section 6.5.3(G).

2) *Rural Residential Zones*
The County may allow more than one (1) dwelling on a single parcel in Rural Residential zones as a planned unit development (PUD), or allow the clustering of new dwellings on a single parcel if all of the conditions set forth below are met: *(OAR 660-004-0040(7)(e) through (7)(h)).*

a) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10;

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b) The number of new lots or parcels to be created does not exceed 10.

c) None of the new lots or parcels will be smaller than two (2) acres.

d) The development is not to be served by a new community sewer system.

e) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.

f) The density of the development will not exceed the Maximum Gross Density specified for the zoning district in Table 8.2-1.

g) Any group or cluster of two (2) or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there.

h) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner must submit proof of irrevocable deed restrictions recorded in the County deed records. The deed restrictions will preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for while the lot, parcel, or tract remains outside an urban growth boundary. **and**

i) Rural Residential zones within urban growth boundaries are exempted from the requirements of subsection 6.3.2(D)(2),(c),(e), and (g) above.

3) *Urban Residential and Rural Zones*
The County may allow more than one (1) detached single family dwelling on a single parcel in the UR zones subject to the Type 2 review provisions of Section ~~6.3.2(D)(3)~~ **3.1.3** if the density standards of the zoning district are maintained. Notwithstanding this provision, accessory dwelling units developed in accordance with the standards of Section 12.4.1 (White City Urban Unincorporated Community) are not subject to density standards.

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

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

6.3.3 Commercial/Office Uses
Commercial development on land outside urban growth boundaries ~~is~~ **may be** subject to Goal 14 and Oregon Administrative Rule 660, Division 22, as applicable.

For purposes of the Rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space. Small scale, low impact uses are limited to 3,000 square feet of floor space per building(s) ~~per parcel~~ outside acknowledged unincorporated communities~~, and 4,000 square feet of floor space within acknowledged rural unincorporated communities~~.

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

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

A) ***Agriculture Produce Stand***
In the RR and RR-5(A) districts, this is a Type 3 review subject to the Home Business standards in Section 6.4.4(D).

B) ***Animal Clinics, Hospitals, and Kennels***
The use will provide indoor sleeping quarters for all animals that will be boarded or otherwise kept overnight. Outdoor runs will be required to maintain a minimum of at least a 100-foot setback from all adjacent property boundaries. Large animal clinics may also include care for small animals as an incidental component of the veterinary practice.

C) ***Appliance Repair and Incidental Sales***
The use will be conducted within an enclosed building or within a yard screened from public view by a sight obscuring fence, or by a vegetative buffer that is at least 80% opaque and that will reach six (6) feet in height within three (3) years.

D) ***Auction Services, Commercial***
The use will not include animal sales (stock auction).

E) ***Auction Services, Temporary***
Temporary estate sales/auctions are allowed as a Type 1 use in all zones for a maximum of three (3) days once per year.

F) ***Barber or Beauty Shop***
In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating and drinking establishment.

G) ***Body and Fender Shop***
The use will be fully conducted within an enclosed building.

H) ***Building Material and Lumberyard***
In the commercial zoning districts, the use will be conducted within an enclosed yard.

I) ***Clothing or General Merchandise Store***

1) In the ARS district, the use will not exceed 2,500 square feet in size.

2) In all other zones, the use may be permitted only within urban growth and unincorporated community boundaries.

J) ***Food and Sundries, Convenience***

1) In the IC district, the use will be permitted only in conjunction with another permitted use and when the store is less than 1,000 square feet in size.

2) In all other zones, the use may be permitted only within urban growth and unincorporated community boundaries.

K) ***Adult Day Care, Child Care Center***
In the LI and GI districts, adult day care and child care facilities will be permitted only as accessory uses in conjunction with a permitted use.

L) ***Drinking Establishment***[4]

1) In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating establishment.

2) Additionally, food and beverage drive-through establishments are allowed.

M) ***Firewood Retail Sales***
The use will be permitted provided material is in a saleable form and is screened from public view by a sight-obscuring fence or enclosed buildings. The use will not include processing, except as noted in Table 6.2-1.

N) ***Flea Market***
The use will be located within an enclosed building, and all parking associated with the use will be provided on-site. Flea markets will not be permitted in conjunction with a mini-warehouse unless approved under a Type 3 review.

O) ***Gift, Antique, or Specialty Shop***

1) In the IC district, the use will be permitted by-right only in conjunction with a permitted hotel, motel, or eating and drinking establishment,

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

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

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

3) In all other zones, the use may be permitted only within urban growth or unincorporated community boundaries.

P) ***Grocery Store***
The use may be permitted only within urban growth or unincorporated community boundaries.

Q) ***Hardware Store***

1) In the GC district, the use will be conducted entirely within an enclosed building or within a yard screened from public view.

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

R) ***Hotel or Motel***
In the RS districts, the use will be limited to 35 units, and only if the use is:

1) Served by a community sewer system; and

2) Located at least 10 miles from the urban growth boundary (UGB) of any city adjacent to Interstate 5, regardless of its proximity to any other UGB.

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

T) ***Motor Vehicle Service and Repair***

1) The use will be conducted within an enclosed building or within a yard screened from public view.

2) In the SVRS district, a sales lot limited to 15 vehicles also may be approved if operated in conjunction with a vehicle repair business.

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

V) ***Parking Area, Commercial, or Park-and-Ride Lot***
In the AA Overlay, the use will be located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach. Park-and-ride lots may be provided in conjunction with parks or churches as a Type 2 review.

W) ***Pawn Shop or Secondhand Store***
In the GC district, the use will be conducted within an enclosed building.

X) ***Retail Florist Shop, Garden Shop, Drug Store, Bake Shop or Wine Shop***
The use may be permitted only within urban growth or unincorporated community boundaries.

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

Z) ***Other Retail or Service Commercial Use not Listed***

1) In the RS, ARS, RRS, and SVRS districts the use may be approved under a Type 3 review if the use is found to be consistent with the purpose of the district.

2) In all other commercial or industrial zones, this is a Type 2 decision. See 6.2.3 Unlisted Uses.

6.3.4 Industrial/Manufacturing Uses

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

A) ***Batch Plant, Concrete or Asphalt***
Temporary concrete or asphaltic batch plants may be permitted as a Type 1 use when the operation is necessary to construct an approved public road project, provided that no temporary plant may operate for more than 30 days within urban growth or urban unincorporated community boundaries, or 180 days outside those areas.

B) ***Machinery and Equipment Repair***
The use will be fully confined within an enclosed building limited to service and repair.

C) ***Mini-Warehouse***
No retail sales or business may occur except as approved under "Parking Lot Sales" in 6.5.3, unless approved under a Type 3 process as a flea market in an LI zoning district. A facility operator may conduct an auction for unclaimed contents on-site in accordance with 6.3.3(F).

D) ***Wrecking, Salvage or Junk Yard***

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

2) In the GI, and LI districts, the use will be conducted within an enclosed building or screened by a sight-obscuring fence at least six (6) feet in height.

6.3.5 Transportation Uses

A) ***Aviation Uses***

1) The new airport or heliport will not conflict with flight patterns established at an existing airport or otherwise interfere with aircraft using the existing airport;

2) The new airport or heliport will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

3) All new airports, heliports, or landing fields, whether as primary or accessory uses, will be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by the Oregon Department of Environmental Quality rules and regulations; and

4) The new airport or heliport will not be established until permits from the Oregon Department of Aviation have been obtained.

5) "Through the fence operations" are a Type 2 permit at rural airports, as defined by ORS Chapter 836. "Through the fence operation" means a customary and ususal aviation-related activity that:
a) Is conducted by a commercial or industrial user of property within an airport boundary, and
b) Relies, for business purposes, on the ability to taxi aircraft directly from the property employed for the commercial or industrial use to an airport runway.

B) ***Bike Paths***

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

2) Off-road recreational bike paths are Type 1 uses within any development.

3) Proposed bike paths will provide connectivity to the County's or adjacent urban area's transportation system.

4) Bike paths within the Bear Creek Greenway will be established in compliance with the *May, 1996 Jackson County Bicycle Master Plan*, *Bear Creek Greenway Plan: Management Policies and Guidelines (1982)* and the *Bear Creek Greenway Plan: Ashland to Central Point (1988)*.

C) ***Transportation Improvements***

1) Within existing rights-of-way, transportation improvements, such as bridges, culverts, streets, roads, highways, bike paths and pedestrian access will not require land use application approval for installation, repair or replacement unless subject to the requirements of Chapter 7. Accessory or incidental maintenance yards, stockpile sites, weigh stations, rest areas, and similar types of improvements are Type 2 uses in commercial or residential zones, and Type 1 uses in industrial zones. Such accessory uses may be sited within public rights-of-way or on publicly owned lands adjacent to them.

2) Within existing rights-of-way, cut or fill, temporary storage and processing activities, control signs, fencing, guardrail, median barriers, lighting, and similar improvements or activities are recognized as accessory to the transportation use and do not require a land use application unless subject to the requirements of Chapter 7.

3) Except as otherwise required by this Ordinance (see Chapter 4), the acquisition of right-of-way, and removal or displacement of buildings, may be included in the repair and reconstruction of existing roads.

4) When a road project would reduce the setback of an existing conforming structure or the acreage of a conforming parcel the right-of-way acquisition required for the project will not render the structure or parcel nonconforming.

5) When rights-of-way are acquired for new roads that bisect an existing parcel, the parcel is not deemed partitioned unless a land division is approved in accordance with Chapter 10.

6) New roads will provide connectivity with the regional transportation system, as ~~defined~~ **described** in the Regional Transportation Plan, County and ~~local~~ **White City** Transportation System Plans, **applicable city Transportation System Plans**, and **the** State Transportation Plan.

6.3.6 Utility/Solid Waste Uses

A) ***Transmission Facilities***

1) Modifications to towers existing prior to adoption of this Ordinance will conform to any original approval requirements, FAA and FCC requirements and the following regulations. Co-location of antennae and related devices on an existing tower facility is a Type 1 use permitted by right.

2) *Concealed (Stealth) Transmission Towers*
Concealed (stealth) transmission towers, whether building-mounted or freestanding, are permitted as Type 1 uses in all zoning districts, except resource zones where they may be allowed as a Type 2 use. Concealed towers will comply with the applicable height and setback requirements set forth below, and meet FCC registration requirements and standards for exposure to microwave radiation per (5)(d)(iv)(a) below.

3) *All Other Building-Mounted Transmission Towers (non-stealth)*
Unless otherwise specified in Table 6.2-1, a Type 2 approval is required to erect any non-stealth, building-mounted tower. Towers may be located on non-residential buildings at the heights set forth in the following table:

Table 6.3-1

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

4) *Non-Stealth Freestanding Transmission Towers*
Monopole, lattice, and other freestanding antennae and towers are permitted as Type 2 or 3 uses. Freestanding towers will comply with the siting and decommission requirements in subsections (5) and (6), below.

5) *Siting Requirements*

a) Co-Location Required

i) Any tower greater than 100 feet high must be designed and constructed to permit the co-location of one or more additional users.

ii) Applicants seeking a permit for tower(s) greater than 100 feet in height, and proposed to be located within 3,000 feet of any communication tower greater than 100 feet in height, will document in their application that reasonable efforts have been made to lease space on an existing, planned or constructed

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

b) Height

i) Maximum Permitted Height
The maximum permitted height for transmission towers is 250 feet, except in resource zones.

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

Table 6.3-2 Height Bonus for Co-Location

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

c) Setbacks

i) Transmission towers will be set back from all existing dwellings and residentially zoned property by a minimum of 200 feet, or the height of the proposed tower, whichever is greater.

ii) Transmission towers on commercial/industrial zoned property will be set back a minimum of 50 feet from the property boundary.

iii) The setbacks listed in this subsection may be increased or reduced upon consideration of circumstances that increase or reduce the off-site effects of the tower on adjacent properties, such as

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

d) Design and Operation Requirements

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

ii) Design and Neighborhood Compatibility

(a) Except where otherwise required by the FAA or Oregon Dept. of Aviation for aircraft safety, the exterior appearance of associated support structures and buildings will be compatible with the other buildings in the surrounding area. The exterior appearance of all buildings located in a residential district will include architectural details characteristic of residential dwellings, including pitched roof(s) and frame or brick veneer construction.

(b) Tower design will comply with lighting and tower painting and other modifications recommended by the Oregon Dept. of Aviation and the FAA.

(c) No portion of a tower or antennae may intrude into the imaginary surface of an airport.

(d) Support buildings and any associated utility structures may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(e) Advertising signs or logos are prohibited on any tower.

(f) Transmission towers will be located to minimize impact on wildlife.

(g) The County may require additional conditions necessary to mitigate the impact of the tower on adjacent properties and uses.

iii) Buffering and Screening

(a) In order to provide sufficient opaque screening when the tower is adjacent to a residential use, zone, or public right-of-way, all fences and walls will be screened with plant materials so that no more than two-thirds (2/3) of the surface of the fence or wall is visible within three (3) years after erection of the structure. Painting, fencing and buffer landscaping must be maintained in good condition.

(b) The base of the tower and each guy anchor will be surrounded by a fence or wall at least eight (8) feet in height.

(c) All antenna(ae) will be screened to safeguard surrounding property provided that such screening will not interfere with the transmission and/or reception capabilities of any antennae located on the tower.

iv) Technological Requirements

(a) Output power levels from the tower and/or associated antennae will not exceed the current federally approved levels for exposing the public and maintenance workers to electromagnetic radiation.

(b) Evidence will be submitted that radio, television, avionics, or other electromagnetic transmission(s) or reception will not be disturbed or diminished, including local emergency response frequencies.

(c) The County may impose additional conditions necessary to address the impacts of new technologies.

6) *Decommission*

a) Prior to issuance of permits for the tower, the property owner will sign and record a deed declaration which requires removal of decommissioned structures.

b) In the event that an owner discontinues use of the transmission facility for more than six (6) consecutive months, the County may declare the facility decommissioned and require the property owner to remove it. A decommissioned facility may be declared a nuisance subject to the abatement procedures of the *Jackson County Codified Ordinance.*

7) *Outside Experts and Disputes*

a) Siting of transmission facilities may involve complex technical issues that require review and input by outside experts. The County may require the applicant to pay the reasonable costs of a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal will be at the sole discretion of the decision-making body.

b) If an applicant for a transmission facility claims that one (1) or more standards of this Ordinance are inconsistent with federal law in a way that would prohibit the effective provision of wireless communications within the relevant market area, the applicant's qualified engineer may submit, for County review, findings that one or more standards of this Ordinance would prohibit effective service.

B) ***Utility Facilities***

1) Maximum use of existing easements and rights-of-way will be made.

2) Small scale energy producing facilities will be permitted only in conjunction with approved uses.

3) **Regulation of liquid petroleum gas containers or receptacles by the State Fire Marshal is not a program affecting land use. Siting, installation, maintenance or removal of liquid petroleum gas containers is not regulated by this Ordinance except as provided for in ORS 480.410 to 480.460.**

C) ***Waste Disposal***

1) *Solid Waste Disposal*

a) Applicability and Procedure

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

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

b) Standards and Criteria for Action on Application

The standards and criteria for action on an application for a new solid waste disposal use will be those applicable to all Type 4 approvals set forth in Section 3.1.5. Modifications of existing waste related uses may be approved under a Type 2 review. Special emphasis will be placed upon the environmental factors listed, due to the potential for nuisance which may result from improper siting or development of

sanitary landfills. In addition, the applicant will demonstrate compliance with the *Solid Waste Franchising and Nuisance Abatement Ordinance,* County of Jackson. (See also Section 4.2.3.)

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

a) A plan drawn to an indicated scale showing:

i) The exterior boundaries of the property on which the use is to be located;
ii) Location of roadways, water courses or bodies, drainage ways, topography, and vegetation; and,
iii) Location of disposal sites and other improvements proposed;

b) Copy of the operation franchise, if applicable;

c) Statement from the State Department of Environmental Quality, outlining their investigation and findings on the proposal; and

d) A plan for site reclamation and restoration.

3) *Solid Waste Transfer Station*
Solid waste transfer stations may be approved through a Type 3 review by the County provided:

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

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

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

immediately around the drop box clean and free of debris or waste; and

c) The drop box will be located at least 200 feet from the nearest residence, unless those residing within 200 feet of the drop box have indicated in writing that they have no objection to the placement of the recycling drop box; and

d) The recycling drop box will not occupy an area greater than 144 square feet. No drop box structures will be higher than 56 inches measured from ground level.

D) ***Waste Disposal, Modification of Existing Waste Disposal Facilities***
Modifications, expansions or enlargements of existing waste disposal facilities may be allowed subject to a Type 2 review as provided below:[5]

1) *Significant Modification*
Except as set forth in (2) below, for the purpose of this Section, a "significant modification" to an approved waste related use, requiring a Type 4 Level of review shall be either of the following:

a) An increase in the overall acreage of the waste area under the current approved permit; or

b) A request by the permit holder for change in the approval conditions of the current permit.

2) *Changes Not Constituting a Significant Modification*
Any changes to the site, facilities, equipment or any other operational or management practices which are required by law or encouraged as a matter of public policy by federal, state, or local regulatory agencies for the purpose of environmental protection, recycling, or energy recovery shall be permissible without need to obtain or modify land use permits by and through Jackson County or any other change which does not constitute a significant modification.

6.3.7 Parks/Public/Quasi-Public Uses

A) ***Firearm Training Facility/Shooting Range***
For purposes of this Section, a "firearms training facility" is an indoor or outdoor facility that provides training courses or issues certifications required:

1) For law enforcement personnel;

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

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

No outdoor firearm training facility or shooting range facilities are permitted in commercial districts. Within the EFU district, any firearms training facility

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

in existence on September 9, 1995 will be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.

B) ***Library***
Libraries are considered a public use, and may include indoor incidental retail and meeting activities.

C) ***Park and Playground***

1) In the Floodplain Overlay, picnic tables, play structures, and "camp place fireplaces" are accessory uses subject to Type 1 review, and will be designed and anchored to prevent flotation, collapse, or lateral movement. (See Section 7.1.2(B)(2))

2) Public use areas such as parks, recreation sites, and picnic grounds should be designed to prevent fires which may start in them, from spreading to adjacent or nearby wildlands or developments.

D) ***Public Works Buildings and Facilities***
The use includes buildings and uses of a public works, public service, or public utility nature, but does not include equipment storage or repair yards, warehouses, or related activities, unless fully conducted within an enclosed building.

6.4 ACCESSORY USES AND STRUCTURES

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

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

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

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

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

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

D) ***Time of Establishment***
No accessory use will be established, and no accessory structure will be allowed on a parcel, until all required permits and approvals for the principal use or activity have been obtained and the principal structure is under construction, or the principal use has been established.

E) ***Dimensional Standards for Accessory Buildings and Structures***

1) *Compliance with Other Regulations Required*
All accessory structures and uses will comply with the dimensional standards for primary uses described in Chapter 8, as well as any additional dimensional standards applicable to any overlay district within which the accessory use or structure is located.

2) *Landscaped Buffers*
An accessory building or structure will not be located in a landscape buffer, except that parking lots fronting rights-of-way may abut any streetscape or landscape buffer fronting the right-of-way.

F) ***Signs***
All signs will be governed by the standards and sign permit procedures set forth in Section 9.6 of this Ordinance.

G) ***Temporary Accessory Uses and Structures***
Temporary accessory uses and structures will be governed by the standards and temporary use permit procedures set forth in Section 6.5 of this Ordinance.

6.4.3 Accessory Uses Prohibited
In Urban and Rural Residential zoning districts, the following activities are prohibited:

A) ***Automotive Repair***
Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.

B) ***Outdoor Storage of Inoperative Vehicles***
The outdoor storage of more than two (2) vehicles that do not display both a current lawful license plate and a current state inspection sticker.

C) ***Outdoor Parking/Storage of Large Commercial Vehicles***
The parking of any number of commercial vehicles with a combined total gross vehicle weight more than 26,000 pounds, except for one (1) vehicle

and trailer used solely by the owner residing on the premises in his/her primary occupation when the property is in a Rural Residential zone.

6.4.4 Accessory Uses and Structures Allowed

A) ***General***

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

B) ***Detached Living Space***

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

1) The building will comply with all applicable setbacks, fire safety and Floodplain Overlay requirements of this Ordinance;

2) The maximum square footage of the area used as ~~detached~~ habitable living space, either as a separate building or within a larger accessory structure, will not exceed 400 square feet;

3) Utility services (e.g., gas, electricity, telephone) will be metered through a single meter for each utility that serves both the existing residence and the detached living space;

4) Sanitation will be provided by either connection to an existing on-site septic system or a public sanitary authority, whichever is currently in use on-site;

5) The detached living space will be located within 200 feet of the existing primary residence;

6) No more than three (3) of the five (5) identified components of a dwelling will be incorporated into the detached living space; AND

7) A deed declaration that stipulates the detached living space is not and cannot be used as an independent dwelling unit must be recorded prior to issuance of building permits.

C) ***Home Occupations***

1) *Purpose*

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

residential character of the property. In resource zones, the provisions of ORS 215.448 also apply.

2) *Where Allowed*
Home occupations that comply with the regulations of this Section may be allowed in all zoning districts, except within accessory dwelling units.

3) *Approval Required*
Home occupations are permitted as a Type 1 use in all residential zones, and a Type 2 use in resource zones, subject to provisions of this Ordinance.

4) *Prohibited Home Occupations*
Some uses by their nature have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home occupations:

a) Auto or vehicle oriented (repair, painting, detailing, wrecking, transportation services, or similar activities);
b) Retail sales or professional services, other than by appointment only; and
c) Large appliance repair.

5) *General Standards*
The following standards apply to all home occupations:

a) There will be no signs other than as permitted by Section 9.6;
b) The home occupation use, unless approved as a home business under Section 6.4.4(D), will not result in more than two (2) additional vehicles parked at the site of the home occupation at any given time. Any need for parking created by the conduct of a home occupation will be met off-street in a location other than in a required front yard setback, and in compliance with the standards in Section 9.4. In no event may the home occupation displace required parking on the site without replacement in-kind;
c) In no way will the appearance of the structure be altered or the home occupation conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses and taking measurements from any lot line of the parcel;
d) Electrical or mechanical equipment that creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation will be prohibited;

e) Home occupations will not store or warehouse, or use in their processes, materials which are Class 1 flammables as defined by the Uniform Fire Code;

f) The home occupation will be completely conducted within an enclosed building. There will be no outside storage, display of goods, materials, supplies or equipment of any kind related to the home occupation;

g) No persons other than residents of the premises will be engaged in a home occupation, unless otherwise allowed in resource zones pursuant to this Ordinance (see Chapter 4);

h) A home occupation within an urban unincorporated community or urban growth boundary will be conducted only within the enclosed dwelling unit or garage;

i) A home occupation outside an urban unincorporated community or urban growth boundary may be conducted within a garage, accessory structure, or lawfully permitted dwelling; and

j) A home occupation may be subject to licensing when and if such a program is enacted by the County.

D) ***Home Business***

1) *Purpose*
A home business is a more intensive kind of home occupation that may employ persons in addition to the residents of the property. The home business will be operated by a resident of the property, and may employ up to five (5) persons total, full- or part-time *(See ORS 215.448).*

2) *Where Allowed*
Outside urban growth and urban unincorporated community boundaries, home businesses that comply with the regulations of this Section may be allowed in residential and resource zones, subject to all applicable standards of this Ordinance. Home businesses are not allowed in urban unincorporated communities or urban growth boundaries.

3) *Approval Required*
Home businesses are provided as a Type 3 use in residential zones and a Type 2 use in resource zones.

4) *Prohibited Home Businesses*
Some uses by their nature have a pronounced tendency to rapidly increase beyond the permitted limits, and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home businesses:

a) Auto or vehicle oriented (repair, painting, detailing, wrecking or similar activities);

b) Retail sales or professional services, other than by appointment only; and

c) Large appliance repair.

5) *Standards*
A home business, other than specific business uses listed in this Section, is subject to the following requirements:

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

6) *Bed and Breakfast*
A Bed and Breakfast is a ~~form~~ **type** of home business that provides temporary travelers' accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single-family residence. Notwithstanding the provisions of (D)(2) above, a bed and breakfast may be permitted inside urban growth boundaries. All Bed and

Breakfasts will comply with the following standards, in addition to all applicable general standards of this Section.

a) The Bed and Breakfast will comply with all applicable standards and approval procedures for a home occupation, as described in Section 6.4.4(C);

b) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located;

c) The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms will not be increased except as may be required to meet health, safety, and sanitation requirements;

d) Off-street parking will be provided. The front yard will not be used for off-street parking for temporary guests unless the parking area is screened and the appearance is compatible with the neighborhood, as determined by the County;

e) The number of guest rooms will be limited to six (6);

f) Those facilities with more than two (2) guest rooms are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the Health Department *(ORS 624, 471.162, and OAR 333.170)*. The issuance of such licenses will not be considered as conferring nonconforming commercial status to the use which would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this Section;

g) One (1) on-premise sign may be approved by the County, subject to compliance with the sign standards in Section 9.6;

h) All necessary state and County permits, certifications, or requirements will be obtained as a condition of approval of a Bed and Breakfast service;

i) Room rentals to families or individuals will not exceed 14 consecutive days;

j) The Bed and Breakfast facility must be accessory to and primarily operated within the single-family dwelling occupied by the resident owner or manager. Some or all guest rooms may be contained within existing structures that lawfully exist on the same parcel at the time of application;

k) The only meal to be provided to guests will be breakfast and it will only be served to guests taking lodging in the facility even if the facility is required to be licensed as a restaurant;

l) Prior to approval of the application, the following evidence must be provided:

    i) Two (2)-Room Bed and Breakfast: If the property is not connected to a public sewer system, the Environmental Quality Section must examine the sewage disposal system and determine that the system is, or can be made adequate for the proposed use. A domestic well serving a license-exempt Bed and Breakfast is not considered a public

water supply, and therefore no inspections or certifications are required;

ii) Three (3)-Rooms or more:

(a) If the property is not connected to a public sewer system, the Environmental Quality Section must examine the sewage disposal system, and determine that the system is, or can be made adequate for the proposed use;

(b) If the property is not connected to a public water supply, the water system must be approved as a public water supply by the State Health Division;

(c) The facility must be inspected by the Building Division to determine that the Bed and Breakfast structure is, or can be made adequate for the proposed use;

(d) The applicant will not initiate any construction activity and other improvements related to the Bed and Breakfast facility or begin operation of the facility prior to a determination, in writing, by the Health Department that the necessary inspections have been completed and any deficiencies have been corrected to the satisfaction of the Health Department; and

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

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

1) Commercial activities accessory to farm use occurring on the same parcel ~~may be~~ are permitted subject to a Type ~~3~~ 1 review in all zones where agriculture is a Type 1 use. Such activities may occur inside an existing building, outside, or both. Any regular activities conducted in conjunction with farm use must be primarily for the purpose of displaying, tasting, or otherwise consuming products primarily grown and produced on-site. Regular, ongoing activities may include sales, tasting or consumption of farm products, with or without music or artistic entertainment provided:

a) Ongoing activities' hours of operations are limited to 9 a.m. to 6 p.m. Sunday through Thursday, and 10 a.m. to 10 p.m. Friday and Saturday;

b) The activities will primarily occur in an enclosed structure that is located a minimum of 500 feet from any adjacent property ownerships;

c) No more than 25 percent of the proceeds of any products or items sold will be from non-farm product related sales; and

d) On-site parking and loading areas comply with Section 9.4.

2) Special events may also be allowed when specifically permitted by the County through a Type 3 review. Such events may include non-profit and charitable organization fund raisers, or other similar special events provided the primary purpose is to showcase, market, or provide education about the agricultural products produced by the farm. All special events must comply with the following standards in, addition to any specific conditions of approval associated with any prior County permit that authorized the commercial activity:

a) The special event must be sponsored or co-sponsored by the farm operation;
b) The event may not occur in a building that was built as an "Ag-Exempt" structure, unless specifically allowed by conditions of approval of a valid County land use permit. In the EFU and Rural Residential districts, no new building or existing building remodel will be permitted that will devote the building primarily to public assembly associated with the commercial activity;
c) The event is quarterly during any 12-month period and is not part of a series of similar events that occur throughout the year at the site, provided however that the event may continue for up to 72 hours;
d) Hours of operation will be limited to 7 a.m. to 10 p.m., except on Sunday when hours will be limited to 8 a.m. to 9 p.m.;
e) Less than 500 people are anticipated to attend and adequate parking up to a maximum of 250 spaces will be provided on-site to accommodate anticipated attendance (see Table 9.4-1);
f) No permanent on-site restaurant facility will be used or constructed to accommodate the event; and,
g) Compliance with all health and sanitation laws will be maintained throughout the event and all required health and sanitation permits will be obtained prior to the event.

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

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

1) *Procedural Requirements*

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

submit a plan showing the location of the activity, and how the requirements of this Section are to be met.

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

3) *No Pedestrian Obstruction*
At least five (5) feet along the parking lot side of the display, sales and storage area adjacent to the building will be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

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

G) ***Swimming Pool, Private***
A private swimming pool, whether above or below ground, is an accessory use when it:

1) Complies with all required zoning setbacks for the district in which it is located; and,

2) Is not operated as a separate business nor maintained in such a manner as to be hazardous to adjacent property owners. For example, an approved bed and breakfast may include a swimming pool available for use by guests of the bed and breakfast.

6.5 TEMPORARY USES AND STRUCTURES

6.5.1 Purpose
This Section allows for the establishment of certain temporary uses of limited duration in all zoning districts, provided that such uses are discontinued upon the expiration of a set time period. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

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

A) Permanent changes to the site are prohibited.

B) Permanent signs are prohibited. All temporary signs associated with the temporary use will be removed when the activity ends.

C) Temporary uses will not violate any applicable conditions of approval that apply to the principal use on the site.

D) The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as when Health Department permits must be obtained prior to issuance of ~~County Planning~~ Development Services Department permits under this Section; and

E) Unless otherwise expressly stated, temporary uses are permitted as a Type 1 use.

6.5.3 Uses Allowed

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

A) ***[RESERVED]***

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

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

D) ***Real Estate Sales Offices***
Sales offices are allowed on sites under development in any zoning district until all lots or houses are sold.

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

F) ***Storage of Manufactured Dwelling***

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

2) *Standards*
The stored manufactured dwelling will comply with the following standards:

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

d) The manufactured dwelling will not be located in a Floodplain Overlay.

3) *Duration; Extension*

a) A manufactured dwelling may not be stored on a tract longer than six (6) months, unless an extension has been granted by the County.

b) Only one (1) extension, for a maximum of an additional six (6) months, may be granted. The applicant must request the extension in writing prior to the expiration date of the manufactured dwelling storage permit. and

c) Only one (1) manufactured dwelling storage permit may be issued to a property owner for a specific parcel within any five (5)-year period.

G) ***Temporary Medical Hardship Dwelling***

1) *Applicability*

a) A permit may be issued using the procedure set forth in this Section for the placement and use of a temporary structure or existing accessory structure for occupancy by an infirm person incapable of maintaining a residence on separate property, or by one (1) or more individuals engaged in caring for an infirm person residing on the property, provided that all the provisions of this Section are satisfied.

b) A permit may be issued using the procedure set forth in this Section for the use of a recreational vehicle as a temporary medical hardship dwelling, provided that the Building Division conditions for issuance of a mobile home setup permit are met and that all other applicable provisions of this Section are satisfied; and

c) A temporary medical hardship dwelling may not be located in a Commercial or Industrial district, unless located as an accessory use to an existing dwelling unit on the property.

d) **Temporary medical hardship permit in resource zones must also comply with all applicable provisions of Chapter 4**

2) *Conditions for Issuance*

a) Existence of Infirmity or Hardship

i) The nature of the infirmity or hardship will be certified by two (2) written statements; one from the patient's primary care medical doctor (MD) or osteopath (DO), as well as a second opinion from a licensed MD, DO, physician's assistant or licensed nurse practitioner (NP). The statements will be on the care provider's stationery or stamped by the office, and will indicate that the patient is not physically or mentally capable of maintaining him/herself in a residence on a

separate property, and is dependent upon someone being close by for assistance. **These certifications must be dated within one (1) year of the date of application or permit renewal; and**

ii) The infirmity will be due to physical or mental impairment. Financial hardship conditions, child care, and other convenience arrangements not relating to physical and mental impairment are not considered an infirm condition.

b) Residency

i) At least one (1) other person will reside on the premises who can provide the needed assistance; **and**

ii) The approved occupant(s) of the temporary medical hardship dwelling will occupy the temporary dwelling at least nine (9) months out of each calendar year.

c) Site Conditions

i) The temporary medical hardship dwelling will either (**a**) connect to a public sanitary sewer system, or (**b**) use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling, as determined by the Environmental Quality Section. If the Environmental Quality Section determines that the existing subsurface sewage disposal system is not adequate to accommodate the additional dwelling, the applicant may meet the requirement for adequate sewage disposal by installing a new individual subsurface sewage disposal system, provided that (**a**) the applicant agrees that one (1) of the existing septic systems is decommissioned when the medical hardship is over, or (**b**) the new system is put to another use lawfully allowed by this Ordinance;

ii) The location of the temporary structure will conform to all applicable setback requirements of this Ordinance;

iii) The applicant will certify that the placement of the temporary structure will not violate the provisions of any deed declaration or subdivision covenant for the property;

iv) No additional driveways, access roads or permanent accessory buildings to serve the temporary structure will be permitted; **and**

v) The temporary structure will be located within 300 feet of the existing residence on the property, except to conform with subsection (c)(ii) above.

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

~~e) Temporary medical hardship applications in resource zones will also comply with all applicable provisions of Chapter 4.~~

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

4) *Expiration of Permit; Renewal*

a) A temporary medical hardship permit is valid for up to two (2) years from the date of initial issuance. All permits will have an expiration date of January 31. The County will process all temporary medical hardship permit renewal requests once per year.

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

c) The permit will not be renewed until a review has been conducted by the County to determine the continued validity of the hardship.

5) *Addition of ~~Additional~~ Residents*

a) One (1) additional resident who is to receive care may be added under an existing temporary medical hardship permit, provided the additional resident is also infirm and incapable of maintaining a residence on separate property; and

b) Provided the existing permit is in compliance with the standards set forth in subsection (3) above, the holder of the existing permit will pay the required fee and submit medical documentation demonstrating the infirmity or hardship of the new resident. A new permit will not be required.

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

H) ***Use of Recreational or Camping Vehicles***
Recreational or camping vehicles are not generally designed for residential purposes in accordance with the standards and specifications for manufactured housing or conventional construction under the Uniform Building Code unless authorized for use during the term of a temporary medical hardship under Section 6.5.3(G). Unless permitted for use as a dwelling, ~~R~~ recreational or camping vehicles may be occupied temporarily subject to the following standards:[6] *[see 2005 HB2247]*

1) Recreational or camping vehicles will not be used for temporary housing to accommodate visitors of the current resident more than 30 days in any 12-month period~~.~~;

2) A maximum of one (1) self-contained recreational or camping vehicle may be used for recreational purposes for up to three (3) months in any 12-month period on vacant property with the owner's consent, subject to the provisions of this Ordinance (e.g., Section 7.1.2(B)) and full compliance with health and sanitation regulations; or,

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

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

1) There will be no more than three (3) such sales per year per site~~.~~;

2) The duration of each sale will not exceed three (3) days in length~~.~~; and

3) The hours of operation will be limited to 7:00 a.m. to 6:00 p.m..

J) ***Other Uses***
The County may approve other temporary or seasonal uses and activities, or special events that are not exempt from land use permitting under ORS 433.735-770, if it is determined through a Type 2 review that such uses would not jeopardize the health, safety or general welfare, or be injurious or

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

detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

CHAPTER 7. OVERLAYS

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CHAPTER 7. OVERLAYS

7.1 ENVIRONMENTAL AND CULTURAL OVERLAYS

The purpose of these overlays is to protect site-specific environmental and cultural resources and through the application of additional development regulations and requirements. Use of this land will be governed by the underlying zoning regulations as well as the special regulations set forth in this Section. All uses will comply with the general dimensional standards set forth in Chapter 8.

7.1.1 Areas of Special Concern

A) ***ASC 80-2 Ashland Watershed***

1) *Description*
This area consists of the Ashland Watershed. The portion of the watershed designated ASC lies within the boundaries of the Rogue River National Forest. The County recognizes domestic water supply production to be the primary use of this land, and that other activities or uses within the watershed are secondary; and

2) *Special Regulations or Development Standards*
Since certain activities which take place in a municipal watershed can have an adverse impact on that resource, the County will, to the extent of its legal authority, provide for the protection of the Ashland Municipal Watershed from uses which could impact the quality of the water and increase erosion, and may attach special conditions during the development review process to protect the quality of the water and reduce erosion.

B) ***ASC 82-2 Bear Creek Greenway***

1) *Description*
This area consists of the lands identified on the official Bear Creek Greenway Maps.

2) *Special Regulations or Development Standards*
The County refers to *The Bear Creek Greenway Plan: Management Policies and Guidelines (1982) and the Bear Creek Greenway Plan: Ashland to Central Point (1988)* for guidance on uses appropriate to the Greenway. The County will, to the extent of its legal authority, provide for the implementation of these plans during the development review process, through the implementation of the use restrictions set forth below, and in some cases by attaching special conditions to development approvals.

3) *Uses Permitted*
Notwithstanding the provisions of Table 6.2-1, 4.2-1, 4.3-1 or 4.4-1, the following use restrictions will apply in this area.

a) *Type 1*: The following uses are permitted under a Type 1 approval process within ASC 82-2 provided the use is permitted as a Type 1 use within the underlying zone:

i) Open space and parks;

ii) Agriculture;
iii) Fishing and hunting reserves where compatible with other uses;
iv) Utility facilities necessary for public service provided such facilities are underground;
v) Sedimentation ponds when used in conjunction with aggregate removal operations;
vi) Pedestrian, equestrian and bicycle trails; and
vii) Riparian enhancement.

b) *Type 3*
All other uses within the primary zoning district will be subject to a Type 3 permit approval process. Type 3 permits requested within the ASC 82-2 will be consistent with the Bear Creek Greenway Plan and related documents.

C) ***ASC 90-1 Deer and Elk Habitat***

1) *Description*
This area includes all lands on which development can affect survival of Black-tailed deer or Roosevelt elk herds as described in the Natural and Historic Resources Element (Chapter 16) of the Comprehensive Plan. Such lands are identified as winter range habitat on base maps prepared by the Oregon Department of Fish and Wildlife (ODFW) and adopted by the Board of Commissioners as ASC 90-1. Winter range is classified by ODFW as "Especially Sensitive," "Sensitive", and "Other", with commensurate levels of protection provided to protect the carrying capacity of the range as set forth in the Jackson County Comprehensive Plan.

a) Winter range units classified by ODFW as "Especially Sensitive" include:

i) Upper Applegate Unit
ii) Agate Flat Unit
iii) Lake Creek Unit
iv) Grizzly Unit
v) Big Butte Creek Unit
vi) Upper Rogue Unit
vii) Elk Creek Unit

b) Winter range units classified by ODFW as "Sensitive" include:

i) Trail Creek Unit
ii) Cottonwood Creek Unit
iii) Lower Applegate Unit
iv) Evans Creek Unit

c) Units identified by ODFW as "Other Winter Range" include:

i) Sardine Creek Unit
ii) West Valley Unit

iii) Dead Indian Memorial Road Unit

2) *Minimum Parcel Size*
New parcels that are created by partition or subdivision in winter range units will comply with the following minimum parcel sizes:

a) Especially Sensitive Winter Range units: 160 acres;
b) Sensitive Winter Range units: 40 acres, or the minimum parcel size required by the underlying zoning district, whichever is larger; and
c) Other Winter Range units may be divided according to the prevailing minimum parcel/lot size for the zoning district.

3) *Gating Requirements*
New private roads will be gated between November and April (where permitted by law) to protect wintering deer and elk. Individual driveways to dwellings or other buildings that are within 300 feet of a public road are exempt from gating requirements.

4) The standards of this subsection are deemed to comply with the deer and elk habitat protection measures recommended by ODFW and therefore do not require ODFW comment on Type 1 permits issued in conformance with this subsection. A first dwelling on a lawfully created lot or parcel will be located within 300 feet of an existing:

a) Public or private road;
b) Driveway that provides access to an existing dwelling on another parcel (provided the new dwelling unit will not take access on it unless the driveway is improved to the private road standards of Section 9.5.3); or
c) Other developed access way that existed as shown on the County 2001 aerials or other competent evidence (e.g., a road or driveway for a legal easement recorded prior to the aerial date).

To be considered under the locational criteria of this subsection, any access must, at a minimum, conform with the emergency vehicle access standards of Section 9.5.4. When an initial dwelling is proposed to be sited in an alternative location that does not conform to the standards of this subsection, the alternative location may be allowed through a Type 2 review process in accordance with subsection (6), below.

5) *General Development Standards*
The following standards apply to all discretionary land use permits subject to review under this Section, unless a condition of approval when the parcel was created required compliance with prior habitat protection standards. The land use decision will include findings that the proposed use will have minimal adverse impact on winter deer and elk habitat based on:

a) Consistency with maintenance of long-term habitat values of browse and forage, cover, sight obstruction;

b) Consideration of the cumulative effects of the proposed action and other development in the area on habitat carrying capacity; and

c) Location of dwellings and other development within 300 feet of an existing public or private road, or driveway that provides access to an existing dwelling as shown on the County 2001 aerials or other competent evidence. When it can be demonstrated that habitat values and carrying capacity are afforded equal or greater protection through a different development pattern an alternative location may be allowed through the discretionary review process described in subsection (6), below.

d) Dwellings other than the initial dwelling on a lot or parcel will comply with one of the following, as applicable:

   i) A maximum overall density (within the tract) of one dwelling unit per 160 acres in Especially Sensitive Winter Range units, or one dwelling unit per 40 acres in Sensitive Winter Range units; or

   ii) Clustering of new structures within a 200-foot radius of the existing dwelling to achieve the same development effect as would be achieved under i), above.

6) ODFW *Approved Alternate Siting Plan*

Initial dwellings and other development may be sited in locations that do not conform with subsections (4) and (5), above when the applicant demonstrates at least one of the following:

a) The wildlife habitat protection measures required by Section 7.1.1(C)(4) will render the parcel unbuildable; or

b) A written authorization approving an alternate siting plan is received from ODFW. Any such authorization must include a statement from ODFW that confirms habitat values and carrying capacity will be afforded equal or greater protection if the dwelling or other development is sited in the alternate location. The written authorization must be made on ODFW letterhead or forms and be signed by an ODFW official with authority to make habitat protection decisions. Authorization of an alternative dwelling location will not release an applicant from compliance with any other applicable standard of this Ordinance.

D) ***ASC 90-2 Bald/Golden Eagle, Osprey, Great Blue Heron Nesting Areas***

1) *Description*

This area includes lands identified as significant bald and golden eagle, osprey, and great blue heron nesting areas. Regulation of land use is needed to protect these birds' aeries and rookeries.

2) *Special Regulations or Development Standards*

a) Land use actions including road construction, reconstruction, aggregate operations, and other uses proposed within the Area of Special Concern will be subject to review to minimize any potential adverse effects upon protected bird species, particularly during their nesting season. When a land use action is proposed within an identified nesting area, the Oregon Departments of Fish and Wildlife (ODFW) and Forestry (ODF), and U.S. Bureau of Land Management (BLM) or U.S. Forest Service (USFS), if adjacent, will be notified of the proposed action. Forest operations will be subject to the requirements of the Oregon Forest Practices Act (FPA), however, other land use actions will be reviewed against FPA and interagency guidelines for species protection to ensure adequate protection is given to nesting habitat.

b) The County may deny or require mitigation or modification of any proposed land use determined by ODFW and ODF to be significantly adverse to the species nesting territory, particularly during the breeding/rearing season. Federal land management agencies may also be consulted when land use actions affecting bird habitat are proposed adjacent to or within 1,000 feet of federal land; and

c) The County will not approve the proposed land use action until the applicant submits written evidence that an ODFW biologist and an ODF Forest Practices Officer have found that nesting territory is adequately protected in a manner that is consistent with federal and state interagency guidelines and the FPA.

E) ***ASC 90-3 Jenny Creek Sucker Habitat***

1) *Description*
This area includes lands identified as significant habitat for the endemic Jenny Creek Sucker.

2) *Special Regulations or Development Standards*
All land use actions will be subject to review to ensure that only minimal adverse impact results for any proposed action.

a) When a land use action is proposed within the Jenny Creek ASC, the Oregon Departments of Fish and Wildlife (ODFW), and Forestry (ODF) and the U.S. Bureau of Land Management (BLM) will be notified of the proposed action. Forest operations on private lands will be subject to the requirements of the Oregon Forest Practices Act (FPA); however, other land use actions will be reviewed against FPA standards and any agency guidelines for Jenny Creek Sucker habitat protection;

b) The County may deny or require mitigation or modification of proposed land use actions which may conflict with habitat quality; and

c) The County will not approve the proposed land use action until the applicant submits written evidence that the ODFW biologist, the ODF Forest Practices Officer and the BLM have found that the Jenny Creek Sucker habitat is adequately protected in a manner that is consistent with federal/state guidelines and the FPA.

F) ***ASC 90-4 Historic Resources***

1) *Description*
This area will be applied to designated historic resources that have been placed on the Jackson County Register of Historic Landmarks pursuant to the designation provisions of Section 3.7.5 or that are on the National Register of Historic Places.

2) No person will alter a designated historic landmark; engage in new construction or begin major new landscaping on a property designated as historic or that lies within an historic district; alter in any manner any exterior architectural feature of such an historic resource or improvement within an historic district; or place, erect, alter or relocate any sign within an historic district or on an historic resource site, unless an application has been approved under this Section.

a) *Maintenance and Repair*

i) Ordinary Maintenance and Repair
Nothing in this Ordinance will be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this Section that does not involve a change in design, material or external appearance thereof, nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature from compliance with the State Building Code when authorized by the Building official and in conformance with ORS 455.

ii) Duty to Keep in Good Repair
The owner, occupant, or other person in actual charge of an historic landmark or an improvement, building, or structure in an historic district will keep in good repair all of the exterior portions of such improvement, building, or structure and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

b) *Minor Alterations*
An application for a minor alteration to an historic landmark may be submitted when the proposed changes will not adversely affect the historic character or historic building materials of the property. A minor alteration application will be submitted in a manner prescribed by the Planning

Division, and will be processed according to the Type 2 procedures. The minor alteration application may be approved upon a finding that the proposed change:

i) Will be limited to a part of the historic property which the County has determined or identified as having no historic significance or relationship with the historic designation and the Department determines that the proposed change will not alter or affect the historic character or sound historic building materials of the property; or,

ii) Is a change listed on the County's "List of Minor Alterations" which has been adopted by the County by order.

c) *Major Alterations*

An application for a major alteration to an historic landmark will be submitted in a manner prescribed by the Planning Division and will be processed in accordance with the Type 3 procedures. The application may be approved upon a finding that:

i) The alteration will not impair or change the significant historic appearance or historic building materials unless it can be found that:

(a) 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;

(b) There are mandatory building or handicap codes or requirements, and it is not reasonably possible to retain the historic features or minimize the impact of the proposed alteration and also to comply with those codes or requirements; or,

(c) The only alternative to the alteration would be demolition of the historic property;

ii) Distinctive stylistic features and examples of skilled craftsmanship have been retained to the greatest extent possible;

iii) The alteration is compatible in design, size, arrangement, proportion, detail, scale, color, texture, material, and character with the rest of the historic landmark and the nearby area; and,

iv) 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) *New Construction*

An application for new construction affecting an historic landmark will be submitted in a manner prescribed by the

Planning Division and will be processed in accordance with the Type 3 procedures. The application may be approved upon a finding that:

i) The new construction would be consistent with the reasons for the historic landmark designation as set forth in the designation decision;
ii) The proposed new construction will 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;
iii) The proposed new construction will be compatible with the exterior design, type, arrangement, proportion, size, detail, scale, color, texture, and materials of the historic buildings, structures, objects, or landscaping. The "Standards for Rehabilitation" from *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, as adopted by reference, will be applied in evaluating all proposed work on designated historic landmarks or on resources located within a designated historic district, as described in this Ordinance; and,
iv) The proposed new construction meets all of the conditions that may have been imposed at the time of designation.

e) *Alteration to Noncompatible Property Within Districts and Ensembles*

An application for the alteration of historically noncompatible property within the boundaries of an historic district or ensemble will be submitted in a manner prescribed by the Planning Division and will be processed in accordance with the Type 2 procedures. The application may be approved upon a finding that:

i) The alteration meets all of the conditions that may have been imposed at the time of designation; and,
ii) The alterations do not detract from the historic character of the district or ensemble through their design, arrangement, proportion, size, scale, detail, color, texture, and material.

f) *Conditions*

Reasonable conditions may be imposed in granting an application for alteration or new construction. Conditions will be based on the following considerations:

i) Deteriorated architectural features should be repaired rather than replaced whenever possible. Deteriorated architectural features that cannot be repaired should be replaced with material that matches the original material in design, color, texture,

and other visual qualities. Whenever possible, repair or replacement of architectural features should be based on accurate duplications of features and composition of materials, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of architectural elements from other buildings or structures;

ii) When surface cleaning of buildings or structures takes place, it should be undertaken with the gentlest effective means possible. Sandblasting and other abrasive cleaning methods that may damage the historic property should not be employed; and,

iii) Every reasonable effort should be made to protect known archeological resources affected by and adjacent to any alteration project.

3) *Moving and Demolition*

No person may move or demolish an historic landmark unless an application has been approved and the required permit has been obtained from the Building Official. The application will be processed under the Type 4 procedure and will show compliance with the following:

a) The applicant must demonstrate that either subsections (i) or (ii) below apply:

i) <u>Economic Feasibility Report</u>

The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property. In determining whether an economically beneficial use can be made of the property, the applicant will:

(a) Furnish an economic feasibility report prepared by an architect, developer, or appraiser, or other person who is experienced in rehabilitation of buildings that address the estimated market value of the property on which the building lies, both before and after demolition or removal, or

(b) Market the property using a marketing plan approved by the County or by advertising the property in a newspaper of general circulation in Jackson County at least eight (8) times and at regular intervals for at least 90 days and by posting a "for sale" sign on the property four (4) to six (6) square feet in size and clearly visible from the street for the same 90-day period.

ii) <u>Structure Unsound</u>

The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.

b) In addition, the applicant must also:

i) Submit a redevelopment plan for the site that provides for replacement or reconstruction of the structure being demolished or relocated. The replacement or rebuilt structure must be a minimum of 1,000 square feet, unless the structure being demolished or relocated is less than 1,000 square feet. If the structure is less than 1,000 square feet, the replacement structure must be a minimum of 500 square feet. The redevelopment plan must indicate in sufficient detail the nature, appearance and location of all replacement or rebuilt structures. No replacement structure is required, however, if the structure being demolished or relocated is a non-habitable accessory structure; and

ii) Demonstrate, if the application is for a demolition, the structure cannot be practicably relocated to another site.

c) If a permit is issued and the redevelopment plan:

i) Requires a site review permit, no demolition or relocation may occur until the site review permit has been issued, unless the site is restricted to open space uses; or

ii) Does not require a site review permit, no demolition or relocation may occur until the building permit has been issued for the replacement or rebuilt structure, unless the site is restricted to open space uses.

d) The County may require the applicant to post a bond or other suitable collateral, ensuring the safe demolition of the structure and the completed performance of the redevelopment plan.

e) *Notice, Public Hearing, and Decision*

i) At least 20 days before the first evidentiary hearing, the property owner will post a notice summarizing the application and stating the time, date, and place of the hearing in at least three (3) places within 300 feet of the affected property;

ii) The application will be approved unless the hearings body finds that a postponement will likely result in preservation of the historic landmark or retention at its current site. A postponement will be for a maximum of 120 days from the time a complete application is filed. The hearings body may consider

the following in assessing the likelihood of preservation or retention:

(a) The state of repair of the historic landmark and the financial and physical feasibility of rehabilitation, moving, or leaving the landmark in its current state or location;
(b) The effects that moving would have on the use and development of the historic landmark;
(c) The marketability of the property and the willingness of the owner to sell the property; and,
(d) The only alternative to moving the historic landmark would be demolition.

f) *Record of Demolished and Moved Historical Properties*
If an historical landmark is to be demolished or moved, the County will mitigate the loss by requiring the owner to produce one (1) or more of the following: photographs of the historic landmark and its site; measured, architectural drawings of the historic landmark and its designated historic features; and additional graphic history, data, and commemorative materials. The documentation costs will be the responsibility of the property owner. The documentation materials will be the property of the County or its assignee. The County will work with the property owner to review the possibility for the preservation of certain specific artifacts, architectural features, materials, and/or equipment. The County will determine where the documentation is to be deposited and where any artifacts, architectural features, materials, or equipment saved from the building or structure are to be stored.

g) *New Location Designation*
When an historic landmark is moved to a new location, the historic landmark designation status is automatically retained for the landmark at the new site unless the County, using the process required for designation, determines that landmark designation is no longer appropriate. If the property retains historic landmark status at the new site, the County may review and modify the development standards and designation as appropriate, using the process required for designation.

4) *Historic Landmark Allowable Use Permit*

a) *Purpose*
The intent of the County in granting an historic landmark allowable use permit is to ensure increased protection and provide for a variety of allowable uses for historic landmarks that will encourage rehabilitation and continued preservation of the unique qualities of these nonrenewable resources.

b) *Applicability*

A request to allow a more intensive use than provided for in the zoning district may be requested for any historic landmark that is not in a resource district.

c) *Standards and Criteria*

An application for an historic landmark allowable use permit will be processed in accordance with the Type 3 procedure. The application may be approved upon a finding that:

i) The permit would be in conformance with the Natural and Historic Resources Element of the Jackson County Comprehensive Plan;
ii) The proposed use will assist in preserving the significant physical characteristics of the historic landmark; and,
iii) The physical changes necessary for the proposed use will not require substantial alteration, thereby diminishing the historic significance of the historic landmark.

d) *Conditions of Approval*

The County will require the historic landmark owner and permit holder to apply the "Standards for Rehabilitation" from *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, as adopted by reference. Any factors relevant to the proposed use will be considered in prescribing conditions. These may include:

i) Parking;
ii) Preservation of existing landscape and landscape features;
iii) Access;
iv) Signs;
v) Noise;
vi) Open space;
vii) Scenic resources;
viii) Natural resources;
ix) Drainage; or,
x) Overall long-range community effects.

G) ***ASC 90-6 Archaeological Sites***

1) *Description*

This area applies to lands identified by a state or federal agency, property owner or other sources as having a potentially significant archaeological site.

2) *Permits*

A person may not excavate or alter an archaeological site on private land, make an exploratory excavation on private land to determine the presence of an archaeological site, or remove from private land any material of an archaeological, historical, prehistoric, or

anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department as required by ORS 358.920 and 390.235.

