



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

## NOTICE OF ADOPTED AMENDMENT

April 11, 2006

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 002-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: April 25, 2006**

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: Ken Skyles, Jackson County

<paa> n



DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 APR 06 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Jackson County Local File No.: LRP2005-00005 (If no number, use none)

Date of Adoption: March 29, 2006 Date Mailed: April 3, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 7, 2005

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
X Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other:
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Consideration of amendments to the Jackson County Land Development Ordinance, Chapter 12, related to the White City Urban Unincorporated Community.

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

See Attached List.

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

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

Location: White City Urban Unincorporated Comm. Acres Involved:

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

Applicable Statewide Planning Goals: 1, 2, 5, 10, 12, and 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-05 (14598)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: White City Improvement

Assoc., Jackson Co. Urban Renewal, Jackson Co. Roads & Parks, Medford Water Commission, Rogue

Valley Sewer Service, Jackson Co. Fire Dist. 3, Eagle Pt. School Dist., DSL, ODOT, JA CO Sheriff,

DLCD. Local Contact: Ken Skyles Area Code + Phone Number: (541) 774-6958

Address: 10 South Oakdale Ave., Room 100

City: Medford Zip Code+4: 97501-2902

## ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

The following changes have been made to the proposed amendments to JCLDO Chapter 12 as a result of public hearings, and citizen/agency input:

- 1) Section 12.2.4 was added to as an explanation for why connectivity is required;
- 2) Section 12.4.1 was significantly revised to allow density to be calculated as a gross density for all residential zones, rather than just for WCUR-4 zoning district;
- 3) Section 12.4.1(B)(1), last sentence, was added to require a ten foot distance between structures under all circumstances;
- 4) Section 12.4.1(B)(4) was added to allow a reduction in lot width for zero lot line development;
- 5) Section 12.4.1(C)(3) was added to allow smaller/narrower lots in the WCUR-30 zoning district;
- 6) Section 12.4.1(C)(5), last sentence, was added to require a ten foot distance between structures under all circumstances;
- 7) Section 12.4.1(G)(2) was revised to require more architectural features to be provided to reduce the front setback less;
- 8) Section 12.5.1 was revised to remove language inferring inferiority of relocated dwellings;
- 9) Section 12.5.5 was revised to remove requirements for minimum pitch on roofs of relocated dwellings;
- 10) Section 12.7.1 was revised to remove requirements for screening of dwelling storage in the industrial zoning;
- 11) Section 12.7.1(2) was revised to remove the definition of Industrial Collector;
- 12) Section 12.8.1(A) was revised to apply the required 200-foot separation between intersection only to streets that take direct access on a collector or arterials street;
- 13) Section 12.8.1(C) was revised to add language regarding cul-de-sac lengths and precluding intersecting cul-de-sacs;
- 14) Section 12.8.1(D) was revised to accurately describe the partial street improvement requirement;
- 15) Section 12.8.1(I) was revised to address connectivity issues;
- 16) Section 12.8.1(J), *Through Access* was added;
- 17) Section 12.8.1(K) was added to be in compliance with the White City TSP;
- 18) Section 12.9.3 was added to ensure compliance with the Oregon Fire Code requirements
- 19) Section 12.12.2(B)(3)(d), (4), and (5) were added to ensure proper placement and planting of street trees and requiring a street tree plan as part of subdivisions.

## JACKSON COUNTY NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2006-1 at a properly advertised public hearing on March 29, 2006, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on May 28, 2006 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance 2006-1 approving amendments to the Jackson County Land Development Ordinance, Chapter 12, White City Urban Unincorporated Community, relating to transportation and access, density calculation, setbacks, dwelling types, public facilities and street trees. File LRP2005-00005.

This notice is being mailed to you on April 4, 2006, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Ken Skyles** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6958; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6958.

You may review this ordinance, or you may purchase a copy for \$.25 for the first page and \$.10 for each additional page, at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501, between the hours of 8:00 a.m. and 4:00 p.m., Monday, Tuesday, Thursday and Friday; and 1:00 p.m. to 4:00 p.m on Wednesday.

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who requested, in writing, to be noticed. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on April 4, 2006, and the LUBA appeal period will expire on April 25, 2006. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

STATE OF OREGON )  
 )  
COUNTY OF JACKSON )

I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2006-1 by mailing a copy of the Notice of Adoptions by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on April 4, 2006.

Patricia A. Guida  
Signature

Personally appeared before me this 4th day of April, 2006, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Laura Marshall  
Notary Public for Oregon  
My Commission Expires: 2-16-2008

NOTICE OF ADOPTION SENT TO: INTERESTED PERSONS.