3) *Notification Required During Excavations*

a) Any permitted person who conducts an archaeological excavation associated with a prehistoric or historic American Indian archaeological site will notify the most appropriate Indian tribe and the Commission on Indian Services; and

b) Any person who is excavating and accidentally exposes a prehistoric or historical American Indian archaeological site will stop excavating and notify the most appropriate Indian tribe. If the excavation accidentally exposes human remains, all excavating will cease and the Oregon State Police, the State Historic Preservation Office, the appropriate Indian tribe, and the Commission on Indian Services will be notified as required by ORS 97.740-990.

H) ***ASC 90-7 Upper Rogue River Scenic Area***

1) *Description*
This area applies to lands within one-quarter (¼) mile of the North Fork of the Rogue River, also known as the Upper Rogue River, from the Jackson/Douglas County border to the Crater Lake Highway 62 bridge at the upper end of the pool of Lost Creek Lake.

2) *Special Regulations*

a) All buildings located within one-quarter (¼) mile of the mean high water line of the river or within the river proper below the mean high water line will not exceed a height of 30 feet, or will be effectively screened from the river by topography or vegetation. If vegetative screening is relied upon, the applicant will be required to record a deed declaration with the deed for the property prohibiting removal of the vegetation and requiring the maintenance and replanting in the case of loss of the plants;

b) Land use decisions, including uses subject to Type 1, 2, or 3 reviews, variances, and land divisions, excluding land management activities associated with forest practices or commercial farming, will be reviewed by Jackson County to ensure that the proposed use or division will have no significant adverse impact on the scenic, geologic, fish or wildlife resources of this stretch of the Rogue River; and

c) If the property proposed for use or division is located within the legal boundaries of a designated national wild, scenic or recreational river or a state scenic waterway, the application will be transmitted to the appropriate state or federal agencies. If the property is subject to a scenic easement, no development permit will be issued until the applicant has obtained written authorization from the administering agency.

l) ***ASC 90-8 Groundwater Problem Areas***

This Area of Special Concern applies to lands within groundwater problem areas so designated by the Board of Commissioners and through Declaration by the State Department of Environmental Quality, State Health Division or the State Water Resources Department. Areas will be designated on officially adopted maps and will designate water quality and/or water quantity concerns. The testing of well capacity and water potability is required in areas so designated to ensure public health, safety and welfare of existing and future residents.

Testing conducted for the purpose of water quality assurance will be conducted on all new and deepened wells in the such designated Areas of Concern. Water Quantity tests are required in such designated areas of concern and in all new subdivisions or partitions where new lots are created. In known areas where potable water quality or quantity problems have occurred, greater care will be taken to protect adjoining uses and wells from new uses or land divisions that could negatively affect well yield or quality.

1) When a use other than one (1) single family dwelling is proposed, testing will consist of a water quantity test designed to measure the extent of drawdown and recovery in a well and to produce and measure a cone of depression, where possible, with the pump or a comparable part installed for the designated use of the well. Static levels of the test well and existing wells in the area will be measured where feasible.

2) Where a residential subdivision, partition, or additional well is proposed to serve a division or dwelling, a pump test as described in the State of Oregon Administrative Rules (OAR 690-217) regulating such testing will be performed. Such test will need to indicate a minimum yield of not less than 2.5 g.p.m. over the prescribed testing time period. Where the proposed use or division would involve more than one (1) dwelling or use, the test will establish that the proposed well is capable of producing at a rate of 400 gallons per day per dwelling served, or meeting the estimated needs of the use or development for a minimum testing period of not less than 12 hours. The well will not exceed 75 percent drawdown of the initial static water column and will have a minimum recovery or 80 percent of drawdown in 12 hours.

3) If the test well can satisfy the yield requirements of this Ordinance, evaluation of potability will then be certified by an appropriate water quality testing laboratory recognized by the Oregon State Health Division. and

4) Test results will be submitted in conjunction with land use or division permit applications. Applications for land use permits or divisions will be subject to denial where minimum quantity and quality standards are not satisfied unless mitigating measures acceptable to the County are proposed to ensure safe and adequate water supply.

J) ***ASC 90-9 Scenic Resources***

1) *Description*
This area applies to lands identified by the Jackson County Planning Commission and Board of Commissioners as important scenic resources that significantly contribute to the landscape character of the County. They include distinctive scenic areas, views, sites, stream and roadway corridors. The intent of the ASC is to allow permitted natural resource based uses and provide guidelines for discretionary land uses.

2) *Exemptions*
The following uses within ASC 90-9 will be permitted without review by Jackson County, unless otherwise provided by other regulations:

a) Conservation and maintenance of scenic resources;
b) Fish and wildlife habitat management;
c) Historic resource protection measures;
d) Natural areas protection measures;
e) Passive recreation activities;
f) Other land uses or activities permitted in the underlying zone, subject to state and federal regulations; or
g) Forest practices on commercial forest land within the scope of OAR Chapter 729, Division 24, are not subject to the Area of Special Concern, although the regulations continued herein may be used as guidelines for such practices.

3) *Special Findings Required*

a) Within the scenic resource areas of special concern, any land use action subject to review by the Department will include findings demonstrating that the proposal will have no significant impact on identified scenic views, sites, stream and roadway corridors either by nature of its design, mitigation measures proposed, or conditions of approval; and
b) Land use activities that have no significant visual impact will not attract undue attention, and must visually harmonize with existing scenic resources. This can be accomplished through project designs that repeat the form, line, colors, or textures typical of the subject landscape, and designing the land use activity to blend into the existing landscape.

4) *Scenic Quality Performance Standards*
To mitigate adverse impacts of development on scenic resources, discretionary land use actions will meet the applicable scenic quality performance standards set forth in this Section. If a standard is found to conflict with any other provision of this Ordinance or local regulation, or state administrative rule or statute, or federal regulation, the more restrictive will govern.

a) *Land Division Standards*
Division of lands within the scenic resource overlay will be designed to minimize the linear extent of roadways required for access to parcels, and points of access will be limited from a scenic roadway corridor. Parcel configurations will limit roadway and stream crossings to the minimum amount required to provide access.

b) *Siting Standards*

i) Any land use actions that require removal of native vegetation and/or topographic modifications within view of an identified scenic roadway, stream, view, or site will be located where topography or vegetation offers some shielding of the use, and will include development scale, form, and color consistent with the surrounding landscape.

ii) Hilltop siting is generally inappropriate for structures in a scenic area, as are excessive cut and fill operations for the placement of roadways or structures. Clustering of housing and structures for use of common access, increased setbacks from roadways and water areas, and landscaping will be considered appropriate methods of minimizing adverse scenic impacts; and

iii) Where naturally occurring vegetation or land forms are not present to provide partial screening for land use activities, landscaping with native plant materials will be required to provide this screening in accordance with landscaping standards in subsection (e) below.

c) *Structure/Facility Development Standards*
Structures and other permanent facilities will be unobtrusively designed in terms of scale and form. Colors used will be earth tones found in the surrounding landscape.

d) *Roadway Development Standards*
Existing road rights-of-way will be used whenever possible in order to avoid creating new roadways for access. Access points along a scenic roadway corridor will be the minimum number acceptable to the County based on considerations of traffic and public safety. A buffer strip of native vegetation will be retained adjacent to the right-of-way, and such buffer strip will retain all native trees whose removal is not explicitly approved by the County during the development review process.

e) *Landscaping Standards*
Notwithstanding fuelbreak requirements and public health or safety concerns, clearing of native vegetation for discretionary land uses on scenic resource lands will be minimized. All disturbed land will be reclaimed pursuant to a plan prepared by an individual registered with the American Society of Landscape Architects, or other qualified landscape

design professional, or professional forester with experience in reclaiming forest lands as determined by the County.

f) *Surface Mining*

i) In accordance with ORS 517.760(2)(a), surface mining in designated scenic areas that is not directly related to forest practices under the scope of OAR Chapter 629, Division 24, will minimize the adverse impacts on visual resources by limiting the amount of land disturbed at any one time, and buffering or screening the operations from scenic roadway and stream corridors, viewpoints and recreation trails. Screening of the operations will use natural barriers such as native vegetation or landscaped berms. A reclamation plan will define the existing characteristics of the vegetation and land forms, and the expected impacts on the viewshed. This will include a map showing the location of proposed mining areas including stockpiles, operations yards, and haul roads, and the expected impacts on the viewshed; and

ii) The reclamation plan will address the character and extent of areas of revegetation, types and numbers of plant materials shown on a landscape plan prepared in accordance with this ASC, soil stabilization procedures, topsoil stockpiling and redistribution, and time schedule for phasing the completion of site reclamation.

5) *Standards Applicable to Resource Uses*
Resource uses in the Area of Special Concern, other than forest operations on commercial forest land subject to the Oregon Forest Practices Act, will be reviewed pursuant to the provisions of this ASC prior to approval. To facilitate this review, County mapping of scenic areas and this ASC, as may be updated periodically, will be provided to state and federal agencies.

K) ***ASC 90-10 Ecologically or Scientifically Significant Natural Areas***

1) *Description*
This area includes all lands on which ecologically or scientifically significant natural areas are located. These sites are illustrated on a map contained in the Goal 5 background document and the Natural and Historic Resources Element of the Jackson County Comprehensive Plan, and are either protected or subject to limitations on conflicting uses where they would affect the features and values associated with each site.

2) *Special Regulations*
These identified sites are considered protected under Statewide Planning Goal 5, its related Administrative Rules, and Jackson County Comprehensive Plan policies, in addition to management plans and objectives established for each site by federal, state and

other local jurisdictions. All land use actions, other than forest operations which are governed by the Oregon Forest Practices Act, that are inconsistent with the stated management and objectives for "2A" and "3A" sites will be prohibited. Land use actions proposed on or adjacent to "3C" sites will be evaluated under a Type 2 process pursuant to Section 3.1.3 to ensure that potentially conflicting uses are adequately limited to retain the resource value identified in the Comprehensive Plan and identified in the Goal 5 Resources Background Document.

L) ***ASC 2003-2 Jackson County Sports Park Noise Overlay***

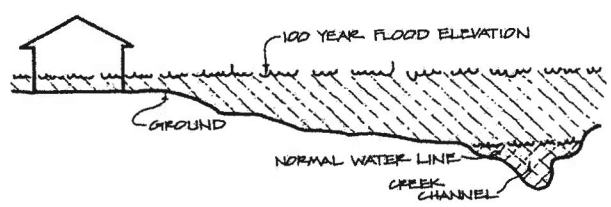
This Area of Special Concern includes lands that lie east of Highway 62 within the White City Unincorporated Community and other lands surrounding the Jackson County Sports Park as depicted on the adopted map. The Sports Park has been in existence since the early 1970's. Motor racing and target shooting activities conducted there produce adverse impacts in the form of noise, traffic, dust and glare that periodically affect surrounding lands. Therefore, approval of development for any use intended for human occupancy on land within ASC 2003-2 will be conditioned on recordation of a deed declaration that causes the owner and successors in interest to acknowledge and accept the adverse impacts produced at the Sports Park. Prior to issuance of development permits, the deed declaration must be recorded in the Official Records of Jackson County on a form approved by County Counsel which will include the following declaration:

> "Owner acknowledges that facilities and activities at the Jackson County Sports Park may generate noise, traffic, dust, lights and glare that periodically may affect surrounding lands. Those facilities and activities include but are not limited to drag strip and other auto racing, go-cart racing track, baseball and softball fields, and rifle, pistol and skeet shooting ranges. These activities also include participants and spectators, playgrounds, vehicle parking, and related facilities and activities. These facilities and activities may be altered or enlarged in the future."

M) ***ASC __ Yreka Watershed - RESERVED*** *[FILE 1998-238-PA]*

7.1.2 Floodplain Overlay

A) ***General***



The degree of flood protection required by this Section is required in order to participate in the National Flood Insurance Program. In unnumbered "A" Zones, the method used to determine base flood elevation may affect subsequent flood insurance rates paid by the property owner. 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 floodplain, or uses within such areas, will be free from flooding or flood damages for any size flood. For purposes of this Floodplain Overlay section, "structure" and "building" are defined in *44 CFR (Consolidated Federal Register)* Part 59.1, "Dwelling" is defined in Chapter 13 of this ordinance.

1) *Purpose*
In order to implement Statewide Planning Goal 7, Natural Hazards, and the goals and policies of the Jackson County Comprehensive Plan, this Section 7.1.2 is intended to be applied to properties which engineering or historical information indicates are likely to be inundated by flood waters at some time. It is the purpose of this district to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a) To protect human life and health;
b) To minimize expenditure of public money for costly flood control projects;
c) To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public;
d) To minimize prolonged business interruptions;
e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in the area of special flood hazard, also known as the 100-year floodplain;
f) To attempt to ensure that potential buyers are notified that property is in a designated floodplain;
g) To ensure that those who occupy the 100-year floodplain assume the responsibility for their actions; and
h) To provide minimum regulations and standards for the protection of such properties and their improvements from damage and hazards which may result from flood waters.

2) *Methods of Reducing Flood Losses*
In order to reduce flood losses, the County may:

a) Deny development permits if the proposed development will not comply with all applicable requirements of this Section;
b) Restrict or prohibit uses that are found to be dangerous to health, safety, and property due to water or erosion hazards, or which are found likely to result in damaging increases in erosion or in flood heights or velocities;
c) Require that structures vulnerable to floods, including facilities and utilities which serve such structures, be protected against flood damage at the time of initial construction;

d) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are found necessary to help accommodate or channel flood waters;

e) Control filling, grading, dredging, and other development which may increase flood damage; and,

f) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

3) *Applicability*

a) This Section will apply to all areas within the 100-year floodplain within the jurisdiction of Jackson County as shown on Flood Boundary and Floodway Maps or Federal Insurance Rate Maps (FIRM).

b) This Section will apply in addition to the requirements of the underlying zoning district. If any conflict in regulation or procedure occurs, the provisions of the Floodplain (FP) Overlay will govern; and

c) When floodplain review is required, evidence showing compliance with the standards of this Section will be submitted to and approved by the Planning Division prior to issuance of building permits. In all cases, the floodplain review will follow the applicable procedures described in this Section.

B) ***Administration***

1) *Floodplain Review Required*

Floodplain review is required before construction or development begins within any area within the 100-year floodplain, unless specifically exempted under Section 7.1.2(B)(2), below. As part of the floodplain review, the applicant shall submit a map showing the 100-year floodplain, floodway, and location of the proposed development in relation to the floodplain and floodway. For purposes of this Section, development includes, but is not limited to, substantial structural improvements, the placement of manufactured dwellings, stream crossings, mining, dredging, filling, grading, paving, excavation, drilling operations and other land-altering activities.

a) The County will have the authority to review all applications (including building or manufactured dwelling permits) to determine whether these floodplain regulations apply, and to approve (with or without conditions) or deny development permit applications;

b) The County will notify adjacent communities, the Division of State Lands, U.S. Army Corps of Engineers, and the Regional FEMA office prior to any alteration or relocation of a watercourse; and

c) The County will send all applications received for review for development within a designated floodway to the Regional FEMA office.

2) *Exemptions*

Finding 2, Policy B) of the Natural Hazards Element of the Comprehensive Plan states: "In order to assure maximum usefulness of flood prone areas, regulations should allow for seasonal variations in use. Temporary, removable structures should be allowed during drier months if their removal can be assured by late fall." A floodplain review is not required for the following uses:

~~a) Parking areas, bike paths and roadways, unless a building permit is required for excavation or fill or the development will be in the FEMA mapped floodway.~~

~~b~~ a) Agriculture and grazing, or managing, growing, and harvesting of timber and other forest products.

~~c~~ b) Wildlife preserve, game farm, or fish hatchery which do not include structures.

~~d~~ c) 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.

~~e~~ d) Picnic tables, play structures, and "camp place fireplaces" are accessory uses subject to Type 1 review, and will be designed and anchored to prevent flotation, collapse, or lateral movement.

~~f~~ e) A "mobile food vendor", if allowed within the zoning district pursuant to a site development plan review, provided the unit will be removed from the mapped floodplain area between the months of November and March. A deed declaration relative to the seasonal restriction will be recorded with the property records for the parcel or lot.

~~g~~ f) Temporary use or storage of a recreational vehicle as described in Section 6.5.3(H), provided the recreational vehicle is removed from the mapped floodplain area between the months of November and March.

~~h~~ g) Incidental outside storage of material or equipment which is mobile and readily removable from the floodplain area after flood warning. Incidental material or equipment will include 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.

~~i~~ h) Water gauging station.

~~j~~ i) Electric distribution and/or transmission facilities provided that no fill, rip-rap, or revetments are used.

~~k~~ j) Diversion points for irrigation purposes provided that no structures are used.

~~l~~ k) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

~~m~~ l) Any emergency or disaster response operations activated by the Jackson County Emergency Operations Center to respond to flooding.

~~n~~ m) 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 will 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; ~~and~~

~~o~~ n) The repair or replacement of a structure or improvement that has previously been reviewed and approved for compliance with applicable flood hazard standards, provided that the conditions of the original approval will be met; ~~and~~

~~p~~ o) Additions to, or remodeling of, an existing ~~structure~~ building, when the cumulative value of the improvements to the ~~structure~~ building do not exceed 50 percent of the market value of the ~~structure~~ building prior to the improvements. For this purpose, the value of improvements, modifications, additions and reconstruction of an existing building will be counted cumulatively for a period of at least 10 years. For purposes of determining percentage of market value of the ~~structure~~ building, the most current value as shown in the Jackson County Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal will be used; ~~and~~

~~q~~ p) The improvement of a lawfully existing ~~structure~~ building which is necessary solely to assure safe occupancy conditions; ~~and~~

~~r~~ q) Underground public utility lines, subject to the requirement of Section 7.1.2(F)(6).

3) *Letters of Map Amendment or Revision* [1]

a) 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~~ building, is above the base flood elevation is exempt from the requirements for floodplain review. LOMAs are approved for specific buildings, building sites, or portions of a lot or parcel, and may not be used to exempt a building in a different location from the requirements of this Section; ~~or~~

b) A property owner who submits a Letter of Map Revision (LOMR) approved by FEMA establishing that the floodplain boundary is in a different location than shown on the FIRM is exempt from the requirements for floodplain review if the proposed development will not be in the revised flood hazard area.

4) *Records and Documentation*

a) At or prior to the time of application for building permits for all new, ~~or~~ substantially improved, ~~structures~~ or floodproofed structures or buildings, the applicant will be required to submit construction drawings ~~and cross-sections~~ showing that all applicable development standards of Section 7.1.2(F) will be met. Additionally, a preliminary Elevation Certificate will be submitted that indicates the base flood elevation

[1] Ordinance 2004-12, effective 2-6-2005

(above mean sea level or based on an assumed elevation as determined by Section 7.1.2(D)(2)) and the elevation of the lowest natural grade adjacent to the building site~~.~~ ;

b) Prior to pouring the foundation, an Elevation Certificate showing the elevation of the top of the foundation will be submitted~~.~~ ;

c) Prior to the final inspection or occupancy of the ~~structure~~ building, an Elevation Certificate showing the actual, as-built elevation of the lowest floor, including basement, will be submitted. The Elevation Certificate must indicate whether or not the ~~structure~~ building contains a basement or crawlspace~~.~~ ;

d) For all new or substantially improved floodproofed nonresidential structures, the applicant will submit a record of the actual elevation (in relation to mean sea level or based on an assumed elevation as determined by Section 7.1.2(D)(2)) to which the structure is floodproofed. Floodproofing Certificates prepared by an Oregon registered professional engineer or architect will ~~also~~ be submitted for ~~all~~ those floodproofed structures~~.~~ ; and

e) All elevations required by this Section will 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.

C) ***Determining Floodplain and Floodway Boundaries***

1) The scientific and engineering report prepared by the Federal Emergency Management Agency (FEMA) entitled *The Flood Insurance Study for Jackson County*, dated April 1, 1982 or as hereafter amended, along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), are hereby adopted by reference and declared to be a part of this Section. These documents will be the means for establishing the location of the 100-year floodplain. The Flood Insurance Study is on file with the County~~.~~ ; and

2) The floodway has been established as shown on the FIRM or Floodway Boundary and Floodway Maps (FBFM). A floodway will be presumed to exist in the Approximate A zone, as shown on the FIRM. An applicant may offer evidence establishing the location of the floodway where one has not been established. This evidence will be prepared in accordance with accepted engineering practices and must be certified by an Oregon registered professional engineer. Such evidence may be accepted or rejected by the County. It will be presumed that the floodway is equally distributed on either side of the centerline of the stream. Along the Applegate River the requirements of Section 7.1.2(F)(7)(d) shall be used ~~in lieu of the floodway determination of this Section~~.

D) ***Determining Base Flood Elevation***

1) In areas where base flood elevation profiles are available from the FIRM or from the Flood Insurance Study profiles, the base flood elevation at the proposed building site will be extrapolated from the elevations that are immediately upstream and downstream from the location of the proposed use.

2) When base flood elevation data has not been provided by FEMA, the applicant will employ an Oregon registered professional engineer to prepare a report certifying the base flood elevation, examples of which are described in FEMA publication *FEMA 265, Managing Floodplain Development in Approximate Zone A Areas: A Guide For Obtaining And Developing Base (100-Year) Flood Elevations (Detailed Methods Chapter)*. The report will set forth the elevation of the 100-year flood, the location of the 100-year floodplain and floodway, and will 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 will 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; or

3) Where base flood elevation data has not been provided by FEMA, in lieu of a report by an Oregon registered professional engineer as outlined in (2) above, the applicant may choose to elevate a structure at least three (3) feet above the highest adjacent natural grade, provided that the structure is not located in the presumed floodway as described in Section 7.1.2(C)(2) and all riparian setbacks will be met. Elevation Certificate documentation described in 7.1.2(B)(4) is required. All other development standards of Section 7.1.2(F) will be met. Use of this elevation standard could result in increased flood insurance premium rates.

E) ***Criteria for Approval***

Prior to approval of floodplain review, the County will determine all of the following:

1) That all applicable development standards of Section 7.1.2(F) can feasibly be met; and

2) That 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.

F) ***Development Standards***

1) *Residential Construction*

a) New construction or the substantial improvement of any residential building, including manufactured homes, will have

the lowest floor, including the basement, elevated one (1) foot above the base flood elevation. This includes floor framing, wood floor joist systems, beams, girders, ducts and all electrical components. If the 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 (1) 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.

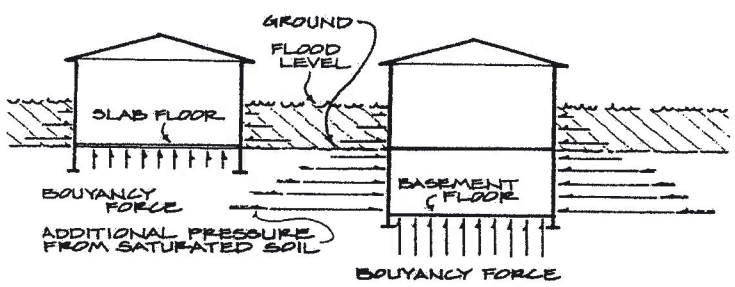
b) A manufactured dwelling which has incurred substantial damage as a result of a flood will be elevated on a permanent foundation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. All applicable requirements of Section 7.1.2(F) must be met.

c) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or will 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 will not be used for human habitation and will only be used as building access, storage, and/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:

i) A minimum of two (2) openings will be provided having a total net area of not less than one (1) 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.

ii) The bottom of all openings will be no higher than one (1) foot above grade. and

iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.



2) *Nonresidential Construction*
New construction and substantial improvement of any commercial, industrial, or other nonresidential building will either meet the standards for residential construction outlined in 7.1.2(F)(1), or, together with attendant utility and sanitary facilities will:

a) Be floodproofed, so that the structure is watertight below the base flood elevation, with walls substantially impermeable to the passage of water;
b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
c) 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 will be provided to the County.

Flood insurance premiums for nonresidential buildings that are floodproofed will be based on rates that are one (1) foot below the floodproofed level (e.g., a building constructed at the base flood elevation will be rated as one (1) foot below that level).

3) *Accessory Structures*
Accessory structures (such as a building for agricultural use, a personal use shed, detached garage or carport, as well as attached areas that are not considered living space) are exempt from the elevation and dry floodproofing requirements for nonresidential structures contained in Section 7.1.2(F)(2) provided that:

a) The accessory structure is not designed to serve as detached living space; and
b) All other applicable standards of this Section will be met, including anchoring, construction materials and methods, utilities and floodway standards.

Accessory structures exempted under this subsection could result in increased flood insurance premium rates.

4) *Anchoring*

a) All new construction and substantial improvements will be anchored to prevent flotation, collapse, or lateral movement of the structure; and
b) All manufactured dwellings must be anchored to prevent flotation, collapse or lateral movement, and will 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.

5) *Construction Materials and Methods*

a) All new construction and substantial improvements will be constructed with materials and utility equipment resistant to flood damage;

b) All new construction and substantial improvements will be constructed using methods and practices which minimize flood damage; and

c) Electrical, heating, ventilation, plumbing, ducts, and air-conditioning equipment and other service facilities will be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6) *Utilities*

a) All new and replacement water supply systems will be designed to minimize or eliminate infiltration of flood waters into the system;

b) New and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

c) On-site waste disposal systems will be located to avoid impairment to them or contamination from them during flooding;

d) Underground public sewer and water lines will 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; and

e) All other underground public utility lines will be certified by an Oregon registered professional engineer to minimize or eliminate infiltration of flood waters into the systems.

7) *Floodway Development*

In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the methods described in Section 7.1.2(C)(2), the following standards apply due to the extreme hazard resulting from velocity of flood waters which carry debris, potential projectiles, and have erosion potential:

a) The placement, or construction of any new building in the floodway which does not replace an existing building is prohibited. Replacement, repair, addition to, or reconstruction of any existing building in a floodway that constitutes substantial improvement must comply with all applicable standards of this Section;

i) If there is an area on the lot, parcel, or tract that is out of the floodway where the replacement of an existing dwelling can be located, it must be replaced in a location outside of the floodway, if the area outside can accommodate the existing footprint and

meet the dimensional and siting standards of this Ordinance~~.~~ or

ii) If there is not an area on the lot, parcel, or tract outside of the floodway where a replacement dwelling can be located, the replacement may be located within the floodway subject to the standards of Section 7.1.2(F)(7)(c). In no event will the area displacement of the replacement dwelling's footprint exceed area displacement of the original dwelling footprint. Repair, reconstruction, or addition to an existing dwelling will not exceed the area displacement of the footprint of the existing dwelling. Repair, reconstruction, or addition to an existing dwelling may increase the area displacement of the existing dwelling if the increase is above the first floor of the existing dwelling. Replacement dwellings will be certified by an Oregon registered professional engineer as being in the safest location on the property given the dimensional and siting standards of this Ordinance. The engineer's certification must include supporting documentation and a determination that no other site within the floodway on the property could feasibly reduce the risk of potential flood damage~~.~~ ;

b) Sand filter septic systems are prohibited in the floodway~~.~~ ;

c) All encroachments, including fill, roadways or bridges are prohibited unless certification by an Oregon registered professional engineer is provided 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 floodplain elevations have been determined will 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) will 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. Culverts and bridges must also meet the riparian protection standards in Section 8.6.3 of this Ordinance~~.~~ ;

d) Along the Applegate River, where base flood elevations have been provided on the FIRM but the floodway has not been designated, no new construction, substantial improvement or other development (including fill) in the 100-year floodplain is permitted unless the applicant provides evidence from an Oregon registered professional engineer demonstrating that the cumulative effect of the proposed development, when combined with all other existing development on properties

immediately upstream and downstream, will not increase the water surface elevation of the base flood more than one (1) foot. The placement, of any new building in the floodway which does not replace an existing building is prohibited, unless such prohibition would prevent all reasonable use of the parcel. The location of the floodway must be determined by an Oregon registered professional engineer for any new building placement or repair, addition, or reconstruction of any existing building that constitutes substantial improvement; and

e) Buildings and other development on islands or other topographic features surrounded by the floodway will be subject to the following:

i) Verification by an Oregon registered professional engineer or geologist that the island or other topographic feature is a stable land form and will not be subject to erosion during a 100-year flood;

ii) Submission of topographic information from a registered surveyor showing the topography of the area (island); and

iii) The roadway to the building site will be located or constructed in such a way as not to increase flood elevations or create an obstruction in the floodway, and must be designed to provide safe passage to and from the site during a flood event.

8) *Fill in the Floodplain*

Prior to placement of fill within the 100-year floodplain a report from an Oregon registered professional engineer determining the effect the placement of fill will have on the 100-year floodplain will be submitted.

a) Where base flood elevations have been determined, the fill cannot cumulatively raise the base flood elevation more than one (1) foot at any given point. The report will reference the *Flood Insurance Study for Jackson County, Table 3 (Floodway Data),* for a specific reach of a stream. The increase in the base flood water surface elevation, as shown in this table, will not be more than one (1) foot; ;

b) Where base flood elevations have not been determined, the fill cannot raise the base flood elevation more than one (1) foot at any given point (see 7.1.2(D)(2)); and

c) The fill will be engineered to resist erosion by flood waters.

9) *Alteration or Relocation of a Watercourse*

a) 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;

b) 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;

c) Altered riparian areas will be restored with native vegetation in accordance with a landscape plan that has been approved by the Oregon Department of Fish and Wildlife;

d) The alteration or relocation will not occur until a permit is obtained from the Division of State Lands and/or U.S. Army Corps of Engineers; and

e) The altered or relocated portion of a watercourse will be maintained so that the flood carrying capacity is not diminished.

10) *Aggregate Removal*

a) Aggregate removal or surface mining operations within the 100-year floodplain or floodway will not cause an increase in flooding potential or stream bank erosion adjacent to, upstream or downstream from the operation; and

b) All mining and processing equipment and stockpiles of mined or processed materials will be removed from the site 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.

11) *Fish and Wildlife Habitat Enhancement Projects*
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 is subject to certification that the design will keep any rise in the 100-year flood levels as close to zero (0) as possible. Such certification may be provided by a qualified hydraulic or hydrological engineer, fisheries specialist, natural resource professional, or a water resources agency. These projects are otherwise exempt from all other provisions of this Chapter.

G) ***Variances***
A variance, under a Type 2 review, may be granted for nonresidential construction in very limited circumstances to allow a lesser degree of floodproofing than the requirements of 7.1.2(F)(2). All other applicable standards of this Section will be met, including anchoring, construction materials and methods, and utilities.

1) A variance may be permitted if <u>all</u> of the following criteria are met:

a) The proposed use or structure will not be within a designated floodway;
b) Any proposed structure will not be used as living space;
c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

d) There are unnecessary, unreasonable hardships or practical difficulties, other than economic, which can be relieved only by modifying the requirements of the this Ordinance;

e) There are no other locations where the structure could be located on the property which are outside the floodplain; and

f) 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.

2) The County will 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.

3) The County will report all floodplain variances to FEMA and maintain a record of all variance actions; and

4) The Director may impose such limitations, conditions and safeguards as are deemed appropriate to meet the intent of this Ordinance and secure public safety.

7.1.3 Jackson County Public Park (JCPP) Overlay

A) ***Purpose***

The orderly and efficient delivery of park facilities and services is a matter of critical community importance. The purpose of the Jackson County Public Park (JCPP) Overlay is to establish a special framework under which designated parks and open spaces may be properly regulated consistent with the Comprehensive Plan and Oregon Statewide Land Use Planning Goals.

B) ***Applicability***

A County Public Park Master Plan will be adopted under the provisions of Section 3.7.4, Designation of a Public Park Master Plan, before a JCPP Overlay may be applied to a parcel. Such an overlay may include lands owned in fee or less than fee simple by a public body, lands that have been leased by a public body, and lands intended to be acquired or leased in the future by a public body for the purpose of providing public park facilities and services and/or open space.

C) ***Uses Permitted***

1) All uses, facilities, services, and activities approved as part of a Public Park Master Plan are permitted as Type 1 uses, subject to compliance with any requirements or siting standards imposed through an approved Master Plan, and as described in Section 3.7.4, Designation of a Public Park Master Plan.

2) Other uses allowed in the underlying zoning district may be permitted in the JCPP Overlay subject to the requirements, standards and approval procedure required by the underlying zone.

3) In cases where land subject to a JCPP Overlay is also subject to another overlay, the uses and procedures of the other overlay will govern with respect to allowable uses and activities, and the procedures for their authorization; and

4) Lawful uses in existence in local parks on July 15, 1998 may continue.

D) ***Other Requirements***

1) All other requirements and siting standards, such as the size, height, and setback of buildings will be in accordance with the requirements of the underlying zone; and

2) The design, size, placement and operation of allowable uses will be in accordance with all other applicable state and federal laws, administrative rules, and regulations with which the County is obligated to comply.

7.1.4 Aggregate Conflicting Use Impact Area

A) ***Description***

The Aggregate Conflicting Use Impact Area consists of the area surrounding properties zoned Aggregate Removal (AR) where there is the potential that new uses or development could adversely affect or interfere with mining and processing operations. The size of the impact area is determined by the Board of Commissioners as part of the Goal 5 procedure leading to the amendment of the Comprehensive Plan and Zoning map rezoning the AR property. The impact area generally extends 1,500 feet from the boundaries of the mining area, but may extend a greater distance where significant potential conflicts have been identified.

B) ***Special Regulations***

Prior to development within the impact area, evidence must be submitted to show that the following standards will be met:

1) The special setback required by Section 8.5.3(F) will be maintained;

2) Any special conditions placed on uses in the impact area by the Board Ordinance rezoning the AR property will be met;

3) Prior to issuance of building permits for any noise or dust sensitive use, a deed declaration has been recorded in the County deed records acknowledging that mining and processing activities, including, but not limited to, the use of explosives, heavy equipment and trucks for excavation, loading, rock crushing, and hauling, may occur on AR zoned properties; that said activities ordinarily and necessarily produce noise, dust, and other types of visual, odor, or noise pollution; that the property owner accepts as part of the risk of developing their property that such activities may occur on the AR zoned property; and

4) Uses identified through the Goal 5 process as incompatible with mining are prohibited.

7.1.5 Destination Resort Overlay

A) ***Purpose***

It is the intent of this district to enhance and diversify the recreational opportunities in Jackson County through development of destination resorts that complement the natural and cultural attractiveness of the area without significant adverse affect to environmental features, cultural and historic resources, and their settings, resource use and the setting for the resort. The Destination Resort Overlay district provides for the siting of both large and small destination resorts, for the express purpose of expanding tourism. This Section provides a process to review destination resorts in conformance with Statewide Planning Goal 8, or pursuant to an exception to resource designations under Statewide Planning Goal 2 and Oregon Administrative Rules Chapter 660, Division 4.

B) ***Destination Resort, Definitions***

The following definitions, as contained in Statewide Planning Goal 8, Recreation, apply to destination resorts:

1) *Destination Resort*: A self-contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities.

2) *Developed Recreation Facilities*: Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths.

3) *High Value Crop Area:* An area where there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1,000 per acre per year. As the terms are used in the 1983 County and state agricultural estimates prepared by the Oregon State University Extension Service, crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock, feed lots, or Christmas trees. The high value crop area designation is used for the purpose of minimizing conflicting uses in resort siting, and is not meant to revise the requirements of Goal 3 or Administrative Rules interpreting the Goal. High value crops within Jackson County are identified as and limited to tree fruits, vineyards, specialty field crops and dairies not participating in the federal "buyout" program.

4) *Overnight Lodgings*: Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

5) *Self-Contained Development*: Community sewer, water, and recreational facilities provided on site and limited to meet the needs of the resort or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" shall have developed recreational facilities provided on site.

6) *Visitor Oriented Accommodations*: Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents.

7) *Recreation Areas, Facilities, and Opportunities* (meant to provide for human development and enrichment, and include but are not limited to): These areas are meant to provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travel ways; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities.

8) *Recreation Needs*: Refers to existing and future demand by citizens and visitors for recreation areas, facilities and opportunities.

C) ***Destination Resort, Standards***

1) To qualify as a **large** destination resort under Goal 8, a proposed development must meet the following standards:

a) The resort is located on a site of 160 or more acres;
b) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas;
c) At least two (2) million (in 1984 dollars) is spent in the first phase on improvements for on-site developed recreational facilities and visitor oriented accommodations, exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third (1/3) of this amount shall be spent on developed recreational facilities. Developed recreational facilities and key facilities intended to serve the entire development and visitor oriented accommodations must be physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding;
d) Visitor oriented accommodations, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings are provided.

Accommodations available for residential use will not exceed one (1) such unit for each unit of overnight lodging; and

e) Commercial uses are limited to those types and levels necessary to meet the needs of visitors to the development, and industrial uses are not permitted.

2) In lieu of standards set forth in Subsections (1)(a), (c), or (d), above, this Subsection shall apply to a **small** destination resort:

a) The small destination resort shall be located:

i) On land that is not defined as agricultural or forest land under Goal 3 or 4;
ii) On land where there has been an exception to Statewide Planning Goal 3, 4, 11, or 14; or,
iii) On such secondary lands as the Oregon Land Conservation and Development Commission deems appropriate.

Any other location for a small destination resort will require exceptions for applicable goals;

b) The small destination resort shall be located on a site of 20 acres or more;

c) At least one (1) million in 1984 dollars shall be spent on improvements for on-site developed recreational facilities and visitor oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third (1/3) of this amount shall be spent in the first phase on developed recreational facilities;

d) At least 25 units, but not more than 75 units of overnight lodging shall be provided;

e) Restaurant and meeting room with at least one (1) seat for each unit of overnight lodging shall be provided;

f) Residential uses shall be limited to those necessary for the staff and management of the resort;

g) The County shall, in its review of the small destination resort, find and conclude that the primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream;

h) The resort shall be designed and located so that it is not oriented to transient highway traffic. Resorts shall not use any manner of outdoor advertising signing except:

i) Tourist amended directional signs as provided by State Statute; and,
ii) On-site identification and directional signs as allowed by this Ordinance.

D) ***Destination Resort, Permitted Uses***

The following uses may be permitted provided the uses are part of, and are intended primarily to serve persons at an approved destination resort pursuant to this Section. These uses as listed below are subject to approval of a development plan by Jackson County, and to all other applicable rules, standards or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, Statewide Planning Goals, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:

1) Overnight lodging, including lodges, hotels, motels, timeshare units and similar temporary living accommodations, as defined in Section 7.1.5(B);

2) Developed and undeveloped recreation areas, permanent open space, facilities and opportunities, as defined in Section 7.1.5(B);

3) Visitor oriented accommodations, as defined in Section 7.1.5(B);

4) Subject to an approved development plan, the following uses may be permitted when provided as part of, and intended primarily to serve as an incidental part of a destination resort. These uses shall be necessary to meet the needs of overnight visitors to the resort and shall be subject to locational criteria to ensure a subordinate status to the destination resort itself, as evidenced by the square footage of the incidental use in relationship to the developed square footage of visitor oriented accommodations and overnight lodgings;

   a) Restaurants, lounges and clubs serving the resort;
   b) Theaters and performing arts auditoriums catering to resort guests and residents;
   c) Health clubs, spas and exercise studios as a service for resort guests and residents;
   d) Craft and art studios and galleries catering to residents and guests of the resort;
   e) Kennels as a service for resort guests only;
   f) Commercial services and specialty shops to provide for the needs of vacationers and visitors to the destination resort;
   g) Airports and heliports providing service to the destination resort only;
   h) Facilities necessary for utility service limited to the needs of the resort;
   i) Emergency medical facility or infirmary intended to serve the needs of resort guests and residents;
   j) Signs, subject to the requirements of Section 9.6 and State Statute; and

5) Residential planned unit development in a large destination resort only for permanent residents, not to exceed one (1) such unit for each unit of overnight lodging.

E) ***Destination Resort, Application and Review Procedures:***

1) *Application of District:* The Destination Resort Overlay district may be applied to any rural property (except those on the adopted "Map of Areas Excluded from the Goal 8 Resort Siting Process," unless an exception has been taken pursuant to Goal 2) when that property complies with the standards contained in Section 7.1.5 and any other applicable provision of this Ordinance and the Comprehensive Plan. Application of the overlay district to specific properties is accomplished through a minor Zoning Map amendment pursuant to Section 3.7.3(C). Approval of a minor map amendment for a site signifies its suitability for development as a destination resort, subject to approval of preliminary and final development plans, consistent with a conceptual site plan approved by the Board. All other uses provided for in the base zoning district shall continue to be allowed according to the review procedures established within the individual zoning district. All other requirements of the Land Development Ordinance, including other overlay zoning districts, areas of special concern, supplemental provisions and land division regulations shall apply to the destination resort in addition to the standards for development prescribed herein.

2) *Official Map Amendments*: The underlying Comprehensive Plan Map designations and Zoning Map districts preceding approval of a Destination Resort Overlay district shall be maintained on the official maps. Any Destination Resort Overlay zoning district application proposing a change to the existing Comprehensive Plan or Zoning map designation shall also be evaluated as an amendment to the official maps pursuant to Section 3.7 of this Ordinance.

3) *Application Forms*: Applications for a Destination Resort Overlay map designation and approval of a conceptual site plan or preliminary development plan shall be presented on forms prescribed by the Department. The burden of proof for approval of a Destination Resort Overlay map designation amendment rests with the applicant.

4) *Pre-Application Conference*: A pre-application conference shall be required prior to formal submission of the application. The applicant will be contacted by the Department to schedule a conference within a 30-day calendar period following the filing of the pre-application in order to arrange a time convenient to both. The applicant shall provide pertinent information required in the application at the pre-application conference. This information shall address in detail the applicable requirements necessary to approve a destination resort, in order to substantiate compliance with or applicability of provisions of the Goals, Administrative Rules, Comprehensive Plan policy, and Ordinance requirements. A pre-application conference will not be scheduled unless all applicable requirements are fully addressed, however the Department will meet on an appointment basis to review draft pre-applications. Department staff, the applicant, and other affected agency representatives or experts, as necessary, shall determine any additional application requirements

and identify significant issues at the conference. The applicant shall then submit the application as modified to address the criteria, and issues raised in the pre-application conference.

5) *Reviewing Authority*:

a) The Planning Commission shall have the authority to review and recommend conditional approval of a minor map amendment and conceptual site plan by the Board of Commissioners, or order its denial.

b) The Board of Commissioners may approve a conceptual site plan for a destination resort if such plan meets all policies, standards, and criteria set forth in the Comprehensive Plan, Section 7.1.5, and any other relevant requirements of the Land Development Ordinance and state law. Approval by the Board of Commissioners shall be through a Type 4 review procedure. ;

c) If the Board of Commissioners approves the application of the Destination Resort Overlay district to a site for destination resort use, such approval shall be based on a conceptual site plan for the resort. The Planning Commission may thereafter conditionally approve preliminary development plans for the resort with or without phases, if such plans are consistent with the standards and criteria set forth in the Board approved conceptual site plan and order. The Planning Commission may deny the preliminary development plan if such plan is inconsistent with the conceptual site plan and requirements specified in the Board Order, Section 7.1.5, prior approvals, and the Comprehensive Plan. The Planning Commission's order for denial may be appealed to the Board of Commissioners, pursuant to Section 2.7.6 (H) of this Ordinance.

d) Upon receipt of a Planning Commission decision to conditionally approve a preliminary development plan, the Board may accept, reject, or modify the Planning Commission decision. The Board shall only approve such plan if it finds that the preliminary development plan(s), with any conditions or modifications, is consistent with the Board approved conceptual site plan, standards and conditions for approval specified in Section 7.1.5 and in prior actions by the Commission and Board.

e) The applicant shall submit a final development plan to the County upon completion of all required conditions of approval for the preliminary development plan within the time frame established herein and in Section 7.1.5(H)(9) and (I)(3). A Site Plan Review Committee, consisting of the representatives of each section of Roads, and Parks Department, and ~~Planning~~ Development Services Department, shall inspect the resort or phase for conformance with the approved preliminary development plan and any other applicable requirement imposed as a condition of approval of the conceptual site plan, as set forth in Subsection 7.1.5(I)(1). The Planning Commission shall

approve the final development plan if it finds such plan to be consistent with all prior approvals and conditions of the preliminary plan and those required by the Site Plan Review Committee have been completed. Planning Commission approval of the final development plan shall be forwarded to the Board of Commissioners with a recommendation to rezone the site, or portion thereof, subject to the final development plan. If the Planning Commission does not find the final development plan consistent with prior approvals, conditions and requirements of law, it shall deny the final development plan. The applicant may appeal a denial of the final development plan to the Board of Commissioners pursuant to Section 2.7.6 (H).

f) Upon receipt of the Site Plan Review Committee and Planning Commission decision regarding the final development plan, if the Board of Commissioners finds that all conditions and requirements of the preliminary development plan have been completed, the Board shall approve such plan. If it finds that all requirements have not been completed, it may enforce or impose conditions to ensure conformance of the final development plan with the conceptual and preliminary development plans, as conditionally approved, or it may deny the final development plan.

g) The Board of Commissioners shall adopt an ordinance amending the Official Zoning Map to establish the Destination Resort Overlay district for the approved site or portion thereof, after approval of the minor map amendment and conceptual plan has been granted.

h) The Planning Commission shall be authorized to require conditions of approval to ensure that the destination resort is compatible through its design in size, scale, color, materials and texture with the natural and cultural amenities of the site through:

i) Controlling and limiting or modifying the design and placement of open space, recreational facilities, and development within the site;
ii) Controlling and limiting or modifying the internal relationship and design of developed facilities to one another within the resort complex; and,
iii) Directing the modification of architectural designs of landscape, buildings and structures to ensure compatibility with the site.

The Planning Commission is expressly authorized to require conditions of approval governing height, size, scale, setbacks, density, architectural and landscape design features, and other measures set forth within the Comprehensive Plan and Land Development Ordinance to ensure that an approved resort is appropriately designed and oriented to the site's characteristics. Authority to modify resort design elements through conditions of approval shall

be considered distinct from criteria for resort approval set forth in Section 7.1.5; and

i) The Board of Commissioners may require additional conditions of approval and accept, modify, or reject conditions required by the Planning Commission or the Site Plan Committee authorized by Section 7.1.5.

6) *Time Limits*:

a) If a preliminary development plan is not approved for a destination resort within three (3) years of approval of the minor map amendment and conceptual site plan, the Board shall initiate a minor map amendment to remove the Destination Resort Overlay district. A one (1)-year extension of time for approval of the preliminary development plan may be granted by the Board (for a maximum of two (2) years total) for good cause, upon the recommendation of the Planning Commission; and

b) Pursuant to Subsections 7.1.5(H)(9) and 7.1.5(I)(3), a final development plan for the destination resort shall be submitted for Planning Commission review and approval within three (3) years from the date of approval of the preliminary development plan. The final plan shall only be approved if the applicant has fully implemented the preliminary development plan or phase of it, and such plan is found to be in compliance with all requirements specified in prior approval, of Section 7.1.5, the Land Development Ordinance, the Comprehensive Plan and any relevant state law. Final and preliminary development plans shall be consistent with the conceptual site plan.

F) ***Destination Resort, Criteria for Approval of Destination Resort Overlay Designation***

A minor Zoning Map amendment, to provide for a Destination Resort Overlay district, shall be approved upon findings the following criteria are satisfied, in addition to the requirements of Section 3.7.3(C) of this Ordinance:

1) Substantial findings demonstrate the proposed minor map amendment is consistent with the definitions set forth in Section 7.1.5(B) and the standards in 7.1.5(C), above;

2) The proposed resort development is consistent with applicable resort siting criteria specified by Statewide Planning Goal 8, with the Comprehensive Plan, the adopted "Map of Areas Excluded from the Goal 8 Resort Siting Process," this Ordinance, and other relevant state law including ORS Chapters 197 and 215;

3) The economic impact and feasibility of the proposed resort, as demonstrated in a plan by a qualified professional economist(s) and financial analyst(s), shall be provided by the applicant and include:

a) An analysis addressing the economic viability of the proposal;
b) The fiscal impact of the proposed project including changes in employment, increased tax revenues if any, demands for new or increased levels of public services, and the effect of loss of resource lands if a Goal exception is to be taken;
c) Clear demonstration of the availability of financial resources for the applicant to undertake the development consistent with the minimum investment requirements established by Statewide Planning Goal 8 and ORS Chapter 197; and,
d) Appropriate assurance from lending institutions or bonding interests that the developer has, or can reasonably obtain, adequate financial support for the proposal once approved;

4) The proposed resort development can be accomplished without substantial interference with or significant adverse effects upon identified sensitive or unique natural or ecological features, wildlife habitats, cultural and historic resources, identified in the Natural and Historic Resources Element of the Comprehensive Plan and its related Statewide Planning Goal 5 Background Document;

5) The proposed resort development can be accomplished in accordance with the conceptual site plan and will be compatible with existing and potential resource uses permitted on adjacent land;

6) Suitable access exists or will be provided or improved by the applicant to serve resort development property;

7) Adequate sewer, water, and public safety services will be provided on site to serve the proposed development; and,

8) The natural amenities of the site considered together with identified developed recreation facilities that can be provided for the resort will constitute a primary attraction to visitors based on an economic feasibility analysis provided by a qualified economist or market research specialist. The proposed development of the property is consistent with the requirements of the Jackson County Land Development Ordinance, Section 3.7.3.

In the case of a small destination resort, the County finds and concludes that the primary purpose of the small resort is to provide lodging and other services oriented to a recreational resource which can only be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.

G) ***Destination Resort, Contents of Application for Destination Resort Overlay Designation***:
A conceptual site plan shall be provided. The conceptual site plan shall include, at a minimum, text and graphics clearly identifying:

1) The location and total number of acres to be designated Destination Resort (DR) Overlay;

2) The location and number of acres to be devoted to developed recreation facilities, overnight lodgings, visitor oriented accommodations, permanent open space and other recreation areas, facilities and opportunities as listed in Section 7.1.5(C). The conceptual plan shall include:

a) A site map drawn to scale showing the subject property and all property within 1,000 feet of the boundaries of the subject property;
b) A vicinity map showing the area and land uses within one (1) mile of the property; and,
c) An inventory and map including information from the Jackson County Comprehensive Plan or other available inventories (maps shall be of an appropriate scale, e.g. 1":100', 200', 300', or 400'):

i) Natural Resource Conservation Service soils mapping with an indication of agricultural and forest site capability classification;
ii) Any identified Goal 5 resources inventoried in the Jackson County Comprehensive Plan with an indication as to their status within the plan (e.g. "3A, 3B, or 3C");
iii) Important natural features and riparian areas within the site which have not been included within the Goal 5 inventory or an area of special concern; and
iv) Natural hazards including floodprone areas, steep slopes, wetlands, water bodies, and significant wildfire hazard areas;

3) A resort development plan shall consist of a site map, at appropriate scale, graphically identifying common physical, locational and aesthetic characteristics of the proposed resort as determined from the inventories required above. Five (5) categories shall be identified on a resort development plan map, accompanied by appropriate findings in the text to justify location and area requirements of each:

a) Undeveloped areas and permanent open space that will remain unaltered or undeveloped because of natural hazards, or significant environmental, scientific, educational, historic, archaeological, or other values as identified in the Comprehensive Plan shall be designated ("U");
b) Low intensity recreational areas which do not require developed facilities, and can be accommodated without change to the area or resource, or minimal facilities that have a minor impact on the environment (e.g. unpaved paths, foot bridges or boat docks suitable only for small boats and canoes) shall be identified as recreational ("RL");
c) Developed recreational areas and facilities as defined in Section 7.1.5(B) shall be designated ("RD");

d) Developed low to moderate density residential development areas or attendant utility facilities shall be shown as ("DLI") for a large destination resort; and,

e) Highly developed areas identified for overnight lodgings and visitor's accommodations associated with overnight lodging and convention activities shall be identified ("DH");

4) Commercial, cultural and entertainment uses, as shown on the resort development plan, shall be contained within the development and shall not be oriented to public highways or arterials adjacent to the property, as specified in Section 7.1.5(D);

5) The conceptual site plan shall also provide preliminary studies describing feasibility of and method for providing a water supply system, sewage management system, storm drainage system, electrical power, and public safety services (e.g. fire and police protection);

6) The conceptual site plan shall indicate proposed methods of access to the development; an indication of whether the internal street network will be public or private; and, the location and requirements for parking;

7) The conceptual site plan shall include a general discussion of the natural characteristics of the site and of other lands directly affected by the proposed resort. Such discussion shall include a description of the resources and limitations present, the effect of proposed resort development on such resources, and methods to be employed to mitigate adverse impacts on natural resources or to overcome site limitations. This discussion shall include an analysis of how the natural features of the site will be preserved, enhanced, or utilized in the design concept for the resort; and

8) An indication of the residential unit types proposed (for a large resort only) on the resort development plan map, including typical lot and building configuration and typical architectural character shall be provided with the conceptual site plan. Units to be utilized for overnight lodging shall be identified separately. A summary of the total number of each type of unit shall be provided with a clear indication of proposed overall density for the development.

H) ***Destination Resort, Preliminary Development Plan Approval:***

1) A preliminary development plan shall be provided to determine the nature, location and phasing, if any, of all development within a proposed destination resort. A destination resort may be developed in phases according to the conceptual site plan, provided detailed discussion of phasing and the necessity for such phasing is described fully within the preliminary development plan approval. If the proposed development includes the subdivision of land or other actions requiring review and approval under the provisions of this Ordinance, this application for approval of such an action shall be combined with the preliminary development plan;

2) An applicant may simultaneously apply for the approval of a minor map amendment and conceptual site plan authorizing a Destination Resort Overlay designation and approval of the preliminary development plan. The Planning Commission is authorized to review and approve with appropriate conditions or deny the preliminary development plan. Where the Planning Commission finds the proposed destination resort is inconsistent with the standards and criteria for approval, further consideration of the application shall only be made upon appeal. Appeals of any decisions of the Planning Commission under Section 7.1.5 shall be to the Board of Commissioners.

3) An application for approval of a preliminary development plan shall include detailed text and graphics to demonstrate consistency of the preliminary development plan with the conceptual site plan approved for the property. The preliminary development plan shall, at a minimum, incorporate and refine the conceptual site plan required by Section 7.1.5(G), and include:

   a) Location, size, proposed overall density, and design concept for all residential uses considered to be visitor accommodations and overnight lodging.

   b) Location, size, design and cost of all developed recreation facilities, visitor oriented accommodations, and any other proposed structures related to the destination resort. Cost estimates shall be certified for all structures by a licensed contractor, or registered professional engineer or architect.

   c) Location, size, and design of all sewer, water, storm drainage, power, telephone, television cable, and other utility facilities shall be clearly identified at an appropriate scale.

   d) The location, size, and design of all roads, streets, parking, pedestrian ways, equestrian trails, bike paths, and the like within the development shall be provided. The location and design of all access points to roads outside the development shall be clearly indicated. Cost estimates shall be certified by a qualified professional. The type and location of all natural features in the development site shall be identified and a detailed description of measures proposed for maintaining the overall value of these important site attributes shall be provided. Methods employed to mitigate adverse impacts shall be fully described.

   e) Methods employed to buffer and mitigate the potential adverse effects of the destination resort on adjacent resource uses and properties shall be fully described, and shall be consistent with any conditions of approval of the conceptual site plan. and

   f) A landscape plan shall be prepared as a part of the preliminary development plan by an ASLA registered landscape architect. The landscape plan shall address landscaping of all development areas including, but not limited to, parking lots, accessways, developed recreation areas, structures, storage and utility yards, and other areas deemed appropriate by the Director. The size, location,

types and numbers of trees, shrubs, plants, and ground covers shall be indicated on a landscape plan drawn to scale. The landscape plan shall also show how irrigation for landscaping and drainage are to be provided.

The landscape plan shall identify land areas with significant existing native vegetation, including riparian areas, so that these areas may be preserved. The landscape plan shall visually integrate the introduced landscape species with the natural landscape features and vegetation, and use native species whenever practical. Special consideration shall be given to preserving and/or introducing wildlife habitat species, and using vegetative screening of uses on and off the property.

4) The preliminary development plan shall be consistent with the following development standards in order to be approved:

a) The preliminary development plan shall be consistent with the conceptual site plan approved by the Board of Commissioners for the property.

b) The proposed destination resort shall be consistent with standards as set forth in Section 7.1.5(C).

c) The preliminary development plan shall demonstrate that the majority of the developed housing units will be used by visitors and not by full-time residents, consistent with the standards of Section 7.1.5(C)(1)(d), and the permitted uses listed in Section 7.1.5(D)(5).

d) A variety of developed recreational facilities shall be provided on the property that, when considered with the retained natural amenities of the property, will be sufficient to constitute a primary attraction for visitors. Satisfaction of this standard shall be demonstrated by findings submitted as required in Section 7.1.5(F). It shall be demonstrated the proposed developed recreational facilities are adequate to serve the number of living accommodations proposed in the preliminary development plan.

e) The preliminary development plan shall not provide for alterations of structures in the flood-prone areas or on slopes in excess of 25 percent, except that the following may be approved:

i) Minor drainage improvements that do not significantly impact important natural features of the site;

ii) Roads, bridges, and utilities where there are no feasible alternative locations on the site; and/or,

iii) Outdoor recreation facilities including golf courses, bike paths, trails, boardwalks, picnic tables, temporary open-sided shelters, boating facilities, ski lifts and runs.

Alterations and structures permitted in these areas should be adequately protected from geologic hazards or be of minimal value in design to minimize adverse effects.

f) Important natural features including, but not limited to, fish and wildlife habitat, big game migration routes, or threatened or endangered species, streams, rivers, and significant wetlands shall be maintained, and specific measures for their retention and protection shall be described. Riparian vegetation within 100 feet of streams, rivers, and significant wetlands shall be maintained. Alterations to important natural features, including placement of structures maintaining the overall value of the features, may be allowed.

g) Site improvements shall be located and designed to avoid or minimize adverse effects of the resort on surrounding lands, particularly the effects on intensive farming operations within the area. At a minimum, measures to accomplish this shall include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas, and similar types of buffers; and setbacks of structures and other developments from adjacent land uses. Migratory routes for deer and elk shall be retained in open use if such routes have been identified within the site by the Oregon Department of Fish and Wildlife biologists.

h) Commercial, cultural or entertainment services provided as part of the destination resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. Structures housing such uses shall be designed to be compatible in appearance with the accommodations. Commercial, cultural, and entertainment uses allowed within a destination resort are intended to be incidental to the destination resort itself. As such, these ancillary uses shall be permitted only at a scale suited to serve visitors to the resort to the extent that a particular use can be reduced in scale without impairing its function or economic viability.

i) Destination resorts shall be served by on-site sewerage and water systems approved by the Department of Environmental Quality, except where connection to an existing public sewer or water system is permissible for the resort and only if all costs related to service extension and any capacity increases are borne by the development.

j) Adequate public safety protection shall be available through existing fire districts or shall be provided on-site according to specifications by the State Fire Marshal. If located outside of an existing fire district, the developer shall provide for manned structural fire protection services.

k) The destination resort shall not alter the character of the surrounding area in a manner that substantially limits, impairs, or substantially prevents permitted or conditional use of surrounding properties. If the preliminary development plan specifies phases of development, each successive phase must be compatible with previously approved phases, and shall be capable of operating in a manner consistent with Section 7.1.5. and

l) All of the requirements of the Land Development Ordinance pertaining to the use or division of the property shall be satisfied.

5) The preliminary development plan for a destination resort shall be approved by the Planning Commission only upon finding that the following criteria have been met:

a) The proposed development plan satisfies the standards contained in Section 7.1.5 and conditions for approval set forth in the Board order.

b) The proposed type and level of development is appropriate to the site and will be compatible with existing resource uses of adjacent lands as well as the potential future uses as indicated by the Official Comprehensive Plan and Zoning Map designations for the area.

c) The destination resort meets the definition requirements of a self-contained facility and it has been adequately demonstrated that public facilities and services will be available to serve the development, including water supply, sewage disposal, electric power, telephone service, and public safety protection. and

d) The preliminary development plan is in substantial conformance with the conceptual site plan approved by the Board of Commissioners, and alterations, if any, from the conceptual site plan are found to be minor in nature.

6) In approving a preliminary development plan, the Planning Commission and Board may impose or attach any additional stipulations or conditions deemed necessary to meet the intent and purposes of Section 7.1.5, the Land Development Ordinance, the Comprehensive Plan, State Goals, and other related state law and to ensure that the design of the resort is harmonious with and takes full advantage of the site's natural amenities.

7) Building and other development permits may be authorized for visitor oriented accommodations, developed recreational facilities, utility facilities, and any other improvements, based upon the final approval of a preliminary development plan. Permanent residential facilities or improvements required as a condition of the preliminary development plan may only be authorized upon approval of the final development plan and zone change.

8) All required development of recreation facilities and visitor oriented accommodations shall be constructed or suitably guaranteed in the initial phase of any use approved pursuant to Section 7.1.5. Suitable guarantee may be in the form of a performance bond, signed deposit, dedicated loan funds, or some other acceptable assets that can be used to fund the completion of the required improvements as approved by the County. and

9) Preliminary development plan approval shall be valid for a period of three (3) years from the date of approval by the Board of

Commissioners. Within that time period, the applicant shall submit a final development plan. Prior to the expiration of a preliminary development plan, the property owner may initiate a request for a one (1) year extension of time for submitting a final development plan. A time extension may only be approved upon a finding that circumstances have not changed sufficiently since the initial approval to render the preliminary development plan inappropriate or not in compliance with existing regulations and the conceptual site plan.

l) ***Destination Resort, Final Development Approval***:

1) Final approval of a destination resort shall be subject to a final development plan that meets all the requirements as set forth in the preliminary development plan approval and Section 7.1.5. The Site Plan Review Committee shall inspect the resort for conformance with the approved preliminary development plan and may specify conditions to ensure compliance with the approved preliminary development plan and any other applicable requirement imposed as a condition of approval of the conceptual site plan. Approval of the final development plan, including subdivision plats, shall only be scheduled for Planning Commission and Board of Commissioner consideration after the Site Plan Review Committee is satisfied the final plan is consistent with the conceptual and tentative development plan requirements and in accordance with the final plat requirements in the land division regulations if applicable.

2) When phased development has been approved in the preliminary development plan, development of a subsequent phase shall not begin until all developed recreational facilities of the previous phase have been completed and a final development plan for that phase has been approved; and

3) If a final development plan is not submitted within three (3) years of approval of the preliminary development plan, the latter shall expire and a new conceptual site plan and preliminary development plan shall be required, unless prior to the end of the three (3) year period, the applicant submits a request for a one (1)-year extension, pursuant to Subsections 7.1.5(E)(6) and 7.1.5(H)(9), which has been approved by the Planning Commission based upon a finding that circumstances have not changed sufficiently since prior approval to render the conceptual site plan and preliminary development plans inconsistent with existing land use regulations.

7.2 TRANSPORTATION AND PUBLIC FACILITY OVERLAYS

7.2.1 Airport Approach (AA) and Airport Concern (AC) Overlays

A) ***General***

1) *Purpose*

The Airport Approach (AA) and Airport Concern (AC) Overlays are intended to reduce risks to aircraft operations and land uses within close proximity to airports and heliports. The AA and AC Overlays

are not legally described by metes and bounds, but are defined by the Federal Aviation Regulations (FAR, Part 77) and OAR 660-013 [and OAR 738-070 pbl 2/26/03].

2) *Applicability*
The provisions of this Section will be applied to any lands, waters and airspace, or portions thereof, surrounding an airport or heliport that have been mapped as being within the Primary, Approach, Transitional, Horizontal or Conical surface zones of the airport. An AA Overlay as applied to a private-use airport might include only a Primary and Approach surface, while all five (5) surface zones may be applied to public-use airports. Within the AA Overlay is a mapped subportion called the Runway Protection Zone (RPZ), where additional restrictions apply.

3) *Supporting Documents*
The following documents, together with all explanatory matter therein, are adopted by reference and made a part of this ordinance:

- Rules and Regulations, Medford Municipal Airport Zoning, adopted November 13, 1956, or as amended.
- Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978, or as amended.
- Approach and Clear Zone Plan, Ashland Municipal Airport, June 1976, or as amended.
- Approach and Clear Zone Plans for the Pinehurst and Prospect Airports as defined by the Oregon Department of Aviation.
- Other private Airport Approach and Clear Zone Plans as recognized by the Oregon Department of Aviation

B) ***Administration***

1) *Review Required*

a) A Type 2 review is required when a proposed structure will penetrate the Approach, Transitional, Horizontal, or Conical surface of the airport in question, as indicated on an adopted Approach and Clear Zone Plan for the airport; and

b) The determination as to whether a structure will penetrate the Approach, Transitional, Horizontal or Conical surface will be made using the best information available to the County (i.e., GIS and USGS topographic maps). If the County cannot conclusively determine that the structure will not penetrate the surface, the owner may be required to submit the following information to assist the County in making this determination:

i) 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

ii) Either or both of the following:

(a) The maximum elevations of proposed structures based on datum of the Approach and Clear Zone Plan. Elevations will be based upon a survey by an Oregon registered professional engineer or land surveyor, accurate to plus or minus one (1) foot, shown as mean sea level elevation or other available survey data. The accuracy of all elevations will be certified by the engineer or land surveyor.

(b) A map of topographic contours at two (2) foot intervals, showing all property within 100 feet of the proposed structure(s) for which the permit is being sought. This map will also bear the verification of an Oregon registered professional engineer or land surveyor.

2) *Exemptions*

a) For areas in the Horizontal or Conical surface zones, but outside the Approach and Transition surface zones, where the ground surface at the building site is higher in elevation than the airport runway, buildings or structures that will penetrate the Horizontal or Conical surface are permitted provided the building or structure will be less than 35 feet in height *[OAR 660-013-0070(2)]*.

b) The regulations prescribed by this Overlay will not be construed to require a property owner to remove, lower, or make changes or alterations to any structure which lawfully existed prior to February 13, 1989. However, such structures will be considered nonconforming if they are in conflict with these regulations. and

c) Notwithstanding subsection (b) of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Oregon Department of Aviation will 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.

C) ***Restrictions on Specific Uses*** *[OAR 660-013-0080]*

1) Within the RPZ (runway protection zone) portion of the approach, the following additional restrictions apply unless the underlying zone is more restrictive: *[OAR 660-013-0080]*

a) No residential, commercial, industrial, or public assembly structures are allowed.

b) No athletic fields, water treatment plants, mining, water impoundments, or wetland mitigation is allowed.

c) Farm use, as defined by ORS 215.203, not including associated commercial activities such as farm stands, and excluding the commercial raising of animals or fowl which would be adversely affected by aircraft passing overhead, is

permitted. Farming practices that minimize wild fowl attractants are encouraged;

d) Utilities and pipelines must be underground; and

e) Golf courses are a Type 2 use that may be permitted upon demonstration, supported by substantial evidence, that management techniques will be used to reduce existing wild fowl attractants and avoid the creation of new wildlife attractants. Such techniques will be conditions of approval. Tee markers, tee signs, pin cups and pins are not considered to be structures;

2) New industrial uses and the expansion of existing uses are prohibited where, as part of regular operations, the use would cause emissions of smoke, dust, or steam that would obscure visibility within the airport approach corridor. An exemption may be granted upon demonstration, supported by substantial evidence, that mitigation measures will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level;

3) No new or expanded industrial, commercial or recreational use will project lighting directly onto an existing runway or taxiway or into an Approach surface except where necessary for safe and convenient air travel. Lighting for these uses will incorporate shielding in their designs to reflect light away from Approach surfaces. No use will imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting;

4) No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities will be permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. The expansion of existing landfill or sewage treatment or disposal facilities within these distances will be permitted only upon demonstration that the facility is designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion will 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 *[ORS 836.623]*;

5) *Water Impoundments*

a) New water impoundments of one-quarter (¼) 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 a storm water management basin established by the airport, a seaplane landing area, or agricultural water impoundments in which the water is used directly for growing crops such as cranberries or rice *[ORS 836.623(2)(a), (4) and (5)]*;

b) Proposals for new water impoundments of one-quarter (¼) acre or larger that will be outside the approach corridor but within 5,000 feet of the runway will be reviewed under the Type 2 procedures. The proposed impoundment will be approved only upon sufficient evidence provided by the applicant that the impoundment is unlikely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors. 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 will be forwarded to the FAA for review and comment prior to any final decision *[ORS 836.623(2)(b), (c) and (d) and (6)]*; and

c) The limitations on water impoundments in (a) and (b) do not apply to wetlands mitigation where it is not practicable to provide off-site mitigation, storm water management basins established by the airport, seaplane landing areas, or agricultural water impoundments in which the water is used directly for growing crops such as cranberries or rice *[ORS 836.623(2)(e)& (4)]*;

6) Radio, cellular communication, television and other similar transmission facilities and electrical transmission lines may be allowed only when the height and location of the facility is approved by the Department of Aviation;

7) No use or activity will 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;

8) No glare-producing materials will be used on the exterior of any building or structure or stored as exposed materials in a scrap or junkyard located within the Overlay. Glare-reducing agents used to prepare structures or buildings in this Overlay must be approved by the Department of Aviation and the County. The following site and roof characteristics or materials should be avoided:

a) Water is highly reflective, therefore anything that retains water should be avoided. This includes flat roofs and reflecting ponds;
b) Sloped glazing;
c) East and west facing storefronts;
d) Parking lots unshielded with trees;

e) A high rib metal roof with high gloss finish, and flat non-corrugated surface areas between the ribs~~.~~ ;

f) Galvanized high rib or galva-lume high rib roof systems~~.~~ and

g) Skylights and use of glass on roofs~~.~~ ;

Roof materials that do not produce hazardous glare include: asphalt composition shingles; wood shingles and shakes; clay and cement tile roofs; painted and galvanized corrugated metal with no flat surfaces; flat roofs which do not retain water that have a gravel or dark surface~~.~~ ;

9) No land use approval or other permit will be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay~~.~~ ;

10) ~~The maximum height of any structure will be 35 feet. However,~~ All structures are subject to Oregon Dept. of Aviation (ODA) height regulations, and if a conflict exists with the maximum height set out in this Ordinance or an ODA requirement, the lowest height limitation fixed will govern~~.~~ ;

11) There will be no display of signs which produce a flashing or blinking effect, nor will any lighting project upward in a manner that would interfere with aircraft~~.~~ and

12) No structures or uses will provide for space or allow areas to be used as a place of public assembly not associated with or accessory to the primary purpose of the structure or use.

D) ***Review Standards***

When review is required under this Section, the owner or developer will show that the proposed use or structure will not conflict with aviation activities by submitting the following:

1) A statement from the Oregon Department of Aviation that the proposed use or structure complies with state regulations; and

2) A statement from the Ashland Public Works Director, when the proposed use is within the Ashland Airport Concern Overlay, or from the airport director or airport owner or operator at all other airports, verifying that the proposed use or structure will not impact aviation activities.

E) ***Easement and Deed Declarations Required***

1) On lands within the AA or AC Overlays, an avigation easement in a form acceptable to the airport owner or operator will be signed and recorded in the deed records of the County prior to issuance of building permits for new residential, commercial, industrial, institutional or recreational buildings, or structures intended for inhabitation or occupancy by humans or animals, or for the expansion of such buildings or structures by 50% or 1,000 square

feet, whichever is less. The avigation easement will allow unobstructed passage for aircraft;

2) A deed declaration that acknowledges the pre-existence of the airport and anticipated noise levels will be recorded prior to issuance of building permits for any noise sensitive use that will be located within the 55 DLN (yearly day-night average sound level in decibels) noise contour of the airport, as delineated in an Approach and Clear Zone Plan or as shown on the County GIS maps. Noise sensitive uses include structures used for sleeping, schools, hospitals, libraries and similar uses. The deed declaration will also be attached to any subdivision or partition approval; and

3) In areas where the noise level is anticipated to be at or above 55 DLN, prior to issuance of a building permit for construction of a noise sensitive use the applicant will demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 45 DLN. *[OAR 660-013-0080]*

7.2.2 Airport Boundary (AB) Overlay

A) ***General***

1) *Purpose*

The Airport Boundary (AB) Overlay is intended to encourage and support the continued operation and vitality of airports in the county by allowing airport-related uses that would otherwise not be permitted in the underlying zoning district.

2) *Applicability*

a) The AB Overlay applies to the Primary Surface of Class 1 and 2 airports:

i) Class 1 airports are publicly owned airports registered, licensed or otherwise recognized by the Department of Aviation on or before December 31,1994, that in 1994 were the base for three (3) or more aircraft; and to other privately owned public-use airports specifically identified in administrative rules of the Oregon Department of Aviation as providing important links in air traffic in the state, providing essential safety or emergency services, or that are of economic importance to the County. Such airports include: *[ORS 836.610(1)]*

- Rogue Valley International - Medford Airport
- Ashland Municipal Airport
- Pinehurst Airport
- Prospect Airport

ii) Class 2 airports are private-use and privately owned public-use airports that were the base for three (3) or more aircraft, as shown in the records of the

Department of Aviation, on December 31, 1994. Such airports include: *[ORS 836.608(2)]*

- Beagle Sky Ranch
- Burrill Airport
- Croman Heliport
- Erickson Heliport
- Shady Cove Airpark
- Snider Creek Airport
- Sutton-on-Rogue Airport

b) An airport boundary for a Class 1 airport may be expanded beyond the Primary Surface to include areas needed for planned airport operations, runways, taxiways, aircraft storage, maintenance, sales and repair facilities subject to compliance with the requirements of OAR 660-013-0040 and approval by the Board of Commissioners under a Type 4 procedure. An airport boundary for a Class 2 airport may be expanded to include areas that are developed or committed to airport uses allowed under ORS 836.616(2), subject to approval by the Board of Commissioners under a Type 4 procedure.

B) ***Uses Allowed at Class 1 Airports***
In addition to the uses listed in Tables 4.2-1, 4.3-1, 4.4-1 and 6.2-1, the following are Type 1 uses within the AB Overlay of a Class 1 airport: *[ORS 836.608(3), 836.616(2); OAR 660-013-0100 and -0110]*

1) Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and 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. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.

2) 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.

3) 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.

4) 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.

5) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or 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.

6) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

7) 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 but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

8) 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, are permitted subject to the acceptance of the airport sponsor. 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. As used herein, parachuting and parachute drops include all forms of skydiving.

9) 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.

10) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.

11) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the state Airport System Plan.

12) Commercial, industrial, manufacturing and other uses may be allowed if permitted in the underlying zoning district, provided the

use will not create a safety hazard or otherwise limit approved airport uses. In addition, uses that existed at any time during 1996 are permitted upon demonstration that the use existed at that time *[ORS 836.608(3)(a)]*.

C) ***Uses Allowed at Class 2 Airports***

The following may be allowed within the AB Overlay of a Class 2 airport: *[ORS 836.608(3) through (6); OAR 660-013-0155]*

1) Construction of additional tie-downs, basing additional aircraft at the airport and increases in flight activity are permitted as Type 1 uses.

2) Construction of additional hangars by the owner of the airport is permitted subject to Type 2 review and compliance with the following criteria:

   a) The use can be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
   b) Will not force a significant change or significantly increase the costs of conducting existing uses on surrounding lands; and
   c) 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 if the airport is adjacent to land zoned for exclusive farm use.

3) New uses listed in Section 7.2.1(B) **and "through the fence operations" (see Section 6.3.5(A))** may be established subject to Type 2 review. The use will only be approved when compliance with all of the following criteria are demonstrated by the applicant:

   a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;
   b) The use does not seriously interfere with existing land uses in areas surrounding the airport; and
   c) 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 if the airport is adjacent to land zoned for exclusive farm use.
   d) An applicant may demonstrate that these criteria will be satisfied through the imposition of conditions.

7.2.3 Areas of Special Concern

A) ***ASC 93-2 Transit Oriented Development***

1) *Description*

This Area of Special Concern identifies transit trunk routes in Jackson County, which are Highway 99 from Ashland to Medford (also known as Rogue Valley Highway), Court Street, Riverside Avenue, Central Avenue, South Pacific Highway, Bear Creek Drive,

Main Street, North Main, East Main, and Siskiyou Boulevard), and other designated routes in plans adopted by the Rogue Valley Transit District (RVTD).

2) *Special Requirements*
Include the following:

a) Special requirements for design and development of transit routes and transit facilities will apply within 1,000 feet of transit trunk routes through provision of bus stops or pullouts, shelters, signs, and other transit facilities. Coordination of transit routes by RVTD with cities or Jackson County will consider appropriate road standards to support bus traffic and on-road parking restrictions.

b) Transit transfer stations and park-and-ride lots are planned by RVTD on or within 1,000 feet of the Highway 99 transit trunk route. All transfer stations and park-and-ride lots will provide bicycle parking facilities as part of the development and connections to pedestrian ways.

c) Along a transit route, industrial, institutional, retail or office developments generating over 250 trip ends per day will be required to either: connect to an existing transit stop, or provide a new transit stop site in accordance with RVTD recommendations. The conditions placed on new development to require transit improvements will be based on the requirements of the RVTD. Where a transit stop is needed, the conditions of approval will provide for no less than a transit easement and a commitment to install facilities within a specified time period.

d) New retail, office and institutional buildings at or near existing or planned transit stops will provide preferential access to transit by orienting building entrances to the transit stop, clustering buildings around the transit stop, and locating buildings as close as possible to transit stops; and

e) For residential land divisions of five (5) or more lots located along transit routes, transit stops must be provided when requested by RVTD.

B) ***ASC 2003-1, Goal 11 Exception Areas***
This Area of Special Concern includes lands justified as "Reasons" Exception Areas to Statewide Planning Goal 11, Public Facilities and Services, where creation or extension of a public sewer facility has been approved to serve a specified use in the Goal Exception Area. This ASC may also be applied to "Physically Developed" and/or "Irrevocably Committed" Exception Areas where additional use restrictions are found to be merited beyond the base zoning district provisions. Development of properties within this ASC is subject to the restrictions outlined in the adopting ordinance for the Goal 11 Exception Area.*[File 2002-3-OA]*

C) ***ASC [redacted] Highway 62 Special Land Area Use Plan*** (Reserved)
This Area of Special Concern will provide a ~~refined~~ refinement plan for land use and transportation for the transportation corridor between Medford and White City.

D) ***ASC ▒ Highway 99 Medford-Phoenix Special Area Plan*** (Reserved)
This Area of Special Concern will provide a ~~refined~~ refinement plan for land use and transportation for the transportation corridor between Medford and Phoenix.

7.3 URBAN OVERLAYS

7.3.1 Areas of Mutual Planning Concern and Urban Growth Boundaries

Incorporated communities may agree with the County to designate lands lying immediately beyond their urban growth boundaries as areas where the County and city will coordinate planning activities, including those pertaining to requests for changes in land use. All such agreements will be subject to mutual review and adoption by the governing bodies of the affected city and the County. Agreements currently in effect are hereby adopted by reference and govern County land use actions in their respective areas. Development standards adopted through such agreements supercede the development standards of this Ordinance when specified in the agreement.

7.3.2 Area of Special Concern, ASC 82-1 Whetstone Industrial Park

This area establishes the following policies for the development of the Whetstone Industrial Park, which is owned by the City of Medford.

A) ***Lot Size***

Development of the Whetstone Industrial Park will proceed according to the ~~following lot size distribution:~~ adopted master plan, as amended from time-to-time by Jackson County.

~~ASC 82-1 Whetstone Industrial Park~~		
~~Minimum Lot Size~~	~~Number of Lots~~	~~Acreage~~
~~20 acres~~	~~5~~	~~100~~
~~50 acres~~	~~5~~	~~250~~
~~75 acres~~	~~2~~	~~150~~

If it can be demonstrated that, based on countywide industrial development patterns, there is a need for fully serviced industrial sites ~~of a size distribution~~ different from the ~~above~~ adopted master plan, the Board of County Commissioners will review ~~this policy~~ the plan and make appropriate changes, if necessary. Such a ~~policy~~ master plan revision may be initiated by the City of Medford acting as property owner.

B) ***Access and Circulation***

1) Interior roads designated as primary roads represent the minimum access needs of the subject site and are generally required at the time of initial site development~~.~~ ;

2) Interior roads designated as secondary roads represent the planned extension of the interior circulation system, and may be required for future development~~.~~ ; and

3) Access to all parcels within the subject site will be from the interior street system, unless a more efficient access is approved by the Jackson County Roads and Parks Services with the agreement of the Oregon Department of Transportation.

C) ***Development Standards***

1) Landscaping and drainage improvements will comply with the approved Master Landscape Plan on file for the Whetstone Industrial Park; ~~.~~

2) Building setback from public street rights-of-way will be a minimum of one and one-half (1½) times building height (D=1.5H); ~~.~~

3) Any outdoor storage of equipment or materials will be screened from view from along all public streets and the Whetstone Creek riparian area; ~~.~~ and

4) A scenic easement will be recorded on a portion of the Whetstone riparian district to ensure that the corridor will remain in open space use, and such easement will provide that it may not be removed or altered without the consent of the County.

7.3.3 Urban Fringe

The following Urban Fringe protection regulations are adopted pursuant to OAR 660-004-0040(8).

A) ***Designation***

Urban Fringe lands will include all unincorporated lands located within one (1) mile of the Urban Growth Boundaries of Medford, Ashland, and Central Point.

B) ***Divisions of Land***

All Urban Fringe lands designated for residential use must maintain a 10-acre minimum lot size in accordance with OAR 660-004-0040.

C) ***Plan/Zone Changes***

Urban Fringe lands are eligible for changes in Comprehensive Plan land use designations, and for zone changes, on the same basis as other lands in the County.

CHAPTER 8. DIMENSIONAL STANDARDS, MEASUREMENTS AND ADJUSTMENTS

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CHAPTER 8. DIMENSIONAL STANDARDS, MEASUREMENTS AND ADJUSTMENTS

8.1 APPLICABILITY

All new development and redevelopment in the resource districts described in Chapter 4 or any of the other zoning districts described in Chapter 5 will comply with the dimensional requirements set forth in this Chapter. See also Section 1.7 and Chapter 11 for regulations relating to preexisting uses, and nonconformities.

8.2 TABLE OF DENSITY AND DIMENSIONAL STANDARDS

All primary and accessory structures are subject to the density and dimensional standards set forth in Table 8.2-1. Any lot that is created through land division will meet the minimum lot area and lot width requirements set forth in Table 8.2-1 for the zoning district in which it is located, unless created pursuant to the requirements of Section 8.9. Footnoted regulations are referenced in italicized brackets, and in the final column of the Table. Rules of measurement and reductions are set forth in Sections 8.3 and 8.5. These standards may be further modified by other applicable sections of this Ordinance, including the overlay district standards set forth in Chapter 7. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density *[2]* (dwelling units/acre)	Minimum Setbacks (ft) *[3]*			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
RESOURCE DISTRICTS								
EFU, FR,WR, OSR, AR	80 acres *[1]*	600	1/80	30	30	30	35	8.5.3(C)
RURAL RESIDENTIAL ZONING DISTRICTS								
RU	Varies	N/A	1 per parcel	30	20	20	35	8.4.1
RR-5, RR-5(A)	5 acres	300	1/5	30	20	20	35	8.4.1
RR-10	10 acres	300	1/10	30	20	20	35	8.4.1
RR-00	N/A	N/A	1 per parcel	30	20	20	35	8.4.1
RR-2.5	2.5 acres	175	1/2.5	30	20	20	35	8.4.1

[1]See Section 4.3.11 and 4.4.9 for special regulations for land divisions in resource districts.
[2]Temporary medical hardship dwellings, accessory dwelling units, and farm help dwellings are not subject to density standards.
[3]All development may be subject to additional setback requirements beyond those set forth in this table, including irrigation ditch/canal setbacks (Section 8.5.3), stream setbacks (Section 8.6), or fuelbreak requirements (Section 8.7).

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density *[2]* (dwelling units/acre)	Minimum Setbacks (ft) *[3]*			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
URBAN RESIDENTIAL ZONING DISTRICTS (*See Chapter 12 for White City UUC Special Regulations)								
UR-1 WCUR-1*	1 acre	100 ***[4]*** (1:2.5 width to depth ratio for divisions)	1/1	25	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	
UR-4 WCUR-4*	10,000 sq ft	60	4/1	20 ***[5]***	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	8.4.2
UR-6 WCUR-6*	7,200 sq ft	60	6/1	20 ***[5]***	6 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	8.4.2
UR-8 WCUR-8*	5,400 sq ft	50	8/1	20~~/15~~ ***[5]***	6 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	
UR-10 WCUR-10*	4,300 sq ft	45	10/1	~~15~~/20 ***[5]***	5 side & 10 rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		35	
UR-30 WCUR-30*	6,000 sq ft for first SFD or SFA; 10,000 sq ft min. for 3 or more DU per parcel/lot	30	30/1 Mfd dwellings in mfd parks: 9/1	20	10 side & rear, plus addl. ½ ft for each ft bldg height exceeds 25 ft		45	8.4.2 8.4.3
COMMERCIAL ZONING DISTRICTS								
GC	Dimensional standards for commercial divisions will be based on location and type of use. New parcels may only be created for an existing use or a use approved through the site development and ~~or~~ Type 3 review procedures. New parcels must have adequate area for setbacks, parking, access, landscaping, and any other requirements of this Ordinance ***[6]***. See Ch. 10 for land division.			20	30 side & rear ***[7]*** if adjacent to residential district		60	8.3.2 8.4.3

[4]Within WCUUB

[5]Within WCUUB, ~~15 ft. for face of house with 20 ft. minimum for garage face~~ see Section 12.4(G) for reduced front yard option.

[6]Within WCUUB new parcels may be created for an existing use or commercial subdivision purposes, provided all new vacant lots created are a minimum of 20,000 sq. ft. New parcels with existing development must provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Sec. 12.4 for White City regulations.

[7]Within WCUUB, side yard setbacks 10 ft., and rear yard setbacks 20 ft; if abutting a residential zone, buffer yard standards must be met. (See Section 9.2.3)

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS								
District	Minimum Lot/Parcel Dimensions		Max. Gross Density *[2]* (dwelling units/acre)	Minimum Setbacks (ft) *[3]*			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
IC	The dimensional standards for commercial divisions will be based on location and type of use. Residential development in accordance with UR-30 standards may be allowed in conjunction with commercial uses. New parcels may only be created for an existing use or a use approved through the site development and ~~or~~ Type 3 review procedures. New parcels must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	30 side & rear if adjacent to residential district		45	8.3.2 8.4.3
NC				20	20 side & rear if adjacent to residential district		35	8.3.2 8.4.2 8.4.3
ARS				20	25 side & rear if adjacent to residential district		35 (ARS: 2 stories)	8.3.2, 8.4.3 Commercial use bldgs 2,500 sq ft max. (4,000 sq ft for Type 3 use). Limit applies to parcel, not use.
RS, RRS, SVRS	The dimensional standards for commercial divisions will be based on the location and type of use. New parcels may only be created for an existing use or a use approved through the site development and ~~or~~ Type 3 review procedures. The new parcel must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	25 side & rear if adjacent to residential district		Type 3 use if over 25	See Sections 8.3.2, 8.4.3
				20	25 side & rear if adjacent to residential district		Type 3 use if over 25	Commercial use bldgs will not exceed 4,000 sq ft floor space.
INDUSTRIAL ZONING DISTRICTS								
LI	The dimensional standards for industrial divisions will be based on the location and type of use. New parcels will be a minimum of one acre in size and may only be created for an existing use or a new use found in Table 8.2-1 for the LI or GI zoning districts ~~approved through the site development or Type 3 review procedures~~. The new parcel must be shown to have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance *[7]*. See Ch. 10 for land division.			30	20 side & rear if adjacent to residential district *[8]*		60	See Sections 8.3.2, 8.4.3, and 8.5.3
GI				30	20 side & rear if adjacent to residential district *[7]*		60	See Sections 8.3.2, 8.4.3, and 8.5.3

[8]In WCUUB, minimum parcel size will be 20,000 sq. ft., side yard setbacks of 5 ft. when adjacent to industrial zone, large setback when adjacent to commercial and residential districts.

8.3 HEIGHT, LOT/PARCEL MEASUREMENTS AND REQUIREMENTS

8.3.1 Definition/Measurement

A) The height of a building will be measured as the vertical distance from the average slope of the natural grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. For purposes of this Section, "natural grade" is defined as the elevation of the ground level at the building site in its natural state, before construction, filling, or excavation.

B) Lot area is calculated as the total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane. When a road lies within the boundaries of a lot, it is included for the purpose of determining the area contained in the lot or parcel.

C) In cases of existing irregularly shaped lots or parcels, average lot width or depth is used to determine compliance with the setback requirements of this Ordinance. Average lot width/depth is determined by measuring the diameter of the largest circle that can be wholly contained within the boundaries of the lot or parcel.

8.3.2 General Requirements

A) Building height limits specified in Table 8.2-1 apply to all development unless specified otherwise in the Airport Approach (AA), Airport Concern (AC), overlay district regulations of Sections 7.2.1 and 7.2.2.

B) Minimum lot/parcel area dimensions specified in Table 8.2-1 apply to all development unless otherwise specified in this Ordinance. A lawfully created lot or parcel that does not meet the minimum area dimensions specified in Table 8.2-1 is entitled to the same rights that such a lot or parcel would otherwise have if it met the minimum area dimension requirements.

C) Within urban growth or urban unincorporated community boundaries, all accessory buildings and structures will be built to the rear or side of the principal structure, and will meet the minimum setbacks for the zone.

8.3.3 Exclusions/Exemptions

Except in airport zoning districts (AA or AC), height limitations will not apply to barns, silos, water towers, or other farm structures, or projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy.

8.4 ADDITIONAL REGULATIONS

8.4.1 Rural Residential Zoning Districts

All development within the Rural Use and Rural Residential districts is subject to the following:

A) A deed declaration, which acknowledges and accepts customary farm and forest practices, and irrigation rights as provided by the County, will be recorded prior to the issuance of permits.

B) All Type 2-4 applications within the RR-5(A) District will be reviewed by each permitting agency having jurisdiction prior to issuance of development permits, as indicated by the agency's sign-off on a checklist.

8.4.2 Urban Residential Zoning Districts

See also Section 6.3.2 and Section 12.4.1(C). Two (2) or more single-family attached dwellings may be developed on UR zoned parcels subject to all of the following:

A) A land division is approved subject to the standards of Chapter 10;

B) No recorded deed declarations, conditions, restrictions, or plat provisions prevent the land division;

C) No new residential lot created will be less than 3,000 square feet in size or less than 25 feet wide, except in the WCUR-30 zoning district as described in Section 12.4.1(C) (see also Table 12.4-1); and

~~D) Building envelopes and common walls separating dwelling units that will be located on lot lines are shown on the tentative and final plat; and~~

~~E~~D) All structural setbacks from lot lines required by Table 8.2-1, except for lot lines traversed by common walls, are met.

8.4.3 General Site Development and Buffering Requirements

The standards of this Section will apply in the following districts: UR-30, IC, RS, ARS, RRS, SVRS, NC, GC, LI, and GI.

A) Type 1 and 2 uses allowed within these districts will conform to the site development review requirements of Chapter 9.

B) Buffering techniques are required to separate Type 1 or 2 uses from abutting incompatible uses. Such techniques will include, but are not limited to, the following:

1) Open outdoor storage is prohibited unless the use is properly screened or fenced in accordance with Chapter 9.

2) Berms or solid walls may be required when the County determines that noise abatement or additional visual screening is required.

3) Parking lots will be landscaped in accordance with Section 9.2.; and

4) Sidewalks will be required when the surrounding area has developed with sidewalks and is zoned for urban residential, commercial, or industrial uses ~~along primary road frontages in commercial zones located within the White City Urban Unincorporated Community and the South Pacific Highway Containment Boundary~~ (See Sections 9.5.6 and 10.4.3(F)).

8.5 SETBACK MEASUREMENT AND REQUIREMENTS

8.5.1 Setback Measurement

To ensure buildings will not be placed in or encroach on recorded easements for Roads, setbacks will be measured as the distance from a right-of-way of a public or private road or access easement, or from a property line to the nearest point of a structure, except as allowed under Section 8.5.2(D).

8.5.2 General Setback Requirements

A) ***Required Setbacks***

Setback requirements specified in Table 8.2-1 above will be observed unless otherwise specified in this Section or this Ordinance. Yard setback requirements will be modified by fuelbreak requirements and any of the special setbacks set forth in Sections 8.5.3 and 8.6, if applicable.

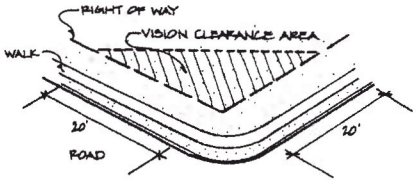
Structures on lawfully created lots or parcels that do not meet the minimum area or width requirements of the zoning district in which the lot or parcel is located must meet the yard setback requirements of the zoning district with which the lot or parcel most closely conforms.

B) ***Signs and Fences***

All signs and fences under eight (8) feet in height are exempt from the requirements of Table 8.2-1 except as provided in 8.5.2(C).

C) ***Vision Clearance for Intersections***

No structure, fence, wall, hedge, sign, or other visual obstruction will be created or allowed to grow, be placed, or maintained between the heights of three (3) and 10 feet above the street level within 20 feet of the intersection of the rights-of-way lines of two (2) roads, or of a road and a railroad property line.



D) ***General Exemptions to Yard Requirements***

The following projections are permitted within required yard areas:

1) Architectural features such as cornices, sills, eaves, canopies, sunshades, gutters, fireplaces and flues, and mechanical (heating and cooling equipment) will not project more than 18 inches into a required yard.

2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one (1) foot into the required side and rear yard and a maximum of six (6) feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.

3) Except for vision clearance (Section 8.5.2(C)) and riparian habitat (Section 8.6) setbacks, nonhabitable one (1)-story detached accessory structures as described in the *State of Oregon One-and Two Single Family Dwelling Specialty Code*, are exempt from the

mandatory setback requirements of this Ordinance, provided the floor area does not exceed 200 square feet and a height of 10 feet, as measured to the highest point.

4) Within commercial districts, awnings may be allowed to extend a maximum of six (6) feet into the required front yard.

5) On a parcel where the abutting lots, adjoining the same street or road, contain lawfully constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback established on the abutting parcels.

8.5.3 Special Setback Requirements

A) ***Adjustments for Solar Orientation***

The side and rear setback requirements may be adjusted to provide for solar orientation in Urban Residential Zoning districts. An adjustment of up to 33 percent may be approved as an Administrative Adjustment in accordance with Section 3.12. Reductions of side setbacks in excess of 33 percent, or reductions in front yard requirements, will be subject to review through the Type 3 procedure contained in Section 3.1.4.

B) ***Side or Rear Yards Abutting Commercial Districts***

Where the side and/or rear yard of the following districts abut a commercial district, the yard requirements in those districts, adjacent to such commercial lot line, will have the following minimum setback width measured from the zoning district boundary. If the zoning district boundary lies in the centerline of a dedicated street or road, the entire width of the right-of-way may be calculated as part of the setback.

1) In the LI and RLI districts, the minimum side or rear yard setback will be 10 feet plus one (1) foot for every foot by which the height of the building exceeds 15 feet.

2) In the GI district, the minimum side or rear yard setback requirements will be 40 feet plus one (1) foot for every foot by which the height of the building exceeds 15 feet.

C) ***Nonresidential Accessory Farm Use Structures in EFU Zone***

Nonresidential accessory farm use structures on lands zoned Exclusive Farm Use (EFU) may be placed within five (5) feet of a side or rear property line when the County determines ~~through a Type 2 review~~ that the standard yard width requirement will not adversely affect agricultural uses on the subject or adjacent properties.

D) ***Irrigation Ditches or Canals***

On lands where irrigation district ditches or canals exist, applicants will not establish dwellings or out buildings, septic or drainfields, water wells, or any other obstruction within 30 feet or easement width whichever is greater from the center of the ditch or canal, on the side of the canal or ditch where the maintenance/access road is located. Applicants will be required to sign a deed declaration to allow access and maintenance including:

1) Mechanical cleaning;

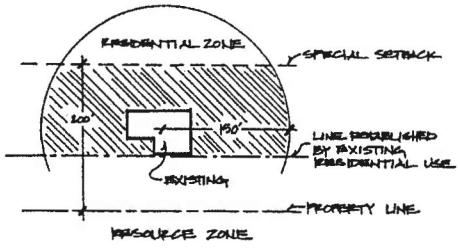
2) Brush and tree removal; and,

3) Any repairs deemed necessary to maintain proper water storage, diversion or carriage of water.

The County may waive or reduce this setback when the setback is otherwise impracticable due to the specific configuration or use of the property, and such a reduction will not impair maintenance functions as attested by the appropriate irrigation district, or in those cases where no district exists, by downstream users of the ditch.

E) ***Increases to Front Yards to Accommodate Future Street Improvements***
The front yard setback may be increased up to 30 feet from the right-of-way or 60 feet from the centerline of a dedicated road or access way, whichever is greater to accommodate planned future street improvements.

F) ***Setbacks from Resource Lands and Reduction Requests***
Building setbacks provide a buffer between resource and abutting nonresource land as a means to prevent conflicts between resource and non-resource uses. Unless otherwise approved as provided below, ~~A~~ a 200-foot setback from forest and farm zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure[9] ~~dwelling~~ (see Section 13.2.3(A)) sited in a nonresource zoning district~~;~~. ~~and~~ A 500-foot setback from Aggregate Removal zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure ~~dwelling~~, notwithstanding the adjacent zoning district~~; unless otherwise approved as provided below~~. If the zoning boundary lies in the centerline of a County or state roadway, the entire width of the dedicated roadway may be calculated as part of the special setback. In addition to the regulations in this subsection, ~~dwellings~~ residential structures must also comply with all other applicable siting standards in Chapters 7, 8 and 9 of this Ordinance. A replacement dwelling in the floodway subject to Section 7.1.2 (F)(7) is exempt from the provisions of this subsection and Section 8.7.



An addition or replacement to a lawfully established ~~dwelling~~ residential structure that does not qualify for an exception under subsections 1(a) and 1(b) below, is not required to meet special setback requirements when the addition or replacement will not be any closer to the resource zone than the existing ~~dwelling~~ residential structure. Any ~~other~~ lawfully placed ~~dwelling~~ residential structure may be replaced within a 150-foot radius of the centroid of the existing foundation or mobile home pad, provided that setbacks from

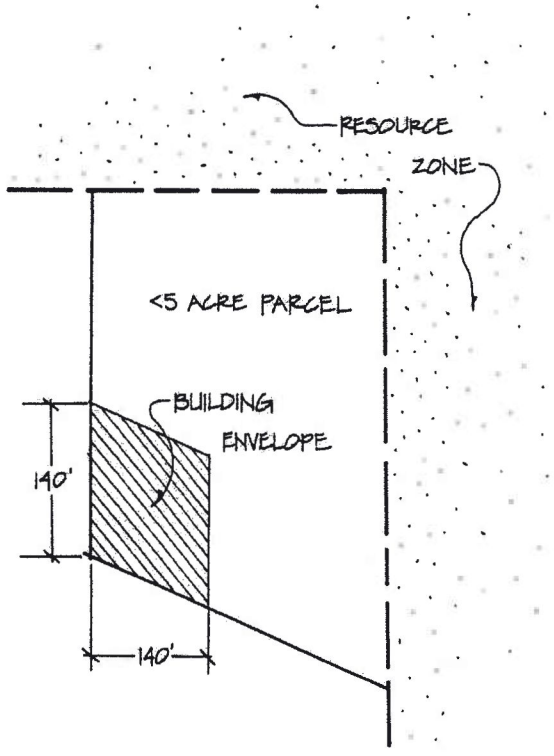
[9]All references to a residential structure in this section also includes detached living space as defined in Chapter 13. All references to replacement structures shall indicate that the structure to be replaced was lawfully established and meets the definition of dwelling as defined in Section 4.2.6(1) of the LDO.

any resource district boundaries that were established by the original ~~dwelling~~ residential structure will not be reduced. ~~If the replacement dwelling would be sited within 200 feet of a farm or forest zoning district, or 500 feet of an Aggregate Removal zoning district boundary, development must be initiated in accordance with Section 11.3.~~ Section 9.2.10 applies when ~~the~~ a replacement dwelling will be adjacent to an intensive agricultural use.

1) When an Aggregate Removal setback is not involved, and the parcel is five (5) acres or less in size, the County will allow reduction of the special setback requirement set forth in this subsection under a Type 1 review for a new replacement of a lawfully established or enlarged residential structure ~~dwelling~~ provided the applicable structural setbacks required by Table 8.2-1 are maintained. A Type 1 special setback reduction may be approved if one (1) or more of the following requirements are met:

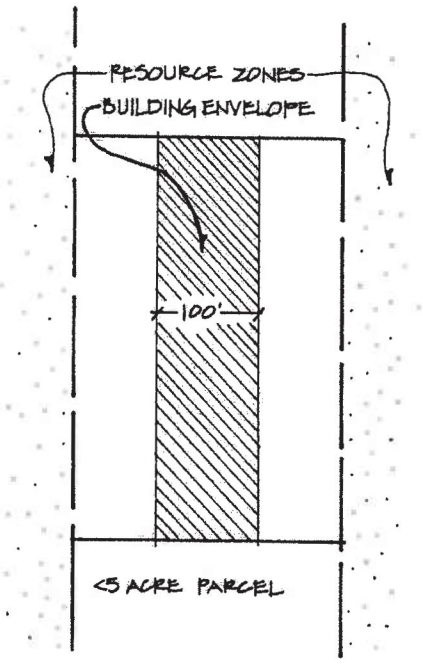
   a) If a parcel has a resource zone on one (1) side but not on the opposite side a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure may be sited within 140 feet of the property line which is opposite the resource district boundary. The 140-foot requirement may be applied for the entire length of the property line, except where it coincides with a resource district boundary. If the parcel configuration allows multiple applications of the 140-foot measurement, then the method that results in the maximum setback possible from abutting resource lands will be used (see Figure "1"). or

FIGURE 1



b) If a parcel has resource zoning on opposite sides, a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure may be placed within the middle 100 feet between the resource zoned lands. If the parcel configuration allows multiple applications of the 100-foot measurement, then the method that results in the maximum possible setback from abutting resource lands will be used (see Figure "2"):

FIGURE 2



The special setback reductions listed above may be applied concurrently on the same parcel to allow flexibility in siting a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure. If there appear to be multiple methods for application of these provisions, then the method that results in the greatest building setback from resource district boundaries will be used:

2) When no conforming location exists on the property that can accommodate the proposed residential structure, ~~T~~the County may approve reductions of special setback requirements adjacent to Exclusive Farm Use or forest zoning districts under a Type 2 review upon making findings of compliance with this Section and Sections 4.2.3 or 4.3.4, as applicable (see also Section 9.2.10). ~~If a setback reduction is justified, development must maintain as much setback from the resource as practicable.~~ To be approved, the applicant must provide substantial findings to document that ~~any~~ one (1) or more of the following situations exist:

a) Lawfully established ~~dwellings~~ residential structures on abutting resource zoned parcel(s) are near the common lot line with the nonresource parcel, and a reduction of the

setback would not affect the resource (see Sections 4.2.3 and 4.3.4); or

b) Existing ~~dwellings~~ residential structures are within the prescribed setback on the subject parcel or abutting nonresource zoned parcels and the County determines that a ~~reduction of~~ setback reduction consistent with established building lines will not adversely affect adjacent resource lands; or

c) The required setback would prohibit the placement of the ~~dwelling~~ residential structure on the parcel due to topography, flood hazard, or would adversely impact other physical or natural areas; or

d) An intervening physical feature such as a river or highway substantially mitigates the adverse effects of placing a ~~dwelling~~ residential structure closer to the resource zoned parcel~~.~~;

When a special setback reduction is requested to place a ~~dwelling~~ new, replacement of a lawfully established or enlarged residential structure on any property adjacent to land zoned Aggregate Removal, the only criteria that may be considered is 8.5.3(F)(2)(c) and (d). When a setback reduction is authorized, development must maintain as much setback rom the resource as practicable.

Whenever a setback reduction is allowed under (1) and (2) ~~below~~ above, a deed declaration must be recorded wherein the owner of record and any successors, heirs, or assigns accept the potential for resource uses on adjacent resource zoned land to affect the use and enjoyment of the property granted a setback reduction. The deed declaration must also prohibit the landowner and their successors in interest from pursuing a claim for relief or cause of action alleging injury from mining activities, or farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 *[see OAR 660-033-0130(30)]*.

G) ***Mount Ashland Road***

All new structures adjacent to or nearby Mount Ashland Road will be set back a minimum of 100 feet from the center line of Mount Ashland Road west of its intersection with Colestin Road in order to avoid severe damage from snow removal activities of the Oregon Department of Transportation. Encroachment within the 100 feet will only be permitted by the Department on the recommendation of the Oregon Department of Transportation who may also recommend an increased setback.

H) ***Reduced Setbacks in White City Commercial Zoning Districts***

In the White City Urban Unincorporated Community, commercial building setbacks facing public rights-of-way in the Neighborhood commercial (NC) zone may be reduced to 10 feet, exclusive of clear view areas, when all on-site parking is provided solely to the rear or side of the building. Setbacks for buildings in the General Commercial (GC) zone may be similarly reduced to 15 feet when on-site parking is provided exclusively to the side or rear of a commercial building. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

8.6 STREAM CORRIDORS AND RIPARIAN HABITAT

8.6.1 General Setback Requirement for Structures

A) Except as allowed by subsection (B), no structure or other development, including grading, will be located closer than 75 feet to the top of bank of the Rogue River, or closer than 50 feet to the top of bank of any Class 1 or 2 stream or other fish-bearing water area, including lakes, ponds perennial and intermittent fish-bearing streams, but excluding man-made farm ponds. The top of bank will be defined as "bankfull stage" in OAR 141-085-0010(2), "Bankfull Stage means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage."

B) The following uses may be allowed in the riparian setback area provided they are designed and constructed to minimize the intrusion into the riparian area and the removal of riparian vegetation. Lands disturbed by development activities will be reclaimed (see Section 8.6.4 below).

1) Water-related and water-dependent uses such as boat landings, docks, marinas, bridges, dams and hydroelectric facilities.

2) Drainage facilities, utilities, and irrigation pumps.

3) Replacement of existing structures with structures in the same location provided that no additional riparian area is disturbed.

4) Roads and driveways, in accordance with the requirements of Sections 8.6.2 and 8.6.3, and County approved pedestrian/bicycle paths.

5) Public use observation deck or boardwalks when part of an approved park master plan, or bicycle/pedestrian path

8.6.2 Limitations on Roadway Development

Roadway development, including fill, will not be located within the riparian setback area required by Section 8.6.1 except at vehicular crossings. Roads and driveways will be designed to minimize slope cut and fill. Areas disturbed during development will be revegetated.

8.6.3 Review of Bridge/Stream Crossings

All bridge and stream crossings, and removal or fill operations may require ~~either~~ a ~~Type 1 or Type 2~~ review for compliance with Section 7.1.2, Floodplain Overlay prior to issuance of any development permits. Such projects may be subject to ODFW review for impact on fish and wildlife habitat and the Oregon Division of State Lands (DSL) or Army Corps of Engineers may also require a permit for such operations. Any required state or federal permit must be obtained prior to ~~commencement of development~~ issuance of County development permits.

8.6.4 Retention of Vegetation and Tree Cover

A) In order to protect stream corridors and riparian habitat, all vegetation and tree cover will be retained within 75 feet of the top of the bank of the Rogue

River, or within 50 feet of the top of the bank of any Class I or 2 stream or other fish-bearing water area including lakes, ponds, perennial, and intermittent fish-bearing streams, but excluding man-made farm ponds. The definitions in Section 8.6.1(A) apply to this Section. Exceptions are as follows:

1) Non-native vegetation may be removed and replaced with native plant species, subject to a landscape plan approved by Oregon Department of Fish and Wildlife (ODFW).

2) Vegetation may be removed if necessary for the development of water-related or water-dependent uses, subject to a landscape plan approved by ODFW.

3) Vegetation may be removed for forestry activities that have been granted a permit under the Forest Practices Act.

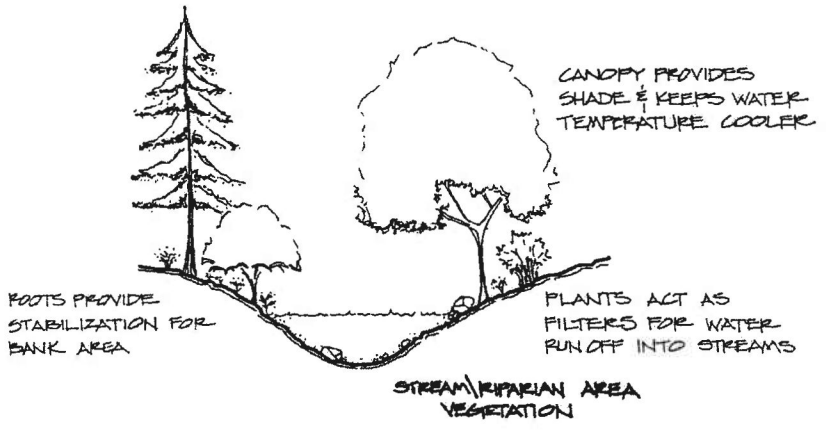
B) No understory vegetation or tree canopy may be removed in order to comply with the fuelbreak requirements of Section 8.7.1(B), which are superceded by the requirements of this Section within the area in which the riparian setback applies.

8.6.5 Reduction of Riparian Setbacks

Riparian setbacks and areas for retention of vegetation and tree cover may be reduced by up to 25 percent if an applicant demonstrates through a Type 2 review either of the following:

A) The setbacks required by Section 8.6.1 will render the parcel unbuildable; or

B) Equal or better protection will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. An application under this provision must include the recommendation of the Oregon Department of Fish and Wildlife (ODFW) that the habitat is adequately protected even if the setback is reduced. As part of any such determination, the applicant must submit materials describing what measures designed to mitigate adverse impacts on riparian habitat will be implemented, along with an ODFW approved map showing existing and proposed vegetation (tree type and location, understory type), structure location, and stream bank description.