APPLICANT NAME: Jackson County

FILE NOS: LRP2005-00005

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

**ORDINANCE NO. 2006-1**

**AN ORDINANCE AMENDING THE TEXT OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE (LDO) CHAPTER 12 (WHITE CITY URBAN UNINCORPORATED COMMUNITY), RELATING TO TRANSPORTATION AND ACCESS, DENSITY CALCULATION, SETBACKS, DWELLING TYPES, PUBLIC FACILITIES AND STREET TREES. FILE NUMBER LRP2005-00005.**

**RECITALS:**

1. Pursuant to Oregon Revised Statutes (ORS) Chapters 197 and 215, the Jackson County Comprehensive Plan and Jackson County Land Development Ordinance (JCLDO) 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 on May 16, 1983, through Compliance Acknowledgment Order 83-ACK-93.
2. Pursuant to Oregon Administrative Rule (OAR), Chapter 660, Division 22, the Board of County Commissioners adopted Ordinance #98-18 on September 2, 1998, Task #29 of Jackson County's Periodic Review Work Program. Ordinance #98-18 designated the White City Urban Unincorporated Community Boundary and adopted the White City Urban Unincorporated Community Public Facility Plan, which functions in conjunction with the Jackson County Comprehensive Plan and Jackson County Land Development Ordinance in guiding development in White City. Ordinance #98-18 also included adoption of Chapter 259 of the Land Development Ordinance, which established development regulations specific to lands within the White City Urban Unincorporated Community Boundary. The Department of Land Conservation and Development acknowledged Ordinance #98-18 on October 22, 1998 in their Work Order #00992. Ordinance #98-18 became effective on November 1, 1998.
3. The Board of Commissioners adopted the White City Urban Unincorporated Community Plan, Phase 2 on September 17, 2003 through Ordinance #2003-20. This plan included wholesale amendments to the Jackson County Land Development Ordinance, Chapter 259, which guided development on lands within the White City Urban Unincorporated Community boundary. Ordinance #2003-20 became effective on November 17, 2003.
4. The Board of Commissioners adopted the acknowledged 2004 Land Development Ordinance through Ordinance #2004-2, as amended through Ordinance #2004-2RM. The regulations contained in Chapter 259 of the 2000 Land Development Ordinance were re-adopted, in full, in the 2004 Land Development Ordinance as *Chapter 12, White City Urban Unincorporated Community*.

5. The White City Planning Commission held a properly advertised public hearing on October 25, 2005, to consider the evidence and testimony on these amendments. The record was closed to oral testimony at that hearing. The hearing was continued to November 10, 2005, at which testimony was concluded and the Planning Commission deliberated to a decision. On November 10, 2005, after considering the evidence and testimony, the White City Planning Commission, by motion and vote, approved a recommendation to the Board of County Commissioners to amend Chapter 12 of the Jackson County Land Development Ordinance as shown in Exhibit A.
6. On February 1, 2006, the Jackson County Board of Commissioners held a legally advertised public hearing to consider the proposed amendments and receive evidence and testimony. After considering the evidence and testimony, the Jackson County Board of Commissioners, by motion and vote accepted the White City Planning Commission recommendation to approve the amendments to Chapter 12 of the Jackson County Land Development Ordinance with minor revisions, and directed staff to prepare an ordinance reflecting their decision.

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

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

1. The Jackson County Board of Commissioners finds that proper public notice was given for the public hearing, and that no objections were raised concerning the hearing notice. Legal notice was published in the January 22, 2006, 2005 edition of the Medford Mail Tribune, and a copy was sent to the Ashland Daily Tidings and Upper Rogue Independent.
2. The Jackson County Board of Commissioners finds that 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 Board of Commissioners finds the procedural requirements of the aforementioned statutes and administrative rules have been met based on the facts presented below. Where factual conflicts arose, the Board of Commissioners has resolved them consistent with these findings.
3. The Jackson County Board of Commissioners finds that a complete set of the amendments to Chapter 12 of the Land Development Ordinance was transmitted to Department of Land Conservation and Development (DLCD) on September 7, 2005, at least 45 days prior to the first hearing as required by ORS 197.610.
4. The Jackson County Board of Commissioners finds that since the White City Urban Unincorporated Community Plan, Phase 2 was adopted in November 2003, the Jackson County Planning Staff has identified several issues that have arisen as development applications have been submitted within the White City Urban Unincorporated Community. Proposed text amendments to Chapter 12 of the Jackson County Land Development Ordinance were proposed to address these issues.



5. The Jackson County Board of Commissioners finds that proposed amendments to Chapter 12 of the Jackson County Land Development Ordinance relate generally to transportation and access, density calculation, setbacks and dimensional standards, dwelling types, relocated housing, public facilities, and street trees.
6. The Jackson County Board of Commissioners finds that proposed amendments to Chapter 12 of the Jackson County Land Development Ordinance will resolve issues related to transportation and access, density calculation, setbacks and dimensional standards, dwelling types, relocated housing, public facilities, and street trees that have arisen since adoption of Ordinance #2003-20.
7. The Jackson County Board of Commissioners finds that the proposed amendments comply with the Jackson County Comprehensive Plan, the Jackson County Land Development Ordinance, and the Statewide Planning Goals and related Oregon Administrative Rules and Oregon Revised Statutes.