8.7 WILDFIRE SAFETY

8.7.1 Fire Safety Requirements [see JCPC Recommendation LRP 2004-00014]

A) ***Applicability***

This Section contains mandatory standards for all new structures requiring building permits ~~construction, except replacement dwellings in the floodway subject to Section 7.1.2(F)(7). New construction includes significant outbuildings as defined in Chapter 13, and replacement structures located~~ in areas subject to wildfire hazard as identified on the "Hazardous Wildfire Area Map." New construction includes significant outbuildings, replacement structures, and structures located on steep slopes (see Section 9.3.1(C)(4)). Development on properties adjacent to the mapped area will be required to be a minimum of 50 feet from the edge of the mapped boundary. The official version of ~~this~~ the "Hazardous Wildfire Area Map" ~~map~~ will be maintained in the Planning Division. Lands in forest zones are also subject to these requirements *(OAR 660-006-0035, 40)*.

B) ***Fuelbreaks***

A minimum 100-foot fuelbreak will be developed and maintained around all new construction. [10]However, if a parcel is five (5) acres or less, within a structural fire protection district, and slopes on the parcel do not exceed 20%, the minimum fuelbreak requirement will be reduced to 50 feet. Properties that are in forest zones must have a minimum 100-foot fuelbreak, regardless of parcel size.

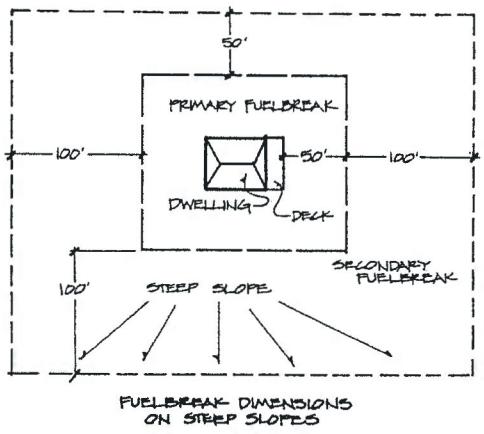
A fuelbreak may be extended onto an adjoining property with a recorded fuelbreak easement. When a fuelbreak area includes a county, state or federally maintained road right-of-way, a fuelbreak reduction application will not be required for the side of the property facing the road, but a minimum 100-foot fuelbreak will still be required on the other sides. A maintained local access road or approved private road that is maintained~~,~~ through an enforceable written agreement between property owners served by the road~~,~~ may similarly qualify for exemption from these fuelbreak requirements. All proposed structures will meet the minimum structural setback requirements. A fuelbreak is measured from a structure's outermost walls, combustible decks, or other combustible attachments. Fuelbreaks will meet the following standards:

1) *Primary Fuelbreak*

The goal within the primary fuelbreak is to remove fuels that will produce flame lengths in excess of one (1) foot. A minimum 50-foot primary fuelbreak is required for all lands identified as a wildfire hazard. Vegetation within the primary fuelbreak may include grass maintained at less than six (6) inches in height and ~~low shrubs~~ low fuel volume, fire resistant shrubs. Highly combustible shrubbery, such as juniper, is prohibited. Trees will be horizontally spaced with more than 15 feet between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet above the

[10]If the revision of the map is approved, this provision will not be required

ground. A 10-foot clearance between branches and ~~stovepipes~~ stove pipes or chimney outlets must be maintained. Deciduous tree branches shall be no closer than 10 feet from the roof, evergreen branches shall be no closer than 25 feet. ~~No branches may overhang within 25 vertical feet of a roofline.~~ Accumulated leaves, needles, limbs and other dead vegetation must be removed. Flammable groundcover materials (e.g., bark mulch) may not be used in landscaping within 12 inches of buildings. Firewood piles, slash piles, and woodsheds will be placed at least 30 feet from all structures.



FUELBREAK DIMENSIONS ON STEEP SLOPES

2) *Secondary Fuelbreak*

The goal of the secondary fuelbreak 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. A minimum 50 foot secondary fuelbreak is required which extends in all directions around the primary fuelbreak. An additional 50 feet, for a total of 100 feet, will be added to the secondary fuelbreak when the slope ~~below~~ of the area around the homesite exceeds 20 percent. This additional 50 feet will be added to the area below and to each side of the homesite. Trees will be spaced with more than 15 horizontal feet between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet above the ground. Ornamental and fruit trees are excluded from the spacing standards, provided they are kept green and free of dead material. Small trees and brush growing underneath larger trees should be removed. Dead plant material must be removed, which includes pruning dead branches from trees and shrubs. Understory vegetation may include ~~lawns~~ grass or groundcover maintained at less than 12 inches in height and ~~low shrubs~~ low fuel volume, fire resistant shrubs (see the User's Guide for drought and fire resistant landscape materials).

C) ***Roof Coverings***

All structures will have Class A or B roofing according to ~~Section 1504 of~~ the International Building Code Section 1506 for commercial structures, and State of Oregon Structural Specialty Code Chapter 9, section R902 for residential structures. This prohibits wood roofing of any type, including pressure treated wood shingle or shakes.

D) ***Siding***

Wood shake shingle and vinyl siding are prohibited.

~~D~~ E) ***Emergency Vehicle Access***
For the purposes of public safety, ~~access will be constructed to within 50 feet of all habitable structures and other within 200 feet of all significant buildings. The~~ access will be constructed to the standards of Section 9.5.4. ~~The County may impose additional standards, conditions, or require technical information as needed to assure compliance.~~

~~E~~ F) ***Slope***
All new dwellings, significant outbuildings and replacement structures will be sited in compliance with the development standards of Section 9.3 and 9.5.4. Where an alternate site for a replacement structure is not available on the parcel, the structure may be replaced in the same location ~~when the standards of Section 9.5 are met~~.

~~F~~ G) ***Chimneys***
All chimneys will have a spark arrester.

~~G~~ H) ***Rural Fire Protection***
Dwellings will be located within a rural fire protection district or contract with a rural fire protection district for residential fire protection. If the dwelling is not within a rural fire protection district and contracting is not possible, evidence will be provided to show that the applicant has asked to be included in the nearest such district, and that said district cannot or has refused to provide protection.

~~H~~ I) ***General Fire Safety Guidelines***
The following fire safety guidelines are suggested in all rural and forested areas, and may be required by the County when a finding is made that such measures are necessary to protect public safety (see OAR 660-006-0035 for additional standards in forest zones):

1) Bridges constructed of noncombustible materials~~;~~ .

2) On-site water storage approved by the fire district serving the proposed use~~;~~ .

3) Permanent signs posted along the access route to indicate the location of the emergency water source~~;~~ or

4) Other measures as recommended by the fire agency commenting on the application or the County Fire Safety Inspector.

J) ***Address Signs***
Address signs will be posted at the driveway and/or private road entrance ~~from~~ at the public right-of-way in such a manner as to be visible ~~in~~ from both directions ~~from~~ on the roadway providing the access. Directional address signs must also be posted at all road/driveway junctions.

8.7.2 Existing Buildings
Buildings lawfully constructed prior to February 13, 1989, will not be considered nonconforming solely based on nonconformance with this Wildfire Safety Section. When new construction consists of an addition to an existing building that is exempt from the requirements of this Section, the addition is also exempt, provided it is not

placed closer to any property line that is currently less that 100 feet from the structure. A replacement building is considered new construction.

8.7.3 Reroofing or Repair of Existing Buildings

When 50 percent or more of the roof covering of any building is repaired or replaced within one (1) year, the entire roof covering will be made to comply with the requirements for roof coverings for new structures within wildfire hazard zones, as specified in Section 8.7.1(C).

8.7.4 Fuelbreak Reductions

The County, upon receipt of a written authorization from the fire district having jurisdiction, or the Oregon Department of Forestry (ODF) if not in a fire district, ~~or a Type I or II accredited assessor under the Oregon Forest Land-Urban Interface Fire Protection Act, will~~ may approve a reduction in the width of the fuelbreak as prescribed by the agency ~~or accredited assessor~~. The written authorization will be made on forms supplied by the County and be signed by the Fire Chief or an ODF official with authority to make fuelbreak reduction decisions, or their designee, ~~or the accredited assessor~~. Such authorizations will be processed as a Type 1 permit. Authorization to reduce the fuelbreak requirement will not, however, release an applicant from compliance with any other applicable standard of this Ordinance.

When a ~~dwelling or use~~ fuelbreak reduction for a structure is not authorized by a fire district, or ODF official ~~or an accredited assessor~~, a fuelbreak reduction may be approved by the County under a Type 2 review when the applicant documents, and the County confirms through a site inspection, that one (1) or more of the following conditions affect development of the proposed use:

A) A stream or irrigation canal, road, topographic feature, or other site characteristic serves as an adequate fuelbreak~~;~~ ;

B) A better fire suppression and prevention strategy is proposed by the applicant~~;~~ ; or

C) Because of parcel or lot configuration, a portion of the fuelbreak would be located on an adjoining property, and an adjustment of the building site is not practicable.

The County's decision to authorize a fuelbreak reduction will consider the advice of the nearest fire protection district or agency, and may impose additional standards, conditions or require technical information as needed to assure compliance.

8.7.5 Conditional Approval Requirements When Deemed Necessary

The County's decision to authorize a fuelbreak reduction or approve a fire safety inspection ~~outside a fire district~~ will consider the advice of the ~~nearest~~ fire protection district or ODF official and may impose additional standards~~,~~ or conditions ~~or~~ and require technical information as needed to assure compliance.

8.8 RESERVED

8.9 PARCEL AREA REDUCTIONS

8.9.1 Purpose and Scope

The County may approve a parcel area reduction ~~under~~ as a Type ~~2 procedure~~ 1 permit for the purpose of dividing land to separate preexisting dwellings onto individual parcels, subject to the land division requirements of this Ordinance and compliance with the following: *(OAR 660-004-0040, 7(h) or (8)(g))*

A) The parcel to be divided contains two (2) or more permanent habitable dwellings;

B) The dwellings were lawfully established before April 3, 2001, except in forest zones where they must have lawfully existed prior to November 4, 1993;

C) Each new parcel created by the partition contains at least one (1) of the permanent habitable dwellings;

D) The partition will not create any vacant parcels or lots; and

E) If the parcel to be divided is within one (1) mile of the Ashland, Central Point or Medford urban growth boundary (i.e., the urban fringe), the resulting parcels will also comply with the provisions of OAR 660-004-0040(7)(h) or (8)(g).

See Chapter 4 for additional requirements concerning multiple dwellings located on land zoned Exclusive Farm Use or Forest Resource.

8.9.2 Approval Criteria

Applications will be processed under the Type 2 procedures of Section 3.1.3, unless otherwise specified in this Ordinance, and may only be approved when all of the following criteria are met:

A) The requested adjustment will not have an appreciable adverse impact on the health, safety, or welfare of surrounding property owners or the general public;

B) The requested adjustment does not interfere with accepted farming practices on adjacent lands devoted to farm use and, does not adversely alter the stability of the overall land use pattern of the area;

C) If the requested adjustment is to the minimum lot size, the applicant has demonstrated that all reasonable efforts to obtain the requisite amount of additional land needed to conform with the minimum lot size requirement through purchase, partitioning, or lot line adjustment are unfeasible; and

D) Nonconforming lots or parcels created pursuant to this subsection must meet the access requirements of this Ordinance. To the extent possible nonconforming lots or parcels created pursuant to this subsection will meet setback and area requirements. If, however, any of the setback and area requirements are found to be physically impossible to meet, then the proposed division must maintain the maximum feasible distance between buildings and the new lot lines. Except as indicated above, divisions made

under this Section will comply with all other land division procedures and standards set forth in this Ordinance.

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CHAPTER 9. GENERAL DEVELOPMENT REGULATIONS

9.1 LIMITATIONS ON SITE DISTURBANCE

9.1.1 Limits of Disturbance

For all projects subject to the site development plan review process (see Section 3.2), the applicant will propose, and the Planning Division will establish, "limits of disturbance" (LOD) lines according to the criteria set forth in Section 9.1.2. The LOD will indicate the specific area(s) of the site within which the developed project may be constructed and within which development activity will be contained. The approved LOD will be shown on the final site plan.

9.1.2 Establishing Limits of Disturbance

In establishing the LOD, the following factors will be taken into account:

A) ***Mapped Goal 5 Resources***

The protection of scenic, historic and natural areas and a healthy and visually attractive environment in harmony with the natural landscape character. These areas are illustrated on maps contained in the Goal 5 background document and incorporated by reference in the Natural and Historic Resources Element of the Jackson County Comprehensive Plan.

B) ***Other Sensitive Resources***

Many of the above areas resulted in individual studies which established Areas of Special Concern (ASC) or overlays. Development in these areas are subject to the standards in Chapters 3 and 7.

9.1.3 Standards For Protection During Construction and Grading

The approved LOD will be identified in the field prior to commencement of excavation, grading, or construction with construction barrier fencing (e.g., silt fencing) or other methods approved by the County. Protective fencing will also be placed around all other areas identified on the approved site plan. The fencing will remain in place until all land alteration, construction, and development activities are completed.

A) To the maximum extent feasible, no development, grading, or vegetation removal or alteration will occur as a part of the development project or associated construction activity outside the LOD except as provided in subsection (B) below.

B) Disturbance or construction activity may occur outside the LOD with approval of the Planning Division for the following limited purposes:

1) Mitigation of development activities;

2) Restoration of previously disturbed or degraded areas;

3) The practical needs of approved construction activity in terms of ingress and egress to the development project and necessary staging and operational areas;

4) Utility installations and emergency public safety activities when such activities and installations cannot reasonably be contained within the LOD, provided a plan for revegetation is approved;

5) Construction of a trail or pedestrian walkway that will provide access when such trails or walkways cannot reasonably be contained within the LOD;

6) The enhancement of the habitat values and/or other natural resource values of an identified natural area; and

7) Landscaping according to an approved landscaping plan.

9.2 LANDSCAPING AND BUFFER YARDS

9.2.1 Purpose

The purpose of landscaping and buffering provisions is to: improve the physical appearance of the community; improve the environmental performance of new development by contributing to the abatement of heat, glare and noise; promote the natural percolation of storm water and improve air quality; and buffer potentially incompatible land uses from one another in order to conserve the value of property. The standards of this Section establish the means to accomplish these objectives while encouraging use of a wide range of techniques and design solutions to address specific site conditions. Diversity of plant materials with an emphasis on the use of indigenous plants is also encouraged for aesthetic and environmental reasons.

9.2.2 Applicability

This Section is applicable within the Bear Creek Valley Air Quality Management Area (AQMA) to all site development plan reviews and in any situation where a buffer yard or street landscaping is required by Tables 9.2-1 and 9.2-3, below. Applications for site development plan approval must include a "concept" landscape plan as specified in the User's Guide. The "concept" landscape plan will be used to determine compliance with the standards of this Section.

9.2.3 Buffer Yard Requirements

Required buffer yards are generally located in the side or rear yard setbacks around the perimeter of a parcel, but may also be required in other locations when necessary to separate potentially incompatible uses or to provide perimeter landscaping around parking lots and other vehicular use areas. In no case are buffer yards required along street frontages subject to Section 9.2.6 or in situations where installation of a buffer yard would disturb a protected wetland or riparian area.

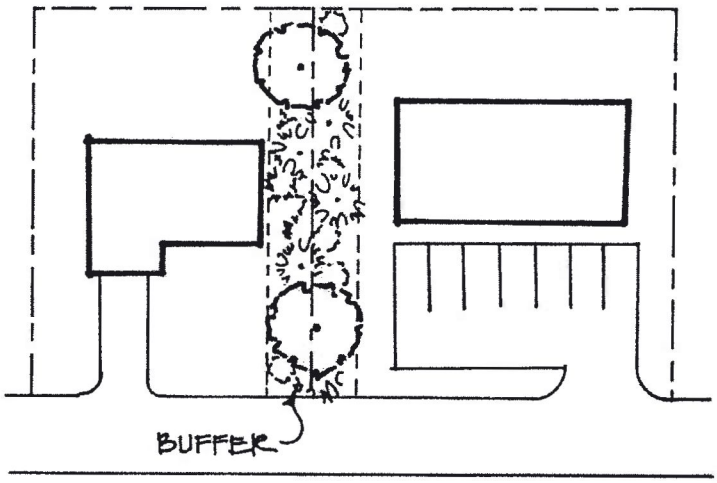
A) ***Determination***

The following procedure is used to determine the type of buffer yard, if any, required to separate adjacent uses or a use that is potentially incompatible with the primary uses allowed by the zoning of an adjacent vacant parcel:

- Identify the type of use (e.g., commercial, industrial, multi-family) proposed. If the proposal is for a mix of uses, the highest intensity use determines the proposed use type;
- Identify adjoining uses by type, or in the case of vacant land, the zoning district(s) abutting the development site; and

- Determine the buffer yard required on each boundary (or segment thereof) of the subject parcel by referring to Table 9.2-1 (Buffer Yard Standards), which specifies the buffer yard required between adjacent uses or zones.

The letter designations contained in Table 9.2-1 refer to the buffer yard standards contained in Section 9.2.4. Buffer yards are required to be installed only along the portion of property boundaries that are adjacent to existing or proposed development (e.g., buildings, parking, storage) and their associated open space use areas (e.g., yards). The standard buffer yard requirement may be met within any setbacks or agricultural buffer area required by this Ordinance.



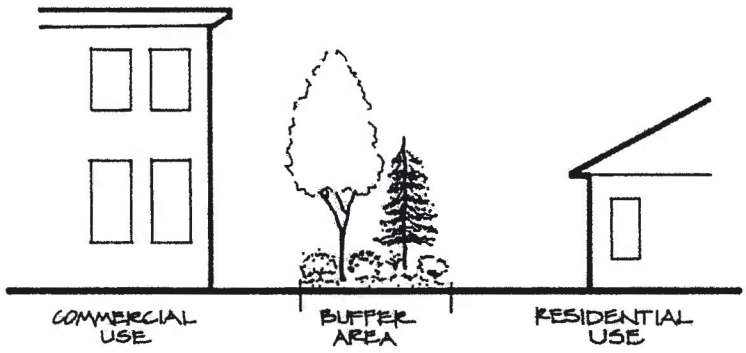


TABLE 9.2-1 BUFFER YARD REQUIREMENTS

PROPOSED USE
(NEW, REPLACEMENTS IN KIND, SUBSTANTIAL IMPROVEMENTS)

ADJACENT USE OR ZONING DISTRICT TYPE (IF VACANT)	SFR	MF/GRP HOME	OFFICE RETAIL	GEN. COMM.	LIGHT INDUS.	GENERAL INDUS.	PUBLIC/ QUASI-P
SFR	-	A	A	A	B	B	A
MFR/ GROUP HOME	2A	-	A	A	B	B	A
OFFICE RETAIL	2A	A	-	-	A	1B	-
GENERAL COMM.	2A	-	-	-	A	1B	-
LIGHT INDUS.	2A	A	-	-	-	-	A
GENERAL INDUS.	2A	1B	A	-	-	-	B
PUBLIC/ QUASI-PUBLIC	-	A	-	-	-	1B	-
FARM (EFU)*	1A	1A	1A	-	-	-	1A
FOREST*	1A	1A	1A	-	-	-	1A
AGGRE-GATE*	1A	B	-	-	-	-	-

"A" & "B" Type A and B buffer yards, as shown on Table 9.2-2, must be provided at the time of site development when the use would be more intensive than adjacent permitted uses. Where the buffer yard will be a type A, when the adjacent parcel is vacant, only the five (5) foot fence need be installed.

"1A" A wood fence, vinyl fence, chain link fence, or masonry wall, not less than five (5) feet in height must be installed at the property boundary where the development property adjoins and has a common property line with land zoned for resource use. In no case will a fence be required within a front yard area. The fence or wall used to buffer agricultural land must be installed prior to occupancy of any new use.

"2A" Type A buffer yards, as shown on Table 9.2-2, must be provided at the time of site development when existing, more intensive adjacent uses do not already provide adequate buffering. No buffer yard is required when adjacent uses provide buffer yards that meet the standards of this Section.

"1B" Where the buffer yard will be a type B, when the adjacent parcel is vacant, only the six (6) foot wall of the buffer yard need be installed at the time of development.

"-" No buffering requirement.

***** Applies to either adjacent use or zoning

B) ***Responsibility for Buffer Yard***
When a use is the first to develop on two adjacent vacant parcels, the first use must provide the buffer required by this Section based on the predominant use type allowed in the adjacent zone. Subsequent uses will, at the time of development, provide any additional material and/or land necessary to provide the total buffer yard required by this Section.

C) ***Encroachments Into Buffer Yards***
The buffer yard is intended to provide a minimum amount of space for required plants to grow, for aesthetic separation between uses, and for development of on-site storm water runoff facilities. Therefore, this area must be reserved exclusively for such uses. Other than permitted curb cuts, encroachment of parking and maneuvering areas, sidewalks, patios, other impervious surfaces or structures (other than required fences or walls) are prohibited in buffer yards.

D) ***Buffer Yard Credits***
Existing qualifying plant materials within the buffer yard area may be counted toward the buffer yard requirement.

9.2.4 Buffer Yard Standards

A) Table 9.2-2 indicates the width of the buffer yard, fence or wall requirement, and the minimum number and types of plants required in buffer yards. When a buffer yard is required as part of a Type 1 review, the specified type and number of plants must be used. An alternate planting scheme may be approved through a Type 2 review. The User's Guide provides a list of recommended plant materials for landscape use.

Table 9.2.-2 BUFFER YARD STANDARDS
(See Table 9.2-1)

BUFFER YARD TYPE	MINIMUM WIDTH	Must Include the Following Plants Per 100 Linear Feet or Equivalent Square Feet of Buffer Yard
A	10 Feet*	3 Canopy Trees, 2 Conifer or Understory Trees, 20 Shrubs with 5' Fence (per 1,000 Sq. Ft.)
B	20 Feet*	4 Canopy Trees, 3 Conifer or Understory Trees, 20 Shrubs with 6' Concrete or Masonry Wall (per 2,000 Sq. Ft.)

*Sidewalks may be located within the landscaped areas adjacent to buildings, provided the area dedicated to landscaping is not reduced below six (6) feet.

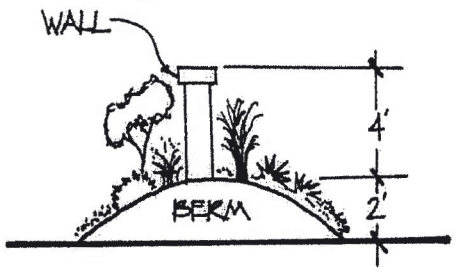
1) *Standard Buffering Scheme*
When the number of plants required is determined based on linear feet, distances above or below one hundred (100) feet will be prorated with the resulting numbers of plants rounded so that one-half (½) or more is deemed to require a full plant. When the number of plants is determined based on square feet of landscape area, the total area of the site devoted to buffer yards will be used to determine the amount of plants required, with one-half (½) or more of each plant type deemed to require a full plant.

2) *Alternate Buffering Scheme*
The ~~Planning~~ Director may approve an alternative buffering design prepared by an Oregon Registered Landscape Architect when he finds that the design, when compared to the standard screening and planting scheme, will provide a comparable buffer between existing and/or anticipated uses and avoid significant adverse impacts to the livability or value of adjoining properties.

B) In both the standard and alternative schemes, plants will generally be evenly spaced so as to provide a continuous buffer throughout all seasons, unless otherwise specified on an approved landscape plan. Adjustments may be made where necessary to avoid underground utilities, overhead wires or unique site conditions that would result in inappropriate or impractical design if the standards of this Section were strictly applied.

C) Fencing, where required, will typically be located on the side of the buffer yard nearest the less intensive use (e.g., single-family residential) while a wall, where required, will typically be located on the more intensive (e.g., heavy industrial) side of the buffer yard. In either case, the ~~Planning~~ Director may authorize its location anywhere within the buffer yard. Fences and walls must be constructed of a material and design that is compatible with adjacent uses.

D) A required concrete or masonry wall may be replaced, foot-for-foot of height, by an earth berm (e.g., six (6) foot wall replaced by a two (2) foot berm with four (4) foot wall on top). Earth berms may have a maximum side slope of up to 3:1 (33 percent slope) and must be stabilized with live vegetation.



E) Any part of a required buffer yard may be located on an adjoining property, provided it is planted with a proportionate share of the required plants and a perpetual buffer yard easement is recorded by the adjacent property owner. The easement must allow for the installation and perpetual maintenance of the buffer yard and restrict use of the area to only the buffer yard.

9.2.5 ***Adjustments to Buffer Yards***

Buffer yard requirements may be adjusted under a Type 2 review if unusual circumstances exist and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of adjoining properties. Adjustments may not be made simply for the convenience of site design. Circumstances that may warrant an adjustment to the buffer yard requirements include, but are not limited to, the following:

A) Where a building wall with no openings below eight (8) feet abuts the buffer yard, the building wall may be counted in place of a required wall or fence;

B) Where there is existing development on the site that will remain after proposed development, such as paving or a building, which affects or precludes implementation of the buffer yard standard; ~~.~~

C) Where a proposed project abuts existing development that has already installed a buffer yard such that additional buffering is not necessary and the uses are not expected to change significantly over time; ~~.~~ or

D) Where a project abuts an irrigation canal, natural waterway, wetland, railroad right-of-way, or other such element.

9.2.6 Street Frontage Landscaping Requirements

Except for single family dwelling permits, the following minimum landscaping requirements apply at the time of development along all collector and arterial street and road frontages within the Air Quality Management Area (AQMA). In addition, the street tree landscaping standards of Section 12.12 apply within the White City Urban Unincorporated Community (WCUUC) to all local streets within that area. Plans submitted to comply with this Section must be approved by the County and any affected city with a mutually adopted Urban Growth Management Agreement that requires city approval of development within its Urban Growth Boundary. The following table specifies the type and number of plants required along street and road frontages to assure adequate buffering of uses from noise, dust and odors associated with traffic and to visually enhance street and road corridors in urbanizing areas.

Table 9.2-3 STREET FRONTAGE LANDSCAPING STANDARDS

PROPOSED USE TYPE	MINIMUM PLANTING AREA WIDTH	No. of Plants Required Per 100 Feet of Street Frontage* (*Excluding Driveway Frontage*)	
	FEET	TREES	SHRUBS
MULTI-FAMILY/ GROUP HOMES/OFFICE	10	4	20
~~RETAIL~~ COMMERCIAL/ PUBLIC/QUASI-PUBLIC	10	3	15
LIGHT OR GENERAL INDUSTRIAL	10	2	10

* *In areas where a municipal or community water system will provide irrigation water, mowed and irrigated lawn within the required front yard area may be substituted for a maximum of fifty percent (50%) of the required shrubs on a percentage basis (i.e. 25 percent lawn replaces 25 percent of required shrubs, 50 percent or more lawn replaces 50 percent of required shrubs). Trees are not subject to this reduction.*

A) For residential land divisions (see Sections 10.4 and 12.4) adjacent to arterial streets or roads where houses will not face the arterial street, a street frontage landscape plan must be submitted showing at least a six (6) foot vertical separation feature between the lots and the arterial street in order to buffer the lots from traffic. The separation feature must include a fence, wall or berm for at least half the required height, and either a fence, wall, berm, or landscaping to complete the required total height. The separation feature must create a solid visual screen. Any fence or wall must

be engineered to stand straight. The separation feature will be reduced in height when required to meet front or side yard, or vision clearance area restrictions.

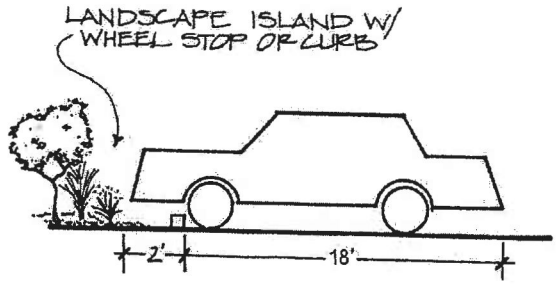
B) For all other street frontages, the number of plants required for distances above or below 100 feet must be prorated with the resulting numbers of plants rounded so that one-half (½) or more requires a full plant. All required planting must be located in the yard area within 10 feet of the street unless otherwise approved. Existing plant materials that meet the requirements of this Ordinance may be counted as contributing to the total landscaping required by this Section. All state highway frontages are treated the same as other street and road frontages.

C) When any parking lot is to be located adjacent to a public right-of-way, the applicant may choose to provide a three (3) foot high brick, stone or finished concrete wall along the right-of-way boundary in lieu of required street frontage shrubs.

9.2.7 Interior Parking Lot Landscaping

In addition to perimeter buffer yard and street frontage landscaping requirements, parking lots designed to accommodate 25 or more vehicles must provide interior landscaping consistent with this Section.

A) ***Terminal Islands***. All rows of parking spaces must provide terminal islands a minimum of six (6) feet in width to protect parked vehicles, provide visibility, confine traffic to aisles and driveways, and provide a minimum of five (5) feet of space for landscaping. In addition, when 10 or more vehicles would be parked side-by-side in an abutting configuration, landscaped islands a minimum of eight (8) feet wide must be located within the parking row. See also Table 9.2-4



B) ***Divider Strip***. Off street parking areas designed to provide double rows of abutting side-by-side spaces must include a continuous landscaped divider strip at least eight (8) feet in width centered on the dividing line between the abutting rows. The divider strip must be surrounded by a raised or rolled reinforced concrete curb or wheel stops to limit vehicular encroachment into the landscaped area. See also Table 9.2-4.

C) ***Curbing Requirements***. Within UGBs and UUCBs, all terminal islands and islands separating parking spaces in rows must be surrounded by a raised or rolled reinforced concrete curb. The width of such curbing is excluded from the calculation of minimum dimensions of landscaped areas.

D) ***Wheel Stops***. Wheel stops are required to protect landscaped areas when curbing is not provided. Wheel stops must be at least six (6) inches above finished grade and be securely anchored to prevent movement during use. Wheel stops may be placed within parking spaces up to two (2) feet from

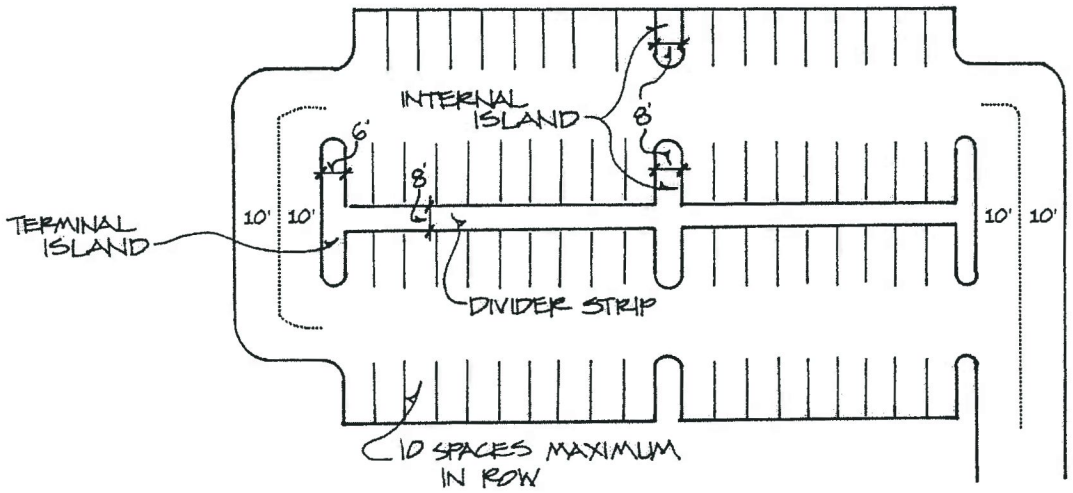
the front of a space. In such cases the area between the wheel stop and landscaping need not be paved provided it is maintained with appropriate ground cover.

E) ***Soil Quality.*** The use of structural soil is strongly encouraged for planted islands within parking lots and perimeter buffering strips adjacent to vehicle use areas.

Table 9.2-4 LANDSCAPE ISLAND AND DIVIDER STRIP REQUIREMENTS

MINIMUM ISLAND WIDTH IN FEET	MINIMUM ISLAND LENGTH IN FEET	Must Include the Following Plants Per Island	Must Include the Following Plants Per 50 Feet of Divider Strip
6 (Terminal) 8 (~~Intra-Row~~ Internal Island) 8 (Divider Strip)	10	1 Canopy Tree, 5 Shrubs ~~or 2 Understory Trees~~, Living or Non-living Organic Groundcover	1 Canopy Tree, 10 shrubs, Living or Non-living Organic Groundcover

***Note**: Three or four spaces in excess of a multiple of five spaces constitutes a requirement for an additional island.*



TYPICAL PARKING LOT DESIGN

9.2.8 General Landscape Requirements

All development that is subject to the requirements of this Section must comply with the following landscape standards within required landscape areas.

A) All landscape areas must include sufficient lawn, shrubs and/or living ground cover to spread over approximately 85 percent of the total landscaped area within five (5) years. Tree canopy may be counted toward the coverage figure when appropriate ground cover is incorporated into the landscape design under the canopy.

B) The following minimum plant sizes apply, at the time of planting, to all landscaping required by this Ordinance:

1) Large deciduous tree stocks must be at least 1.5 inches in diameter (caliper) at a point six (6) inches above the ground.

2) Understory and ornamental tree stocks (e.g., Dogwood, Japanese Maples, Redbud) must be between four (4) and six (6) feet in height.

3) Evergreen and conifer trees must be between five (5) and six (6) feet in height.

4) Shrubs must be at least one (1) gallon size. Five (5) gallon size is encouraged, especially when slow growing species are used; and

5) Groundcover plants must be a minimum of four (4) inch pots and spaced appropriately for the species.

C) Bioswales incorporated into on-site drainage designs may be located in any landscaped area and will be counted toward compliance with the standards of this Section. Tree planting standards do not apply to areas dedicated to bioswales on an approved landscape plan, provided the bioswales are planted with appropriate living groundcover that will spread over 95 percent of the bioswale area within five (5) years. The County will determine if a proposal complies with this standard.

D) All landscaping required for multi-family and non-residential development must have automatic irrigation systems installed unless otherwise exempted by the ~~Planning~~ Director. Bioswales integrated as part of a combined on-site drainage and landscape plan that are planted entirely with native or other drought tolerant grasses and forbes are exempted from this requirement.

E) All planter areas must be covered with a minimum of three (3) inches of unsettled bark mulch or similar pervious nonliving material. No more than 20 percent of landscaped areas may be mulched with rock, pumice, or other inorganic ground covers.

F) All landscaped areas and plants must be kept free of noxious weeds and be maintained in good health by the property owner(s), including replacement of dead plants with healthy vegetation. Approved planting schemes may not be altered without County approval. The property owner, or tenant if the applicant, is responsible for contacting the Planning Division to request an

inspection to verify compliance with the approved landscape plan and survival of planted materials after the first year of operation. The inspection will be conducted during the growing season; and

G) If the development is a public works project, all landscape plans must be prepared and stamped by a landscape architect registered with the State of Oregon *(ORS 671.412)*.

9.2.9 Xeriscape Requirements

All development that is subject to the requirements of Section 9.2.8 that cannot obtain required landscape irrigation water from a municipal or community water system must incorporate the following additional measures in any landscape plan submitted for County review.

A) ***Limited Turf Areas***. The total amount of lawn (i.e., turf) may not exceed 25 percent of the total landscaped area. In addition, lawns should be separated from trees, flower beds and other ground covers that do not have similar water needs as lawn/turf. Lawns may not be planted in strips less than five (5) feet wide due to the difficulty in controlling irrigation over spray and resulting water waste in such areas.

B) ***Efficient Irrigation***. In order to reduce the amount of water required to maintain established vegetation, automatic or drip irrigation systems designed to supply adequate water to each planted area are required. If an automatic system is used, all watering must be done between sundown and sunrise to minimize evaporation.

C) ***Use of Drought Tolerant Plants***. Only drought tolerant native and non-invasive exotic species may be used in xeriscape plantings. The User's Guide contains a list of plants recommended for their drought tolerance and fire resistance. Other drought tolerant plants recommended by a licensed landscape architect may also be allowed.

D) ***Alternative Ground Cover***. Whenever possible, mulched planting beds and native plant communities should be used to meet landscape requirements. Beds may be mulched with any suitable organic or inorganic ground cover, provided that no more than 25 percent of the total landscaped area is mulched with inorganic material. Preservation and re-establishment of native plant communities as part of landscape designs is encouraged.

E) ***Soil Improvements and Maintenance***. Property owners must keep planted areas free of debris and continue to add mulch, mow lawns, maintain planting beds and prune trees on a seasonal basis. When preexisting native plant communities are incorporated into the landscape design, noxious weeds and exotic plant species must be eliminated annually from those areas.

9.2.10 Mitigation Measures for Development Adjacent to Agricultural Uses

A) ***Intensive Agriculture***

To minimize or mitigate the potential impacts associated with public use or residential development uses in proximity to intensive agriculture, the following measures will be implemented when such uses are proposed adjacent to land in intensive agricultural use:

1) *Landscaping*
In addition to the five (5) foot fence required by Section 9.2.3, when public use, or residential development is proposed, a landscaped strip adjoining the fence which has a width of not less than 10 feet is required. This landscape area must be planted with a row of evergreen or approved deciduous trees spaced not more than 20 feet apart. The species and variety of trees proposed must be approved by the County and must be selected on the basis of growth rate and vegetation density. Information must be provided regarding the long-term responsibility for care and maintenance of the landscaping

2) *Irrigation Runoff*
Measures appropriate to the circumstances must be implemented by the developer to mitigate adverse impacts that can occur from periodic natural and inadvertent agricultural irrigation runoff.

B) ***Discretionary Mitigation Measures/Design Considerations***
In addition to the specific mitigation measures required in Section 9.2.10(A), an application for discretionary site development plan review (see Section 3.2.) must also consider the following design issues and the County may, in its sole discretion, impose conditions that do any of the following:

1) Increase the rear or side yard setback to afford greater spatial separation between agriculture and public uses or residential development;

2) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land;

3) Require the placement of streets, driveways, open space or common areas between public uses or residential development and agricultural land; or

4) Require fencing and landscaping, including the use of berms, in excess of that required by Sections 9.2.4 and 9.2.6.

9.3 DEVELOPMENT ON STEEP SLOPES, RAPIDLY MOVING LANDSLIDE AREAS, AND EXPANSIVE SOILS [HB 3375]

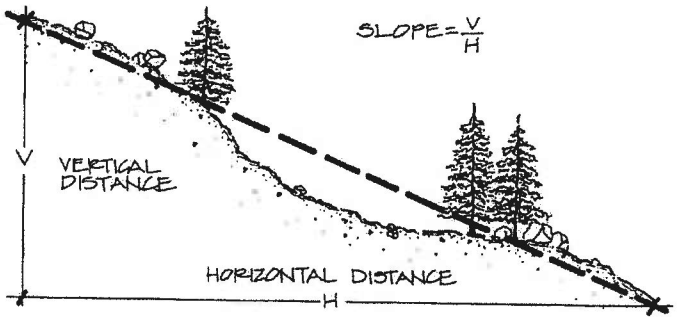
9.3.1 Steep Slope Development

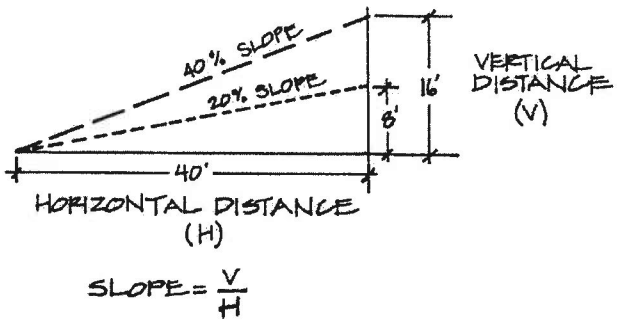
A) ***Purpose***
The purpose of the Steep Slope Development standards is to protect the public health, safety and welfare by assuring that development in areas of natural slopes greater than 20% is planned to mitigate the threat to life and property.

B) ***Applicability***
Development activities on slopes in excess of 20% that are also composed predominantly of expansive soils (see Section 9.3.2) are subject to the development standards of this Section and are regulated by the *State of Oregon Structural Specialty Code* and *State of Oregon One- and Two Family Dwelling Specialty Code*. Slope is defined as 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 percent slope is a 40 foot rise in elevation over a distance of 100 feet (40/100 x 100). A 100 percent slope equals a 45 degree angle. In Jackson County, slopes greater than 20% are considered steep slopes.

COMPARISON OF PERCENT AND DEGREES OF SLOPE
Percent slope = Degrees of slope
10% = 5.7°
15% = 8.5°
20% = 11.3°
25% = 14.0°
35% = 19.3°
40% = 21.8°





C) ***Development Standards***

1) Prior to approval of development, the natural slope at the development site will be determined. The applicant may bring in a slope determination prepared by a qualified professional or Jackson County may use available information to calculate or determine the natural slope at the development site. This may include, but is not limited to, slopes as determined by Jackson County GIS Services, distances and calculations derived from USGS maps, and topographical surveys.

2) The following measures are required prior to development on steep slopes to ensure site suitability:

a) For any proposed development on a steep slope, an assessment identifying geologic hazards and considerations and providing an assessment of the suitability of the site for the proposed development will be submitted for review by the County and the State Department of Geology and Mineral Industries or the State Forestry Department, as appropriate.

b) The assessment must be prepared by an Oregon registered professional engineer or engineering geologist who is

qualified to evaluate soils for suitability and certifies that the proposed development will be completed without threat to public, health, safety and welfare. If the assessment indicates that no mitigation measures are necessary to safely undertake the proposed development, the development may proceed without further requirements of this Section, subject to Department requirements for building permits;

c) If the assessment identifies hazards that pose an elevated risk to the site, or where mitigation measures are necessary to safely undertake the proposed development, a detailed geotechnical report evaluating the site conditions and recommending design measures necessary to facilitate a safe and stable development will be required. If the report discloses that the entire parcel is subject to rapidly moving landslides or that the parcel does not contain sufficient buildable area not subject to rapidly moving landslides, the County may deny the application; and

d) A landowner who obtains development approval under this Section must record a copy of the geotechnical report in the records of the County Clerk along with a deed declaration acknowledging the potential effects of rapidly moving landslides in accordance with ORS 195.260 prior to issuance of building permits.

3) In approving a development permit, the recommendations of the geotechnical report will be implemented. At a minimum, the report must provide recommendations that ensure site and area stability by:

a) Maintaining vegetation ground cover in a manner consistent with riparian and wildfire safety standards;

b) Designing new roads and buildings to ensure:

i) Safe placement on the surface topography by avoiding toeslopes of slump blocks and over steepened cut banks;

ii) Adequate surface drainage on and around the site; and

iii) Limiting disturbance from placement of septic tank disposal fields;

c) Revegetation of disturbed areas is required within one (1) growing season and will be completed prior to the final inspection for the building or grading permit. Revegetation of disturbed areas is subject to the fuelbreak requirements of Section 8.7.1. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

4) Fuelbreak requirements of Section 8.7.1, including the additional 50-foot secondary fuelbreak, is required for all building sites where the natural slope is in excess of 20%. This requirement is applicable in all zoning districts.

9.3.2 Development on Expansive Soils

A) ***Purpose***

The purpose of the standards for development on expansive soils in hillside areas is to reduce the risk of damage to buildings due to their placement on soils with a moderate to severe degree of shrink-swell potential in areas where slopes exceed 20% (see Section 9.3.1).

B) ***Applicability***

Development on expansive soils in hillside areas with a moderate to severe degree of shrink-swell potential, as identified in the NRCS *Soil Survey of Jackson County Area, Oregon*, issued August, 1993, are subject to the development standards of this Section and as regulated by the *State of Oregon Structural Specialty Code* and the *Oregon One- and Two-Family Specialty Code*. The degree of soil limitation is taken from *Table 9, Building Site Development*, of the above referenced soil study. Soils with a moderate degree of shrink-swell potential are those soils with properties or conditions not favorable to structures, residential and commercial, and special design or maintenance is needed to overcome or minimize the limitations. Soils with a severe degree of shrink-swell potential are those soils with properties or features so unfavorable or difficult to overcome that special design or maintenance is required. Soils identified as having a severe-moderate limitation will be considered as having a severe limitation to buildings

C) ***Development Standards***

1) Prior to issuance of a building permit for a building located on hillside soils with moderate to severe shrink-swell potential, the following measures are required:

   a) An assessment will be submitted by an Oregon registered professional engineer or engineering geologist, who is qualified to evaluate soils for suitability. If the assessment does not identify the hillside development site as having moderate to severe expansive soils, a building permit may be issued if the development meets all other requirements of this Ordinance~~.~~

   b) If the assessment identifies the hillside development site as having moderate to severe expansive soils which could damage a building, the building plans, for Department review, will include evidence of adequate engineering to protect the building. The engineering to protect the building from moderate to severe expansive soils will be prepared by an Oregon registered professional engineer~~.~~ and

   c) A deed declaration, provided by Jackson County will be recorded and a copy given to ~~Planning~~ the Development Services Department. The declaration will state "This property has been identified as having expansive soils. This condition may create special maintenance requirements. Before signing or accepting any instrument transferring title, persons acquiring title should check with the appropriate planning or building department." *(ORS 455.040)*

9.4 OFF-STREET PARKING AND LOADING

9.4.1 Applicability

A) ***New Development***

The off-street parking and loading standards of this Section will apply to any new building constructed and to any new use established. Parking areas provided in excess of the requirements of this Section will be designed and laid out in conformance with this Section. Approval of a parking and grading plan must be obtained from the ~~Planning~~ Development Services Department.

B) ***Expansions or Enlargements***

The off-street parking and loading standards of this Section will apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) will equal at least 75 percent of the minimum established in Table 9.4-1 below. Application of the standards of this Section may be modified through a Type 2 review under the provisions of Section 9.4.3 (Off Street Parking Alternatives).

C) ***Change of Use***

Off-street parking and loading will be provided for any change of use or manner of operation that would, based on the requirements set forth in Table 9.4-1, result in a requirement for more parking or loading spaces than the previous use.

9.4.2 Off-Street Parking Requirements

A) ***Off-Street Parking Schedule "A"***

Unless otherwise expressly allowed under this Ordinance, off-street parking spaces will be provided in accordance with Table 9.4-1. (See also Section 9.4.8) *(Amended by Ordinance 2004-12, effective 2-6-2005)*

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"

USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)			
Agriculture, Commercial Uses	See Schedule "C"		Yes, if street is Collector, Arterial or State Highway
Forestry, Commercial Uses	See Schedule "C"		Yes, if street is Collector, Arterial or State Highway
Mineral and Aggregate	1 space per 2 employees		Yes, if street is Collector, Arterial or State Highway
Fish and Game	1.5 spaces per 2 employees		Yes, if street is Collector, Arterial or State Highway

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
RESIDENTIAL USES			
Household Living	2 spaces each ~~for the first 2 units and 1.5 spaces for each additional unit thereafter~~ per unit ~~building per lot~~	3 spaces each for the first 2 units and 2 spaces for each additional unit thereafter per building per lot	No
Group Living	1 space per 2.5 person capacity, plus 1 space per 150 sq ft of assembly area	1 space per 1.25 person capacity, plus 1 space per 50 sq ft of assembly area	Yes
COMMERCIAL USES			
Agricultural Sales and Service	See Schedule "B", plus 1 space per 400 sq ft of outdoor event/assembly area		Yes
Animal Sales and Service	1 space per 400 sq ft	1 space per 200 sq ft	Yes
Building Materials	See Schedule "B"		Yes
Day Care	1 space per 6-person capacity	1 space per 3-person capacity	Yes
Eating and Drinking Establishment	3 spaces, plus 1 space per 80 sq ft of floor area devoted to patrons. Drive thru's must adhere to stacking requirements of Sec. 9.4.9	3 spaces, plus 1 space per 40 sq ft of floor area devoted to patrons. Drive thru's must adhere to stacking requirements of Sec. 9.4.9	Yes
Financial Institutions	1 space per 400 sq ft of gross floor area. Drive Thru's must adhere to stacking requirements of Sec. 9.4.9	1 space per 200 sq ft of gross floor area. Drive Thru's must adhere to stacking requirements of Sec. 9.4.9	Yes
Food and Beverage Sales	1 space per 400 sq ft of gross floor area up to 4,000 sq ft Drive thru's must adhere to stacking requirements of Sec. 9.4.9	1 space per 200 sq ft of gross floor area. Drive thru's must adhere to stacking requirements of Sec. 9.4.9	Yes
Landscaping Sales/Service	See Schedule "B"		Yes
Medical Services	1 space per 250 sq ft of gross floor area up to 5,000 sq ft.	1 space per 125 sq ft of gross floor area up to 15,000 sq ft, plus 1 space for each additional 350 sq ft thereafter.	Yes
Office	1 space per 400 sq ft of gross floor area	1 space per 200 sq ft of gross floor area	No, if less than 7,500 sq ft; otherwise, yes
Personal Service	1 space per 250 sq ft of gross floor area up to 2,500 sq ft.	1 space per 125 sq ft of gross floor area	Yes
Recreation and Entertainment	1 space per 4 expected patrons at design capacity	1 space per 2 expected patrons at design capacity	Yes
Retail Sales	See Schedule "B", not to exceed 150% of minimum requirement		Yes
Service and Repair Businesses	1 space per 600 sq ft of gross floor area up to 3,000 sq ft	1 space per 300 sq ft of gross floor area	Yes

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
Vehicles and Equipment	See Schedule "B" (Commercial Parking area and Motor Vehicle Impounds, N/A)		Yes, if street is Collector, Arterial or State Highway
Visitor Accommodation	3 spaces, plus 1 space per guest room	5 spaces, plus 1.5 space per guest room	Yes

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
INDUSTRIAL/MANUFACTURING USES			
Equipment Storage and Repair	1 space for every 750 sq ft of indoor work area, plus 1 space for each additional 7,500 sq ft of area committed to the use	N/A	Yes
Industrial Service	See Schedule "B"		Yes
Manufacturing & Production	See Schedule "B"		Yes
Warehouse and Freight Movement	1 space for every 750 sq ft of indoor work area, plus 1 space for each additional 7,500 sq ft of area committed to the use	N/A	Yes
TRANSPORTATION USES			
Aviation	See Schedule "C"		Yes
Bike Paths	None	N/A	No
Public Transportation	None	N/A	No
Transportation Facility	None	N/A	No
Transportation Improvements	None	N/A	No
UTILITY/SOLID WASTE USES			
Utility	1 parking space for each 2 employees	1 space for each employee	Yes
Waste-Related Use	1 parking space for each 2 employees	5 spaces, plus 1 space for each employee	Yes
PARKS/PUBLIC/QUASI-PUBLIC USES			
Cemetery	2 spaces plus 1 space per 10,000 sq ft of area devoted to the cemetery	2 spaces plus 1 space per 5,000 sq ft of area devoted to the cemetery	Yes
Library	1 space per 500 sq ft of gross floor area, plus 1 space per 150 sq ft of assembly area	1 space per 250 sq ft of gross floor area, plus 1 space per 75 sq ft of assembly area	Yes
Museum	1 space per 500 sq ft of gross floor area, plus 1 space per 150 sq ft of assembly area	1 space per 200 sq ft of gross floor area, plus one space per 100 sq ft of assembly area	Yes
Parks and Recreation	Type 2-4 review subject to Schedule "C", otherwise N/A		Yes
Post Office Substation	1 space per 300 sq ft	1 space per 150 sq ft	Yes

TABLE 9.4-1: OFF-STREET PARKING SCHEDULE "A"			
USE CATEGORY	OFF-STREET PARKING SPACES		OFF-STREET LOADING REQUIRED
	Minimum Required	Maximum Allowed	
Public Assembly	1 space per 3 seats, or 8 ft of bench length in the main auditorium; if no permanent seats are provided, 1 space per 50 sq ft of gross floor area	There is no maximum below 300 spaces. For facilities with more than 300 spaces, the minimum requirement shall not be exceeded by more than 15%	Yes
Public Works	1 space for every 300 sq ft of office space, plus 1 space for every 750 sq ft of indoor work area, plus 1 space for each additional 7,500 sq ft of area committed to the use	N/A	Yes
Religious	1 space per 3 seats, or 8 ft of bench length in the main auditorium; if no permanent seats are provided, 1 space per 50 sq ft of gross floor area	There is no maximum below 300 spaces. For facilities with more than 300 spaces, the minimum requirement shall not be exceeded by more than 15%	Yes
Safety Services	Type 2-4 review subject to Schedule "C"; otherwise N/A		Yes
Schools	All: 1.25 spaces per classroom, plus grades 9-12: 1 space per 3 students at design capacity, or for Post K-12: 1 space per 2.5 students at design capacity	N/A for K-12; 2 spaces per classroom, plus 2 spaces per 3 students at design capacity for post K-12.	Yes

B) ***Off-Street Parking Schedule "B"***

Uses subject to off-street parking schedule "B" will provide the following minimum number of off-street parking spaces:

TABLE 9.4-2: OFF-STREET PARKING SCHEDULE "B"	
Activity Use	Minimum Number of Spaces Required
Office or administrative area	1 per 300 square feet
Indoor sales area	1 per 200 square feet
Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet)	
• Motor vehicles/equipment sales	1 per 2,000 square feet
• Other sales/display	1 per 1,000 square feet
Indoor storage/warehousing/vehicle service/manufacturing area	
• 1–3,000 square feet	1 per 250 square feet
• 3,001–5,000 square feet	1 per 500 square feet
• 5,001–10,000 square feet	1 per 750 square feet
• 10,001–50,000 square feet	1 per 1,250 square feet
• 50,001 square feet+	1 per 1,250 square feet

C) ***Off-Street Parking Schedule "C"***

Uses that reference Schedule "C" have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Any use subject to Schedule "C" parking

requirements must be reviewed as a discretionary land use permit (subject to Type 2 through 4 review, as applicable). A use subject to "Schedule C" standards is subject to the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use, or minimum off-street parking requirements will be established on the basis of a parking and loading study submitted by the applicant. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study will document the source of data used to develop the recommendations.

D) ***Urban Off-Street Parking***
Within urban growth or urban unincorporated community boundaries, the minimum requirements of Table 9.4-1 may be reduced by 25% when the proposed use, expansion, or enlargement is within one-quarter mile (¼ mile) of an existing transit route.

9.4.3 Off-Street Parking Alternatives
The ~~Planning~~ Director may approve alternatives to providing the number or location of off-street parking spaces required by the Off-Street Parking Schedules in accordance with the following:

A) ***Alternative On-Site Parking***

1) Alternative parking plans will be reviewed and approved in accordance with the Type 2 procedures of Section 3.1.3.

2) The ~~Planning~~ Director may approve alternatives to providing off-street parking spaces on the site of the subject development if the applicant satisfactorily demonstrates that the proposed plan will provide comparable protection of surrounding neighborhoods, maintain traffic circulation patterns, and promote quality design.

B) ***Off-Site Parking***
The location of required off-street parking spaces on a separate lot from the one ~~lot~~ on which the principal use is located may be permitted if the off-site parking complies with all of the following standards.

1) *Ineligible Activities*
Off-site parking separated by a road right-of-way may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), eating and drinking establishments, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2) *Location*
No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest approved pedestrian route) unless remote parking shuttle bus service is provided. Off-site parking spaces may not be separated

from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control device or remote parking shuttle bus service is provided.

3) *Zoning Classification*
Off-site parking areas will have the same or a more intensive zoning classification than required for the use served.

4) *Agreement for Off-Site Parking*
In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement will guarantee the use of the off-site parking area for at least 10 years. An attested copy of the agreement between the owners of record will be submitted to the ~~Planning~~ Director for recordation in a form established by the County Counsel. Recordation of the agreement will take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided on site, in accordance with the Off-Street Parking Requirements (Section 9.4.2). No use will be continued if the off-site parking is removed unless substitute parking facilities are provided.

C) ***Shared Parking***
Shared parking facilities for developments or uses with different operating hours or different peak business periods may be permitted if the shared parking complies with all of the following standards.

1) *Location*
Shared parking spaces will be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2) *Zoning Classification*
Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3) *Shared Parking Study*
Those wishing to use shared parking as a means of satisfying off-street parking requirements will submit a shared parking analysis that clearly demonstrates the feasibility of shared parking. The study will address, at a minimum: the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4) *Agreement for Shared Parking*
A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record will be submitted to the ~~Planning~~ Director for recordation in a form established by the County Counsel. Recordation of the agreement will take place before issuance of a building permit for any use to be served by the off-site parking area.

A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Off-Street Parking Requirements (Section 9.4.2).

9.4.4 Rules for Computing Requirements

The following rules apply when computing off-street parking requirements:

A) ***Multiple Uses***

Unless otherwise approved in Section 9.4.3, lots containing more than one (1) use will provide parking and loading in an amount equal to the total of the requirements for all uses.

B) ***Fractions***

When measurements of the number of required spaces result in a fractional number, any fraction of one-half (½) or less will be rounded down to the next lower whole number and any fraction of more than one-half (½) will be rounded up to the next higher whole number.

C) ***Area Measurements***

Unless otherwise specifically noted, all square footage-based parking and loading standards will be computed on the basis of gross floor area.

D) ***Occupancy- or Capacity-Based Standards***

For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations will be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

9.4.5 Location

A) ***General***

Except as otherwise expressly provided in this Section, required off-street parking spaces will be located on the same lot as the principal use.

B) ***Setbacks***

1) In a Residential district, off-street parking or storage of vehicles, travel trailers, or motor homes will not be permitted within any front or street side setback area, provided that off-street parking may be permitted within that portion of any setback used for driveway access to required off-street parking areas.

2) In a Commercial, Industrial, or Resource district, required off-street parking spaces may occupy any part of the property, except within required landscape areas or sight distance triangles.

9.4.6 Use of Off-Street Parking Areas

Required off-street parking areas are to be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile homes, or building materials.

9.4.7 Bicycle Parking

For multi-family development in excess of four (4) units, commercial, or parks/public/quasi-public uses within the AQMA, new vehicle parking areas that exceed 10 motorized spaces must include a designated area for bicycle parking within 50 feet of a public entrance. Bike rack(s) will be provided within this area that will accommodate two (2) bikes for the first 10 motorized vehicle parking areas, plus two (2) additional bikes for each additional 10 motorized vehicle parking spaces thereafter.

9.4.8 Off-Street Loading Requirements

Off-street loading spaces will be provided as required by Off-Street Parking Schedule "A" when the use will require regular deliveries by trucks exceeding 10 tons gross vehicle weight. Where off-street loading is required, it will comply with the standards of this Section.

A) ***Dimensions***

Required loading berths or equivalent off-street loading areas will have the following minimum dimensions: 12-foot minimum width, 35-foot minimum length, and 14-foot minimum vertical clearance.

B) ***Location***

1) Required off-street loading areas will be on the site of the use served or on an adjoining site~~.~~;

2) A loading area will not be located in a required setback or intrude into any portion of a required parking aisle or prevent access to a required parking space~~.~~;

3) Loading areas visible from a street will be screened on three (3) sides by a solid, decorative fence, wall, or hedge at least six (6) feet in height. General Industrial zoned lands within the WCUUCB are exempt from this requirement;

4) A required loading space will be accessible without backing a truck into the road right-of-way~~.~~; and

5) The ~~Planning~~ Director may review a request to determine that provision of turn-around space is infeasible. In no event will loading or unloading and vehicle stacking occur in the road right-of-way.

9.4.9 Vehicle Stacking Areas

The vehicle stacking standards of this subsection will apply to the uses indicated unless otherwise expressly approved by the ~~Planning~~ Director.

A) ***Minimum Number of Spaces***

Off-street stacking spaces will be provided as follows:

TABLE 9.4-3: OFF-STREET STACKING SPACES		
Activity Type	Minimum Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Restaurant drive-through	~~6~~ 4	Order Box
Restaurant drive-through	~~4~~ 2	Order Box to Pick-Up Window
Coffee cart	~~4~~ 3	Pick-Up Window
Car wash stall, automatic	3	Entrance
Car wash stall, self-service	~~2~~ 1	Entrance
Gasoline pump island	2	Pump Island
Other	Determined by ~~Planning~~ Director based on traffic study	

B) ***Design and Layout***
Required stacking spaces are subject to the following design and layout standards.

1) *Size*
Stacking spaces will be a minimum of eight (8) feet by 20 feet in size.

2) *Location*
Stacking spaces will not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

3) *Design*
Stacking spaces will be separated from other internal driveways by raised medians if deemed necessary by the ~~Planning~~ Director for traffic movement and safety.

9.4.10 Accessible Parking Required
Accessible parking facilities will be provided, constructed, striped, signed, and maintained as required by ORS. For accessible parking requirements, see the most current edition of the ~~*State of Oregon Structural Specialty Code*~~ *2003 International Building Code*.

9.4.11 Parking Design Standards
A) ***Markings***

1) Each required off-street parking space and off-street parking facility will be identified by surface markings or anchored wheel stops and will be maintained in a manner so as to be readily visible and accessible at all times. Such markings will be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on signs, and handicapped-area designations.

2) One (1)-way and two (2)-way accesses into required parking facilities will be identified by directional arrows. Any two (2)-way access located at any angle other than 90 degrees to a street will be

marked with a traffic separation stripe the length of the access. This requirement does not apply to internal parking lot drive aisles.

B) ***Surfacing and Maintenance***

All off-street parking areas will be kept in a dust-free condition at all times. Parking lots and loading areas within the Air Quality Maintenance Area will be paved or otherwise treated on a regular basis with an approved dust preventative.

C) ***Dimensions***

1) *General*

Required off-street parking spaces will comply with the following dimensional standards:

TABLE 9.4-4: GENERAL DIMENSIONAL STANDARDS FOR REQUIRED OFF-STREET PARKING SPACES	
Use	Dimensions (feet)
Residential	9 x ~~20~~17
Nonresidential	9 × ~~20~~18
Parallel	8 × ~~23~~22
Van*	10x20

**All new parking lots must provide at least one van space with an 8 foot wide access on the loading side.*

2) *Reduction for Planter Overhangs*

When a parking space abuts a landscape island or planter, and also where pedestrian access is not required, the front two (2) feet of the required parking space may overhang the planter, provided that wheel stops or curbing is provided.

3) *Spaces Near Obstructions*

Each parking space adjoining a wall, column, or other obstruction higher than six (6) inches will be increased by two (2) feet on the obstructed side to allow for pedestrian access.

D) ***Curb Cuts/Driveway Approach***

All driveways curbcuts accessing a state highway will be improved to the standards required by Oregon Department of Transportation. ~~those~~ Driveway curbcuts located on a County road will be improved to ~~standards required by~~ county road standards ~~Roads and Parks Services, and all roads or city standards when the road is~~ within an urban growth boundary ~~will be improved to applicable City standards~~ and the Urban Growth Management Agreement with the city stipulates city standards will govern.

E) ***Access to Parking Areas***

1) All new off-street parking areas will be accessible without backing into or otherwise reentering a public right-of-way.

2) When an off-street parking area does not abut a public street, there will be provided an access drive not less than 20 unobstructed feet

in width for two (2)-way traffic and 12 unobstructed feet in width for one (1)-way traffic, connecting the off-street parking area with a public street. The access drive will be surfaced in the manner required for off-street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turn-around is not possible, a turn-around will be provided as required by the Fire Department.

F) ***Lighting***
New or expanded parking lots that will provide 25 or more vehicular spaces must provide on-site lighting sufficient to ensure safe movement of pedestrians between buildings and vehicles during non-daylight hours.

G) ***Parking Area Connections***
Parking ~~areas~~ lots with access to arterial or collector streets in residential and commercial zones will be so designed as to connect with existing or future parking areas on adjacent sites, thereby eliminating the necessity of ~~utilizing~~ using the arterial or collector streets for cross movements.

H) ***Off-Street Parking Area Landscaping, Buffering, and Screening***
Off-street parking areas will be landscaped, buffered, and screened in accordance with the standards of Section 9.2.

I) ***Drainage***
Adequate drainage will be provided to dispose of the run-off generated by the impervious surface area of the parking area. Provisions will be made for the on-site collection, detention and retention of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. Storm drain grates will be located and oriented in such a way as to avoid creating hazards for bicycles, pedestrians, wheelchairs or motorcycles.

9.5 ACCESS DESIGN STANDARDS

9.5.1 Applicability *(Amended by Ordinance 2004-12, effective 2-6-2005)*
The access standards of this Section apply to the creation of new publicly dedicated roads, private roads and driveways to serve as access to new lots as part of a land division, or to provide access to a lot prior to its development. Additional, higher standards may be required if deemed necessary by the County to ensure that safe and adequate access to lots and parcels will be provided. All new public and private roads will, at a minimum, comply with the following:

A) ***Conformance with Existing Divisions***
Roads will be laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction, and in all other respects, unless the County determines it is in the public interest to modify the road pattern.

B) ***Connectivity with Transportation System Plans***
New public roads will be consistent with any adopted transportation plan applicable to the area. Private roads may not be approved on alignments shown in any adopted transportation plan applicable to the area. In cases where a planned improvement would not result in complete connectivity with

the planned road system, the link may be barricaded with County approval until needed, or until connectivity can be assured.

C) ***Control Strip/Street Plug***

The County may require that a strip of land contiguous to a road be conveyed to Jackson 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; or

6) To prevent adverse impacts on a designated scenic roadway or stream corridor.

D) ***Commercial and Industrial Development***

Commercial or industrial land divisions must be served by a county road, state highway or city street that is improved to county, city or state standards, either through direct access onto such roads or through an approved private road. Private roads may be created to serve existing commercial or industrial uses only if no other alternatives are available. The developer must improve the road to the applicable county, city or state standards prior to issuance of development permits unless the improvements are bonded in accordance with Section 10.6. In addition, the Director may require the developer to participate in public road improvements through a deferred improvement agreement. Deferral of frontage improvements is appropriate under these circumstances: (**1**) the land served by an existing road is zoned for more intensive development; and (**2**) only a minor part of potential traffic on the road would be generated by the proposed development. Required public road improvements may include, but are not limited to the following:

1) Dedication of additional right-of-way or an irrevocable offer of such a dedication; and/or,

2) Construction of roadbed, sidewalks, curbs, gutters, travel surface, and drainage facilities.

E) ***Access Across Zoning Districts***

Where public road access is not otherwise provided to a parcel, an easement may provide access to approved uses through any zoning district,

provided any new access through a resource zone (see Chapter 4) to serve non-resource property, is approved through a Type 2 review. See also Section 3.10.2. *[Bowman Park Neighborhood Assoc. v. City of Albany and Permawood NW Corporation LUBA 84-010; and Roth v. Wood & Jackson County, LUBA 2000-083 & 2001-121]*

F) ***Access Through Areas of Special Concern (ASC)***
New access through an ASC must comply with all applicable standards (e.g., ASC 90-1, ASC 90-4, ASC 90-9) as specified in Chapter 7.

9.5.2 Public Roads

A) ***Creation of Public Roads***
New public roads must be dedicated to the state, county or an incorporated city. No new public road will be approved unless the developer provides written certification from ODOT, the County Roads Division or the appropriate city that they will accept the road.

B) ***Road Improvements Within Undeveloped Dedicated or Platted Rights-of-Way***
Except for temporary uses, prior to issuance of building permits for a lot or parcel that will obtain access from one or more undeveloped dedicated or platted rights-of-way, the road(s) will be improved to applicable city, county or state agency standards, unless the County Roads Department approves a deferral of improvements or a local improvement district is formed. If the rights-of-way are part of an undeveloped plat more than 10 years old the Director may, instead, recommend vacation as provided in ORS 92.205 et. seq. or ORS 368.326 et. seq.

C) ***Erosion Control***
New public roads will use erosion control provisions including, but not limited to: (**1**) seeding or hydro-mulching of cut and fill banks and limitations of slopes on road cuts and fills that are acceptable to the County; (**2**) prevention of track-out during construction; and (**3**) control of ~~stormdrain~~ storm drain runoff in order to reduce the infiltration of mud and dirt into ~~stormwater~~ storm water. Storm drainage will be provided according to Jackson County road standards.

D) ***Conditions of Approval***
The County will not issue building permits for any parcel that will be served by a new publicly dedicated road until the following actions have been completed:

1) The road has been improved to applicable city, county or state agency standards and has been certified as being acceptable by the county, city or state agency having jurisdiction over the road; ~~.~~ and

2) The road has been 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.

9.5.3 Private Roads

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

A) ***Location***

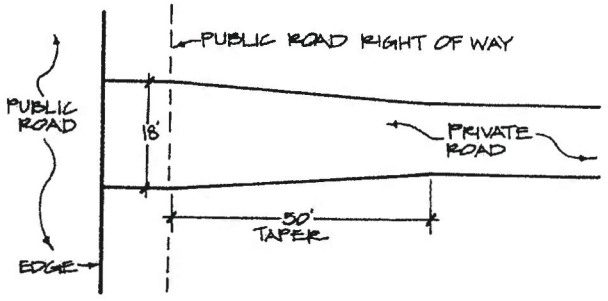
1) Private roads may be permitted for commercial or industrial land divisions when the standards of 9.5.1(D) are met and the road will be built to County commercial/industrial road standards~~:~~.

2) Private roads are not permitted within urban growth boundaries and urban unincorporated communities unless the road will be finished with a concrete or paved surface, or city standards when the Urban Growth Management Agreement with the city stipulates city standards will govern;

3) A private road shall directly connect only to a state, county, or city maintained road. The County may grant an exception for private roads connecting to a US Forest Service of Bureau of Land Management road when the applicant, or their authorized representative, has applied for and received approval for use of the federal right-of-way from the USFS or BLM.

~~3~~ 4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

B) ***Width*** (delete graphic)



1) ~~The width of the private road at its intersection with the right-of-way of a publicly dedicated road will be a minimum of 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the public right-of-way. Additional standards may be required to obtain a road approach permit.~~ The minimum travel surface width of a private road will be 20 feet.

2) A greater width than the minimum travel surface may be required by the County in wildfire hazard areas~~:~~ and

3) The minimum easement for a private road ~~will be~~ is 25 feet. ~~except where~~ Where the natural slope of the land within the easement (cross-slope) is greater than ~~20~~ 15 percent~~, in which case the easement width will be 50 feet~~ the minimum width may be increased.

The minimum easement width ~~will~~ must in any event accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

C) ***Signage*** *(Amended by Ordinance 2004-12, effective 2-6-2005)*
Any platted private road must display a road sign displaying the name of the private road at every intersection of the private road with a city, county or state street, road or highway. Such road name signs must bear the name of the road shown on the plat and conform with County road sign standards. In addition, a second sign must state the private road is not maintained by Jackson County. The process for naming private roads will be consistent with *Jackson Codified Ordinance* 1032 and Sections 10.3.1(A)(2) and 10.3.3(E) of this Ordinance.

D) ***Separation from Other Roads***
No private road may be created that is generally parallel to a state highway, unless it is separated from the highway by not less than 275 feet at any intersection.

E) ***Grade***
Maximum finished grade will be 15 percent ~~except that it may exceed 15 percent at other than the road approach or turnaround for a maximum distance of 100 feet~~ unless otherwise approved by the fire district having jurisdiction. Under no circumstances may any portion of the road grade exceed 18 percent. The approach from a publicly dedicated road may not exceed 10 percent grade for a distance of 40 feet.

F) ***Surfaceing of Residential Private Roads***

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

2) The travel surface of the private road will be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions. An application for a private road must include an engineer's design report that specifically identifies:
   (a) the minimum construction standards necessary for the subject road to provide a minimum life of five (5) years;
   (b) necessary maintenance measures;
   (c) type of work to be done annually; and
   (d) the minimum annual maintenance cost.

   In evaluating the adequacy of a proposal ~~to meet this requirement~~, the applicant's Oregon registered professional engineer or engineering geologist will take into consideration the terrain, soil and slope aspects of the proposed road, and compare the proposed road construction specifications to the following ~~standards~~ requirements~~, which will be required~~ of this subsection unless the applicant's engineer/geologist determines that ~~the~~ alternative specifications are equivalent or superior. ~~to the following:~~

3) Private roads will be constructed to hold a minimum load capacity of 50,000 pounds.

Table 9.5-1: MINIMUM REQUIREMENTS FOR PRIVATE ROADS
(See User's Guide for complete standards)

No. Of Lots or Parcels Served	Maximum Grade②	Lane Width	~~Lanes~~ Required Weight Carrying Capacity	~~Minimum~~ Shoulder Width	Minimum Easement	Recommended Speed	~~Turning~~ Curve Radius
2-3	15%	14 ft.	~~1①~~ 50,000 pounds	~~None~~	25 ft.	Maximum 25 MPH Minimum 15 MPH	Minimum center line radius of ~~55~~ 48 feet
4-6	15%	11 ft.	~~1①~~ 50,000 pounds	~~2 ft~~	~~40 ft~~ 25 ft.	Same as Above	Same as Above
7-12	15%	10 ft.	~~2~~ 50,000 pounds	~~1 ft~~	~~50 ft~~ 25 ft.	Same as Above	Same as Above

① ~~Turnouts will be provided at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts.~~ See Section 9.5.3(E)

~~② See Section 9.5.3(E)~~

NOTE: Roads located within the Air Quality Maintenance Area (AQMA) must use at a minimum an oil mat surface (Jackson County 0-7 asphalt penetration macadam oil mat with a minimum of three shots of oil) on the 10 foot travel lane.

G) ***Culverts***

All culverts will be designed to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. A typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainage way crossings, 12-inch diameter culverts are the minimum. The use of engineered culverts may be required. Culverts will be a minimum of 18 feet wide and will be wide enough to extend beyond the toe of the fill. All culverts will have a 50,000 pound load carrying capacity. Culverts will meet the requirements of Section 7.1.2(F)(7)(c). The Department may require that culverts and other drainage facilities be evaluated by a registered professional engineer to determine appropriate sizes, or may recommend sizes without incurring liability for the failure of such.

H) ***Bridges***

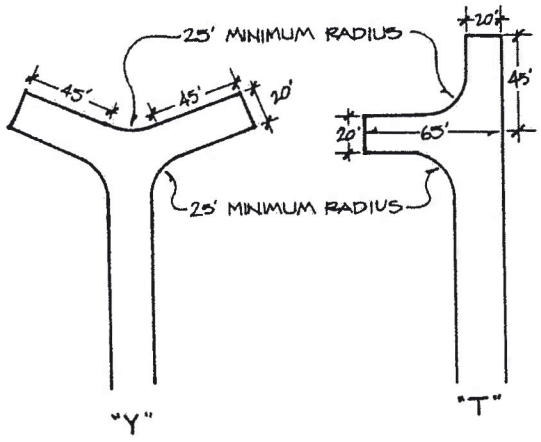
Bridges will be designed and maintained in accordance with AASHTO Standard Specifications for a 50,000 pound load capacity and have a

minimum driving surface width of 14 feet. Bridge capacity shall be determined by a professional engineer and shall be posted at both entrances to the bridge in a manner as to be visible from the road. Noncombustible construction is preferable. A clear minimum width of 14 feet must be maintained above the surface of all bridges.

~~H~~ I) ***Other Standards***

1) Cut and fill slope requirements, drainage and erosion control provisions will be determined to be adequate by the applicant's Oregon registered professional engineer or engineering geologist.

~~2) Turnouts will be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end. *(Amended by Ordinance 2004-12, effective 2-6-2005)*~~



~~3~~ 2) All private roads will be dead-end roads and will provide a suitable turnaround at the private road terminus or within 150 feet of its terminus. The grade will not exceed four (4) percent in turnarounds or cul-de-sacs. See User's Guide for examples of suitable turnarounds; and

~~4~~ 3) Except for roads located within ASC 90-1, gating private roads is prohibited unless year-round 24-hour emergency vehicle access is provided. Gate access must be approved by the fire district having jurisdiction.

~~5) An application for a private road must include an engineer's design report that specifically identifies: (1) the minimum construction standards necessary for the subject road to provide a minimum life of five years; (2) necessary maintenance measures; (3) type of work to be done annually; and (4) the minimum annual maintenance cost. The engineer's design report will take into consideration the terrain, soil, slope aspects of the proposed road.~~

~~I~~ J) ***Maintenance Agreement***

Private roads will be maintained by the benefitted property owners and will not be accepted by the County for maintenance, nor can the County contract for their maintenance. The County will require that a maintenance agreement be recorded in the public records as a requirement for approval of any new private road. Any such agreement must conform to the standards for such agreements found in the User's Guide including

enforceability by any person served by the road through mediation or litigation.

~~J~~ K) ***Conditions of Approval***
The County will not issue building permits for any parcel that will be served by a new private road until all the following actions have been completed:

1) The applicant's engineer has certified the road has been improved to the applicable standards of Section 9.5.3 as well as any specified in the User's Guide. Any or all required surveys, maps, plans, and improvements will be the responsibility of the applicant/developer or abutting owners. No funds of the County will be expended for any of the above items nor will the County or any of its officers or employees be liable for failure to improve or repair a private road~~;~~

2) The applicant's surveyor has verified in writing that the physical location of the travel surface of the road is within the approved easement~~;~~

3) An easement and road maintenance agreement has been recorded for each lot or parcel that will be served by the road~~;~~ and

4) A sign acceptable to the County Roads Division stating the words "Private Road File #___, Not Dedicated for Public Use or Maintained by Jackson County" has been posted at the entrance to the private road from the public right-of-way. All addresses that use the private road for access will be listed on the sign. If the private road forks, the addresses served by each fork will also be listed. The sign will be posted at the applicant's expense.

9.5.4 Emergency Vehicle Access ***[See JCPC Recommendation LRP 2004-00014]***
Emergency vehicle access must be constructed of an all-weather surface and shall extend to within ~~50~~ 150 feet of all ~~habitable~~ portions of the exterior walls of the first story of the structures ~~significant outbuildings~~. ~~Access at a minimum~~ Driveway access for all new structures requiring building permits except silos, windmills, transmission and utility towers will meet the following ~~standards~~ requirements:

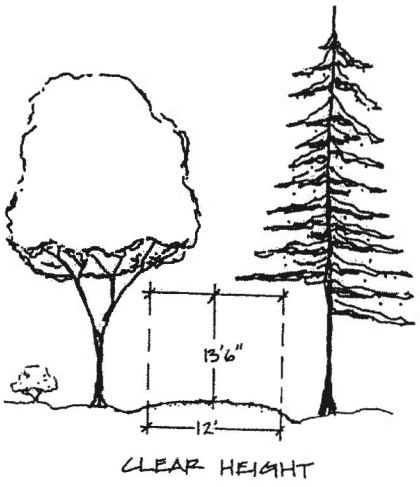
~~A) *Areas subject to Sections 8.7 and 9.3 (Wildfire and Steep Slope Hazards)*~~
~~Emergency vehicle access must be constructed to the following standards within areas subject to the requirements of Sections 8.7 and 9.3 and on lands in a forest zone:~~

A) ***Driveway Access Requirements***:

1) Minimum surface width will not be less than 12 feet. Curves with a centerline curve radius of less than ~~150~~ 48 feet require a minimum 14 foot width to ensure emergency vehicles remain on the travel surface~~:~~

2) A minimum clear height of 13½ feet must be maintained for the entire width of the driveway.

3) Access must be designed and constructed to maintain a minimum 50,000 pound load carrying capacity. If not designed by an engineer, road access must be constructed of a minimum of six (6) inches of 4"-minus base rock, or equivalent.

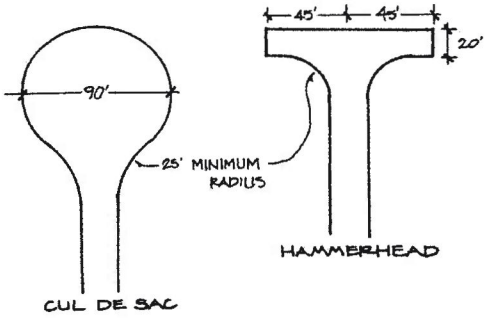


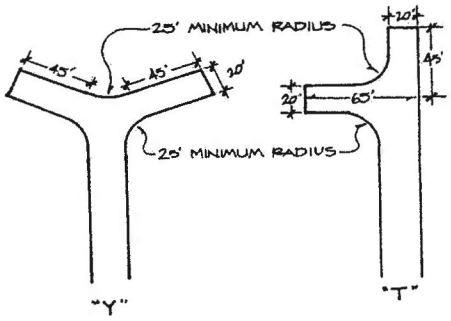
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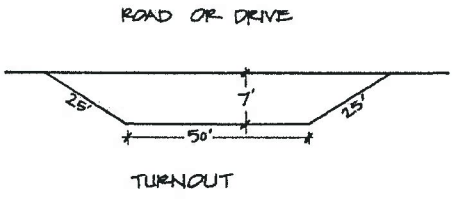
4) Maximum finished grade can be no greater than 15 percent. If approved by the fire district having jurisdiction, or, if not within a fire district, the County fire safety inspector or Department of Forestry, the grade may increase to 18 percent for intervals of up to 100 feet provided there are no more than three 100 foot sections of over 15 percent grade per 1,000 feet. The finished grade may not exceed 15 percent on curves with a centerline radius of less than 150 feet. The approach from a public road or private road cannot exceed 10 percent grade for a distance of 40 feet.

5) Curves will have a minimum centerline curve radius of 40 ~~55~~ feet. This includes approaches onto public roads in both directions. (See diagram);

6) Access that dead-ends must ~~terminate in~~ incorporate an approved ~~cul-de-sac or other~~ turnaround arrangement. A turnaround must be constructed within 150 feet of any proposed habitable structure. If the driveway distance is less than 150 feet, no turnaround will be required. Turnarounds will be a minimum 20 foot wide, with a minimum inside radius of 25 feet. Turnarounds will be provided every one-half (½) mile. Such turnaround area must meet the load requirements of (3) above. The grade may not exceed four (4) percent in turnarounds or cul-de-sacs.;







7) Turnouts are required at 800 feet maximum spacing, or at distances that ensure continuous visual contact between turnouts. Turnouts must be at least 50 feet long and seven (7) feet wide, with 25 foot tapers on each end.

8) Visible address signs acceptable to the appropriate fire district must be posted at applicant's expense. The address sign will be posted at the entrance to the public right-of-way. All addresses which use the same access must also be listed on this sign. If the access forks, the addresses served by each fork must also be listed at the intersection.

9) Gate widths will be a minimum of 14 feet, unless on a curve where the minimum surface width is 14 feet, then the gate will be a minimum of 16 feet.

10) All bridges will have a 50,000 pound load carrying capacity, and will have ~~Bridge~~ driving surfaces ~~must be~~ a minimum of eight and one-half (8½) feet in width. Bridge capacity shall be determined by a professional engineer and shall be posted at the bridge entrance in a manner as to be visible from the driveway. Bridge capacity reports shall be valid for a period of 10 years. Non-combustible construction is preferable. A clear minimum width of 14 feet must be maintained above the surface of all bridges.

11) Any required culverts must meet the minimum standards in Section 9.5.3(G).

~~12) Sidewalks crossing driveways will be designed to meet the requirements of the *Oregon Bicycle and Pedestrian Plan (1995)* administered by Jackson County Roads and Parks Services.~~

~~B) ***All Other Areas***~~

~~All commercial, industrial, public, quasi-public and multi-family dwelling development that generates more than 100 vehicle trips per day will meet the emergency vehicle access standards of Section 9.5.4(A) above.~~

9.5.5 Bicycle Access

A) ***Description***

All sites are encouraged to provide bicycle access and to avoid or minimize conflicting bicycle/motor vehicle and bicycle/pedestrian movements. There are two (2) principal types of bicycle access routes: bicycle traffic facilities (bikeways) that are developed as part of roadways, and bicycle pathways.

B) ***Bikeways***
Bicycle traffic facilities (bikeways) will be provided as part of the construction of County roads where the proposed road would provide for intra urban or inter urban bicycle transportation, or a bicycle route or way is proposed within *The May, 1996 Jackson County Bicycle Master Plan*. Bikeways require a four (4)-foot wide paved shoulder on each side of the road.

C) ***Bicycle Pathways***
Bicycle pathways are facilities with exclusive rights-of-way for bicycle use, with cross flows by motorists minimized. Sidewalks are not considered bicycle pathways. In developments containing nonresidential uses or multi-family uses, bicycle pathways will be provided between public bicycle lanes or trails and on-site bicycle parking areas. In addition, subject to the general dedication requirements of Section 10.5.1, the County may require public dedication of bicycle pathways when such pathways are designated in the Master Plan. The County will also require the developer to improve the lands so dedicated within and adjacent to divisions, when necessary, to provide bicycle access to nearby recreational areas or other bikeways.

Public bicycle paths will be inspected and approved by Jackson County Roads and Parks Services. Private bicycle paths will be inspected and certified by a registered professional engineer as meeting the requirements of this Chapter.

9.5.6 Sidewalks

A) Sidewalks may be required when a proposed development or land division is within an urban growth boundary or urban unincorporated community. In addition, sidewalks may be required outside these areas when any one (1) of the following findings is made:

1) The subject property is located within one-quarter (¼) mile of a school, shopping center, recreation area, or other use likely to induce pedestrian traffic; or

2) The surrounding area has developed with sidewalks ~~or~~ and is zoned for urban residential, commercial, or industrial uses.

B) Sidewalks, crosswalks, islands, curb cuts, and sidewalks at driveway crossings will be constructed to the standards established by Jackson County Roads and Parks Services.

C) 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.

D) Sidewalks crossing driveways will be designed to meet the requirements of the *Oregon Bicycle and Pedestrian Plan (1995)* administered by Jackson County Roads and Parks Services.

9.5.7 Walkways

Interior walkways may be required within a project when the proposed development is within an urban growth boundary or urban unincorporated community. Such walkways should connect the interior of a proposed development with adjacent sidewalks and nearby schools, parks, shopping centers, other facilities.

9.6 SIGNS

9.6.1 Purpose

The purpose of this Section is to regulate signs in such a way as to support and complement the land use objectives of the Jackson County Comprehensive Plan and implementing ordinances. This Section regulates the size, location, and construction of signs as necessary for public welfare, traffic safety and aesthetics. This Section does not regulate the content of signs.

9.6.2 Signs Permitted in all Zones

The following signs are permitted as Type 1 uses in all zoning districts, provided they comply with the general requirements in Sections 9.6.5 and 9.6.6 below.

A) Temporary signs are signs which serve a temporary purpose and are defined as free-standing signs without illumination that do not have permanent footings but which are securely attached to an adequate anchorage and which contain a surface area of no more than 32 square feet. Temporary signs that are larger than 12 square feet in size must be converted to a permanent sign once emplaced for more than six (6) months.

B) Permanent signs that are:

1) Three (3) square feet or smaller and which are placed at least 100 feet apart;

2) Three (3) square feet or smaller and are used solely for providing directions to an on-site use (e.g., address numbers, enter and exit markers, etc.); and,

3) Not visible from a public right-of-way or from any other property not under the same ownership as the parcel upon which the sign is located.

9.6.3 Prohibited Signs

The following signs are prohibited:

A) Anchored balloon signs or any other inflated sign.

B) Roof mounted signs.

C) Signs which incorporate reader boards, video or fiber optic displays or other mediums that display changing or moving text or images, except in commercial and industrial zoning districts.

D) A-frame signs are prohibited unless securely attached to an adequate anchorage.

9.6.4 Exempt Signs

A) Signs erected by the Oregon Department of Transportation or the County Roads Division within the right-of-way of a state or federal highway or County road.

B) Preexisting, nonconforming signs are those permanent signs that existed prior to the date of adoption of this ordinance and which do not conform to the provisions of this Section with respect to number, surface area, location or illumination. Temporary signs that existed on or before May 30, 2002 are also preexisting, nonconforming signs.

1) Preexisting, nonconforming signs may be repaired in accordance with the provisions of Section ~~11.5~~ 11.6, but will not be replaced except in conformance with this Section.

2) On-site signs for preexisting, nonconforming commercial or industrial uses in any zone may be replaced in accordance with the provisions for a Rural Service Commercial zone.

9.6.5 General Requirements

The following requirements apply to all signs:

A) Sign structures may be placed within the required setbacks from property lines provided they comply with the vision clearance standards of Section 8.5.2(C), but may not be placed within a dedicated right-of-way unless a permit has been issued by the Oregon Department of Transportation or County Roads Division.

B) Except as noted in Section 9.6.6 below, free-standing signs may not exceed 25 feet in height and must not encroach or overhang any dedicated right-of-way.

C) Building signs may not extend more than one (1) foot above the exterior wall of the building on which the sign is mounted. Building signs that project from the building wall must have a minimum ground clearance of eight (8) feet.

D) Sign area will be calculated based on the overall dimensions of all panels that display messages. If a sign contains messages on more than one (1) side, the dimensions of the message area on each side will be counted together toward the total. When the sign message is not mounted on a panel, the sign area will 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 be advertising will be calculated as sign area.

E) Illuminated signs require an electrical permit. Light from illuminated signs must be directed away from, and must not reflect upon, roads or adjacent parcels. No sign may incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source.

F) Signs visible from state or federal highways must meet state regulations.

G) No sign will be erected or placed in such a manner that it creates a traffic safety hazard, or that by reason of its position, shape, message or color it may interfere with, obstruct the view of, or be confused with any traffic signal; ~~;~~

H) No sign may be situated in a manner that results in the blanketing of an existing sign; ~~and~~

I) Any discontinued, dangerous, defective, unlawful, or prohibited sign, or any sign which is not in accordance with the drawings, specifications and details of the permit application is hereby declared a nuisance and may be abated as prescribed in Section 1.8. This is in addition to any other remedy provided by law or ordinance.

9.6.6 Size Standards

The following size standards apply to all signs on the site at any one (1) time.

A) ***Home Occupations***

Where a home occupation or home business is a lawful use, one sign will be permitted in addition to any signage otherwise permitted in the zoning district. The sign will be limited to three (3) square feet in area, mounted flush with the side of the primary structure, and may be indirectly illuminated.

B) ***Resource Districts***

One (1) or more signs, up to a total of 32 square feet in area, are permitted.

C) ***Residential Districts***

One (1) or more signs, up to a total of eight (8) square feet in area, are permitted in Rural Residential zoning districts. Up to 32 square feet of total sign area is permitted in conjunction with an approved Type 3 use.

D) ***Rural Service Commercial Districts***

1) Building signs may not exceed a total of one (1) square foot of sign area for each linear foot of building frontage.

2) One (1) free-standing sign per parcel is permitted. The sign may not exceed a total of 150 square feet in area.

E) ***Rural Limited Industrial Districts***

1) Building signs may not exceed a total of one (1) square foot of sign area for each linear foot of building frontage.

2) One (1) free-standing sign per parcel is permitted. The sign may not exceed 32 square feet in area.

F) ***Interchange Commercial***

One (1) sign not exceeding 250 square feet in area and 50 feet in height, and up to a total of 150 square feet of additional sign area is permitted on each parcel of land located within the Interchange Commercial Zone.

G) ***All other Commercial and Industrial Districts***

1) Building signs affixed to the front of the building may not exceed a total of one (1) square foot of sign area for each linear foot of building frontage. On other sides of a building which also face a street or common parking area, one (1) additional sign per side may be permitted, not to exceed one-quarter (¼) square foot of sign area for each linear foot of building length along that side. No individual sign may exceed 300 square feet.

2) One (1) free-standing sign per lot frontage on a county road or state highway is permitted. The sign may not exceed the following:

Lot Frontage (feet)	Maximum Sign Area
1 - 150	150 square feet
151 - 200	200 square feet
201 - 250	250 square feet
251 and greater	300 square feet

H) ***Variance***

Section 3.11 (Variances) contains the approval criteria necessary to consider any deviation from these requirements beyond those provided in Section 3.12 (Administrative Adjustments).

CHAPTER 10. LAND DIVISION

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CHAPTER 10. LAND DIVISION

10.1 PURPOSE

These regulations establish minimum requirements and standards necessary for land divisions. Authorization and minimum standards for this Ordinance are provided by Oregon Revised Statutes (ORS) Chapters 92 and 215. Vacation of property is not a land use decision and is governed by ORS Chapter 368.

10.2 APPLICABILITY AND JURISDICTION

10.2.1 General Applicability[1]

This Chapter is applicable to all subdivisions and partitions (collectively referred to in this Chapter as "land divisions") within Jackson County, unless otherwise specified. No new plat of a division of land may be used for purposes of sale or building development until approved and recorded under the provisions of these land division regulations.

A) ***Lawful Creation of Lots or Parcels***

Lots or parcels created by filing a final plat for a subdivision or partition for which land division approval was granted pursuant to the regulations listed in Section 1.7.1, shall be considered lawfully created. In addition, lots or parcels which were established by any of the methods listed in paragraphs (1) through (5) below, at a time when land division approval under the regulations listed in Section 1.7.1 was not required, shall be considered lawfully created. Lots or parcels established in any other manner except as provided in subsection (C), shall not be considered lawfully created. Development of a lawfully created lot or parcel is subject to all regulations and standards in effect at the time any land development approval is applied for.

1) Execution of a recorded or unrecorded properly signed and dated conveyance, security document, or contract to convey (not including an earnest money agreement) which clearly describes the tract or parcel(s) to be conveyed and that resulted in creation of a parcel or parcels that conformed to any zoning requirements then in effect. If the document was not recorded, its date of execution must be evidenced by notary acknowledgment or other reliable contemporary documentation signed by a disinterested third party. Documents used to convey ownership of land will not be honored if said conveyance has, in some fashion, been materially altered following its execution.

2) Execution of a lease for a period of more than 50 years.

3) Creation of a tax lot on the records of the County Assessor prior to November 10, 1982 (e.g., segregation requests via journal vouchers) when such tax lot was established at a property owner's request for purposes of land division.

[1] Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-12, effective 2-6-2005

4) Filing a survey map with the Jackson County Surveyor that clearly indicates the prior existence of the parcel by map or legal description prior to November 10, 1982. In order to be considered separate, substantial evidence must be provided that verifies the property owner's intent in surveying the parcel was to convey ownership of land.

5) Parcels recognized pursuant to Chapter 11 (Nonconformities). *[See also 6.3.5(C)]*

B) ***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. *[ORS 92.017]* Property line adjustments are not land divisions and generally do not affect the lot or parcel's date of creation. See Section 13.3 *[OAR 660-033-0020(4)/ OAR 660-006-0005(4)]*.

C) ***Lawful Creation of Lots and Parcels That Were Improperly Formed***

1) ORS 92.177 provides that the County may approve an application for creation of lots or parcels which were improperly formed, including those created as a result of court actions, notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval. Such an application shall be processed through a Type 2 review. The criteria applicable to this Type 2 review are as follows:

~~1~~a) The lots and parcels conform to current dimensional and density standards, or conform to the dimensional and density standards in effect when the lots or parcels were improperly formed;

~~2~~b) No subsequent land division has occurred;

~~3~~c) The owner must demonstrate that the lots or parcels can physically accommodate a development site along with the necessary facilities and utilities, in compliance with all siting standards of this Ordinance; and

~~4~~d) Practical physical access to the building site currently exists from a public road, or access can be provided through an irrevocable easement or equivalent means. Practical physical access must at a minimum allow emergency vehicle access to the property.

2) Notwithstanding ORS 215.780, the County may approve an application to recreate a parcel when the parcel was previously approved before January 1, 1994 and:

a) A plat implementing the previous land use decision was not recorded; or

b) A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels

was not compiled with by a previous owner of the land. *[2005 HB 3081]*

If an application made pursuant to this subsection 10.2.1(C) is approved, the date of creation of the lots and parcels shall be the date of the County's final decision approving the application.

D) ***Restrictions on Transfer of Land***

No person may transfer, sell, or otherwise dispose of any lot in any subdivision or any parcel in any partition by reference, exhibition, or other use of a plan of a subdivision or partition before the plat has been approved and recorded by Jackson County. No person will offer or negotiate to sell lots in a subdivision or partition until a tentative plan has been approved. *[ORS 92.016]*

No document or instrument dedicating land to public use will be accepted for recordation unless such document or instrument bears the approval of the Board of County Commissioners. *[ORS 92.014]*

E) ***Creation of Roads and Streets***

1) No person may create a street or road, whether public or private, for the purpose of subdivision, partition, or development without approval as required by this Ordinance. "Creation" of a street or road includes either the physical construction of the roadway, or the recordation of an instrument showing the existence of a right-of-way or easement for multiple parcel access to two (2) or more ownerships. *[See ORS 92.014]* This provision does not apply to creation of driveways serving a parcel or tract of land.

2) *Public Roads and Streets*
Where a dedicated road is created, the area and width of each parcel or lot must equal or exceed the requirements of the zoning district in which it is located. ~~County~~ Public roads or streets may not be included as a portion of the lot or parcel for the purposes of determining minimum lot or parcel area. The right-of-way line is used for the purpose of determining lot or parcel coverage and setback requirements.

3) *Private Road or Easement*
The area of a private road or road easement that lies within the boundaries of a lot or parcel is included for the purpose of determining the area contained in the lot or parcel.

10.2.2 Requirements Are Minimums

The provisions of this Chapter are minimum requirements necessary to execute a land division in Jackson County and are not intended to limit the applicant from using higher standards. The County may require higher standards than the minimums required by this Chapter upon a finding by the Director, Hearings Officer, Planning Commission, or Board of Commissioners that the division should be modified to: (**1**) improve efficiency in the use of and the protection of natural features and resources, or (**2**) to implement adopted Comprehensive Plan policies.

Land divisions in resource districts are also subject to the requirements in Chapter 4. Requests to separate lawful preexisting dwellings on separate parcels are subject to the requirements of Section 8.9, while Section 5.1.4(C) addresses use of split zoned property.

10.2.3 Jurisdictional Overlap

A) ***Divisions Involving Jurisdictional Overlap***

Whenever any lot or parcel that contains any area in another county or within the incorporated limits of any city is proposed to be divided, the following regulations apply:

1) If an existing lot or parcel overlaps the city limits and/or urban growth boundary, the county will not allow further division ~~to~~ that creates a new lot or parcel ~~that~~ overlappings ~~s~~ the city limits and/or urban growth boundary, unless an adopted urban growth boundary management agreement with the city provides otherwise.

   If that portion outside the city meets county size and dimension standards as one or more separate lots or parcels, the city limits may be recognized as a property line for land development purposes, provided that any land division is approved by both the city and County prior to development of the parcel. When the portion of the lot or parcel outside the city limits is smaller than the minimum lot size allowed by the unincorporated zoning district, the parcel may nevertheless be partitioned along the city limits provided the nonconforming unincorporated parcel area will not be reduced.

2) Where the proposed parcels exist wholly within Jackson County, but access to such parcels necessitates crossing the county line, the minimum requirements for access, as established in Chapter 9, must be met over the entire length of the access. Where an adjoining county would apply higher standards than those set forth in this Ordinance, those more restrictive requirements apply.

3) If an existing lot or parcel lies in more than one (1) county, Jackson County will not allow further division to create a new lot or parcel that overlaps the county line. The portion of the lot or parcel lying within Jackson County will ~~not~~ be recognized as a separate lot or parcel ~~unless it meets minimum County standards~~ for land development purposes and may be partitioned along the County line.

B) ***Conversion Plan Regulations***

1) Any application for a land division within an established urban growth boundary must include that jurisdiction's written approval of a Conversion Plan for the subject property, in accordance with adopted plans and growth management agreements, provided that the city has Conversion Plan standards or review procedures in effect.

2) The Conversion Plan identifies city requirements, if any, for future city rights-of-way, street and utility extensions, and projected urban densities that would directly affect or be affected by the property to

be divided. Approval of the land division must demonstrate that the land division can be accomplished without interfering with the city's future urban development.

10.3 LAND DIVISION PROCEDURES AND APPROVAL CRITERIA

All land divisions, except expedited land divisions as described in Section 3.3.1(C), will require approval of tentative plans and final plats pursuant to the procedures set forth in Section 3.3 of this Ordinance. Applications for approval must comply with the review criteria set forth below.

10.3.1 General Approval Criteria for Tentative Plans

A) No tentative plan for a proposed subdivision or partition will be approved unless:

1) All information required by this Ordinance and the User's Guide has been addressed by the applicant;

2) Private roads, including all reservations or restrictions relating to such private roads, are clearly indicated on the tentative plan. No private road may be named with a name that duplicates any existing private or public road in Jackson County;

3) The applicant submits evidence future development will be able to comply with connection to public or community facilities requirements of Section 10.4.2(D) or be served by individual on-site septic systems; *(Amended by Ordinance 2004-12, effective 2-6-2005)*

4) The tentative plan complies with the design and improvement standards set forth in Chapter 9 and Section 10.4 below;

5) The tentative plan complies with all other applicable siting and development provisions of this Ordinance;

6) Building envelopes and common walls separating attached single-family dwelling units that will be located on lot lines are shown on the tentative plat;

6 7) The physical characteristics of the parcel to be divided (e.g., floodplain, slopes, and soil conditions) will not preclude development of newly created lots; and

~~7~~ 8) In commercial or industrial divisions, each resulting parcel will have adequate building, parking, loading, storm water drainage, and landscaping for proposed or anticipated permitted uses of the zoning district (see also Section 9.2.6).

B) In granting approval of a tentative plan, the County may impose conditions of approval deemed necessary to implement the Comprehensive Plan and this Ordinance. The recommendations and comments of review bodies will also be considered and may provide the basis for conditions of approval in land divisions. Such conditions may include dedication of land for roads and other public improvements, provided the dedication required is roughly proportional to the demands on public services generated by the

development. Approval conditions also may include construction of offsite public improvements, or payment of a money equivalent, either immediately or in the future, as a result of the proposed development. All conditions must be reasonably conceived to fulfill public needs emanating from the proposed development in the following respects:

1) Protection of the public from the potentially adverse impacts of the proposed development; or

2) Fulfillment of the need for public service and facility requirements created by the proposed development.

C) The suitability of physical land characteristics, such as floodplain, slopes, and soil conditions, will be considered. Land divisions within a mapped floodplain should minimize potential flood hazards by:

1) Providing adequate drainage to reduce exposure to flood hazards; and

2) Locating and constructing public utilities and facilities such as sewer, gas, electrical and water systems to minimize flood damage.

In addition, when a subdivision (including manufactured home parks or subdivisions) or partition proposal would result in building envelopes located in a floodplain, the tentative plan must show the 100-year floodplain and floodway boundaries and base flood elevation. The building envelope for each lot or parcel to be created must show at least one (1) base flood elevation data point for each envelope indicated on the plan. Building envelopes for lots or parcels within a floodplain where base flood elevations have not been determined, must have one (1) surveyed base flood elevation data point established

10.3.2 Approval Criteria for Tentative Plans Within Urban Growth and Urban Unincorporated Community Boundaries

In addition to the requirements of Section 10.3.1 above, staff recommendations and final decisions on tentative partition and subdivision plans within UGB's and UUCB's will be based on affirmative findings of compliance with all the following criteria: *(See also Section 9.2.6)*

A) Availability and accessibility of adequate utilities;

B) Availability of ~~P~~ public services needed to serve the development (e.g., police and fire protection, transportation, recreation facilities, and parks) are available or can be made available;

C) Ability of existing or proposed public and private streets or roads to accommodate traffic generated by the subdivision/partition;

D) Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision/partition; ~~and~~

E) Compliance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities,

community or public sewage disposal, and, where applicable, individual systems for sewage disposal; and

F) Demonstration by the applicant that ~~L~~land division will not prevent adjacent properties from being similarly developed according to zone district requirements.

10.3.3 Approval Criteria for Final Plats *[ORS ~~92.0909(3)~~ 92.100]*
No plat of a proposed subdivision or partition will be approved unless:

A) The plat is in substantial conformity with the provisions of the approved tentative plan for the division, including any conditions imposed by the County;

B) All monuments on the exterior boundary and all parcel corner monuments of partitions are placed before the partition plat is offered for recording. *[ORS 92.060(6)]* For those parcels being created which are greater than 10 acres, only the new partition division lines are required to be monumented, with the exception that fractional division lines of a Section do not need to be monumented;

C) Public streets roads and easements for public utilities are constructed and dedicated without any reservation or restriction other than reversionary rights upon vacation;

D) Private roads held for private use and indicated on the tentative plan of the subdivision or partition have been approved by the County;

E) Approved road name(s) are labeled on the final plat. Such name(s) will not duplicate or otherwise be commonly mistaken for any other known road in Jackson County;

F) The surveyed center line and easement width of approved private roads must be included on the final plat. The applicant must submit verification that the physical location of the travel surface is within the easement shown on the final plat prior to issuance of building permits;

G) The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the division;

H) Explanations of all common improvements required as conditions of approval of the tentative plan of the division have been recorded and referenced on the plat; and

I) The plat complies with all other applicable provisions of this Ordinance, and State Law (e.g., ORS Chapter 209, County Surveyors).

Granting or withholding approval of a final subdivision or partition plat by the county surveyor, assessor or governing body of the County or its designee is not a land use decision or a limited land use decision as defined by ORS 197.015. Approval of final plats by the governing body may be by signature of the Chair of the Board of

Commissioners, the Vice-Chair, or a person designated in lieu of the Chair or Vice-Chair.

10.4 DESIGN AND IMPROVEMENT STANDARDS

10.4.1 Layout and Design Generally

A) ***Name and Numbering***

The title under which the division will be recorded will not duplicate the name of any existing subdivision in Jackson County, as verified by the County Surveyor. When land is platted contiguous to and platted by the same party that platted the subdivision bearing that name, or when the party files and records the consent of the party that platted the contiguous subdivision bearing that name, the same name may be used with approval of the County Surveyor.

B) ***Plans for Remainder Parcels***

Where an entire parcel under the subdivider's control or ownership is not subdivided, the subdivider will submit plans for division and/or development of the remainder of the parcel, including major road connections and intended land uses.

C) ***Blocks***

No subdivision submitted for final approval after January 1, 1992, will use block numbers or letters unless that subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters. *[ORS 92.090(1)]*

The width of blocks will be adequate to allow two (2) tiers of lots, unless exceptional or topographic conditions render this requirement ~~undesirable~~ infeasible, as determined by the Director. ~~In subdivisions with an average lot size of less than one acre, blocks will be at least 600 feet and no longer than 1,200 feet between street lines. In other subdivisions, block lengths will be individually evaluated.~~ Block lengths and widths will be suitable for the uses contemplated, and the zoning requirements pertaining to minimum lot sizes and dimensions. In urban and rural residential zoned areas, subdivision layout and design, including block length and widths, will facilitate street connectivity, and ~~will not inhibit~~ the proper development of adjoining lands. (See *Jackson County & White City Transportation System Plans*, Policies 4.1.2, 4.2.1 and 4.3.10)

D) ***Parcels and Lots***

1) *Compliance with Dimensional Requirements*

The area, width, and layout of all parcels and lots will meet the dimensional requirements applicable to the zoning district(s) in which the land is located, as set forth in Chapter 8 or Chapter 12, where applicable. The minimum standards set forth in ~~Chapter 8~~ the applicable chapter may be modified by the County only through the Administrative Adjustment or Variance procedures set forth in Sections 3.12 and 3.11.

2) *Buildable Lots Required*
Except for lots to be dedicated for parks, recreation, or open space purposes, the lot arrangement will be such that there will be no foreseeable difficulties, for reasons of topography, setbacks, floodplain, expansive soils, soil bearing capacity, erosion potential, or other conditions, in securing building permits to build on all lots in compliance with this Ordinance or in providing driveway access to buildings on such lots from an approved road. No division will be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety.

3) *Lot Shape and Orientation to Roads*
Lots and parcels generally will be designed at right angles to straight road lines, or radial to curved roads on which the lot or parcel will face. Unusual shapes or designs may be made where topography or other natural features warrant, or where the applicant has filed a written statement of intent to maximize solar orientation of the homesites.

4) *Double Frontage or Reverse Frontage Lots*
Double frontage or reverse frontage lots or parcels may be allowed only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

5) *Existing Improvements*
All buildings and improvements (e.g., septic systems, wells, etc.) must comply with the minimum setback requirements and applicable fire safety requirements from the new property lines.

E) ***Protection of Existing Vegetation and Natural Features***
The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed divisions must be designed in a manner that minimizes land disturbance and considers existing trees, vegetation, watercourses, wildlife habitat and scenic resources. Applicants should refer to the development standards set forth in Chapter 9 of this Ordinance and apply them in the layout of the division.

F) ***Floodplain Areas***
The County may restrict divisions in floodplain areas to protect the health, safety, and welfare of the present and future population of the areas, and to ensure that all divisions conform with Section 7.1.2, "Floodplain Overlay." Such restrictions or exclusions will be clearly labeled on the tentative plan and final plat.

G) ***Fencing and Screening***

1) When a hazardous condition exists within a proposed division including, but not limited to, open ditches, abrupt topographical features, traffic arterials, or water bodies, the County may require fencing or covering of the hazardous conditions adequate to protect the public.

2) To reduce land use conflicts, screening in the form of fencing, walls, landscaping, or landscaped berms at the exterior boundaries of the division may be required. (See Section 9.2.6.)

3) If there are required fences, walls, coverings, landscaping, or landscaped berms, as referenced above, located within a floodplain or floodway, their design and/or location may be adjusted to comply with Section 7.1.2, and may require a review to assure such compliance.

~~3~~ 4) When any of the above improvements are required by the County, the applicant must submit a construction plan and cost estimate to the Department for approval. A construction performance bond in conformance with Section 10.6, in an amount to cover 110 percent of all costs of included improvements, will be filed with the County unless the work is to be completed prior to filing the final plat of recordation.

H) ***Grading, Excavation, and Clearing***

Grading and clearing by mechanical equipment for road and/or development purposes including driveways may be restricted or regulated at the time of tentative plan or final plat approval if there is a finding that such grading or clearing presents a threat of pollution, contamination, or silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area, or detrimental impacts on scenic resources. In all cases, excessive grading, excavation, and clearing will be avoided when detrimental to soil stability and erosion control, or scenic resources. All grading, excavation and clearing projects will minimize track-out onto paved public roads.

10.4.2 Utilities

A) ***Utility Easements***

Public utility easements of not less than 10 feet in width will be provided for necessary underground or above-ground utility lines. Such easements will be clearly labeled for their intended purpose on all tentative plans and final plats and may be located along, or centered on, parcel or lot lines or elsewhere (e.g., alleys) as determined necessary by the County to provide needed facilities for the present or future development of the area. The utility must be located within the easement.

B) ***Underground Utilities Required***

All utilities serving a proposed division will be placed underground where the surrounding area is presently developed, or is in the process of developing with underground utilities. Within an adopted urban growth boundary, all divisions will be required to place utilities underground where the city for which the urban growth boundary was drawn would impose a similar requirement within its corporate limits.

C) ***Water Supply Facilities***

1) *Connection to Water Supply Systems*

When a proposed division is located within 300 feet of an existing, satisfactorily operating and available water supply system, and it is

practical and feasible to connect with and be serviced by that system, connection to that system will be required provided the connection is consistent with the Public Facilities Element of the Jackson County Comprehensive Plan. If the existing facilities are unable to service the proposed division, establishment of a new water supply system may be considered if environmental and other conditions are suitable.

2) *Effect of Water Availability on Densities*
Consistent with Goal 11 and OAR 660-011-0065, the establishment or expansion of a water system may not be used outside urban growth boundaries or urban unincorporated community boundaries as the basis for:

a) An increase in base density in a residential zone;
b) A higher density for residential development than would be authorized without such service, or
c) An increase in the allowable density of residential development.

3) *Facilities Required Prior to Final Plat Approval*
No final plat of a division will be approved by the County unless the County has received and accepted:

a) A certification by a city owned domestic water supply system 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 in the proposed division;
b) A bond, irrevocable letter of credit, contract, or other assurance will be provided to the County, in conformance with Section 10.6, that a domestic water supply system will be installed to the lot line of each and every lot in the division. The amount of any such assurance will be determined by a registered professional engineer, subject to any change in the amount as the County considers necessary; or
c) Unless the division is in an area subject to ASC 90-8 (see Section 7.1.1(l)), a deed declaration may be recorded stating that no domestic water supply facility will be provided to the purchaser of any lot in the division in lieu of (**a**) and (**b**) above. A copy of any such deed declaration, signed by the property owner and endorsed by the County, will be filed with the Real Estate Commissioner and will 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 will deliver a copy of the deed declaration to each prospective purchaser of a lot 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 will take a signed receipt from the purchaser upon delivery of such a deed declaration, will

immediately send a copy of the receipt to the commissioner and will 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. *[ORS 92.090(4)]*

D) ***Sewage Disposal Facilities***

1) *Connection to Public or Community Facilities*

a) When a division is located within 300 feet of an existing, satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be serviced by that system, connection to that system will be required provided the connection is consistent with the Public Facilities Element of the Jackson County Comprehensive Plan and Statewide Planning Goal 11. Should the existing facilities be unable to service the division or development, individual sewage disposal systems may be considered if soil and other conditions are suitable for their use.

b) When a new public or community sewerage system is proposed for the division, a preliminary plan for the sewage collection and disposal system will be submitted along with the tentative plan for approval to the State Department of Environmental Quality. The preliminary plan will demonstrate consistency with the Goal 11, OAR 660-011-0060, and the Public Facilities Element of the Jackson County Comprehensive Plan, and will include at least the following:

i) A conceptual plan for sewage collection, treatment, and disposal facilities; and

ii) A conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS Chapters 450 or 451.

2) *Facilities Required Prior to Final Plat Approval*
No final plat of a division will be approved by the County unless the County has received and accepted:

a) 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 in the proposed division;

b) A bond, irrevocable letter of credit, contract, or other assurance will be provided to the County, in conformance with Section 10.6, that a sewage disposal system will be installed to the lot line of each and every lot in the division. The amount of such assurance will be determined by a registered professional engineer, subject to any change in the amount as the County considers necessary; or

c) A deed declaration will be recorded stating that no sewage disposal facility will be provided to the purchaser of any lot 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 deed declaration, signed by the property owner and endorsed by the County will be filed with the Real Estate Commissioner and will 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 will deliver a copy of the deed declaration to each prospective purchaser of a lot 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 will take a signed receipt from the purchaser upon delivery of such a deed declaration, will immediately send a copy of the receipt to the commissioner and will 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. *[ORS 92.090(5)]*

E) ***Utility District***

No final plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district, **lighting district** or district improvement company, will be approved unless 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. *[ORS 92.090(6)]* If no comment is received from the district within the period of time prescribed by this Ordinance, the County will conclude the district has no objection to the proposal.

F) ***~~Stormwater~~ Storm Water and Land Drainage Provisions***

Special provisions for ~~stormwater~~ **storm water** and land drainage may be required in any division. The property owner may be required to provide drainageways of appropriate size and width to carry ~~stormwater~~ **storm water**. The following general standards will be used in development design:

1) *Public Storm Sewer Systems*

Inside an urban growth boundary or urban unincorporated community, connection to the public storm sewer system is required when an existing system is adjacent to the division. If no such outlets are available, another adequate provision for ~~stormwater~~ **storm water** drainage may be required. All storm sewer systems will be subject to review and approval by ~~the~~ Jackson County Roads and Parks Services ~~Director, or his designee~~.

2) *Lot Drainage*
Lots will be laid out so as to provide positive drainage into setback and buffer areas. Individual lot drainage will be coordinated with the general storm drainage pattern for the area. On-site drainage will be designed so as to avoid concentrations of storm drainage water that would adversely affect adjacent lots or parcels.

3) *Area Drainage*
Area drainage will be considered in all land divisions. All culverts and other drainage facilities will be large enough to accommodate drainage from upstream areas. ~~The~~ Roads and Parks Services ~~Director, or his designee,~~ will approve the size of each facility that will be dedicated to the public based on standard engineering practices. For all divisions in urban growth boundaries and urban unincorporated communities, applicants will submit professionally prepared storm drainage plans to the Roads and Parks Services and receive approval of such plans prior to approval of the final plat. No division will be approved where it has been determined that ~~stormwater~~ storm water drainage generated by the division will overload drainage facilities. Drainage will not be directed to irrigation ditches or canals but will be directed toward roads, streets and natural drainage channels.

4) *Dedication of Drainage Easements*
If a land division is traversed by an existing or planned watercourse, drainageway, channel, or stream, a drainage easement conforming substantially to the lines of such watercourse must be provided. The easement must be adequate width for the purpose of carrying water and providing access to the watercourse for vector control or maintenance vehicles.

G) ***Fire Protection***
Fire-fighting water supplies will be installed where required by the appropriate fire protection and prevention agency.

10.4.3 Roads and Access

A) ***Minimum Access Requirements***
Legal, practical, and physical access must be provided to all parcels or lots created as part of a land division. Access will be by one (1) of the following means:

1) Frontage abutting a publicly maintained or approved private road (see Chapter 9) for a distance of at least 25 feet; or

2) Frontage abutting a Bureau of Land Management (BLM) or U. S. Forest Service (USFS) road for a distance of at least 25 feet, provided the applicant, or his authorized representative, provides a copy of written approval for a long-term road access use permit in conformance with the BLM or USFS requirements; or

3) A recorded exclusive easement no less than 14 feet in width that connects to a publicly maintained road or approved private road for

driveway access. A prescriptive easement is not considered suitable access for division purposes; or

4) The construction of road improvements required for access to newly created lots or parcels may be deferred provided a deed declaration is recorded providing that no development permits will be issued for the new lots or parcels until the road improvements are completed.

B) ***Improvements***
Access will be developed in accordance with the applicable standards of Section 9.5, and Chapter 1024 of the *Jackson County Codified Ordinance*. On or off-site improvements that are found by the Director to be necessary and appropriate to meet increased traffic demands anticipated as a result of the proposed division may be required.

C) ***Private Roads***
Approved private roads are ~~low-volume roads designed to serve primarily residential needs. A private road~~ privately maintained and provides ~~s~~ common access to no more than 12 lots or parcels. See Section 9.5.

D) ***Driveways***
A driveway as described by an exclusive easement may be used to provide access to a single lot or parcel when it is unfeasible to provide frontage on a publicly maintained road or approved private road.

E) ***Bicycle Access***
Bicycle traffic facilities, in accordance with the standards in Section 9.5.5 will be required for divisions when necessary to provide for intra urban or inter urban bicycle transportation, or when a bicycle route or way is proposed within the *May, 1996 Jackson County Bicycle Master Plan.*

F) ***Sidewalks***
Sidewalks, in accordance with the standards in Section 9.5.6 will be required when a proposed division is within an urban growth boundary or urban unincorporated community. In addition, sidewalks are required outside these areas when any one of the following findings is made:

1) The subject property is located within one-quarter (¼) mile of a school, shopping center, recreation area, or other use likely to induce pedestrian traffic; or

2) The surrounding area has been developed with sidewalks ~~or~~ and is zoned for urban residential, commercial, or industrial uses.

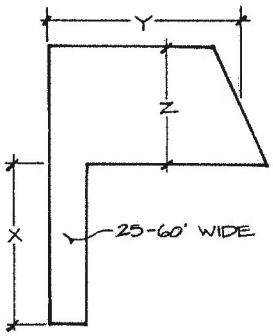
10.4.4 Panhandle or Flag Lots
The use of panhandle or flag lots as a means of providing vehicular access to parcels or lots within a division is subject to the following requirements: *(Amended by Ordinance 2004-12, effective 2-6-2005)*

A) The length of the flagpole may not exceed 2.5 times the average lot width, or twice the depth of the lot, whichever dimension is the lesser;

B) The flagpole must maintain a minimum width of 25 feet, but will not exceed 60 feet in width;

C) The finished grade of the flagpole must conform to the emergency access standards of Section 9.5.4;

D) The flagpole may not cross a live stream, ravine, irrigation ditch, or similar topographic feature unless an adequate structure or fill and culvert to carry residential traffic, according to standards established by the County exists or will be provided as a condition of approval of lot or parcel creation;



X = FLAGPOLE LENGTH
Y = LOT WIDTH (AVERAGE)
Z = LOT DEPTH

X < 2.5(Y) OR 2(Z) WHICHEVER IS LESS

E) No more than one (1) parcel or lot is permitted to the rear of another parcel or lot that fronts on a public or County approved private road. Both parcels or lots must meet the access, lot area, and width requirements of this Ordinance;

F) In urban growth boundaries and urban unincorporated communities, where the affected parcel or lot is zoned for the creation of parcels of less than one (1) acre, the driveway strip located within the flagpole must be paved to a minimum of 11 feet. Landscape areas a minimum of five (5) feet in width must be provided on both sides of the driveway prior to approval of the final plat;

G) Access to the rear lot or parcel will be by way of the flagpole portion of that lot or parcel, as recorded. No re-division or property line adjustment will be allowed that would alter the status of the flagpole strip for driveway use unless other access, meeting all the requirements of County ordinances, is provided;

H) Adjoining flag lot divisions are not allowed. Where a flag lot is preexisting, the adjoining lot or parcel may not be divided into a flag lot shape such that any new and existing flagpole strips abut; and

I) A parcel or lot may not be provided with more than one (1) flagpole in anticipation of future land divisions.

10.5 DEDICATION REQUIREMENTS

The County, in acting on any application for a division, may require dedication of improvements, lands, or rights-of-way for public purposes, subject to the requirements and conditions of this Ordinance, and state and federal law.

10.5.1 Dedication of Land for Public Use

Approval of a division 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, streets, sidewalks, walkways, bikeways, utilities, parks and recreation areas, and open space.

A) ***Parks and Recreation Areas***

1) Areas reserved or dedicated for parks and recreation areas will be of suitable size, dimension, topography, accessibility, and general character for the intended purpose.

2) All applications involving proposed parks or recreation areas will be submitted to Jackson County Roads and Parks Services for review and recommendation.

3) 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 benefitted.

B) ***Open Space***

1) Open space may be reserved or dedicated for public use or common use of persons residing in the subdivision or partition.

2) Areas set aside for the purpose of preserving or restoring them to a pristine condition may not be improved. Regular maintenance such as wildland fire prevention and riparian habitat restoration, are not improvements under this Section.

3) The principles of ownership, maintenance, and improvement set forth for parks and recreation areas in subsection (A) above, apply to lands reserved as passive open space.

10.5.2 Procedural Requirements

A) 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, then the County will require that those portions of the division be either dedicated for public uses as provided in this Section 10.5 or reserved for public acquisition for a period not to exceed six (6) months from the date of the County's 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.

B) Where the Jackson County Board of Commissioners deems it necessary, (e.g., lands located within the Bear Creek Greenway identified on the official Bear Creek Greenway Maps) the County may require the dedication of lands for public purposes.

C) Acquisitions of land by a public agency for public purposes may be exempted by the Director from partitioning requirements when the Director finds that the acquisition does not result in the creation of additional parcels in private ownership and that the project for which the acquisition is intended is expressly approved within the Comprehensive Plan or the Land Development Ordinance. The portion acquired for public use will be subject

to a restrictive deed declaration to which the County is a party, restricting the property to its stated use. The residual parcel, not dedicated to public use, must meet all previously met standards of this Ordinance, except the residual parcel may be nonconforming as to parcel area. (See also Section 6.3.5(C).)

D) All lands or rights-of-way proposed for dedication by the applicant or required by the County will be offered for dedication for public use at the time the final plat is filed. Such areas will be clearly shown on the final plat as dedicated for public or common use purposes.

E) No document or instrument dedicating land or an easement to public use will be accepted for recordation unless such document or instrument is accepted by the Board of County Commissioners. A title report must accompany the final map or plat describing ownership of the lands affected by the dedication. Lands or rights-of-way dedicated to the public may only be accepted by the Board of County Commissioners. The County will not accept an offer of dedication for a road unless clear title without encumbrances is established in the title report.

F) Final deeds for acquisition of land for public purposes will be based upon accurate surveys and monuments filed with the County Surveyor and accepted by the Board of County Commissioners.

10.6 IMPROVEMENT GUARANTEES AND BONDING REQUIREMENTS

10.6.1 Completion of Improvements

A) ***Final Plat Approval Without Bonding***

1) Improvements that are required as a condition of the tentative map approval, or are otherwise proposed as part of the land division application, must be completed prior to: (**a**) approval of a final plat; (**b**) issuance of structural permits on the lots or parcels created by the land division; or (**c**) further division using any roads to be created as part of the land division.

2) Where the County is not empowered to inspect and approve public improvements, written certification of the acceptance by the appropriate agency will be submitted to the County.

B) ***Final Plat Approval With Bonding Agreement***

As an alternative to subsection (A) above, the Department may issue building permits if a bonding agreement, developed in accordance with Section 10.6.2 below, has been executed. The agreement must specify the time period in which the improvements will be made and final date for their completion, describe the items to be completed, and stipulate the minimum dollar amount of the bond or cash deposit. No final building inspection may occur until the improvements are completed.

10.6.2 Bonding Agreement

A) No bonding agreement will be effective as an alternative to compliance with Section 10.6.1 unless and until the applicant/developer provides an assurance for a sufficient sum to cover 110 percent of all costs of included

improvements, and related County expenses. Separate bonding for delaying of subdivision monumentation will be processed through the County Surveyors office. Bonding may occur in one of three (3) forms:

1) A corporate surety bond, in a form approved by the County Legal Counsel and executed by a surety company authorized to transact business in the state of Oregon;

2) Cash; or,

3) An irrevocable letter of credit or irrevocable assignment of deposit or loan disbursement agreement from a title company, bank or savings and loan association in a form approved by County Legal Counsel.

B) The bonding agreement must 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.

C) The bonding agreement will remain in force and effect at all times, until completion of all improvements and acceptance by ~~the~~ Roads and Parks Services ~~Director~~ or other administrative official of the applicable agency. Upon completion of independent segments of the construction, portions of the assurance will be released by ~~the~~ Roads and Parks Services ~~Director~~, provided that the resultant assurance is adequate to complete the remaining improvements and such is so certified by ~~the~~ Roads and Parks Services ~~Director~~. Whenever a failure to perform under said agreement has not been satisfactorily rectified by the applicant/developer or his/her surety, within 30 days after notice to the surety at the offices of its authorized representative, the County at its option, may thereafter, without further notice, declare said bond or cash forfeited and cause all required construction or repair to be done.

D) If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the remainder will be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the developer will be liable to the County for the difference.

E) Any bond or cash deposited for the purpose of assuring installation of survey monuments is subject to the provisions of ORS 92.065. No bond will be released or cash deposit returned unless and until the required survey monuments have been installed in accordance with this Ordinance and this fact has been referenced on the recorded final plat in the County Surveyors office. All monuments on the exterior boundary of a subdivision must be set prior to offering the final plat for recording.

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CHAPTER 11. NONCONFORMITIES

11.1 GENERAL

11.1.1 Purpose

This Chapter governs permanent and temporary uses, structures, and signs that came into being lawfully, but do not conform to one or more requirements of this Ordinance.

11.1.2 Nonconformities Regulated

The regulations of this Chapter address the following types of situations, all of which are collectively referred to as "nonconformities" (see Ch 13 definition of nonconforming"):

A) ***Nonconforming Uses***

~~A use that was lawfully established but is not a listed use within the zoning district in which it is located is referred to as a "nonconforming use."~~ A use that was lawfully established before the effective date of this Ordinance but which no longer conforms to the uses or dwelling density allowed in the zoning district in which it is located, is considered nonconforming and is regulated either under Chapter 11 of this Ordinance, or Section 6.3.2(A), Manufactured Dwelling Park, where applicable.

B) ***Nonconforming Structures***

Buildings and structures, not including signs, that were lawfully established but do not comply with the dimensional and locational standards of the zoning district in which they are now located (see Table 8.2-1: "Table of Density and Dimensional Standards") are referred to as "nonconforming structures."

C) ***Nonconforming Dwellings***

A dwelling is a type of structure that may be nonconforming due to its location or use (e.g., density).

D) ***Nonconforming Lots and Parcels***

Lawfully established lots or parcels may ~~that have~~ become nonconforming as a result of changes in zoning. Generally, a lot or parcel becomes nonconforming due to size or configuration.

E) ***Nonconforming Signs***

Signs that were lawfully established but do not comply with the sign regulations of Section 9.6 are referred to as "nonconforming signs."

11.1.3 Policies

A) ***General Policy***

The County recognizes the interests of property owners in continuing to use their property. It is the general policy of the County to allow nonconformities to continue to exist and be put to productive use, while bringing as many aspects of the use or structure into conformance with this Ordinance as is reasonably practicable.

B) ***Authority to Continue***
Nonconformities will be allowed to continue in accordance with the regulations of this Chapter. Structures designed for a specific use that is not currently allowed in the zoning district may continue to house the use the structure was designed to accommodate (e.g., gas station in a residential zone).

C) ***Verification of Nonconformity Status***
The burden of establishing that a nonconformity lawfully exists will be on the owner, not the County. (See Section 11.8.)

D) ***Repairs and Maintenance***
Repairs and normal maintenance required to keep nonconformities in a safe condition will be permitted, provided that no alteration will be allowed unless specifically permitted by this Chapter or required by law. *(See ORS 215.130 (5))*

E) ***Change of Tenancy or Ownership***
Changes of ownership, tenancy, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation will continue to be subject to the standards of this Chapter.

11.2 NONCONFORMING USES

All nonconforming uses will be subject to the following standards:

11.2.1 Alterations

An alteration of a nonconforming use may include a change in the use that may or may not require a change in any structure or physical improvements associated with it. An application for an alteration of a nonconforming use must show either that the use has nonconforming status, as provided in Section 11.8, or that the County previously issued a determination of nonconforming status for the use and the use was not subsequently discontinued as provided in Section 11.2.2. A nonconforming use, once modified to a conforming or less intensive nonconforming use, may not thereafter be changed back to any less conforming use.

A) ***Change in Use***
Applications to change a nonconforming use to a conforming use are processed in accordance with the applicable provisions of the zoning district. (See Chapter 6.) Applications to change a nonconforming use to another, no more intensive nonconforming use are processed as a Type 2 review. The application must show that the proposed new use will have no greater adverse impact on the surrounding neighborhood.

B) ***Expansion or Enlargement***

1) A nonconforming use, other than a single-family dwelling (see Section 11.4), aggregate, mining, or rural industrial use operation (see subsection (C) below), may not be expanded or enlarged except as provided under (2) below. For purposes of this Section, to "expand" or "enlarge" means:

a) To replace a structure, in which a nonconforming use is located, with a larger structure;

b) To alter the use in a way that results in more traffic, employees, or physical enlargement of an existing structure housing a nonconforming use; or

c) An increase in the amount of property being used by the nonconforming use.

2) Limited expansion of a nonconforming use may be approved, through a Type 3 review, provided such expansion includes improvements to the existing use to a degree that the existing use, including the proposed expansion, complies with or is more in conformance with the development standards of Chapter 9, and will have no greater adverse impacts on the surrounding neighborhood.

C) ***Expansion of Nonconforming Aggregate and Mining Operations***

In all zoning districts except AR, any expanded use of property for aggregate removal, mining or quarry operations, or the processing of materials is subject to all of the provisions of this Ordinance, including the aggregate mining standards of Sections 4.2.8, 4.4.8, and 6.3.4(A). Aggregate and mining operations in the AR District are subject solely to the standards in Section 4.4. ~~See also Section 6.3.4(A).~~ For purposes of this Section, an "expanded use" means:

1) Additional facilities or equipment not previously used at the site (except for replacement equipment); or

2) The commencement of methods or procedures of processing such as crushing or blasting not previously performed on-site; or

3) Any extension of the operation to land not owned, leased, or under license on the effective date of this Ordinance; or

4) Expanded or new operations within the 100-year floodplain and/or floodway.

D) ***Expansion of Nonconforming Rural Industrial Operations***

Lawfully established nonconforming industrial operations may only be expanded or enlarged through a minor zoning map amendment to Rural Limited Industrial (RLI). (See Section 3.7.3(C))

E) ***Relocation***

No nonconforming use may be moved in whole or in part to any other portion of the lot or parcel on which it is located unless such reconfiguration will have no greater adverse impact on the surrounding neighborhood. A nonconforming use may not be relocated to another lot or parcel, unless the use will be in conformance with the use regulations of the zoning district into which it is moved.

11.2.2 Discontinuance

A) ***General Rule***

If a nonconforming use, other than a use specified in this Section, or a single family dwelling as provided in Section 11.4.1(B), is discontinued for a period of more than two (2) years, the subsequent use of the lot or parcel will conform to the regulations and provisions of this Ordinance applicable

to that lot or parcel. An application for a determination that a nonconforming use that has been temporarily discontinued may continue to operate is subject to a Type 2 review, and a finding that the use has not been discontinued for more than two (2) years. A cessation of use that is the result of government action, court order, or land use code violation not related to the nonconforming use is not considered a discontinuance for purposes of this Section.

B) ***Exemption for Surface Mining Uses***
A nonconforming surface mining use continued under this Chapter will not be deemed to be interrupted or discontinued 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.

3) 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. *[See ORS 215.130(7)(b)]*

11.2.3 Accessory Uses
No use that is accessory to a principal nonconforming use will continue after the principal use ceases to exist.

11.2.4 Signs
The Director may authorize on-premise signs for a nonconforming use pursuant to Section 9.6.4. Any new signage is limited to the number, location, and size provided for in the zoning district in which the use is located, as set forth in Section 9.6.

11.3 NONCONFORMING STRUCTURES
Structures may be nonconforming because they do not comply with the locational or dimensional requirements of this Ordinance, or because their intended use and purpose is not consistent with the zoning district in which they are located. Such structures are considered to be nonconforming by design. Nonconforming structures are subject to the following standards:

11.3.1 Alterations to Structures
Nonconforming structures may be altered in conformance with the development standards of this Ordinance. Any alteration to a nonconforming structure that proposes reconstruction not in compliance with the standards of this Ordinance, requires a Type 2 review to ensure no greater adverse impact to the surrounding neighborhood.

A) ***Enlargement or Modification***
A nonconforming structure may be remodeled, replaced, or enlarged, or otherwise altered, provided such work is in compliance with health and safety requirements of this Ordinance and other applicable law. Proposed enlargements or modifications of a nonconforming structure that do not

comply with applicable standards of this Ordinance may be allowed under a Type 2 review when the structure would be rendered no more nonconforming and the applicant demonstrates that there will be no greater adverse impact to the surrounding neighborhood.

B) ***Relocation***
Nonconforming structures may be moved when the relocation will cause the structure to be more in compliance with applicable standards.

11.3.2 Damage or Destruction
If a nonconforming structure is damaged by fire, other casualty, or natural disaster, the structure may be repaired or reconstructed to its original square footage without compliance with the provisions of this Ordinance when such work commences under an approved permit within one (1) year of the damage. If, for any reason, permitted repair work is not completed and the permit expires, repair or reconstruction of a damaged nonconforming structure thereafter is subject to the requirements of Section 11.3.1.

11.4 NONCONFORMING DWELLINGS

11.4.1 Exemption for Single Family Dwellings
Notwithstanding any other provisions of this Chapter, a single family dwelling that is nonconforming due to its location or use (e.g., density) may be replaced, remodeled or relocated subject to the following:

~~A)~~ ~~A single family dwelling that is nonconforming due to the zoning district in which it is located may be replaced. Any modification of the building footprint or height of the original structure must comply with all applicable dimensional and locational standards of the zone in which it is located.~~

~~B)~~A) A lawfully established single-family dwelling may be re-established after a period of interrupted use for up to four (4) years without further compliance with the requirements of this Ordinance, provided however, that access, floodplain, health, sanitation, and applicable fire safety requirements are met. In cases where a nonconforming dwelling replacement was authorized until a date certain in writing by the County prior to adoption of this Ordinance, the time period specified by the County remains valid.

11.5 NONCONFORMING LOTS AND PARCELS
Lots or parcels created in compliance with Sections: 1.7.4 (Lawfully Established [Preexisting] Nonconformities Under Prior Ordinance); 1.7.5 (Preexisting Uses and Lots); 6.3.2 (Manufactured Dwelling Park Conversion); 6.3.5 (Transportation Uses, Transportation Improvements); 8.9 (Parcel Area Reductions); 10.2 (Land Division Applicability and Jurisdiction); or 10.5 (Dedication Requirements) are lawfully created and entitled to the development rights associated with any other lot or parcel created in accordance with this Ordinance, unless otherwise stipulated in the division approval.

Lots or parcels may become nonconforming as a result of changes in zoning, but nonconforming lots and parcels may not be created through approval of a development review, except as allowed under Sections 8.9 or 10.5 of this Ordinance. The configuration of a nonconforming lot or parcel may be altered pursuant to the property line adjustment provisions of Section 3.4, and is not a division of land except as specified by OAR 660-033-

0020(4) and 660-006-0005(4). Divisions of nonconforming lots or parcels may occur in certain zoning districts, subject to the provisions of Section 8.9 or 10.5.

11.6 NONCONFORMING SIGNS

11.6.1 Change of Copy; Repairs

Change of copy or the substitution of panels or faces on nonconforming permanent signs will be permitted. Repairs and maintenance of nonconforming permanent signs, such as repainting and electrical repairs, is permitted. Nonconforming temporary signs that have fallen into disrepair or become a nuisance must be removed upon notification from the County.

11.6.2 Discontinuance

Any nonconforming sign that is removed for a period of one (1) year or more may not be replaced except in full compliance with the standards of Section 9.6. Any nonconforming sign that pertains to a business or institution that ceases operation for a period of 180 days or more may not be reused for sign purposes until it is brought into full compliance with the sign regulations of Section 9.6.

11.7 NONCONFORMITIES CREATED BY PUBLIC ACTION

When lot area or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose, the remaining area of the lot or parcel is deemed to be in compliance with the minimum lot size and setback standards of this Ordinance. Parcels which could be divided under the existing zoning district shall not be prohibited from such division if the parcel size falls below the minimum requirements due to dedication of right-of-way for improvement to a public road. See Sections 6.3.5 and 10.5.2

11.8 VERIFICATION OF NONCONFORMING STATUS

11.8.1 Process

Owners of nonconforming uses, structures, or signs may request a "verification of lawful nonconforming status" by filing an application with the Director in accordance with Type 2 decision-making procedures. In cases of nonconforming lots or parcels, determinations regarding lawful lot creation may be made in accordance with the provisions of Section 10.2.1. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

A) The application must be accompanied by documentation that establishes the approximate date that the use, structure, or sign was established; proof that the use, structure, or sign was lawfully established at the time it became nonconforming; and proof that the use has not been discontinued or abandoned, except as provided in Section 11.8.2 below. The Director may require or provide additional information if deemed necessary to permit an accurate determination.

B) Notwithstanding subsection (A) above, the applicant will not be required to prove the existence, continuity, nature, and extent of the use for more than a consecutive 10-year period immediately preceding the date of application. Documentation showing the use existed and was continued during this time period creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of application. *[ORS 215.130]*

C) Once issued, a County provided verification will be recorded in the County deed records by the applicant. Such verifications will run with the land, and their status will not be affected by changes of tenancy, ownership, or management.

11.8.2 Exemptions

Notwithstanding Section 11.8.1 above, where the contention for nonconforming use is raised in a court in any action brought to enforce this Ordinance before an application for determination has been filed under this Section, this Section will not be applicable and the court will have jurisdiction to determine the issue.

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CHAPTER 12. THE WHITE CITY URBAN UNINCORPORATED COMMUNITY

12.1 APPLICABILITY

The regulations contained in this Chapter apply solely to land and uses located in the White City Urban Unincorporated Community as designated on the official Comprehensive Plan and Zoning Maps of Jackson County. The lands so regulated are referred to as "White City" throughout the remainder of this Chapter. When any conflict exists between the development standards or criteria of this Chapter and any other part of this Ordinance, the standards and criteria of this Chapter will govern development approvals granted within White City. In all other cases, the general development standards and criteria of this Ordinance are applicable within White City.

12.2 ADMINISTRATION

12.2.1 Permitting Authority

Except as otherwise provided in this Ordinance, authority to issue all land use permits and approvals required under this Chapter is vested in the County.

12.2.2 Building Permit

No permit will be issued by the Building Official to construct, move or relocate a building or structure until the County has first issued all required approval(s) under this Section. Such approvals may contain conditions that must be met prior to occupancy of the structure. The date of final building inspection fixes the date on which the failure to perform the condition or duty becomes a violation of the approval. On and after that date the breach may be remedied by any or all of the following at the County's option: forfeiture of the security or other exercise of rights under a deferred performance agreement; withholding future development permits; issuance of a citation for violation, or filing a lawsuit to enjoin the continuing violation.

12.2.3 Encroachment Permit

Any street tree, shrub, privately owned fence or wall may be placed in a public right-of-way upon issuance of a County permit to occupy the area. Any such permit requires approval from the Director of Roads and Parks Services or his designee prior to issuance of an Encroachment Permit. Any application to install a fence, free standing wall or other structure within or along a street right-of-way must include a scaled plot plan signed by the property owner. The plot plan must accurately represent the location of the proposed structure with reference to the affected street right-of-way.

12.12.4 Transportation Connectivity

The acknowledged White City Transportation System Plan (TSP) establishes goals and policies that require connection of transportation facilities in the White City community (See Policies 4.1.2-A, B and C). Where street connections cannot be made, accessways are necessary unless they would not improve circulation for pedestrians and cyclists. All land use decisions must comply with the goals and policies of the White City TSP. These goals and policies:

A) Prohibit development that conflicts with and/or could increase the cost of construction or improvement to higher order street connections and non-motorized paths identified in the TSP.

B) Encourage development of a grid-type street pattern in White City, east of Highway 62, by: 1) prohibiting dead-end street configurations, such as cul-de-sacs, unless it is the only feasible development alternative available; 2) allowing partial-street improvements in instances where interim local circulation will be adequate to serve the development; and 3) establishing both maximum and minimum block lengths in the LDO (See Section 10.4.1(C));

C) Require commercial, institutional, and multi-family developments east of Highway 62 to provide internal bicycle and pedestrian circulation that connects with bicycle/pedestrian facilities outside the development.

12.3 WHITE CITY COMPREHENSIVE PLAN AND ZONING MAP (SPECIAL NOTATIONS)

A special Zoning Map, the *White City Zoning Map* (WCZM), which applies to lands located within the White City Urban Unincorporated Community Boundary (WCUUCB), is adopted as part of this Ordinance. The WCZM is based on the White City Plan Map (WCPM) adopted as part of the Comprehensive Plan. The WCZM contains zoning districts unique to White City as well as special numbered notations that apply to specific parcels or areas within the White City UUCB. The numbered notations on the WCZM correspond to the numbered regulations described below:

12.3.1 Neighborhood Commercial Uses in Numbered WCUR-8 and WCUR-30 Zoning Districts

Within this area, any Type ~~1~~ 2 use that is listed within a Neighborhood Commercial (NC) zoning district may be allowed, subject to the following standards:

A) The site is at least two (2) acres in size and is planned as an integrated project that combines attached residential dwellings and neighborhood commercial uses. The project site may include land on either side of existing or planned streets. The number of dwellings allowed will be based on the total parcel area of the development minus any area proposed to be dedicated to commercial use. When parking facilities will be shared by commercial and residential users, the entire parking area may be included in the calculation of maximum dwelling unit potential on the parcel.

B) The neighborhood commercial uses will be located adjacent to a collector or arterial street, as designated in the White City Transportation System Plan.

C) The neighborhood commercial use(s) will occupy no greater than 3,000 leasable square feet of internal floor space per building. A maximum of 8,000 square feet of leasable floor space may be developed per parcel.

~~D) The proposed neighborhood commercial use(s) is permitted outright in the NC zone. Type 2 and 3 uses in the NC zone are not permitted in any WCUR zone under this subsection, unless also allowed in the WCUR zone.~~

~~E) The purpose of a small neighborhood commercial center is to conveniently provide basic commodities for residential neighborhoods and to provide a mix of commercial and residential uses that are within easy walking or short driving distance of residential neighborhoods and~~

~~alternative transportation systems. Because of their pedestrian orientation, drive-through's and uses that rely solely on auto trips are prohibited. [OAR 660-012-0060(5)(a)]~~

~~F~~ D) For areas noted on the White City Zoning Map as "Potential Commercial Uses" (Map Notation #1), a minimum of one (1) block distance must be maintained from any K-12 schools existing on January 1, 2004.

12.3.2 Direct Access Restricted on Collector and Arterial Streets

Existing lots and parcels developed with one (1) or more dwellings may not increase the number of existing direct access points onto collector and/or arterial streets as designated on the White City Transportation System Plan at the time of land division unless unique circumstances exist that would preclude shared access. Shared access may be approved using either existing or relocated access points. The provision of access to existing vacant parcels, or those created by land division, will be developed in accordance with following priority scheme:

A) ***First Priority - Existing Public Street***
Access from an existing publicly owned local street that intersects the collector or arterial street.

B) ***Second Priority - New Public Street***
Access from a new public local street that will intersect a collector or arterial street and that is intended to serve proposed or future development on both sides of its intersection with the collector or arterial street. The new public street must comply with the intersection spacing standards in Section 12.8.1.

C) ***Third Priority - Shared Private Street***
Access from a shared private street or driveway that serves two (2) or more lots.

D) ***Last Priority - Individual Driveway***
Access from a private driveway that serves a single lot or parcel. Unless precluded by existing development or parcel size, shape or configuration, all driveways within this area will provide for vehicles to enter the street in a forward movement.

12.3.3 Antelope Road Right-of-Way

Except for areas regulated under ASC 82-1 (Whetstone Industrial Park), new buildings and required parking that front on the segment of Antelope Road west of Crater Lake Highway 62 to its intersection with Kirtland Road, and Kirtland Road from that intersection west to the White City Urban Unincorporated Community Boundary, will observe a setback of 73 feet measured from the centerline of the existing right-of-way.

12.4 RESIDENTIAL DENSITY AND USES

12.4.1 Density Calculation

Density and dimensional standards are subject to Sections 8.1 through 8.3, except as otherwise indicated in Table 12.4-1 below. Minimum gross densities are established for White City Urban Residential zones to ensure efficient use

of urbanizable land. While maximum gross density establishes the upper limit of dwelling unit density by zoning district, maximum density in no way entitles a property owner to a certain number of lots per acre. Public utility/facility provision, safety considerations, parcel configuration and environmental constraints are all factors that may prevent a parcel from being developed at the maximum gross density allowed under the zoning district.

TABLE 12.4-1

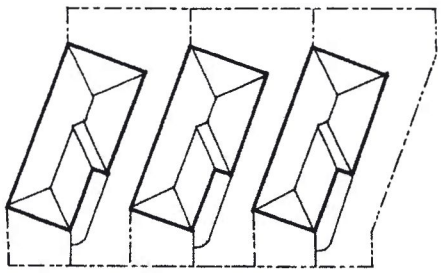
Zoning Districts	Minimum SF Attached Lot Size	Minimum SF Detached Lot Size	Minimum Residential Density (Units Per Acre)	Maximum Residential Density (Units Per Acre)
WCUR-4	Not Applicable	8,000 Sq. Ft.	2 dwellings per acre	4 dwellings per acre
WCUR-6	3,500 Sq. Ft.	6,000 Sq. Ft.	3 dwellings per acre	6 dwellings per acre
WCUR-8	3,000 Sq. Ft.	5,000 Sq. Ft.	4 dwellings per acre	8 dwellings per acre
WCUR-10	3,000 Sq. Ft.	4,000 Sq. Ft.	6 dwellings per acre	10 dwellings per acre
WCUR-30	2,000 Sq. Ft.	3,000 Sq. Ft.	8 dwellings per acre	30 dwellings per acre

A) ***Dwelling Types***

Except for mobile homes regulated under Section 12.5.6, dwellings in the WCUR-30, WCUR-10, WCUR-8 and WCUR-6 zoning districts may be either attached or detached housing of any type or design, provided that the project density is, or can be, within the range established in the above table.

B) ***Zero-Lot Line Dwellings***

Zero lot line dwellings are detached houses that have a side yard setback of zero on one side. They are permitted to allow development on smaller (i.e., narrower) lots, while still providing usable outdoor living area. Zero-lot line dwellings are subject to the same standards as detached single family dwellings, except that the following provisions also apply:



1) When a zero-lot line dwelling shares a side property line with a non-zero lot line development, the zero-lot line building shall be set back from the common property line by a minimum of five (5) feet. A minimum of 10 feet between structures must be maintained under all circumstances;

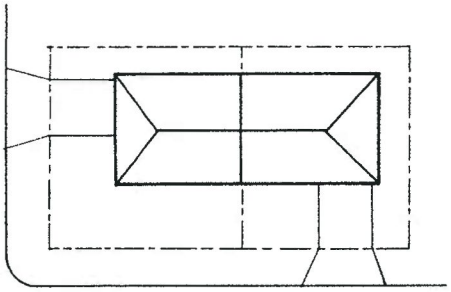
2) Prior to building permit approval, the applicant must submit a copy of a recorded five (5)-foot wide easement for every zero-lot line house that guarantees rights for construction and maintenance purposes of structures and yards. The easement must stipulate

that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and,

3) The placement and/or design of windows on the ground-floor of the zero-lot line house shall support privacy for the occupants of the abutting lot. For example, the privacy standard may be met by placing ground-floor windows along zero setback property lines above sight-lines with direct views into adjacent yards; by using frosted or opaque windows; or by other effective means.

4) Lots created for zero lot line development may be reduced in width a maximum of 10 feet from the required width for the zone district in which the property is located.

C) ***Single Family Attached Dwellings***



Single family attached dwellings are attached houses that share a common wall along a side property line. The common wall portion of such structures approved under this Section is not subject to the normal side yard setback requirements otherwise provided by this Ordinance. Projects of two (2) or more single family attached dwellings in separate ownership may be developed in the WCUR-30, WCUR-10, WCUR-8 and WCUR-6 zoning districts subject to compliance with the density requirements of this Section and all of the following standards:

1) A land division is approved subject to the standards of Sections 3.3 and 10.3;

2) No recorded deed declarations, conditions, restrictions, or plat provisions prevent the land division;

3) No new residential lot created will be less than 3,000 square feet in size or less than 25 feet wide, except in the WCUR-30 zoning district. New attached unit lots created in the WCUR-30 zoning district may not be less than 2,000 square feet and 20 feet in width;

4) Building envelopes and common walls separating dwelling units that will be located on lot lines are shown on the tentative plan and final plat; and

5) All structural setbacks from lot lines required by this Ordinance, except for side yard setbacks where lot lines are traversed by common walls, must be met. A minimum of ten feet between unattached structures must be maintained under all circumstances.

D) ***Platting to Achieve Minimum Densities***

When a property owner or developer wishes to divide a residential parcel or tract in order to develop it in phases, only the initial phase must be platted and developed to the minimum density standards of this Chapter. A future development plan for the residual property area must however be provided with the request for preliminary partition or subdivision approval of the first phase. The future development plan must demonstrate that the residual property area could feasibly be developed in accordance with the access and land division requirements of this Ordinance. The residual parcel area must be reserved and not be developed or improved until a land division or development plan has been approved by the County. A deed declaration to this effect must be recorded against the residual parcel or tract prior to development of the initial phase.

E) ***New Mobile Home/Manufactured Dwelling Parks***

Notwithstanding any other provision in this Ordinance, new mobile home/manufactured dwelling parks are permitted only in the WCUR-10 zoning district as Type 3 uses. The standards in JCLDO Section 6.3.2 and Oregon law regulate other aspects of new mobile home/manufactured dwelling park design and development.

F) ***Accessory Dwelling Units***

Accessory dwelling units consist of independent living quarters separate from the principal single-family dwelling on the lot. Accessory dwelling units are allowed on lots or parcels zoned WCUR-4, WCUR-6 or WCUR-8, subject to the following standards:

1) *Where Permitted on Lot*

A permitted accessory dwelling unit may be attached to or detached from the principal dwelling, but must comply with all applicable site and building design, access, and other standards for principal dwellings in the zoning district in which the accessory unit will be located. No increase in side and rear yard areas or setbacks are required to place an accessory unit on the second story of a dwelling or garage. The placement and/or design of windows on detached accessory dwellings will support privacy for abutting properties. Privacy is maintained by orienting windows away from sight lines with direct views into adjacent yards or by using frosted or opaque windows. Manufactured dwellings, recreational vehicles, and travel trailers may not be used as accessory dwelling units.

2) *Size of Accessory Unit*

No accessory dwelling unit will exceed 50 percent of the size of the habitable floor area of the principal dwelling unit. In no event will an accessory dwelling unit exceed 800 square feet. An accessory dwelling unit may contain separate sanitary facilities with hot and cold running water, cooking, and food storage facilities.

3) *Density Calculations*

Accessory dwelling units are exempt from any applicable residential density requirements.

4) *Minimum Lot Size*
Accessory dwelling units are prohibited on parcels less than 6,000 square feet in size.

5) *Limit on Number*
No more than one (1) accessory dwelling unit on a lot in addition to the principal single-family dwelling is permitted.

6) *Off-Street Parking*
When the property does not front on a street developed to an urban County road standard or when the street is parking restricted, at least one (1) off-street parking space must be provided in addition to the parking requirement for the primary dwelling.

7) *Home Occupation/Home Business*
No more than one (1) home occupation is permitted on any parcel that contains an accessory dwelling unit. A home business is prohibited on parcels that contain an accessory dwelling unit.

G) ***Supplemental Setback Provisions***

1) *Special Setbacks From Resource Zoned Lands, Exemption*
Residential development in White City is exempt from the requirements of Section 8.5.3(F)

2) *Front Yard Setbacks, Reductions Allowed*
Front yard setbacks may be reduced to 15 feet for the first story of dwelling units incorporating special attributes that promote a pedestrian friendly environment and a sense of connection to the neighborhood, provided no portion of the dwelling encroaches into a dedicated public utility easement. At least three (3) of the following design features must be provided along the street facing side of each residence to permit a reduced front yard setback under this Section: (**a**) Dormers; (**b**) Gables; (**c**) Recessed entries; (**d**) Covered entries/porches; (**e**) Cupolas; (**f**) Pillars or Posts; (**g**) Bay window (min. 12" projection); (**h**) Eaves (min. 1 foot projection); or, (**i**) Off-sets in building face or roof (min. 16") *(Amended by Ordinance 2004-12, effective 2-6-2005)*

3) Front yard setback reductions under subsection (G)(2) above, may only be allowed for front porch or living area facades of the primary residential building. In no event may garages, either attached or detached, or accessory structures be located less than twenty (20) feet from the sidewalk, where present, or street right-of-way line.

H) ***Public Uses in White City Urban Residential Zones***
As used in this Section, Urban Residential Zones are the WCUR-4, WCUR-6, WCUR-8, WCUR-10 and WCUR-30 zoning districts. Notwithstanding any other provision of this Ordinance, the following are Type 1 uses subject to Site Development Plan Review pursuant to Section 3.2 when proposed on a site smaller than 20 acres: parks/public/quasi-public uses, including public school bus storage yards

and structures, but not including other equipment storage, maintenance or repair yards, warehouses, or other related activities (see Table 6.2-1). On sites over 20 acres in size, parks/public/quasi-public uses may be approved in accordance with Table 6.2-1.

12.5 RELOCATED HOUSING

12.5.1 Purpose

The purpose of this Section is to set standards for the relocation of dwelling units to White City. This Section does not apply to new prefabricated or modular homes, or to manufactured dwellings if such homes bear the seal of the United States Department of Housing and Urban Development or the Uniform Building Code seal (i.e., were constructed after June 15, 1976).

12.5.2 Application Required

Relocation of dwellings to or within White City is subject to Type 1 review. An application to relocate housing to White City under this Section will be made on forms provided by the Department and may be incorporated into any building permit review otherwise required by law. Building permits to relocate a dwelling may not be issued until land use approval is granted.

12.5.3 Relocated Dwelling Storage Permit

A permit may be issued in accordance with the standards set forth in this Section for the temporary storage of conventionally built dwellings, but not including temporary storage of mobile home units that are being relocated from one parcel to another. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

A) ***Standards***

The stored dwelling will comply with the following standards:

1) Storage permits may be issued only on property zoned General Industrial (GI) within the WCUUCB.

2) The dwelling may not be stored on the property to which it is permanently being relocated.

3) The dwelling will not be occupied while being stored.

4) There will be no electrical, plumbing, or sewer connections to the stored dwelling.

5) All setback standards of the district will be met.

6) The dwelling will not be located in a flood hazard area.

B) ***Duration; Not Renewable***

No individual dwelling may be stored on a parcel longer than six (6) months. While more than one (1) dwelling may be stored on a parcel at any given time, individual dwelling storage permits are not renewable.

12.5.4 Expiration of Application Approval; Requirements After Relocation

Any application approved under this Section expires 90 days after approval unless within that time:

A) All conditions imposed by the County in approving an application to relocate housing to White City have been completed to the satisfaction of the County, or adequate security for compliance has been posted pursuant to Section 10.6.2;

B) The dwelling has been moved to the site specified in the application and placed on a permanent foundation that complies with the standards for moved buildings in the Uniform Building Code; and

C) The dwelling has been connected to public utilities, including water and sewer facilities, consistent with the requirements of law for new construction on the site.

At the applicant's request, the Department may authorize a time extension prior to expiration of a relocation approval granted under this Section upon demonstration by the applicant that all of the above conditions cannot be met within the 90-day permit period.

12.5.5 Approval Criteria

The County will approve, or approve with conditions, an application under this Section if it finds that the dwelling conforms, or can be made to conform through the imposition of conditions, with the following criteria:

A) The dwelling will have exterior siding and roofing which in material, finish and appearance are similar to the exterior siding and roofing material used on dwellings within the community.

B) The dwelling will include a minimum of two (2) design features, as listed in Section 12.4.1(G)(2) along its street facing side.

C) The dwelling can be connected to all public water and sewer facilities consistent with the requirements of law for new construction on the site to receive the relocated dwelling, and said connection can occur within 90 days of the date the application is approved.

12.5.6 Conditions of Approval

When conditioning the approval of an application, the County will specify which conditions must be completed before the dwelling can be relocated. In addition, other conditions may be required before the dwelling is connected to utilities or occupied.

12.5.7 Restricted Housing

Any mobile home located to White City must meet the construction requirements of the Oregon mobile home law in effect at the time of its original construction or manufacture. No mobile home manufactured between January 1, 1962 and June 15, 1976 is allowed outside a manufactured dwelling park in White City. In addition, residential use of travel trailers and recreational vehicles for more than 30 days per year is prohibited outside of lawful preexisting manufactured dwelling parks.

12.6 SPECIAL APPROVAL REQUIREMENTS RELATED TO THE JACKSON COUNTY SPORTS PARK

All land planned and zoned for residential use within White City is subject to JCLDO Section 7.1.1(L) ASC 2003-2.

12.7 SPECIAL USES IN WHITE CITY INDUSTRIAL ZONES

12.7.1 Development Standards

Additional uses that are permitted only in White City industrial zones are described in this Section.

A) Housing that will be relocated to a permanent residential site may be stored for up to six (6) months on land zoned General Industrial within the WCUUCB. Relocated housing storage permits may not be extended past the first six (6) month time period, nor may subsequent storage permits be issued for the same dwelling.

B) Any use listed within a Neighborhood Commercial (NC) zoning district may be allowed in the General Industrial or Light Industrial zones in White City, subject to a Site Development Plan Review pursuant to Section 3.2 and the following standards:

1) Total parcel area devoted to commercial use(s) will not exceed two (2) acres.

2) Commercial use(s) will be located at the intersection of an Industrial Collector or higher order street and any other existing or planned public street.

3) Commercial use(s), which may be part of an integrated industrial use, will occupy no more than 4,000 gross leasable square feet of internal floor space.

4) Vehicular access to the commercial development will be from the lowest order street abutting the site. If both streets are functionally identical, access will be discretionarily determined during Site Development Plan Review.

5) The neighborhood commercial use will not be located within one (1) block of an existing or planned K-12 school.

6) A maximum of five (5) neighborhood commercial sites may be approved within the area zoned General Industrial (GI). Each neighborhood commercial approval will be sequentially numbered and noted in the affected parcel's Building Division central files and the County's geographic information system (GIS).

12.8 STREET INTERSECTIONS, DESIGN AND CONNECTIVITY

12.8.1 Street Standards

Where practical, the creation of streets and development of property in White City will facilitate the connection of existing and future streets shown in the

White City Transportation System Plan. In all cases, local street connectivity will be emphasized in development review to preserve the capacity of the higher order street network. In approving new streets, whether alone or in conjunction with the development of abutting land, the County will employ the methods established herein to ensure that streets connect with one another to form an efficient transportation network serving White City. The creation of streets in White City will comply with the following standards:

A) ***200 Foot Separation Between Intersections***
All new streets that take access from a collector or arterial street will observe a 200-foot minimum spacing distance between arterial or collector intersections. The 200-foot standard applies to existing and planned street intersections. Intersection distances between local streets that do not take access from collector or arterial streets are not subject to the requirements of this section. The minimum spacing distance will be measured from the street center lines.

B) ***Cul-de-sac Streets***
Cul-de-sac streets will not be approved except where the provisions of law, physical or environmental barriers make the extension of a street infeasible. For example, a cul-de-sac street may be approved when it is the only feasible alternative to a through street, including stubbing a street to adjacent property.

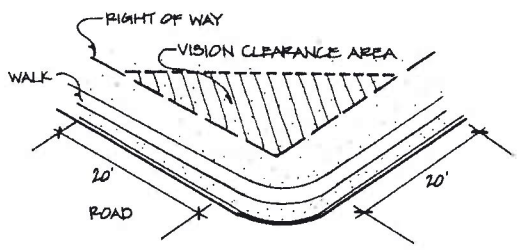
C) ***Cul-de-sac Street Length***
Where permitted, cul-de-sac streets will be as short as possible and terminate in a turnaround of suitable size and design as may be approved by the Roads and Parks Department and the Fire District, where applicable. Except for cul-de-sac streets located between Avenue "A" and Lake of the Woods Highway 140, which may be up to 600 feet in length, a cul-de-sac street will be no greater than 200 feet long. The length of a cul-de-sac will be measured along its centerline, beginning at the center point of the turnaround to the centerline of the intersecting street with which the cul-de-sac street intersects. Cul-de-sac streets may not intersect each other.

D) ***Partial Street Improvement***
When a street intended for public ownership is to be created but its right-of-way is not wholly within the development parcel, the developer may construct a partial-street if it is practical to require dedication of the other part when the adjoining property is developed. No partial-street improvement will be permitted on a street that has no alternate outlet unless a safe temporary or permanent vehicle turnaround is provided. A partial-street improvement requires dedication of 28 feet plus adequate width to accommodate storm drainage and improvement of the street to its centerline plus an additional eight (8) feet of improved street beyond the centerline. See Jackson County Roads Standard Drawings. When a partial-street improvement is approved, development on the abutting parcel(s) where the other part of the street will be located will be required to dedicate right-of-way and construct the remaining portion of the public road right-of-way when development is approved on the property. The County may require a control strip be conveyed in accordance with Section 9.5.1.

E) ***Transit Stops***
Following formal consultation with the Rogue Valley Transportation District (RVTD) as part of a pending land use application, the County may require a transit stop and such improvements as may be necessary for the District's convenience and safe operation.

F) ***Conformance with Existing Divisions and Public Rights-of-Way***
Streets will be laid out so as to conform to the plats of subdivisions already approved or the alignment of existing or planned street rights-of-way as to width, general direction, functionality, and in all other respects, unless the County determines it is in the public interest to modify the street pattern.

G) ***Vision Clearance for Intersections***
No structure, fence, wall, hedge, sign, or other visual obstruction will be created or allowed to grow, be placed, or maintained between the heights of three (3) and 10 feet above the street level within 20 feet of the intersection of the rights-of-way lines of two (2) streets, or of a street and a railroad property line. The County may order the removal or modification of sight obstructions that conflict with this Section.



H) ***Bicycle and Pedestrian Access***
Bicycle and Pedestrian accessways shall be provided for connectivity to serve any designated bicycle and/or pedestrian path connection. A designated connection is any route shown in the White City Transportation connectivity Plan Map, the Comprehensive Bicycle Plan for Jackson County, or the Jackson County Transportation System Plan. Also, in areas where a designated bicycle and/or pedestrian path designation is identified, accessways that can reasonably be expected to provide beneficial bicycle/pedestrian connectivity shall be provided. Creation of an accessway shall not be used as justification to reduce or eliminate street connectivity requirements. Relaxation of the bike path construction standards in Section 9.5.5 may occur if a favorable recommendation is obtained from Jackson County Roads.

I) ***Private Streets***
Within the White City Urban Unincorporated Community Boundary, private streets and roads will be allowed only under the following circumstances:

1) As described in Section 12.3.2; and

2) As part of an approved Planned Unit Development; and

3) When substantial evidence has been submitted demonstrating that all public street options have been explored and that; (a) the proposed private street will not preclude future inter or intra block street connectivity consistent with intersection spacing standards, and (b) no reasonable alternative exists.

J) ***Through Access***
Subdivisions developed with public streets must demonstrate that two (2) public access points can be achieved either through the proposed development or through future development of adjacent parcels. This requirement may be waived if substantial evidence is provided demonstrating that adjacent development, public improvements and/or environmental constraints exist that would prevent connection of public streets.

K) ***Minimize Access Points***
When a property has frontage on two (2) or more roadways, street or driveway access must be from the roadway with the lower functional classification. More than one (1) access may be granted if it can be determined that it will not negatively affect the safety and efficiency if the roadway and that the additional access(es) are reasonably necessary for circulation.

12.9 PUBLIC FACILITIES

12.9.1 Connection to Public Sewer and Water Lines Required

Adequate public sewer and water service facilities must be provided in conjunction with all new land divisions and commercial, industrial or institutional site plans within White City in order for the proposal to be approved. Authority to issue sewer, water and storm drainage connection permits is vested in the public entity owning the facility.

All new, relocated, and replacement buildings that require plumbing must be connected to public sewer and public water facilities when:

A) The public sewer and/or public water facilities have remaining capacity to accommodate the additional development, as determined by the public entity owning said facilities; and

B) Public sewer and/or public water facilities exist within 300 lineal feet from the parcel or lot on which the development is proposed. If the public facilities are greater than 300 feet from the subject parcel or lot, the property owner shall record a deed declaration that causes the owner and successors in interest to connect to future public water and sewer facilities as they become available.

12.9.2 Street Lighting

Street lighting must be provided as part of all commercial and residential development within the White City Urban Unincorporated Community Boundary (WCUUCB). In addition, street lighting will be required for all industrial development within the White City UUCB that consists of more than 10 acres, includes a complex of more than 10 industrial lots or sites, or results in an increase of more than 1000 vehicle trips per day. All required street lighting

must be in conformance with the White City Street Lighting Standards as found in the Users Guide.

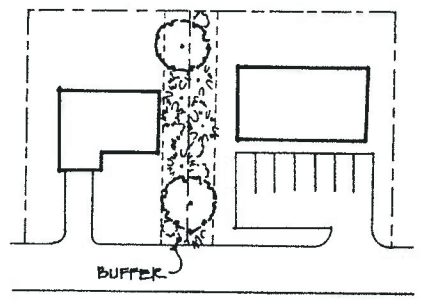
12.9.3 Oregon Fire Code Requirements

Upon written recommendation by the Fire District, development within the White City Urban Unincorporated Community Boundary (WCUUCB) may be required to comply with applicable requirements of the Oregon Fire Code, Appendix D, as found in the User's Guide. Application of Oregon Fire Code development standards will supercede County road standards when the Oregon Fire Code is more restrictive than County standards.

12.10 LAND USE BUFFERING AND SCREENING

12.10.1 Purpose and Implementation

This Section is applicable within White City to all Site Development Plan reviews and in any situation where: a commercial or industrial zoning district abuts a residential district; a commercial district abuts an industrial district; or when a White City Urban Residential (WCUR) District abuts a White City Urban High Density Residential (WCUR-30) District. This Section is also applicable in situations where Neighborhood Commercial uses are developed within the WCUR-8, WCUR-30 and GI zoning districts pursuant to Sections 12.3.1 and 12.7, respectively. Where a dedicated street separates dissimilar zoning districts, the provisions of this Section do not apply. In no case are buffer yards required along street frontages subject to Section 12.12 or in situations where installation of a buffer yard would disturb a protected wetland or riparian area.



Required buffer yards are generally located in the side or rear yard setbacks around the perimeter of a parcel, but may also be required in other locations when necessary to separate potentially incompatible uses or to provide perimeter landscaping around parking lots and other vehicular use areas. Buffering and screening on property is the responsibility of the developing property owner.

A) ***Encroachments Into Buffer Yards***

The buffer yard is intended to provide a minimum amount of space for required plants to grow, for aesthetic separation between uses, and for development of on-site storm water runoff facilities. Therefore, this area must be reserved exclusively for such uses. Other than permitted curb cuts, encroachment of parking and maneuvering areas, sidewalks, patios, other impervious surfaces or structures (other than required fences or walls) are prohibited in buffer yards.

B) ***Buffer Yard Credits***

Existing qualifying plant materials within the buffer yard area may be counted toward the buffer yard requirement. Bioswales incorporated into on-site drainage designs may be located in any landscaped area and will be counted toward compliance with the standards of this Section.

Existing walls, fences, and hedges that conform with the standards of this Section may be used to satisfy screening requirements.

C) ***Timing for Buffer Improvements***
Perimeter walls and fencing required by this Section must be installed before issuance of final plat approval for a subdivision or land partition. For all other development, walls, fencing and landscaping required by this Section must be installed before final inspection and occupancy of any building. Required landscaping for the division of land within a White City Urban Residential (WCUR) zone may be deferred in accordance with Section 12.13.

12.10.2 Buffer Yard Standards

Minimum requirements for buffer yards appear in the Table below. When a buffer yard is required as part of a nondiscretionary permit review, the specified type and number of plants must be used. An alternate planting scheme may be approved through a discretionary review. A list of recommended plant materials for landscape use is included in the User's Guide.

TABLE 12.10-1: BUFFER YARD STANDARDS

BUFFER YARD TYPE	MINIMUM WIDTH	Must Include the Following Plants Per 100 Linear Feet or Equivalent Square Feet of Buffer Yard
A*	10 Feet***	3 Canopy Trees, 2 Conifer or Understory Trees, 20 Shrubs with Fence or Wall.
B**	6 Feet***	2 Canopy Trees, 1 Conifer or Understory Tree with Fence, Wall or Hedge.

* Buffer yard type (A) is required between residential and commercial uses or industrial uses, and between commercial and industrial uses. Buffer yard type (A) is also to be used to buffer neighborhood commercial uses approved within the WCUR-30 or GI zones from abutting properties.

** Buffer yard type (B) is required between the WCUR-30 zone and other residential zones

*** Sidewalks may be located within the landscaped area when adjacent to buildings, provided the area dedicated to landscaping is not reduced below four (4) feet.

A) ***Standard Planting Scheme***
When the number of plants required is determined based on linear feet, distances above or below 100 feet will be prorated with the resulting numbers of plants rounded so that one-half (½) or more is deemed to require a full plant. When the number of plants is determined based on square feet of landscape area, the total area of the site devoted to buffer yards will be used to determine the amount of plants required, rounded so that one-half (½) or more is deemed to require a full plant.

B) ***Alternate Planting Scheme***
The plant types and number used in the buffer yard may be adjusted when an alternate design is prepared by a Landscape Architect registered in the State of Oregon, and the Planning Director finds that the alternate design will provide a buffer between existing and/or anticipated uses comparable to the standard planting scheme. The total number of plants may not be reduced by more than 25 percent.

For both the standard and alternative planting schemes, the plants will generally be evenly spaced so as to provide a continuous buffer throughout all seasons, unless otherwise specified on an approved landscape plan. Adjustments may be made where necessary to avoid underground utilities, overhead wires or unique site conditions that would result in inappropriate or impractical design if the standards of this Section were strictly applied.

Any part of a required buffer yard may be located on an adjoining property, provided it is planted with a proportionate share of the required plants and a buffer yard easement is recorded by the adjacent property owner. The easement must allow for the installation and perpetual maintenance of the buffer yard and restrict use of the area to only the buffer yard.

12.10.3 Adjustments to Buffer Yards

Buffer yard requirements may be adjusted through an Type 1 review when unusual circumstances exist and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of adjoining properties. Adjustments may not be made simply for the convenience of site design. Circumstances that may warrant an adjustment to the buffer yard requirements include, but are not limited to, the following:

A) Where a building wall with no openings below eight (8) feet abuts the buffer yard, the building wall may be counted in place of a required wall or fence.

B) Where there is existing development on the site that will remain after proposed development, such as paving or a building, which affects or precludes implementation of the buffer yard standard.

C) Where a proposed project abuts existing development that has already installed a buffer yard such that additional buffering is not necessary and the uses are not expected to change significantly over time.

D) Where a project abuts an irrigation canal, natural waterway, wetland, railroad right-of-way, or other such element.

12.11 FENCES, WALLS AND HEDGES

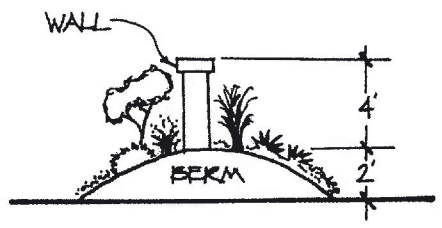
12.11.1 Standards

Fencing, where required, will typically be located on the side of the buffer yard nearest the less intensive use (e.g., single-family residential) while a wall, where required, will typically be located on the more intensive (e.g., industrial) side of the buffer yard. In either case, the Planning Director may authorize its location anywhere within the buffer yard. The following standards apply to fences, walls and hedges that are part of a required buffer yard or street frontage landscape strip. Sight-obscuring fences and walls in these areas may not exceed six (6) feet in height. On all other portions of a lot or parcel, fences or free-standing walls may be erected up to eight (8) feet in height, provided that required building permits are obtained. The standards of this Section may be modified as part of a Type 2-4 approval.

A) When located within a front yard setback area abutting a street, fences,

walls and hedges may not exceed three and one-half (3½) feet in height. In the case of corner lots, side yard fences, walls and hedges along a street may not exceed three and one-half (3½) feet in height for the first 40 linear feet as measured from the point of intersection with the front property line.

B) When located in a rear yard setback area abutting a street, fences, walls and hedges may not exceed six (6) feet in height.



C) A required concrete or masonry wall may be replaced, foot-for-foot of height, by an earth berm (e.g., six (6) foot wall replaced by a two (2) foot berm with four (4) foot wall on top). Earth berms may have a maximum side slope of up to 2:1 and must be stabilized with live vegetation.

D) Retaining walls protecting a cut or fill, and located on a property line, may be topped by a fence, wall or hedge of the same height as would be permitted if no retaining wall existed, and said height will be measured from the top of the retained ground surface where it meets the retaining wall.

E) The height of fences, walls and hedges is measured from the sidewalk grade. When no sidewalk is present, height is measured from the natural grade adjacent to the fence, wall or hedge. All fences, walls and hedges must be maintained in a safe and serviceable condition and be constructed of a material and design that is compatible with adjacent uses.

12.12 STREET FRONTAGE LANDSCAPING

12.12.1 Landscaping Required

The following minimum landscaping requirements apply at the time of development along all collector and arterial street frontages within White City. Unless required as part of an approved Site Development Plan Review, street trees are not required along street frontages within General Industrial (GI) zones. In addition, Section 12.12.2 contains street tree landscaping standards applicable to single-family residential development taking access off local residential streets in White City. The following table specifies the type and number of plants required along collector and arterial street frontages to assure adequate buffering of uses from noise, dust and odors associated with traffic, and to visually enhance street corridors in the urbanizing area.

TABLE 12.12-1: STREET FRONTAGE LANDSCAPING STANDARDS			
PROPOSED USE TYPE	MINIMUM PLANTING AREA WIDTH	No. of Plants Required Per 100 Feet of Street Frontage* (*Excluding Driveway Frontage*)	
	FEET	TREES	SHRUBS
MULTI-FAMILY/ GROUP HOMES/OFFICE	10	4	20
RETAIL COMMERCIAL/ PUBLIC/QUASI-PUBLIC	10	3	15
LIGHT INDUSTRIAL	10	2	10

*In areas where a municipal or community water system provides irrigation water, mowed and irrigated lawn within the required front yard area may be substituted for a maximum of 50% of the required shrubs on a percentage basis (i.e., 25% lawn replaces 25% of required shrubs, 50% or more lawn replaces 50% of required shrubs).

A) For residential developments subject to this section adjacent to arterial streets where dwellings will not face the arterial street, a street frontage landscape plan must be submitted showing at least a six (6) foot vertical separation feature along the arterial street in order to buffer the lots from traffic. The separation feature must include a fence, wall or berm for at least half (½) the required height, and either a fence, wall, berm, or landscaping to complete the required total height. The separation feature must create a solid visual screen. Any fence or wall must be engineered to be plumb. The separation feature will be reduced in height when required to meet front or side yard, or vision clearance area restrictions. (See Section 12.8.1(G).)

B) For all other street frontages not subject to subsection A), above, the number of plants required for distances above or below 100 feet must be prorated with the resulting numbers of plants rounded so that one-half (½) or more requires a full plant. All required planting must be located in the yard area within 10 feet of the street, unless otherwise approved. Existing plant materials that meet the requirements of this Ordinance may be counted as contributing to the total landscaping required by this Section. All state highway frontages are treated the same as other street frontages.

C) When any parking lot is to be located adjacent to a public right-of-way and any existing or planned sidewalk will be located in the right-of-way, the applicant may choose to provide a three (3) foot high brick, stone or finished concrete wall along the right-of-way boundary in lieu of required street frontage shrubs. When a sidewalk exists or is planned, no wall may encroach into any area dedicated for sidewalk use.

12.12.2 Street Trees

Nothing in this Section will be construed to prohibit, limit or require the selection, planting, removal or maintenance of any tree on private property unless it is a street tree required by this Ordinance or as a condition of development approval. With the exception of normal maintenance activities, street trees should be included as part of the project cost when public or private streets are planned, constructed, or improved. The street tree requirements of this

subsection may be waived when the County finds that water necessary for the survival of street trees is neither accessible nor available.

A) ***Street Trees Required***
Street trees in accordance with this Section will be planted and maintained along all local streets used for primary access to residential parcels, whether such streets are public or private. Street trees are required:

1) As a condition of approval for any residential subdivision or land partition;

2) As a condition for the issuance of a building permit for the construction of a dwelling, or placement or replacement of a manufactured dwelling;

3) As a condition of approval to relocate housing to White City under Section 12.5; or

4) To replace existing trees removed per Section 12.12.2(F).

B) ***Location and Spacing of Street Trees***
Street trees will be required on lots or parcels where necessary to maintain the following standards:

1) One (1) street tree will be required for every 30 feet of frontage, with a minimum of one (1) tree per street frontage. An exact 30-foot frontage distance between street trees is not necessary; anywhere on the subject parcel or its frontage within 10 feet of the exact interval position will be deemed to comply.

2) No tree will be planted closer than 20 feet from the intersection of street right-of-way lines in accordance with vision clearance standards.

3) Street trees may be planted within the street right-of-way or public utility easement adjoining such right-of-way subject to the following conditions:

a) When a planter strip is incorporated in residential street design, trees will be planted within planter strips a minimum of six (6) feet in width midway between the curb and sidewalk.
b) Where no curbs and sidewalks exist, trees will be planted no more than two (2) feet from the edge of the right-of-way, provided that the tree will not be planted within a planned sidewalk.
c) Any authorization or permit required to plant a street tree within either a public right-of-way or a public utility easement is obtained in writing from the authority having jurisdiction prior to planting.
d) When sidewalks are provided, but no planter strip is

required, street trees must be planted within 15 feet of the public right-of-way.

4) Where street trees are planted in the public utility easement, a root barrier or other method for ensuring th integrity of utility lines must be provided.

5) A street tree planting plan must be submitted as part of all subdivision and site development applications, which shows the location and spacing of street trees throughout the development.

C) ***Timing for Installing Street Trees***
Street trees conforming with this Section will be planted prior to final inspections by the County for all development.

1) *Land Divisions*
For land divisions, street trees will normally be planted at the time of street construction or the construction of improvements required by tentative plan approval. However, the planting of street trees may be deferred for new lots created under this Ordinance which are within a White City Urban Residential (WCUR) zone. Such deferral will be only until dwellings are constructed upon individual lots, at which time street trees conforming with this Section will be planted.

2) *Street Construction or Improvement*
Street trees required under this Section will be planted within six (6) months following the completion of work on each segment of roadway which requires the planting of street trees.

D) ***Security to Guarantee Deferred Street Tree Installation***
Planting street trees may be deferred when the developer enters into an agreement with the County and posts security to ensure compliance as specified under Section 12.13 below.

E) ***Street Tree Maintenance***
The care and maintenance of street trees is a continuing responsibility of the owners of land upon which the street tree is planted, or if planted within a street right-of-way, the owner of the property abutting that portion of the right-of-way upon which the tree(s) is planted. Proper care and maintenance involves periodic irrigation and pruning as necessary to maintain the tree(s) in a healthy condition.

F) ***Removal, Topping or Severe Pruning of Street Trees Prohibited***
Except as provided below, no required street tree may be removed, topped or severely pruned without the prior written approval of Jackson County Roads and Parks Services. Severe pruning is defined as severing the trunk, or cutting back the trunk or a limb larger than three (3) inches in diameter to a stub. Jackson County Roads and Parks Services may grant approval to remove, top or severely prune a street tree when the action is required by law or for one or more of the following purposes:

1) To remove trees, limbs or roots which are dead.

2) To remove trees, limbs or roots which have been severely damaged by storms or other causes or which otherwise pose a danger to the public health, safety or general welfare.

3) To alter the shape of trees located under utility wires or other obstructions where other pruning practices are impractical.

4) To accommodate a new street or improvements to an existing street.

5) To remove nuisance trees (e.g., trees bearing objectionable fruit, nuts or thorns).

If a required street tree or any tree is within the public street right-of-way, the County, by reason of its authority to control and maintain the public right-of-way, may remove the tree or any part of it at any time, for any reason deemed by the County to be in the public interest. Prior to removing a tree in the public street right-of-way, the County shall, 20 days before removal, mail advance notice to the owner of the abutting frontage as shown in the County Assessment records. The notice requirement of this Section does not apply in cases where any tree poses an immediate threat to public safety.

G) ***Replacement of Street Trees After Removal***
When a required street tree is removed by a property owner, the tree will be replaced with a new tree conforming with this Section within 30 days. Whenever a required street tree is removed from within the public right-of-way by the County, the County will in like manner replace it from such unexpended funds as may be budgeted for that purpose, if there is sufficient space remaining in the right-of-way or, otherwise, if the abutting owner consents to relocation on his abutting property.

12.12.3 General Landscape Standards
All development that is subject to the landscaping requirements of this Chapter must comply with the following standards within required landscape areas.

A) All landscape areas must include sufficient lawn, shrubs and/or living groundcover to spread over approximately 85 percent of the total landscaped area within eight (8) years. Tree canopies may be counted toward the coverage figure when appropriate groundcover is incorporated into the landscape design under the canopy. The tree planting standards of this Section do not apply to areas dedicated to bioswales on an approved landscape plan, provided the bioswales are planted with appropriate living groundcover that will spread over 95 percent of the bioswale area within five (5) years. The County will determine if a proposal complies with this standard.

B) The following minimum plant sizes apply, at the time of planting, to all landscaping required by this Ordinance:

1) Large deciduous tree stocks must be at least one (1) inch in diameter (caliper) at four (4) feet above the grade.

2) Understory and ornamental tree stocks (e.g., Dogwood, Japanese Maples, Redbud) must be between four (4) and six (6) feet in height.

3) Evergreen and conifer trees must be between five (5) and six (6) feet in height.

4) Shrubs must be at least one (1) gallon size. Five (5) gallon size is encouraged, especially when slow growing species are used.

5) Groundcover plants must be a minimum of four (4) inch pots and spaced appropriately for the species.

C) All landscaping required for multi-family and non-residential development must have irrigation systems installed unless otherwise exempted by the Planning Director. Bioswales integrated as part of a combined on-site drainage and landscape plan that are planted entirely with native or other drought tolerant grasses and forbes are exempted from this requirement.

D) All planter areas must be covered with a minimum of three (3) inches of unsettled bark mulch or similar pervious nonliving material. No more than 25 percent of landscaped areas may be mulched with rock, pumice, or other inorganic groundcover.

E) All landscaped areas and plants must be kept free of noxious weeds and be maintained in good health by the property owner(s) and may not be reduced in area or number. The property owner, or tenant if the applicant, is responsible for contacting the Planning Division to request an inspection to verify compliance with the approved landscape plan and survival of planted materials after the first year of operation. The inspection will be conducted during the growing season.

F) If the development is a public works project, all landscape plans must be prepared and stamped by a landscape architect registered with the State of Oregon *(ORS 671.412)*.

12.12.4 Xeriscape Requirements

All development that is subject to the requirements of this Chapter that cannot obtain required landscape irrigation water from a municipal or community water system must incorporate the following measures in any landscape plan submitted for County review.

A) ***Limited Turf Areas***

The total amount of lawn (i.e., turf) may not exceed 25 percent of the total landscaped area. In addition, lawns should be separated from trees, flower beds and other groundcover that do not have similar water needs as lawn/turf. Lawns may not be planted in strips less than five (5) feet wide due to the difficulty in controlling irrigation over spray and resulting water waste in such areas.

B) ***Efficient Irrigation***
In order to reduce the amount of water required to maintain established vegetation, automatic or drip irrigation systems designed to supply adequate water to each planted area are required. If an automatic system is used, all watering must be done between sundown and sunrise to minimize evaporation.

C) ***Use of Drought Tolerant Plants***
Only drought tolerant native and non-invasive exotic species may be used in xeriscape plantings. A list of plants recommended for their drought tolerance and fire resistance is included in the User's Guide. Other drought tolerant plants recommended by a licensed landscape architect may also be allowed.

D) ***Alternative Groundcover***
Whenever possible, mulched planting beds and native plant communities should be used to meet landscape requirements. Beds may be mulched with any suitable organic or inorganic groundcover, provided that no more than 25 percent of the total landscaped area is mulched with inorganic material. Preservation and re-establishment of native plant communities as part of landscape designs is encouraged.

E) ***Soil Improvements and Maintenance***
Property owners must keep planted areas free of debris and continue to add mulch, mow lawns, maintain planting beds and prune trees on a seasonal basis. When preexisting native plant communities are incorporated into the landscape design, noxious weeds and exotic plant species must be eliminated annually from those areas.

12.13 DEFERMENT OF IMPROVEMENTS/SECURITY TO ENSURE COMPLIANCE
If the County allows an improvement required as part of a development approval to be deferred, the applicant, and all owners of the subject parcel, will be required to sign an agreement to assure compliance with the development standards of this Ordinance and conditions of approval within the time prescribed in the agreement. Performance will be secured by collateral as provided in this Section. The agreement will be approved by County Counsel prior to execution, and will be accompanied by cash, a certified check, surety bond or other security acceptable to the County to cover 110 percent of the estimated cost of the improvements. The security may be released incrementally as the improvements are completed to the satisfaction of the County. (See Chapter 10)

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CHAPTER 13. DEFINITIONS

13.1 GENERAL PROVISIONS

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

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

13.1.1 Rules of Interpretation

A) ***Multiple Definitions***

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

B) ***Conflicting Definitions***

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

C) ***Interpreting Words, Terms, and Phrases***

When a word, term or phrase is not defined, or where multiple definitions may apply to a situation, the ~~Planning~~ Director is authorized to interpret or define such words, terms, and phrases. When such an interpretation involves discretion in resolving apparent definitional conflicts, the interpretation will be made in accordance with Section 3.9 . In making any interpretation or definition, the ~~Planning~~ Director may consult

secondary sources related to the planning profession, such as *A Survey of Zoning Definitions - Planning Advisory Service Report Number 421*, edited by Tracy Burrows (American Planning Association Chicago, Il 1989); and *The Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University NJ 3rd edition 1987) for technical words, terms and phrases; or *Webster's Third New International Dictionary* (unabridged) (Merriam-Webster, Inc. Springfield MA 1986) as supplemented. Grammatical interpretation should be based on standardized American grammar as described in *The Gregg Reference Manual, Seventh Edition* (Glencoe/McGraw-Hill 1995).

D) ***Approval Criteria and Impacts***

Unless otherwise stated in the Jackson County Comprehensive Plan, or State or Federal law, the terms "*no adverse impact or effect*," "*no greater adverse impact*," "*compatible*," "*will not interfere*," and other similar terms contained in the approval criteria of this Ordinance are not intended to be construed to establish an absolute test of noninterference or adverse effects of any type whatsoever with adjacent uses resulting from a proposed land development or division action, nor are they construed to shift the burden of proof to the County. Such terms and phrases are intended to allow the County to consider and require mitigating measures that will minimize any potential incompatibility or adverse consequences of development in light of the purpose of the zoning district and the reasonable expectations of other people who own or use property for permitted uses in the area.

13.2 USE CLASSIFICATIONS

13.2.1 General

A) ***Purpose***

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

B) ***Applicability***

The use classifications in this Section refer to uses allowed in the general use districts set forth in Chapter 5 of this Ordinance and uses allowed in the resource districts set forth in Chapter 4. This Section is intended to be used in conjunction with the use tables appearing in Chapters 4 and 6. Where a specific definition is required for consistency with State law (e.g., golf course) the term has been appropriately referenced. In cases where State land use law or administrative rules (i.e., OAR 660) provide a specific definition or description of uses allowed in a zoning district, the statutory definitions and descriptions will be used to guide land use decision-making.

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

D) ***Developments with Multiple Principal Uses***
When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

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

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

2) *Exclusion*
Uses that are not included in the Principal Use category are described in this subsection.

13.2.2 Resource Uses

A) ***Agriculture***

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

B) ***Forestry***

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

C) ***Mineral and Aggregate***

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

2) *Exclusion*
Permanent concrete and asphalt batch plants are classified as Industrial/Manufacturing uses.

D) ***Fish and Game***

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

13.2.3 Residential Uses

A) ***Household Living***

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

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

B) ***Group Living***

1) *Characteristics; Accessory Uses*
Includes residential occupancy of a structure by a group of people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and care givers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

13.2.4 Commercial/Office Uses

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

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

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

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

C) ***Building Materials***

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

D) ***Day Care***

1) *Characteristics; Accessory Uses*
Includes uses that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Accessory uses include offices, recreation areas, and parking.

2) *Exclusion*
Day Care does not include public or private schools or facilities accessory to a principal use at which children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity by shopping, recreational or religious activities.

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

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

F) ***Financial Institutions***

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

2) *Exclusion*
Financial Institutions do not include bail bond brokers.

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

1) *Characteristics; Accessory Uses*
Includes retail sales of food and beverages for off-site preparation and consumption. Accessory uses may include offices, parking, and food preparation areas.

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

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

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

I) ***Medical Services***

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

J) ***Office***

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

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

K) ***Personal Service***

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

L) ***Recreation and Entertainment***

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

M) ***Retail Sales***

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

2) *Exclusions*

a) The sale of agricultural products and equipment is classified as "Agricultural Sales and Service."
b) The sale of animals is classified as "Animal Sales/Service."
c) The sale of food or beverages for consumption on the premises is classified as "Eating and Drinking Establishments."
d) The sale of food or beverages for consumption off premises is classified as "Food and Beverage Sales."
e) Lumber yards and other building material sales that sell to contractors as well as retail customers are classified under "Building Materials."
f) Sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as "Vehicles and Equipment."

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

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

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

O) ***Vehicles and Equipment***

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

2) *Exclusion*

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

P) ***Visitor Accommodation***

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

2) *Exclusion*

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

13.2.5 Industrial/Manufacturing Uses

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

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

B) ***Industrial Service***

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

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

C) ***Manufacturing and Production***

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

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

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

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

13.2.6 Transportation Uses

A) ***Aviation***

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

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

B) ***Public Transportation***

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

C) ***Transportation Facility***

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

D) ***Transportation Improvements***

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

13.2.7 Utility/Solid Waste Uses

A) ***Utility***

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

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

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

1) *Characteristics; Accessory Uses*
Includes uses that receive solid or liquid wastes from others for disposal on site or for transfer to another location, uses that collect

sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste-Related uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

13.2.8 Parks/Public/Quasi-Public Uses

A) ***Parks and Recreation***

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

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

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

C) ***Public Assembly***

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

D) ***Public Works***

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

E) ***Religious Assembly***

1) *Characteristics; Accessory Uses*
Includes uses that primarily provide meeting areas for religious activities (e.g., churches, temples, synagogues, and mosques). Accessory uses include parking, "Sunday school" and child care facilities and seminaries. In non-resource zones, group living

facilities such as convents and monasteries may be developed as an accessory use. *(See ORS 215.441)*

2) *Exclusion*
Private K-12 religious schools and preschool facilities are classified under "Schools" and Commercial Use, "Day care", respectively.

F) ***Safety Services***

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

G) ***Schools***

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

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

13.3 TERMS DEFINED

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

1) ABUT/ADJOIN: To lie next to or in contact with, having a common border with or to touch along a border. See CONTIGUOUS OWNERSHIP.

2) ACCESS: A legally defined area available, and practical at the time of development, for motor vehicle ingress and egress to a lot or parcel. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.

3) ACCESSORY BUILDING/STRUCTURE: A building or structure that is detached from but located on the same lot or parcel as the principal use or building, the use of which is incidental and accessory to that of the principal building, structure or use. See USE, ACCESSORY; USE, PRINCIPAL

4) ACCREDITED ASSESSOR, (SB 360): An individual certified by the Oregon Department of Forestry to: evaluate property; develop a plan to comply with the administrative rules for wildland fire suppression or prevention; complete a certification form and return it to the Oregon Department of Forestry.

5) ADJACENT: Not distant, nearby.

6) AGGREGATE AND MINERAL RESOURCES:

a) Conflicting use: A use which, if allowed, could adversely affect operations at a significant mineral and aggregate site, or could be adversely affected by extraction and processing activities at a significant mineral and aggregate site. For the purposes of this Chapter, another Goal 5 resource located on or adjacent to a mineral and aggregate resource may be considered a conflicting use if that resource could be adversely affected by surface mining activities, or force a change in mining activities at the site.

b) ESEE analysis: The analysis of Economic, Social, Environmental, and Energy (ESEE) consequences associated with conflicts between a mineral and aggregate resource and identified conflicting uses. Based on the results of the ESEE analysis, local government is expected to determine a level of protection for the resource, and implement a program to achieve the designated level of protection.

c) Extraction area: The area of identified significant mineral and aggregate reserves in which extraction and processing of the resource is permitted.

d) Goal 5 process: The steps involving the identification of resource sites, the determination of significance, the identification of conflicting uses, the analysis of ESEE consequences, the determination on the level of protection to be afforded a resource site, and the decision how to implement the protection determination.

e) Impact area: The area surrounding, and including, the extraction area in which the ESEE consequences of conflicting uses are examined, and the establishment of new conflicting uses is regulated.

f) Mining: The extraction of sand, gravel, clay, rock, or other similar mineral deposits. Mining does not include: (**1**) excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of constructing or maintaining access roads; (**2**) excavation or grading conducted in the process of farm or cemetery operations; (**3**) excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance; or, (**4**) removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the County.

g) Noise sensitive use: A conflicting use which is primarily used for habitation. All residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise sensitive uses. Forest uses and farm uses are not noise sensitive uses unless so determined based on analysis and findings adopted through the Goal 5 process.

h) Processing: The extraction, washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt and portland cement.

i) Significant Aggregate Resource: Aggregate or stone materials commonly used in construction purposes which:

(i) Meet Oregon Department of Transportation specifications for construction grade material or meet city, County, state, or federal specifications for structural fill material. Oregon Department of Transportation quality specifications for aggregate include: (**1**) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 211—loss of not more than 30% by weight); (**2**) the Oregon Air Degradation test (OSHD TM 208—loss of not more than 20% by weight); and, (**3**) the Sodium Sulfate Soundness test (OSHD TM 206—not more than 12% by weight); and,

(ii) Are located within an ownership or long-term lease containing reserves in excess of 100,000 cubic yards (this standard is not absolute; the County may consider the significance of a site based on unique circumstances even though the volume threshold may not be met); or,

(iii) Are located on property owned by, or under long-term lease to a city, county, or state jurisdiction for the primary purpose of excavating aggregate or stone materials for road maintenance and road construction.

j) Significant Mineral Resource: Metallic and non-metallic minerals, other than aggregate, commonly used in construction, that have been determined to be significant based upon an analysis and findings that the resource represents a marketable and valuable resource.

7) AGGRIEVED PARTY: Any person(s) or entity(ies) who can demonstrate that their property will be injured by a land use decision of the County; or anyone requiring notice pursuant to this Ordinance.

8) AGRICULTURE, AGRICULTURE USE: The use of the land for crop and tree farming; the raising of livestock, poultry, fur-bearing animals, or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries and greenhouses, and

the necessary uses for storing produce that is incidental to that of normal agricultural activity. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use, and disposal by marketing or otherwise. Agriculture use shall not include auction yards, slaughter houses, or rendering plants. When located outside of a commercial or industrial zone, a plant nursery or greenhouse involving wholesale or commercial sales is an agricultural use only if the products offered for sale are produced by the farm use of the property as defined by this Ordinance and ORS 215.203.

a) Agricultural Produce Stand (farm stand): A facility for the marketing of produce grown on the subject parcel or other farm operations in the local agricultural area.

b) Commercial Agricultural Enterprise: Farm operations that will contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm products. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state. *(See OAR 660-033-0020(2))*

c) Exempt Agricultural Building: A structure located on a farm outside any floodplain and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting, and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such farms for man's use and animal use and disposal by marketing or otherwise. See the *Building Code*.

d) Horse Boarding/Riding Facilities: A facility for the boarding, care, and exercise of horses and related equestrian activities including facilities for instruction in horseback riding, and horse training including rings, stables and exercise areas. Periodic horse shows, when not the primary purpose of the facility, are an incidental use.

e) Intensive Agriculture: The use of parcels or tracts to actively grow specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture or Jackson County 2001 aerials. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa.

9) AIRPORT/HELIPORT: The strip of land used for taking off and landing aircraft, together with all adjacent land and airspace used in connection with the aircraft landing or taking off from the strip of land, including but not limited to any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. *(See ORS 836.005)*

a) Aircraft: Helicopters, other rotorcraft and airplanes, but not hot air balloons or ultra-lights. *(See OAR 660-013-0020)*

b) Airport Imaginary Surfaces: Surfaces established with relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft. Buildings, structures and other obstructions are generally prohibited from extending above the imaginary surfaces. Imaginary surfaces include the primary surface, approach surface, conical surface (concern overlay), horizontal surface and transitional surface. The airspace boundaries to use are those indicated on the most recent airport Master Plan and/or the most recent Oregon Department of Aviation specifications. *(See OAR 738.070.0120 and 0130)*

c) Airspace Obstruction: Any structure, tree, land mass, smoke or steam, or use of land which penetrates the protected airspace of an airport. *(See OAR 738.070.0100, 0120, ORS 836.005)*

d) Concern overlay: The overlay affects land uses which occur within the area defined by an airport's conical surface, not including lands within the runway protection zone and approach surface, which are more strictly regulated. *(See OAR 738.070.120(1), (a), (A), (B))*

e) Runway Protection Zone (RPZ): An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The RPZ extends from each end of the primary surface for a horizontal distance of: (**1**) 1,000 feet for utility runways; (**2**) 1,700 feet for other than utility runways having non-precision instrument approaches; (**3**) 2,500 feet for precision instrument runways. The RPZ is defined on the airport's Master Plan.

f) Sponsor: The owner, manager, or other person or entity designated to represent the interests of an airport. *(See OAR 660-013-0020)*

g) Water Impoundment: Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action. *(See ORS 836.623)*

10) ALTER/ALTERATION: To make different without changing into something else. For purposes of decisions made regarding nonconformities, "alteration" means a change in use, structure, or physical improvements of no greater adverse impact to the surrounding areas. *(See ORS 215.130)* See MODIFY.

11) ALL-WEATHER SURFACE: A solid base rock of six (6)-inch shale, with crushed rock surface, or a concrete or asphalt surface

12) AMUSEMENT ESTABLISHMENT: Any amusement enterprise in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee, charge or donation. This term includes, but is not limited to, archery range, bowling alley, driving range, a miniature golf course, motorized vehicle course or race tracks, movie theater, laser tag and paint ball facilities, or pool hall. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

13) ANIMAL CLINIC/HOSPITAL, LARGE: A facility with or without outside runs for diagnosis, treatment, or hospitalization of large and exotic animals and livestock including, but not limited to cows, horses, ostrich, and llama. The use may also offer care for small animals as an incidental component of the practice, provided it does not include boarding of animals other than those being treated.

14) ANIMAL CLINIC/HOSPITAL, SMALL: A facility with or without outside runs for diagnosis, treatment, or hospitalization of small animals including, but not limited to dogs, cats, and birds. Use as a kennel is limited to short-time boarding and may be offered only as an incidental component of the hospital use.

15) APPLIANCE REPAIR/INCIDENTAL SALES: An establishment primarily engaged in the repair of household appliances, with incidental sales of new and used appliances.

16) APPLICANT: The person or entity who applies for a land use permit, including person(s) holding legal and/or equitable title to the property; their designee, successors or assigns; their authorized agent; or a condemner who has been granted immediate possession by a court of competent jurisdiction. A public agency may also be an applicant when the land use approval sought involves land or infrastructure for which the agency is responsible. The rights and responsibilities of a land use approval are jointly and severally vested in the applicant and person(s) holding legal and/or equitable title to the property and their successors or assigns.

17) AUCTION SERVICE: An indoor establishment where goods, not including livestock, are sold by auction. See STOCK AUCTION YARD.

18) BARBER/BEAUTY SHOP: A facility, licensed by the state, where hair cutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.

19) BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.

20) BATCH PLANT: An apparatus used in the mixing of asphalt or cement products, including any auxiliary apparatus used in such mixing process. Batch plants may be sited as either permanent or temporary facilities.

21) BEST MANAGEMENT PRACTICES: Conservation practices or systems incorporating management measures that: (**1**) control soil loss and reduce water-quality degradation caused by nutrients, animal waste, toxins, and sediment; (**2**) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (**3**) ensure safe use and storage of fertilizers/pesticides.

22) BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for nonmotorized traffic.

23) BICYCLE REPAIR/INCIDENTAL SALES: An establishment primarily engaged in the repair of bicycles, with incidental sales of new and used bicycles, scooters, accessories, riding gear, and the like.

24) BIKEWAY: Facilities with rights-of-way for bicycle use, with cross flows by motorists minimized.

25) BIOSWALE: A vegetative area that removes pollutants from storm water runoff as it flows through.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

26) BODY AND FENDER SHOP: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding, and major painting service. The use does not include salvage, junk, or wrecking yards.

27) BOUNDARY LINE AGREEMENT: A contractual agreement between two abutting property owners establishing a surveyable common property boundary where no recorded surveyable boundary exists.

28) BUILDABLE: A lot or parcel where a building site can be physically located to meet all minimum setback requirements for structures, wells and on-site septic disposal systems, including septic system repair areas, if required.

29) BUILDABLE LANDS: Vacant and developed land likely to be redeveloped in urban and urbanizable areas that are suitable, available and necessary for residential uses. *(See ORS 197.295)*

30) BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios. See STRUCTURE and Section 7.1.2 for alternate definition applicable to floodplain areas.

31) BUILDING ENVELOPE: The land area specified on an approved development plan within which a primary structure will be located. Or in the case of an existing primary structure, the land area within 50 feet the existing structure, unless otherwise specified on an approved development plan.

32) BUILDING FLOOR AREA: The maximum horizontal area of a building at the finished floor line(s), including any storage areas.

33) BUILDING HEIGHT: The vertical distance from the natural grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

34) BUILDING MATERIALS/LUMBERYARD: A facility for stocking and selling new or used lumber, building materials, and related hardware and supplies. Establishments which exclusively sell paint and hardware are classified as "retail sales."

35) BUSINESS OR PROFESSIONAL OFFICE: An office of a professional providing a service to the public, including but not limited to: medical or dental offices; architectural, engineering or surveying offices; certified public accountant or tax preparer's office; realty or insurance office; or, business or computer consulting office.

36) CABINET, CARPENTRY AND WOODWORK SHOP: A shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

37) CAMPGROUND: Generally, an area of land or water that provides facilities for temporary overnight use by tents, yurts, recreational vehicles, or other types of shelter suitable and intended for use in a temporary or seasonal manner. Accessory uses may include, but are not limited to, bathing and sanitation facilities, picnic shelters, play areas and structures, and other amenities or support facilities intended for the use of visitors and employees. Campgrounds in forest zones are regulated under OAR 660-006-0025 (4)(e) and (5). Campgrounds in Exclusive Farm Use zones are regulated under ORS 215.283 (2).

38) CAMPING/RECREATIONAL VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

39) CEMETERY: A place used for internment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, or a combination thereof. See MORTUARY

40) CHURCH: See RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP

41) COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: For-profit accessory uses and activities conducted for the primary purpose of maintaining a "commercial agricultural enterprise" as defined in OAR 660-033-0020. See Sections 4.2.7, 6.3.3 and 6.4.4

42) COMMERCIAL USE: The retail sale of products or services, including offices. Not including factories, warehouses, freight terminals or wholesale distribution centers. *(See OAR 660-022-0010)*

43) COMMUNITY CENTER/TOWN HALL/GRANGE: A facility owned and operated by a governmental agency or a nonprofit community organization for the purpose of public assembly, provided that no permanent for-profit commercial eating or drinking facilities open to the general public are operated on the premises.

44) COMMUNITY COMMERCIAL KITCHEN: A public facility with a kitchen approved by the State for commercial use to prepare locally grown produce for sale (e.g., canned goods, jams, jellies, etc.).

45) CONDITIONAL USE: An activity that may be suitable only in specific locations, or if the site is regulated in a particular manner. See Type 3 land use permits in Section 3.1.4.

46) CONFLICTING USE: A land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource (except as in OAR 660-023-0180, (1), (b). *(See OAR 660-023-0010)*

47) CONNECTIVITY: In transportation planning, the principal of connecting local streets to each other, collectors and arterials for purposes of increasing options available to move through an area for motorists, bicyclists and pedestrians.

48) CONSOLIDATION: The act of aggregating two (2) or more tax lots or tracts of land into one (1) or more parcels.

49) CONSTRUCTION SITE: A site on which alteration, demolition, erection fabrication, installation, or removal of any structure, facility, or addition thereto, occurs including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.

50) CONTIGUOUS OWNERSHIP: Lots or parcels in a single ownership that have a common boundary and that are connected in a manner that forms a single block of land. Lots or parcels are not contiguous in any zone if their common boundary is the Rogue River or Interstate Five (I-5). *(See OAR 660-033-0020)*

51) CONVENTION/EXHIBIT HALL: A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions.

52) COUNTRY CLUB: A for-profit organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes.

53) CREATION DATE: The recordation date of a document that creates a lot(s) or parcel(s), or the date of execution of an unrecorded land sale contract, deed or other instrument intended to create new lots or parcels. A lawfully created lot or parcel remains discrete unless the lot or parcel lines are vacated, or the lot or parcel is further divided as provided by law. *(ORS 92.017)* In addition, in resource zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract. *(See OAR 660-006-0005 & 033-0020)* See LAWFULLY CREATED PARCEL

54) CUBIC FOOT PER ACRE: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked standards the culmination of mean annual increment as reported by the USDA NRCS. Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Dept. of Forestry. *(See OAR 660-006-0005)*

55) DAY: Unless otherwise specified by this ordinance or statute, all references to days shall mean calendar days.

56) DAY CARE: A use that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care uses are regulated by ORS 657A. Accessory uses include offices, recreation areas, and parking. Day care does not include public or private schools. See also GROUP LIVING.

a) Adult day care/in-home child care: A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. A structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours. *(See ORS 410.495(3))*

b) Child care center: Any facility licensed by the state that provides child care outside the providers home either as a for-profit or non-profit operation. *(See ORS 657A.440)*

57) DECISION, FINAL: A local land use decision is final once all time frames for local appeal have expired, whether or not an appeal to LUBA or the Oregon Court of Appeals has been filed. For purposes of development permitting, the date the decision is mailed to the parties, which date is set forth in the decision, is the date of the final decision of the County. If a final land use decision is appealed and subsequently remanded to the County for reconsideration, the reconsidered local decision becomes final on the date notice of the decision is mailed to the parties.

58) DEFERRED IMPROVEMENT AGREEMENT: A written agreement recorded with the County Clerk in which the property owner agrees to make road improvements or to contribute a fair share toward road improvements at a later date. This agreement may take the form of an irrevocable consent to participate in a Local Improvement District (LID) or may be a contract between the property owners, their successors or assigns, and the County through the Board of Commissioners.

59) DENSITY: A measure of dwellings or people per specified area (e.g., dwelling units per acre). Density can be expressed in either gross or net terms, to wit:

a) Gross: The numerical value obtained by dividing the total number of dwelling units, employees, etc. in a development by the gross area of the tract or parcel of land (in acres) or gross area of a building (in square feet).

b) Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract or parcel of land (in acres) dedicated to the development, including common open space and associated recreational facilities within the area, private streets or roads, drainage-ways, and the like. Net density calculations exclude rights-of-way of publicly dedicated streets, areas that cannot be developed because of environmental constraints, and areas reserved for the exclusive use of non-residential components of a project.

60) DESTINATION RESORT: A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities, as provided for in ORS 197.445-467. *(Amended by Ord. 2004-12, eff. 2-6-2005, and Ord. 2004-14, eff. 2-13-2005)*

DETACHED LIVING SPACE: One (1) or more rooms designed for occupancy by one (1) or more persons either as a separate building or within ~~in~~ an lawfully established accessory building that is not a dwelling. ~~Such rooms~~ Structures may be plumbed, but may not contain permanent provisions that would constitute a separate dwelling unit, and must meet requirements of the most recent edition of the State of Oregon building code. See Section 6.4.4(B).

61) DEVELOPER: An individual or business that prepares land for development.

62) DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining,

dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

63) 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.

64) DEVELOPMENT PERMIT: Written authorization from the County to proceed with development through issuance of building or sanitation permits. See LAND USE PERMIT

65) DIVIDE: To separate land into two (2) or more lots or parcels for the purpose of transferring a substantial interest in land. See PARTITION LAND and SUBDIVISION.

66) DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors.

67) DRIVE-THROUGH: Service from a building to persons in vehicles or pedestrians through an outdoor service window.

68) DRIVEWAY: Practical, physical access that serves a single parcel or tract of land from: (**1**) a publicly maintained road or street; (**2**) a County approved private road; or, (**3**) a road that existed as shown on the Jackson County 2001 aerials or other competent evidence. Access to a single parcel or tract that traverses other private property may be considered a driveway when the parcel served has been granted an exclusive right of access easement, and no other parcel, including the parcel(s) the access traverses, uses it. See ROAD.

69) DWELLING: A building, combination of buildings, or portions thereof, designed or used for human occupancy ~~as a residence~~ for residential purposes. See Sections 4.2.6 and 4.3.6 for additional standards applicable to dwellings in resource zones.

a) Accessory dwelling: Accessory use to an existing single family dwelling. See Chapter 6.
b) Co-Housing: A collection of dwellings in which each dwelling unit is individually owned, but some facilities and resources are shared by all individuals and families within the co-housing community. Such development is subject to the density provisions of the zoning district.
c) Dwelling unit: A single unit containing no more than one (1) kitchen, and providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

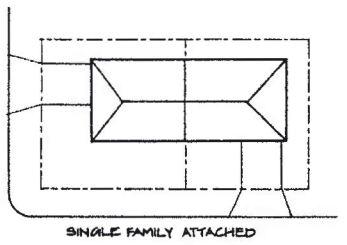
d) Multi-family: Attached housing where all dwelling units are located on the same lot or parcel. Multi-family may be owner occupied or rental housing.

e) Rectory (parsonage): A place of residence for the pastor of a church.

f) Single-family: A building, either detached or attached, designed or used for residential purposes by not more than one (1) family. A manufactured dwelling is considered a single-family dwelling.

g) Single family (attached): Common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot or parcel. *(See OAR 660-007 & 008-0005)*

h) Single family (detached): A dwelling unit that is free standing and physically separate from other dwelling units.



70) EASEMENT: The right of a person, government agency, or public utility company to use pubic or private land owned by another for a specific purpose.

71) EATING ESTABLISHMENT: A for profit business serving prepared food and non-alcoholic beverages for consumption on or off the premises.

72) ENERGY FACILITY, SMALL SCALE: Energy production facilities that are incidental and subordinate to a principal use established on a property. These systems include, but are not limited to, solar, wind, hydrologic, and biomass systems.

73) ENGINEER, (LICENSED ~~ENGINEER~~, PROFESSIONAL ~~ENGINEER~~, OR REGISTERED ~~ENGINEER~~, OR REGISTERED PROFESSIONAL ~~ENGINEER~~): A person who is registered in the State of Oregon and holds a valid certificate to practice engineering in Oregon as provided under ORS 672.002 to 672.325.

74) ENGINEERING GEOLOGIST: Any Oregon Registered Geologist who is certified in the specialty of Engineering Geology. *(See ORS 672.505 to 672.705)*

75) ENGINEERING GEOLOGY REPORT: A report prepared by an Oregon Engineering Geologist. An engineering geology report must provide a detailed description of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. An engineering geology report must be prepared in accordance with the *Guidelines for Preparing Engineering Geology Reports in Oregon* adopted by the Oregon State Board of Geologist Examiners. The engineering geology report may incorporated into or included as an appendix to the geotechnical report.

76) EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

77) EXCEPTION: A decision to exclude certain land from the requirements of one (1) or more applicable statewide planning goals in accordance with the process specified in Goal 2, Part II, Exceptions. *(See OAR 660-004-0000)*

78) EXPANSION: A change in use, structure, or physical improvements that increase impacts on the surrounding area.

79) FAIRGROUNDS OR RODEO GROUNDS: An area where a fair, circus, or exhibition is held, or a facility for public rodeo performance that may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.

80) FAMILY: An individual, two (2) or more persons related by blood, marriage, or law; or a group of not more than any five (5) unrelated persons living together in a dwelling unit; or a combination of related and unrelated persons where the total number of unrelated persons does not exceed five (5). Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or more persons related by blood, marriage, or law are a part of the family for purposes of this Ordinance.

81) FARMLAND, HIGH VALUE:

a) Land in a tract composed predominantly of soils that are:

(i) Irrigated and classified prime, unique, Class I or II; or
(ii) Not irrigated and classified prime, unique, Class I or II.

b) In addition to that land described above, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa. *(See OAR 660-033-0020(8)(a)-(b), and (f)-(h)*

82) FARM/RANCH OPERATION: All lots or parcels of land in the same ownership (contiguous or non-contiguous) that are used as a unit by the farm or ranch operator for farm uses defined in ORS 215.203. *(See OAR 660-033-0135(11)(b))*

83) FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products raised on such land for human use or animal use. Farm Use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic ~~species and~~ 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 ~~State Fish and Wildlife~~ Commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS

215.203 (3), or land described in ORS 321.267 (1)(e) or 321.415 (5). *(See ORS 215.203 (2)(a))*

84) FARM EQUIPMENT:

a) Repair: Outdoor storage areas and/or buildings primarily used in the repair or servicing of farm tools and implements.
b) Sales: Outdoor storage areas and/or buildings primarily used in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies.
c) Storage: Outdoor storage areas and/or buildings primarily used in the long-term storage of farm tools and implements.

85) FARM WORKER: See GROUP LIVING

86) FARMING PRACTICES, ACCEPTED: The mode of operation that is common to farms of a similar nature, necessary for operation of such farms to obtain gross farm income, and customarily used in conjunction with farm use.

87) FARMER'S MARKET: An open air market where the majority of items offered for retail sale are locally produced fresh agricultural products available directly to the consumer as a community activity.

88) FEED AND SEED STORE, RETAIL (no mill): Facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items.

89) FINANCIAL INSTITUTION: Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses (banks, credit unions, etc.). This classification includes those institutions engaged in the on-site circulation of cash money (e.g., check cashing centers). Automatic teller machines, offices, parking, and drive-through services are accessory uses. Does not include bail bond brokers.

90) FIREARMS TRAINING FACILITY: An outdoor or indoor facility that provides training courses and issues certifications required: for law enforcement personnel, by the State Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting and safety. Any firearms training facility in existence on September 9, 1995 is allowed to continue operating until such time as the facility is no longer used as a firearms training facility. *(See ORS 197.770)*

91) FIREWOOD, PROCESSING: Cutting, trimming, or splitting harvested timber for use as fuel. May include a temporary portable facility for processing forest products.

92) FIREWOOD, RETAIL SALES: The sale of firewood that has been cut and processed off-site.

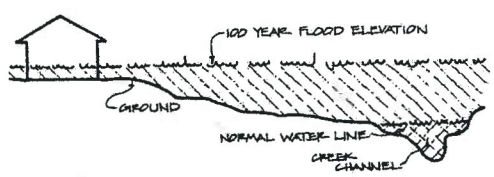
93) FISH HATCHERY/FISH CULTURE/GAME OR REFUGE MANAGEMENT: A facility for hatching eggs, breeding animals or fish, or land management activities in areas maintained primarily for the purpose of retaining/enhancing wildlife habitat.

94) FLAGPOLE: That part of a lot or parcel that is thinner than and connects the main area of the lot or parcel to a road for purposes of access. The flagpole is considered part of the total acreage of the lot or parcel. See LOT, FLAG

95) FLEA MARKET: An occasional or periodic market held inside a building or other enclosure where goods are offered for sale to the general public by individual sellers. Open air display of sample items offered for sale inside the market is an incidental use.

96) FLOOD OR FLOODING: A general temporary condition or partial or complete inundation of normally dry land areas from: (**1**) The overflow of inland waters; and/or, (**2**) The unusual and rapid accumulation of runoff of surface waters from any source.

a) Annual period of flood risk: November through March.
b) Area of shallow flooding: An area where the base flood depths range from one (1) to three (3) feet, a clearly defined channel does not exist, and the path of flooding is unpredictable and indeterminate. Such areas are designated AH or AO on the Flood Insurance Rate Map (FIRM).
c) Area of special flood hazard: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. Also referred to as 100-year floodplain
d) Bankfull stage: The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage (top of bank). *(OAR 141-085-0010(2) & 660-023-0090)*
e) Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year, i.e., the 100-year flood.
f) 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 the base flood, also known as the regulatory flood elevation.
g) Flood boundary/floodway map: An official map of certain portions of Jackson County entitled *Flood Boundary and Floodway Map* (FBFM), issued by the Federal Emergency Management Agency (FEMA).
h) Flood hazard boundary map: An official map of a community issued by the FEMA where the boundaries of the flood, mudslide (i.e. mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.
i) Flood insurance: The insurance coverage provided under the federal flood insurance program.
j) Flood insurance rate map (FIRM): An official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.
k) Flood insurance study: The official report provided by FEMA that includes flood profiles, the FBFM, and the water surface elevation of the base flood.
l) Floodplain (100-year): The land within the County subject to a one (1) percent chance of flooding in any given year, including the floodway and floodway fringe.



m) Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

n) Floodway fringe: That area of the floodplain lying outside of the floodway, but still subject to inundation by waters of a base flood.

o) Floodway (regulatory): 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 (1) foot. The sum of all areas depicted as lying within a "floodway" on the FBFM, as defined above, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in Section 7.1.2 of this Ordinance.

p) Lowest floor: The lowest floor of the lowest enclosed area (including basement). This includes any interior finishes, all floor framing, wood floor joist systems, beams, girders, or ducts, and all electrical components of an kind, including outlets or switches, all appliances, junction boxes, electrical services, heat pumps, etc. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than the basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found in Section 7.1.2.

q) Nonresidential building: A building used for commercial, industrial, or other accessory uses. A building which is not used as a dwelling.

97) FLOOR AREA RATIO (FAR): The total horizontal floor area of all buildings on a lot or parcel divided by the area of the lot or parcel.

98) FOODS/SUNDRIES, CONVENIENCE: Any retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items for the convenience of the neighborhood.

99) FOREST LABOR CAMP (temporary): An area of land that provides temporary living facilities for workers employed for forest management, forestry operations, or fire suppression purposes. Portable or pre-existing sanitation, bathing and cooking facilities may be provided in conjunction with temporary living facilities, which may include tents, yurts, recreational vehicles or other types of shelter suitable and intended for use in a temporary or seasonal manner. Forest labor camps may be used throughout the term of an operation or activity (e.g., forest fire) and must cease once the operation or activity is concluded.

100) FORESTRY OPERATIONS: The use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels.

101) GARAGE: A permanently constructed attached or detached accessory structure, designed primarily for storage of personal use motor vehicles.

102) GENERAL MERCHANDISE/CLOTHING STORE: A use devoted exclusively to the retail sale of a commodity or commodities.

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

104) GEOTECHNICAL ENGINEER: A professional Engineer registered in the State of Oregon , who by training, education, and experience, is qualified in the practice of geotechnical or soils engineering practices.

105) GEOTECHNICAL REPORT: A report prepared by an Oregon Geotechnical Engineer evaluating the site conditions and recommending design measures necessary to reduce the risks associated with development and to facilitate a safe and stable development. A geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report.

106) GIFT/ANTIQUE/SPECIALTY SHOP: An establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have a value and significance as a result of age, design, or sentiment.

107) GOLF COURSE: An area of land with highly maintained natural turf laid out for the game of golf. In an EFU zone, a golf course must include a series of nine (9) or more holes, each including a tee, a fairway, a putting green, and often one (1) or more natural or artificial hazards. *(See OAR 660-033-0130(20)*

108) GROCERY STORE: Food market, or combination food market and department store with 3,000 square feet or more of gross floor area. Establishments where a majority of the transactions are sales of prepared food for on-site or take-out consumption are classified as a commercial "eating and drinking establishment."

109) GROUNDWATER: Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of this State, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves. *(See ORS 537.515)*

110) GROUP LIVING: The residential occupancy of a structure by a group of unrelated people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. See also DAYCARE.

a) Convent/monastery: The dwellings of a religious order or congregation. New convents/monasteries must comply with the density provisions of the zoning district.
b) Farm worker housing: Residences for individuals or families participating in the harvesting of agricultural crops. *(See ORS 315.164)*

c) Nursing/convalescent home: Facility providing care, rehabilitation services, and minor treatment for more than five persons under the direction of a physician, licensed by the state. May furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanitarium.

d) Residential facility: A residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to 15 individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the facility. *(See ORS 197.660)*

e) Residential home: A residential treatment or training, or an adult foster home licensed by or under the authority of the State (ORS 443.400, to 443.825), a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. *(See ORS 197.660)*

f) Substance abuse rehabilitation: An establishment offering resident or out-patient treatment for substance abuse patients.

111) GUEST RANCH: Vacation resort offering activities that are typical of ranching and offering sleeping and eating accommodations in conjunction with existing ranching operations.

112) GUN REPAIR: An establishment primarily engaged in the repair and modification of firearms.

XXX HABITABLE: A house or a space in a lawfully established building for living, sleeping, eating or cooking, and in the case of a dwelling meets the definition of a dwelling established in Section 4.2.6(1) of the LDO.

113) HARDWARE STORE: A facility primarily engaged in the retail sale of various basic hardware items such as tools, builders' hardware, plumbing and electrical supplies, paint, glass, housewares and household appliances, garden supplies and cutlery.

114) HIGH VALUE FARM LAND (HVFL): See FARMLAND, HIGH VALUE

115) HISTORIC LANDMARK: Any historic resource, including its site or a geographic area, listed on the *Jackson County Register of Historic Landmarks*, the *National Register of Historic Places,* or as otherwise described in Section 7.1.1 (F) ASC 90-4.

a) Preservation, historic: The act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

b) Renovation/Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

c) Resource, historic: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.

116) HOME BUSINESS: The most intensive type of home occupation, which allows up to five (5) non-resident employees. See Section 6.4.4, (D).

117) HOME OCCUPATION: A limited business, accessory to a residential use, allowed in noncommercial zones. The purpose of a home occupation is to make a profit in money. See Section 6.4.4, (C).

118) HOTEL OR MOTEL: An establishment offering six (6) or more guest rooms or units on a temporary basis, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture. This term does not include Bed and Breakfast facilities as set forth in Section 6.4.4 (D)(5).

119) IMPACT, ADVERSE: A negative consequence to the physical, social, or economic environment resulting from an action or project.

120) IMPACT AREA: A geographic area within which conflicting uses could adversely affect a significant Goal 5 resource. *(See OAR 660-023-0010)*

121) INDUSTRIAL PARK: A planned, coordinated development on a tract or parcel of land with two (2) or more separate industrial buildings, which are designed, constructed, and managed on an integrated and coordinated basis. Special attention is given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space in permitting industrial parks.

122) INDUSTRIAL SERVICE, HIGH IMPACT: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

123) INDUSTRIAL SERVICE, LOW IMPACT: Research and development activities, the manufacturing compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

124) INDUSTRIAL USE: The use of land for the manufacture, processing, storage, or wholesale distribution of products, goods or materials (not including commercial uses). *(See OAR 660-022-0010)*

125) IRRIGATED LAND: Cropland watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated"

if it is currently watered, or has established rights to use water for irrigation, including lands that receive water for irrigation from a water or irrigation district or other provider. For development review purposes, a parcel or tract within a water or irrigation district that was once irrigated continues to be considered "irrigated" even if the irrigation water was removed or transferred to another tract. *(See OAR 660-033-0020(9)*

126) KENNEL: A place of business or a facility (not including an animal clinic/hospital): ~~In~~ in which dogs and/or cats ~~owned by persons other than the business or facility owner~~ are given training, boarded, or groomed for profit or compensation; or which is maintained by public or private funds to serve as a temporary shelter for holding lost, strayed, surrendered, or abandoned dogs and cats until disposition by redemption, adoption, or euthanasia is made.

127) KITCHEN: Any room, all or any part of which is designed, built, equipped, used or intended to be used for cooking food. Typically, kitchens contain a sink (excluding bar sinks), combined with a range, stove, or microwave. The size and location of counter and cabinet space (which would allow food storage), space designed to accommodate a refrigerator, location of electrical outlets in excess of those normally used for general household purposes, and separation of a plumbed area from the main living space so as to form a room not suitable for a bathroom are also determinative of whether a space is considered a kitchen for purposes of this Ordinance.

128) LAND DIVISION: The act or process of dividing land, or a tract that has been divided.

129) LANDLOCKED PARCEL: A parcel without lawful access to a road.

130) LANDSCAPE CONTRACTING: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such businesses may engage in the installation and construction of underground improvements (e.g., drainage facilities) as necessary to support or sustain the landscaped surface of the ground. Accessory uses may include offices, outdoor storage yards, equipment storage buildings and parking.

131) LAND USE DECISION: A final decision/determination that concerns the adoption, amendment or application of: (**1**) the Goals; (**2**) a Comprehensive Plan provision; (**3**) an existing or new land use regulation; or (**4**) a decision of the Planning Commission made under ORS 433.763. *(See ORS 197.015)*

132) LAND USE PERMIT: A development authorization issued in compliance with the provisions of this Ordinance, including permits issued by the County certifying a proposed development meets local or State land use standards and criteria. Permits may be time limited and include conditions that apply to future development or use of the land, regardless of ownership changes. Advisory statements issued in compliance with ORS 197.180 (e.g., land use compatibility statements) or at the request of a citizen (e.g., zoning information sheet) are not land use permits. See DEVELOPMENT PERMIT, PERMIT *(See ORS 215.402)*

133) LAUNDROMAT/DRY CLEANER, SMALL: A self-service fabric cleaning establishment, or an establishment for the drop-off and pick-up of laundry that does not dry clean on the premises, or an establishment for the custom cleaning

of individual garments, fabrics, rugs, draperies or other similar items that is not a bulk or commercial type plant.

134) LAUNDRY/DRY CLEANER, PLANT: A plant for dry or wet cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

135) LAWFULLY CREATED/ESTABLISHED: Any building, structure, use, lot or parcel that complied with land use laws and local standards, if any, in effect at the time of its creation or establishment, whether or not it could be created/established under this Ordinance.

136) LAWFUL PRE-EXISTING LOT/PARCEL: A lawfully created lot or parcel that was designated on a properly recorded plat, or by a properly recorded deed, or created by other lawful means, whether or not created through a County approval. When multiple descriptions of non-contiguous parcels are included on a single deed instrument properly recorded prior to the date of enactment of this Ordinance, all parcels so described are considered separate parcels, provided that they complied with any dimensional standards in effect at the time of execution of the deed. Similarly, when a deed instrument properly recorded prior to September 1, 1973 includes multiple parcel descriptions, all parcels so described are considered separate parcels, regardless of their contiguity. *(See ORS 215.010)*

137) LIBRARY: A public facility primarily for the use of literary, musical, artistic, or reference materials. Accessory uses may include parking, offices and limited retail sales associated with the primary use.

138) LIMITED LAND USE DECISION: A final decision/determination relating to land within an Urban Growth Boundary that concerns; (**1**) a subdivision/partition; or (**2**) a decision based on discretionary standards that regulate the physical characteristics of a Type 1 permitted use, including site and design review. *(See ORS 197.015)*

139) LIVING SPACE, DETACHED: One or more rooms designed for occupancy by one (1) or more persons in ~~an~~ **a lawfully established** accessory building that is not a dwelling. ~~Such rooms~~ **Structures** may be plumbed **but** may not contain permanent provisions that would constitute a separate dwelling unit, and must meet requirements in the most recent edition of the State of Oregon building code.

140) LONG-TERM ROAD ACCESS USE PERMIT/AGREEMENT: A use permit granted by the government agency with jurisdiction over the road to permit access for development purposes.

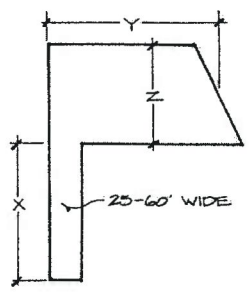
141) LOT: A unit of land created by a subdivision. Except in relation to land division, "lot" is generally synonymous with "parcel" for purposes of development regulation. See DIVIDE, PARCEL, PARTITION LAND and TAX LOT.

a) Area: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.
b) Corner: A lot or parcel abutting two (2) roads at their intersection, or on a single road at its right angle turn.
c) Depth: The average horizontal distance between the front lot line and the most distant rear lot line.

d) Double frontage: A term used to describe a lot or parcel which has road frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three (3) sides. Alley access is not considered "frontage" in this context.

e) Width: The diameter of the biggest circle that can fit entirely inside the lot boundary lines.

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



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

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

a) Front: On a lot with no more than one (1) property line abutting a street or road, the lot line abutting the street or road; or in the case of a flag lot or landlocked parcel, the interior lot line most parallel to and nearest the street or road from which access is obtained. On a corner lot, the shorter lot line abutting a street or road; or, on a double frontage lot, the lot line abutting the street providing the primary access to the lot or parcel.

b) Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, an imaginary line at least 10 feet in length located within the lot that is parallel to, and at a maximum distance from, the front lot line.

c) Side: Any property line that is not a front or rear lot line.

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

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

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

147) MANUFACTURED DWELLING PARK/MOBILE HOME PARK: Any place where four (4) or more such homes are located within 500 feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is: (**1**) to rent or lease space for manufactured dwellings for a charge or fee paid; (**2**) to be paid for the rental, lease, or use of facilities for manufactured dwellings; or (**3**) to offer space free for location of manufactured dwellings in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps. For floodplain management purposes, any parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale is subject to the requirements of Section 7.1.2.

148) MANUFACTURED DWELLING/MOBILE HOME/RV SALES/RENTAL: Sale or rental of manufactured homes for occupation off-site, including incidental storage and incidental maintenance.

149) MANUFACTURING/PRODUCTION, HIGH IMPACT: The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials used in the manufacturing process, and may involve outdoor storage and operations. These activities may impact adjacent properties by creating noise, odor, vibration, dust, or hazards. Examples include, but are not limited to: lumber, plywood and hardboard manufacturing; rolling, drawing, or extruding of metals; and log decking, storage, and pond storage.

150) MANUFACTURING/PRODUCTION, LOW IMPACT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Examples include, but are not limited to: manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and pharmaceuticals; and manufacture and fabrication of components, jewelry, clothing, trimming decorations and any similar item.

151) MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, food, marine supplies, and marine repairs.

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

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

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

154) MOBILE FOOD VENDORS: Any trailer, vehicle or wagon used for the preparation of, processing, or converting food for immediate consumption as a drive-through, or walk-up service that will remain on any one (1) site or parcel for less than a continuous 24 hours. The mobile food vendor vehicle, trailer, or wagon must be fully licensed and ready for highway use. The mobile food vendor, vehicle or wagon is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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

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

157) MOTOR VEHICLE:

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

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

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

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

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

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

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

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

161) NONRESOURCE LAND: Land not subject to the statewide goals listed in OAR 660-004-0010, (1), (a - f), except subsection (c). Generally, lands that are not subject to statewide planning goals 3 (Agriculture) or 4 (Forest), or for which an exception to those goals has been taken are included. Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources) is however applicable. See RESOURCE LAND *(See OAR 660-004-0005)*

162) OFFICE USE, COMMERCIAL: Uses characterized by activities conducted in an office setting and generally focused on the affairs of a business, profession, service industry or government. Office uses may include limited incidental sales of goods related to the business or profession. If goods or merchandise sold, either from the premises or for delivery off site, constitutes more than 20% of gross business revenue, the use is classified as a retail establishment. See PERSONAL SERVICE/SERVICE RETAIL.

163) OUTDOOR STORAGE AREA: The keeping of personal or business property, or motor vehicles off a right-of-way in an open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.

164) OWNER/LANDOWNER: A person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or an entity purchasing a parcel of property under written contract.

165) PARCEL: A single unit of land created by: (1) ~~by partitioning~~ a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; or, (2) ~~by~~ deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect. The term parcel does not include a unit of land created solely to establish a separate tax account. *(See ORS 92.010 and 215.010)* See DIVIDE, LOT, PARTITION LAND, TAX LOT, and Chapters 3 and 10 of this Ordinance. *[2005 HB 2755]*

166) PARK-AND-RIDE LOT: A facility designed for parking the personal vehicles of persons traveling to and from work using carpools, vanpools, buspools, or mass transit

167) PARKING AREA, COMMERCIAL: The temporary storage of vehicles on an hourly, daily or monthly basis not associated with a specific use, even if the operator leases the facility from the principal use or charges a fee to the individuals who park in the facility. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a "commercial parking area."

168) PARKS/RECREATION AREAS: Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. See AMUSEMENT ESTABLISHMENT

169) PARTITION LAND: To divide land ~~into~~ to create two (2) or three (3) parcels within a calendar year, not including: (**1**) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (**2**) the division of land resulting from the recording of a subdivision or condominium plat; (**3**) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes continues to be considered a single unit of land until such time as a subdivision or partition is approved by the County; or (**4**) a sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property; (**5**) any adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the adjustment complies with Section 3.4 is not a partition of land; (**5 6**) the surveying or deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use; (**6 7**) issuance of a mining patent or other lot created by the federal government; (~~7~~ **8**) two (2) or more tracts or parcels of land described in a single deed unless it is determined by the Director that said tracts or parcels of land were conveyed in fee separately prior to September 1, 1973, and provided that the tracts or parcels are identical to those separately conveyed prior to September 1, 1973. See also Section 3.3.1, (B) *(See ORS 92.010)*

170) PAVEMENT/PAVE/PAVING: Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.

171) PAWN SHOP/SECOND HAND STORE: A facility for the sale of second hand or used household or commercial items. No outside display is permitted. A facility for the sale of recycled building materials is not a second hand store. See BUILDING MATERIALS/LUMBERYARD

172) PERMIT: Discretionary approval of a proposed development of land. *(See ORS 215.402)*

173) PERSONAL SERVICE/SERVICE RETAIL: An establishment or place of business primarily engaged in the provision of frequent or recurrent services to individuals on site, who may receive services by appointment or as walk-in customers. Such uses include but are not limited to: photocopy and blueprint service, beauty/barber shops, seamstress/tailor shops, massage/day spas. Sale of goods related to the services offered is an accessory use and may not exceed 20% of the establishment's gross revenue when the zoning district in which the use is located does not also allow retail commercial (i.e., shops/stores). Business services such as accounting, legal services and

advertising are not included but are instead classified as office uses. See OFFICE USE, COMMERCIAL

174) PET SHOP: An establishment or facility for the display and sale of small animals, fish, and birds as pets, but not involving commercial boarding, grooming or medical treatment of any animal, fish, or bird.

175) PLAN, TENTATIVE: A diagram or drawing of a proposed land partition or subdivision illustrating the proposed layout of lots, location of roads, easements and common areas, which is submitted as part of an application for a land division. The term "preliminary map" may be used to refer to maps prepared for discussion purposes and are not "tentative plans" required by this Ordinance. See PLAT, FINAL

176) PLANNED COMMUNITY: A large scale development with the following essential features: a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a single development entity; privately held, in-common ownership of recreational amenities; and enforcement of deed declarations, conditions, and restrictions (CC&Rs) by a community/homeowners association.

177) PLANNED UNIT DEVELOPMENT (PUD): A residential, commercial, industrial, or mixed use development consisting of units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Uses within planned unit developments are integrated with each other and the site – creating areas for open space and preservation of natural features along with mixtures of housing types and land uses.

178) PLANT NURSERY: Land used for growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building that do not exceed 20% of the combined wholesale and retail sales volume during any year. Examples of incidental items offered for sale include decorative structures/materials, packaged fertilizer, decorative stone and related materials.

179) PLAT, FINAL: A map of a land division that is consistent with an approved tentative plan, and has been prepared for recordation. *(See ORS 92.010(8) and (17)*

XXX) PLOT PLAN: A diagram or drawing prepared to scale that illustrates the placement, location and dimensional relationship between existing and proposed structural improvements, septic systems and wells on a plot of land.

180) PLAYGROUND: An area developed for active play and recreation owned or operated by a private entity, public agency, or school district, and available to the general public. Playgrounds may include restroom and other support facilities.

181) POST OFFICE SUBSTATION: A commercial or public use that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

182) PREEXISTING: Something that was lawfully established prior to adoption of current zoning regulations and which could be permitted under those regulations if applied for under current regulations. A building, structure, lot, parcel or use may be preexisting. See Section 1.7.5.

183) PROPANE GAS/FUEL OIL DISTRIBUTOR: An establishment for the sale and distribution of fuel oil and gases, including propane.

184) PROPERTY LINE: The division line between two (2) units of land. *(See ORS 92.010)* See LOT/PROPERTY LINE

185) PROPERTY/LOT LINE ADJUSTMENT: The relocation or elimination of an existing, known common property line between ~~two (2)~~ abutting lots or parcels that does not create a new lot. *(See ORS 92.010)* See BOUNDARY LINE AGREEMENT, PARTITION LAND *[2005 HB 2755]*

186) PUBLIC: As used in this Ordinance, the term "public" means owned and operated by a governmental or tax supported entity or a private entity that provides a utility service available to the general public. See QUASI-PUBLIC USE/FACILITY

187) PUBLIC ASSEMBLY: A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities excluding air shows. Does not include places where people congregate for short periods of time such as parking lots, bus stops, or uses approved by the FAA in an adopted airport master plan. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking and maintenance facilities. Banquet halls that are part of hotels or restaurants are accessory to those uses; theaters or other recreation/entertainment uses conducted on a continuous basis are classified as commercial uses. *(See OAR 660-013-0020)*

188) PUBLIC BODY: Any city, county, school district, special district, or other political subdivision or municipal or public corporation and any state or federal agency.

189) PUBLIC TRANSPORTATION STOP: Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services.

190) PUBLIC TRANSPORTATION, TERMINAL AND STATION: Passenger terminals for regional bus and rail service, and bus and rail service stations for subregional service (e.g., mass transit transfer points and park-and-ride facilities). Includes freight handling areas, concessions, offices, parking, maintenance and fueling facilities.

191) PUBLIC USE/FACILITY: Institutional, academic, governmental, and community service uses publically owned and operated, or operated by nonprofit organizations within publically owned buildings. Regardless of ownership, hospitals and cemeteries are public uses. See QUASI-PUBLIC USE/FACILITY

192) PUBLIC WORKS/BUILDINGS/FACILITIES: Buildings and uses of a public works, public service, or public utility nature, but only including equipment storage or repair yards, warehouses, or related activities when fully conducted within an enclosed building.

193) QUASI-PUBLIC USE/FACILITY: A use conducted by, or a facility or structure owned or operated by a nonprofit, religious, or charitable institution that provides community service, cultural, educational, recreational, religious, or similar types of public services. See PUBLIC USE/FACILITY

194) RACING FACILITY, COMMERCIAL MOTORIZED: Facility for motorized races, including, but not limited to, closed course, straight-away, and/or acceleration runs. Drag strip, go-cart tracks and motor cross tracks are included.

195) RECREATION/SPORTS CLUB, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain athletic and other facilities normally provided in a public park or playground.

196) RECREATION/SPORTS CLUB, PUBLIC: A recreation center or sports club for use by the general public, including indoor and outdoor facilities. Recreation or sports clubs that are restricted to private membership are classified as a commercial use (recreation and entertainment).

197) RECREATIONAL VEHICLE: See CAMPING/RECREATIONAL VEHICLE

198) RECREATIONAL VEHICLE PARK OR CAMPGROUND: See CAMPGROUND

199) REGISTERED GEOLOGIST: A person who is registered as a geologist in Oregon under the provisions of ORS 672.505 to 672.705.

200) RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP: Uses include meeting areas for religious activities, Sunday school facilities, parking, and related incidental uses. The term includes but is not limited to churches, temples, synagogues, mosques. K-12 church affiliated schools, work-week day care facilities, and caretaker's or pastor's housing are not allowed as incidental or accessory uses, but instead require separate land use permits when sited in association with a religious assembly use.

201) REMAND: As used in this Ordinance, remand refers to actions by the Land Use Board of Appeals or State court that directs the County to reconsider a final land use decision. *(See ORS 197.835)*

202) RENTAL FACILITIES/EQUIPMENT RENTALS: An establishment primarily engaged in the rental of tools, automobiles, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Includes the incidental storage, maintenance, and servicing of rental equipment.

203) REPLAT: The act of platting lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots or parcels. Neither a property line adjustment between two (2) lots on a recorded plat nor a partition of an existing lot are replats. See PLAN, TENTATIVE *(See ORS 92.010)*

~~204) RESIDENCE/RESIDENTIAL BUILDING: A structure used as a permanent dwelling~~

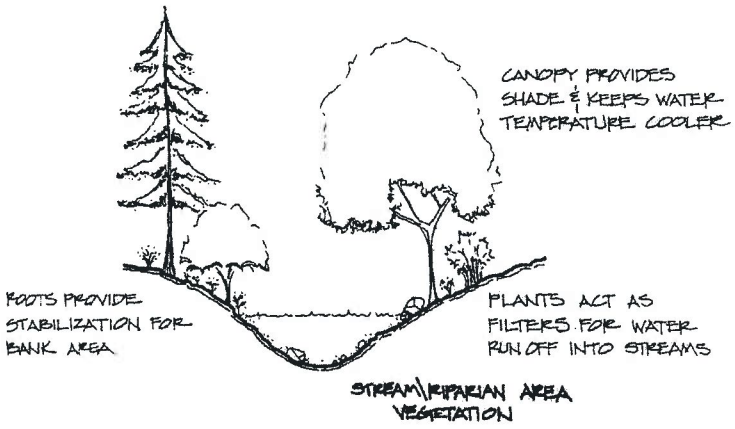
205) RESOURCE LAND: Any farm or forest land subject to the statewide goals in OAR 660-004-0010, (1), (a - f) except subsection (c). Uses on resource lands are described in Chapter 4 of this Ordinance. *(See OAR 660-004-0005)*

206) RESTAURANT, LIMITED SERVICE: A restaurant serving only nonperishable beverages and individually portioned prepackaged foods prepared from an approved source by a commercial processor. *(See ORS 624.010)*

207) RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees, or other special use designed and intended to benefit the public.

208) RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

209) RIPARIAN AREA: The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. *(See OAR 660-023-0090)*



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

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

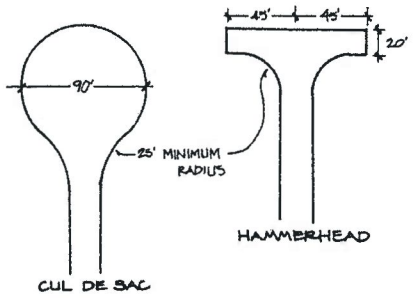
a) Arterial: Roads designed to move traffic as efficiently as possible. Direct access from adjoining properties is restricted and may be prohibited entirely. Arterials often have more than two (2) traffic lanes, no on-street parking, higher speed limits, and are controlled with traffic lights rather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

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

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

d) 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.

e) Cul-de-sac:
A local or limited use local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.



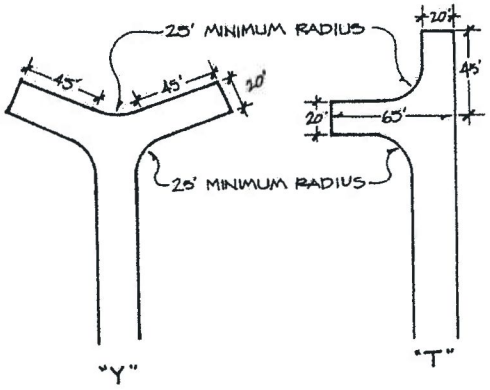
f) Dead-end Street: A road or street with no outlet to other roads or streets.

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

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

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

j i) Hammerhead Turnaround:
A "T" or "L" shaped dead-end street that allows for vehicles to reverse directions without using private property. Hammerhead turnarounds are often coupled with ~~half-~~ partial street improvements where a cul-de-sac would have been required if the entire street was initially developed.



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

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

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

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

n) Private Road: Also known as an "easement road," a County approved accessway ~~that provides local access to residentially zoned properties~~ serving ~~one (1)~~ two (2) to 12 lots or parcels. A private road remains part of the property acreage it crosses and is considered that portion of the lot or parcel used for access purposes as described by an easement. Private roads are not maintained by the County, nor will the County contract for their maintenance.

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

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

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

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

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

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

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

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

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

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

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

215) SAFE HARBOR: An optional course of action that satisfies certain Goal 5 requirements under a standard process. Safe harbor requirements in lieu of addressing specific requirements in the standard Goal 5 process (e.g., identify significant riparian corridors using safe harbor criteria in OAR 660-023-0090, (5) rather than requirements for determining significance in OAR 660-023-0030, (4), or, adopt a wetlands ordinance meeting OAR 660-023-0100, (4), (b) in lieu of an ESEE process in OAR 660-023-0040). *(See OAR 660-023-0020)*

216) SAFETY SERVICE: Publicly owned uses that protect public safety and provide emergency response services such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service. Safety services often need to be located in or near the area where the service is provided and employees are regularly present on-site on a 24-hour basis.

217) SANITARY SERVICE INSTALLER: A business that installs or repairs subsurface sewage disposal systems.

218) SCHOOLS: Public and private schools at the primary, elementary, junior high, or high school (K-12) level that provide state mandated basic education, and institutions of higher learning. Secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree are also included. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Preschools are classified as commercial day care. See STUDIO

a) College/University: An institution other than a business or trade school that provides full-time or part-time education beyond high school.
b) Commercial/Business: A business enterprise offering instruction and training in a service, or trade such as barber, beauty, machinery operation, real estate, secretarial, welding, and other similar trades.
c) Kindergarten: Public or private school or class for children usually from four (4) to six (6) years old.
d) Satellite Campus: An area of land making up the grounds of a college or university that is not physically contiguous to the main campus.

219) SEMINARY: A religious institution for the training of candidates for the priesthood, ministry, rabbinate or similar callings.

220) SENSITIVE FISH AND/OR WILDLIFE HABITAT: Areas identified as important to the survival of a plant or animal species, or group of species.

221) SERIES PARTITION: Multiple partitions of a single tract of land resulting in the creation of four (4) or more parcels over a period of more than one (1) calendar year. *(See ORS 92.305)*

222) SERVICE STATION: Commercial facility that offers petroleum products and limited vehicle repair service to the public, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories, and prepared food and beverages for off-site consumption. Body and fender work or repair of heavy trucks or vehicles are excluded.

223) SETBACK: The distance from a right-of-way or easement boundary of a public or private road or other easement, or the distance from a lot line to the nearest point of a structure. See LOT, ROAD and Section 8.5

224) SEWERAGE FACILITY OR SEWAGE FACILITY: The sewers, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, or other wastes.

225) SEWERAGE FACILITY, COMMUNITY: A sewerage facility, whether publicly or privately owned, which serves more than one parcel, and serves a predetermined level of development within a specific geographic area.

226) SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility serving a single parcel for the purpose of disposal of domestic waste products.

227) SEWERAGE FACILITY, PUBLIC: A sewerage facility which serves two (2) or more uses for the purpose of disposal of sewage, and is provided for or is available for public use.

228) SEWER SYSTEM: A system that serves more than one (1) lot or parcel, or more than one (1) condominium unit, or more than one (1) unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. Does not include a system provided solely for collection, transfer and/or disposal of storm water runoff, or animal waste from a farm use as defined in ORS 215.303. *(See OAR 660-011-0060(1)(f)*

229) SEWER SYSTEM, COMMUNITY: A sewage disposal system for at least 15 permanent dwelling units, including manufactured homes, within an unincorporated community. *(See OAR 660-022-0010)*

230) SHOOTING RANGE: The use of a structure or land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

231) SIGN AREA AND USE: Any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign structure, display surface and all other component parts of a sign. When the dimensions of a sign are specified, the term includes panels and frames on all visible sides. *(See ORS 377.710)*

a) Billboard/Outdoor Advertising sign: Typically, these signs direct attention to a business commodity, or other activity which is sold, offered or conducted elsewhere than the premises upon which the sign is located. Outdoor advertising signs may also include display of ideas, opinions or information of any nature meant for review by the public. See Directional Sign
b) Banner sign: A temporary sign having characters, letters or illustrations applied to cloth, paper or fabric of any kind, with only such non-rigid material for backing. Banner signs are non-structural and do not require building permits. See TEMPORARY SIGN
c) Building sign: A sign affixed to an exterior wall of a building, including but not limited to signs mounted flush with or projecting from a building wall, murals, awnings, or other architectural features that contain messages.
d) Directional: A sign with the primary purpose of providing directional information to: a business or activity; publicly or privately owned natural phenomena; or historic, cultural, scientific, educational and religious sites; or areas of natural scenic beauty; or areas naturally suited for outdoor recreation of interest to the traveling public.

e) Double Face: A sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.

f) Free-Standing: A sign that is not affixed to a building or other structure, including pole-mounted signs and monument signs mounted in the ground.

g) Identification (business): A sign that identifies a business and displays only information necessary to adequately describe the business and the direction and distance to it.

h) Marquee: A permanent, roofed, unenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.

i) Off-premise sign: A sign that provides directions to a business, commodity, industry, or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located. See Billboard/Advertising.

j) On-premise sign: A sign that directs attention to a business, commodity, industry, or other activity which is sold, offered, or conducted on the premises upon which the sign is located.

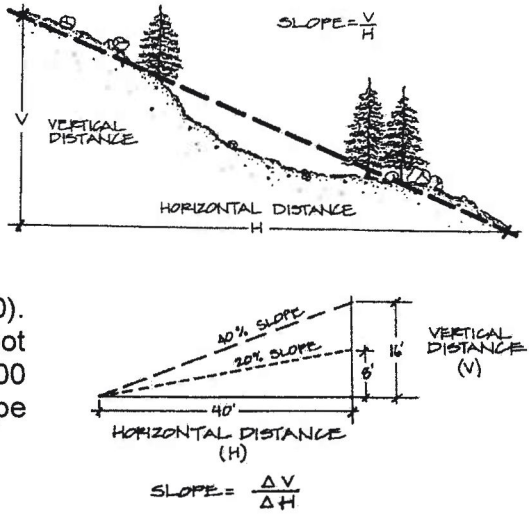
k) Temporary Sign: A non-illuminated sign without permanent footings, but which is securely attached to an adequate anchorage. Temporary signs larger than 12 square feet must be converted to a permanent sign once emplaced for more than six (6) months. See Banner sign

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

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

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

235) 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). A 100% slope equals a 45 degree angle.



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

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

238) SOIL, EXPANSIVE: Soils with a moderate to severe degree of shrink-swell potential, as identified in *Table 9, Building Site Development*, of the NRCS *Soil Survey of Jackson County Area, Oregon*, issued August, 1993.

239) SOIL, SHRINK-SWELL POTENTIAL: The potential for volume change in a soil with a loss or gain in moisture. Shrink-swell classes are based on the change in length of an unconfined clod as moisture content is increased from air-dry to field capacity. The change is based on the soil fraction less than two (2) millimeters in diameter. *Table 14, Physical and Chemical Properties, Soil Survey of Jackson County, Oregon* issued August, 1993, identify the classes of shrink-swell potential. The classes are *low*, a change of less than 3%; *moderate*, 3% to 6%; and *high*, more than 6%. *Very high*, more than 9%, is sometimes used. If shrink-swell is rated moderate to very high, shrinking and swelling can cause damage to buildings, roads, and other structures. *Table 9, Building Site Development,* of the above referenced soil study, shows the degree of soil limitation for development. A moderate degree of shrink-swell potential are those soils with properties or conditions not favorable to structures, residential and commercial, and special design or maintenance is needed to overcome or minimize the limitations. A severe degree of shrink-swell potential are those soils with properties or features so unfavorable or difficult to overcome that special design or maintenance is required. Soils identified as having a sever-moderate limitation will be considered as having a severe limitation to buildings.

240) SOLAR ORIENTATION: The layout and design of parcels and siting of a structure on building lots in order to take advantage of solar insolation for use of the sun as an energy source.

241) START OF CONSTRUCTION: Following issuance of a building permit, the first placement or permanent construction of a building or structure on a site, such as the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a mobile home on a temporary or permanent foundation. Installation of a septic system that will serve a permanent use is included in this term. Start of construction does not include: land preparation, such as clearing, grading, and filling; installation of streets, roads or walkways; excavation for a basement, footings, piers or foundations, or the erection of temporary forms. See DEVELOPMENT, INITIATE

242) STEEP SLOPE: Slopes greater than 20%.

243) STOCK AUCTION YARD: Facility for public sale to the highest bidder of animals, including but not limited to, horses, cows, and sheep. Term does not include slaughtering, rendering, or tannery operations.

244) STREAM: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. *(See OAR 660-023-0090)*

a) Bankfull stage (top of bank): The stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage. *(See OAR 141-085-0010(2) & 660-023-0090)*

b) Class 1: Waters that are valuable for domestic use, are important for angling or other recreation, or are used by significant numbers of fish for spawning, rearing, or migration routes as identified by the State of Oregon. Stream flows may be perennial or intermittent.

c) Class 2: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as identified by the State. They are used by few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flows may be perennial or intermittent.

d) Fish-bearing: Watercourses where fish eggs are deposited and fertilized, where gravel emergence occurs and where at least some juvenile development occurs. Fish-bearing streams may be intermittent (e.g., seasonal) or perennial.

245) STREET TREES: Any tree located within a street right-of-way or private street easement that is listed in the User's Guide as appropriate for use along streets.

246) STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as the foundation, bearing walls, columns, beams, girders, floor or ceiling joists, or rafters.

247) STRUCTURE: A building or other major improvement that is built, constructed, or installed, not including minor improvements such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances. For land use regulatory purposes, the term structure also includes gas or liquid storage tanks and anything of substantial value that requires permanent location on the ground. Swimming pools, fences, uncovered patios, tents, vehicles and travel trailers are not however considered structures. A permanent structure is built of materials in a manner that would commonly be expected to remain useful for a substantial period of time. A temporary structure is built of materials in a manner that would commonly be expected to have relatively short useful life, or is built for a purpose that would be expected to be relatively short-term in duration. *(See OAR 660-023-0090 or Section 7.1.2 for alternate definition applicable to floodplain areas).*

248) STUDIO - ART/DANCE/MUSIC/SKILLS: The instructing, coaching, or counseling in art, music, ceramics, drama, photography, speech, dance, martial arts, gymnastics or similar personal skills or arts. A facility where custom, artistic or decorative objects such as leather goods, jewelry, oven-fired

nonmetallic mineral products, or carved, three-dimensional works of art are created.

249) STUDIO - BROADCAST/RECORDING: A facility for broadcasting live or pre-recorded programs by radio or television; or for recording performances on records, tapes, video tapes, or other suitable recording media. Activities necessary for recording programming and receiving radio or television signals are included but the facility may not engage in manufacture of consumer products.

250) SUBDIVIDE LAND: To divide an area, parcel, or tract of land ~~into~~ to create four (4) or more lots within a calendar year. See DIVIDE *(See ORS 92.101)*

251) SUBDIVISION: The act of dividing land into four (4) or more lots or parcels within a calendar year, or an area or a tract of land subdivided as defined above. *(See ORS 92.010)*

252) SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.

253) SUBSTANTIAL CONFORMANCE: The situation when a development that was approved through a permit or tentative plan complies with or meets the objectives, standards, guidelines, and conditions for that permit or tentative plan.

254) SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

255) SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: before the improvement or repair is started; or, if damaged, the value of the structure to be restored prior to being damaged. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. For purposes of determining percentage of market value of the structure, the most current value as shown in the Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal is used. The term does not, however, include: any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or, any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. See START OF CONSTRUCTION

256) SUBSTANTIAL MODIFICATION: A change or alteration that significantly alters the impacts or character of a structure, development, or activity. See SIMILAR USE

257) SWIMMING POOL, PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family or multiple-family dwellings.

258) TANNING SALON: A business that uses artificial lighting systems to produce a tan on an individual's body. This use excludes spas, gymnasiums, athletic and health clubs.

259) TAX LOT: A parcel, lot, or other unit of land created by the County Assessor for the purpose of taxation or at a property owner's request. See DIVIDE, LOT, PARCEL, PARTITION LAND, and Chapters 3 and 10.

260) TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT: Unattended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

261) TEMPORARY: Temporary means 30 days or less in any 12-month period, unless otherwise specified by a provision of this Ordinance.

262) TEMPORARY FIELD OR CONSTRUCTION OFFICE: Office and temporary material storage facilities employed in connection with development of property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

263) TEMPORARY MEDICAL HARDSHIP: Use of a mobile home, manufactured dwelling, or converted frame structure which is used as an additional dwelling on the same parcel for an infirm or disabled person who requires care according to certifications by Oregon licensed medical doctors or a responsible state licensed medical agency, or for the person providing that care. A recreational vehicle (RV) may be used during the term of a temporary medical hardship.

264) TENT/TEPEE: A fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent residential, commercial or industrial purposes. See YURT

265) THEATER: A structure used for showing motion pictures, or for dramatic, dance, musical, or other live performances.

266) TIME COMPUTATION: Time deadlines in this Ordinance are computed by excluding the first day and including the last day. If the last day is Saturday, Sunday, or other state legal holiday, the time frame is computed to extend to the next working day. See DECISION, FINAL *(See OAR 661-010-0075)*

267) TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.

268) TRACT: One (1) or more contiguous lots or parcels in the same ownership. *(See OAR 660-033-0020, and ORS 215.010, (2))*

269) TRANSMISSION FACILITY: Any facility constructed across contiguous zoning districts for the purpose of transmitting or transporting in any form; energy resources, telecommunications, persons, or goods (e.g., highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines). In particular, the following specifically-defined types of facilities are included: electric power transmission facilities carrying 115 KV or greater; gas pipelines carrying 300 p.s.i. capacity or greater; and new highway construction or improvements to existing highways that result in an increased

traffic volume of 5,000 vehicles/day. Underground water pipelines, sewer trunk lines, and cable television facilities are not included. This definition also does not apply to facilities that have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities are located. See ROAD

270) TRANSMISSION (TELECOMMUNICATIONS) TOWER: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.

a) Building mounted towers: Any building-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a telecommunications antenna or similar apparatus above ground.
b) Co-location: Attachment of additional antenna or other receiver or transmitter to an existing monopole or transmission tower.
c) Concealed towers (stealth): Artificial trees, clock towers, and similar nontraditional structures that are compatible with the existing setting or structures and camouflage or partially conceal the presence of antennas or towers. This includes any antenna or array attached as part of the design of the structure.
d) Freestanding towers: Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a telecommunications antenna or similar apparatus above ground level.

271) TRANSPORTATION IMPROVEMENTS: Individual modal or multi-modal conveyances and terminals that may be provided by a private entity or by a local, regional, state, or federal government (e.g., highways, bridges, culverts, streets, roads and pedestrian accessways). Accessory uses include maintenance yards, stockpile sites, weigh stations, or rest areas.

272) TREE SPECIES, COMMERCIAL: Trees recognized under rules adopted under ORS 527.715 for commercial production. *(See OAR 660-006-0027(5)(b)*

273) TREE TOPPING/SEVERE PRUNING: The severing of the trunk or cutting back of the trunk or a limb to a stub larger than three inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

274) TRUCK TERMINAL/FREIGHT FORWARDING FACILITY: An area and building where buses, trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

275) UNINCORPORATED COMMUNITY: An unincorporated settlement outside the UGB of any city and composed primarily of land that has been identified as subject to a Goal 3 or 4 exception (or both). Unincorporated communities may be identified by the County (as urban or rural communities, service centers, rural centers, or resort communities), or listed in the DLCD 1-30-97 *Survey of Oregon's Unincorporated Communities*. *(See OAR 660-022-0010)*

276) URBAN CONTAINMENT BOUNDARY (UCB): A site specific line appearing on the Official Comprehensive Plan and Zoning Maps of Jackson County that encompasses unincorporated urban and urbanizable lands that: have been determined to be suitable for infill development but not outward expansion; and are or can be economically served with basic urban level facilities and services within the parameters of the policies of the Jackson County Comprehensive Plan.

277) URBAN FRINGE: Rural residential land within one (1) mile of the urban growth boundary for the cities of Ashland, Central Point, and Medford. *(See OAR 660-004-0040 (8)(a))*

278) URBAN GROWTH BOUNDARY (UGB): A site specific line appearing on the Official Comprehensive Plan and Zoning maps of Jackson County and on each incorporated city Plan and Zoning map that identifies and encompasses urban and urbanizable lands within or adjacent to each incorporated city in the County.

279) URBAN LAND: Those places within or adjacent to an incorporated city that have or are planned to provide municipal levels of public facilities and services, and which may contain concentrations of persons who generally reside and work in the area.

280) URBANIZABLE LAND: Those lands within an adopted UGB that are identified and determined to be necessary and suitable for future urban uses by virtue of being (or planned to be) served by urban services and facilities, and their identification as areas needed for future expansion of an existing urban area.

281) URBAN SERVICE: Sanitary sewers, water, municipal fire protection, parks, open space, recreation, streets, roads, and mass transit. *(See ORS 195.065)*

282) URBAN UNINCORPORATED COMMUNITY: An unincorporated community that includes a minimum of 150 permanent residential dwelling units, a mixture of land uses (i.e., three or more public, commercial or industrial uses), and that has community sewer and water service available to residents and businesses. See UNINCORPORATED COMMUNITY *(See OAR 660-022-0010)*

283) USE: The purpose for which land, accessways, buildings or structures are designed, arranged, or intended, or for which a building or structure is occupied or maintained, whether on a permanent or temporary basis.

284) USE, ACCESSORY: A use, building or structure that is; (**1**) customarily incidental and subordinate to the principal use of a lot or the main building or structure thereon, (**2**) subordinate in extent, area and purpose to the principal use, and (**3**) located on the same lot as the principal use, building or structure. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use. See ACCESSORY BUILDING/STRUCTURE

285) USE, PRINCIPAL: The primary use and chief purpose of land, buildings or structures.

286) UTILITIES, LOCAL: The electric power, telephone, gas, water, sewer drainage lines, and those in-line facilities such as gas regulating stations and water pumping stations customarily associated with service provision to adjacent neighborhoods, commercial and industrial areas.

287) UTILITY FACILITY: Those 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). Additionally, a utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources. A utility facility must include equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility. The equipment need not be extensive or complex, however, at a minimum the facility must include some equipment or apparatus that performs the relevant production, transmission or similar function or service. *(174 Or App at 343-45 "Sabroso") (See ORS 215.283(1)(d)(1997))*

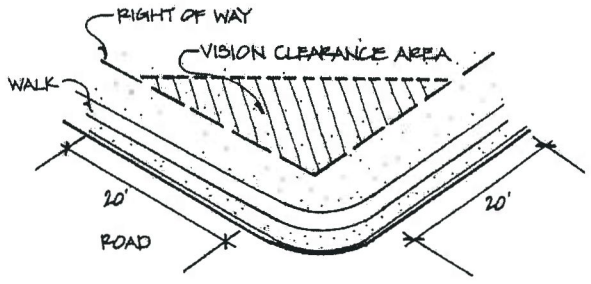
288) UTILITY FACILITY, MAJOR: A service of a regional nature that normally entails the construction of new buildings or structures, and that typically requires frequent monitoring or maintenance by employees of the utility provider. Examples include water works, reservoirs, power or heating plants, and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

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

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

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

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



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

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

295) WASTE RELATED USES:

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

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

c) Hazardous waste/material: Discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers that are classified as hazardous pursuant to ORS 459.410, OAR 340-63-100 to 135.

d) Incinerator: A combustion device specifically designed for the reduction, by burning, of solid, semisolid or liquid combustible waste. See *Codified Ordinance* Ch. 1864

e) Land disposal site: A disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond or lagoon. *(See ORS 459.005)*

f) Landfill: A facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface. *(See ORS 459.005)*

g) Putrescible material: Organic material that may decompose into foul-smelling or otherwise offensive products. See *Codified Ordinance* Ch. 1864

h) Recycling dropbox: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.

i) Recycling depot: A center, depot, drop box, or other place for receiving source separated recyclable materials with or without compensation. The term does not include salvage, junk, or auto wrecking yards. See *Codified Ordinance* Ch. 1864

j) Recycling plant: A facility that is not a wrecking, junk, or salvage yard, and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they may again be used.

k) Sanitary landfill: A disposal site operated by means of compacting and covering nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste at least once each operating day.

l) Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts, including associated feedlots and storage of animal products and waste that results from the slaughtering process.

m) Solid waste: All useless or discarded putrescible and non-putrescible materials, including but not limited to garbage rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles

or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386. The term does not include: hazardous waste as defined in ORS 466.005; or materials used for fertilizer or for other productive purposes. *(See ORS 459.005)*

n) Solid waste disposal site: Land and facilities used to dispose of or process solid wastes. Energy recovery, material recovery and recycling from solid waste is included. Examples of disposal sites are dumps, landfills, sludge lagoons, sludge treatment facilities, septic tank pumping or cesspool cleaning service disposal sites, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site. The term does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050 or 468B.053; a site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material, unless the site is used by the public either directly or through a collection service; or a site operated by a wrecker issued a certificate under ORS 822.110. *(See ORS 459)*

o) Solid Waste Transfer station: A fixed or mobile facility other than a collection vehicle where solid waste is deposited temporarily after being removed from the site of generation but before being transported to a final disposal site. *(See ORS 459.005)*

296) WATER AREA: The area which collects water between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds. *(See OAR 660-023-0090)*

297) WATER, RECLAIMED: Treated effluent from a sewage treatment system which, as a result of treatment, is suitable for a direct beneficial purpose (e.g., irrigation) or a controlled use that could not otherwise occur. *(See OAR 340-055-0010)*

298) WATER SYSTEM, COMMUNITY: A system that distributes potable water through pipes to at least 15 permanent dwelling units within an unincorporated community. *(See OAR 660-022-0010)*

299) WATER SYSTEM, PUBLIC: A system supplying water for human consumption through four (4) or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day. The term includes any domestic water supply source and associated distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit development. *(See OAR 660-023-0140)*

300) WELL: Any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure, or is artificially withdrawn or injected for beneficial consumptive purposes. This definition does not include natural artesian springs,

or wells drilled for the purpose of exploration, production or monitoring of oil, gas, or geothermal resources.

a) Agricultural/stock well: A well used, or intended to be used, to supply water for agricultural irrigation and/or stock use only.
b) Domestic well: A well used to serve three (3) or fewer dwelling units for the purpose of supplying water intended for human sanitation, consumption or any other household purposes, including non-commercial stock watering and irrigation of up to one-half (½) acre per dwelling, and which is not used as or part of a public water supply.
c) Flow test: A procedure for pumping water from a well for a specified period of time to establish well yield and/or basic ground water quantity information.
d) Major flow test (12-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of 12 hours while noting the effect on static water levels in the subject well and any existing wells within 500 feet of the subject well.
e) Minor flow test (4-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of four (4) hours while noting the effect on static water levels in the subject well.

301) WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. *(See ORS 197.015, OAR 660-023-0100)*

302) WHOLESALE ESTABLISHMENT: A business primarily engaged in selling or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. The use emphasizes on-site sales or order-taking and often includes indoor and outdoor display areas. Products may be picked up on-site or delivered to the customer. The business may or may not be open to the general public, but sales to the general public are limited to less than 30% of gross receipts.

303) WILDLIFE: Wild mammals, birds, reptiles, and amphibians.

304) WILDLIFE HABITAT: An area upon which wildlife depend in order to meet their requirements for food, water, shelter and reproduction. (e.g., migration corridors, big game winter range, nesting and roosting sites). *(See OAR 660-023-0010)*

305) WINERY: An industrial facility for the preparation, processing, marketing, and distribution of wines. The use may include a tasting room for the purpose of marketing the winery's products but not those of other wineries, along with incidental food service and sales areas. In the Exclusive Farm Use zone, a facility that produces wine with a maximum annual production of: (**1**) Less than 50,000 gallons 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 an combination of (a), (b) or (c); or (**2**) between 50,000 and100,000 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 (a), (b) or (c). See WINE SHOP (*See ORS 215.452)*

306) WINE SHOP: A retail establishment that sells wines, brandies and cordials, wine making equipment and items related to wine consumption as its primary merchandise. The use may include a tasting room, incidental food sales and a dining area that does not exceed 25% of the total area devoted to merchandise display. Incidental uses may include periodic wine tasting events, wine appreciation and culinary classes. See WINERY

307) WRECKING YARD: Any establishment maintained, used, or operated for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded ferrous material or equipment. Scrap or discarded material includes, but is not limited to; inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers, and parts thereof, machinery, structural steel, equipment, and appliances. The term also includes junk, salvage, or scrap metal yards. See WASTE-RELATED USES

308) XERISCAPING: Landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought-tolerant landscaping.

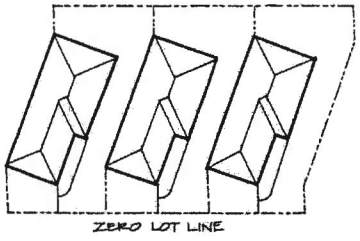
309) YARD: See LOT LINE

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

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

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

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



13.4 INDEX OF ABBREVIATIONS AND ACRONYMS

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

1) AQMA: Air Quality Management Area

2) ASC: Area of Special Concern

3) BCVSA: Bear Creek Valley Sanitary Authority (now Rogue Valley Sanitary Services, (RVSS))

4) BLM: Bureau of Land Management

5) BoC: Board of Commissioners

6) CAC: Citizens Advisory Committee

7) CRS: Community Rating System for National Flood Insurance Program

8) CUP: Conditional Use Permit

9) DEQ: Department of Environmental Quality

10) DLCD: Department of Land Conservation and Development

11) DOGAMI: Department of Geology and Mineral Industries

12) DSL: Division of State Lands

13) EPA: Environmental Protection Agency

14) ESEE: Economic, Social, Environmental and Energy. Positive and negative consequences that could result from a decision to allow, limit or prohibit a conflicting use. *(See OAR 660-016-0005 & 660-023-0010)*

15) FAA: Federal Aviation Administration.

16) FAR: Floor Area Ratio

17) FCC: Federal Communication Commission

18) FBFM: Flood Boundary and Floodway Maps

19) FEMA: Federal Emergency Management Agency

20) FIRM: Flood Insurance Rate Map

21) GIS: Geographic Information System

22) HVFL: High Value Farm Land

23) JCPC: Jackson County Planning Commission

24) JCPP: Jackson County Public Park

25) LCDC: Land Conservation and Development Commission

26) LDO: Land Development Ordinance of Jackson County

27) LID: Local Improvement District

28) LOD: Limits of Disturbance

29) LOMA: Letter of Map Amendment reviewed by FEMA

30) LOMR: Letter of Map Revision reviewed by FEMA

31) LUBA: Land Use Board of Appeals

32) MPO: Metropolitan Planning Organization

33) NFIP: National Flood Insurance Program

34) NRCS: USDA Natural Resource Conservation Service, formerly the Soil Conservation Service. *(See OAR 660-006-0005)*

35) OAR: Oregon Administrative Rule

36) ODF: Oregon Department of Forestry

37) ODFW: Oregon Department of Fish and Wildlife

38) ODOT: Oregon Department of Transportation

39) ORS: Oregon Revised Statute

40) PAPA: Post Acknowledgment Plan Amendment. Actions in accordance with ORS 197.610-625, including amendments to an acknowledged Comprehensive Plan or land use regulation and the adoption of any new plan or land use regulation. Does not include periodic review actions in accordance with ORS 197.628-650. *(See OAR 660-023-0010)*

41) PUD: Planned Unit Development

42) RPS: Regional Problem Solving

43) RPZ: Runway Protection Zone

44) RVCOG: Rogue Valley Council of Governments

45) RVSS: Rogue Valley Sewer Services (aka, BCVSA)

46) RVTD: Rogue Valley Transit District

47) SDC: Systems Development Charge

48) TAC: Technical Advisory Committee

49) TPR: Transportation Planning Rule

50) TSP: Transportation System Plan

51) UCB: Urban Containment Boundary

52) UGB: Urban Growth Boundary

53) UGBMA: Urban Growth Boundary Management Agreement

54) USDA: United States Department of Agriculture

55) USFS: United States Forest Service

56) USGS: United States Geological Survey

57) UUCB: Urban Unincorporated Community Boundary

58) WCPC: White City Planning Commission

59) WCUUC: White City Urban Unincorporated Community

JACKSON COUNTY LAND DEVELOPMENT ORDINANCE INDEX

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