## **SECTION 2. CONCLUSIONS**

1. The Jackson County Board of Commissioners concludes that proper public notice was given.
2. The Jackson County Board of Commissioners concludes that the proposed amendments comply with the Jackson County Comprehensive Plan, Jackson County Land Development Ordinance, the Statewide Planning Goals and related Oregon Administrative Rules and Oregon Revised Statutes.
3. The Jackson County Board of Commissioners concludes that based on the evidence and testimony received into this record, the proposed amendments will bring the Land Development Ordinance text into compliance, or more into compliance, with Statewide Planning Goals 1-14, related Oregon Administrative Rules, the Jackson County Comprehensive Plan and other relevant law.
4. The Jackson County Board of Commissioners concludes that File LRP2005-00005 was initiated by the County and is legislative in nature, thus exempting the amendments from the processing time lines of ORS 215.427.
5. The Jackson County Board of Commissioners concludes that a properly noticed public hearing was held before the White City Planning Commission on October 25, 2005. The hearing was continued to November 10, 2005 to receive additional public testimony. The Planning Commission closed the public hearing on November 10, 2005 and began deliberations. The Planning Commission deliberated to a decision at public meetings held on November 10, 2005.
7. The Jackson County Board of Commissioners concludes that based on the evidence and testimony received into this record, text amendments to the Jackson County Land Development Ordinance, Chapter 12 are necessary to address development issues that

have arisen since amendments were adopted in 2003. The amendments relate generally to transportation and access, density calculation, setbacks and dimensional standards, dwelling types, relocated housing, public facilities, and street trees.

8. The Jackson County Board of Commissioners concludes that based on the evidence and testimony received into this record, proposed amendments to Chapter 12 of the Jackson County Land Development Ordinance will resolve issues related to transportation and access, density calculation, setbacks and dimensional standards, dwelling types, relocated housing, public facilities, and street trees that have arisen since adoption of Ordinance #2003-20.
9. On February 1, 2006, the Jackson County Board of Commissioners voted to accepted the White City Planning Commission recommendation to approve the amendments to Chapter 12 of the Jackson County Land Development Ordinance, as contained in File #LRP2005-00005, with minor revisions, and directed staff to prepare an ordinance reflecting their decision.

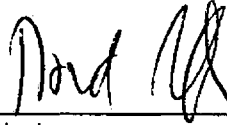
#### **DECISION**

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

1. Jackson County Land Development Ordinance (LDO) Chapter 12, The White City Urban Unincorporated Community, is hereby amended to read as contained in Exhibit "1" attached hereto and incorporated herein, by reference.
2. Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 29<sup>th</sup> day of March, 2006, at Medford, Oregon.

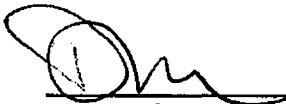
**JACKSON COUNTY BOARD OF COMMISSIONERS**



\_\_\_\_\_  
David Gilmour, Chair

APPROVED AS TO FORM:

ATTEST:



\_\_\_\_\_  
County Counsel



\_\_\_\_\_  
By: Recording Secretary

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on \_\_\_\_\_, 2006, and the LUBA appeal period will expire on \_\_\_\_\_, 2006. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

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**CHAPTER 12. THE WHITE CITY URBAN  
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# CHAPTER 12. THE WHITE CITY URBAN UNINCORPORATED COMMUNITY

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## 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 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.

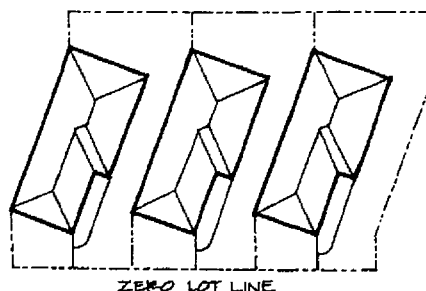
TABLE 12.4-1				
Zoning Districts	Minimum SF Attached Lot Size	Minimum SF Detached Lot Size	Minimum Residential Density (Units Per Acre)	Maximum Residential Density (Units Per Acre)
WCUR-4	Not Applicable	8,000 Sq. Ft.	2 dwellings per acre	4 dwellings per acre
WCUR-6	3,500 Sq. Ft.	6,000 Sq. Ft.	3 dwellings 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:



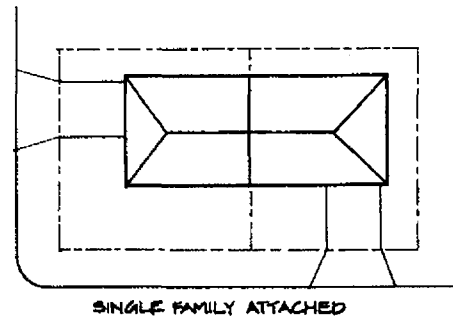
- 1) When a zero-lot line dwelling shares a side property line with a non-zero lot line development, the zero-lot line building shall be set back from the common property line by a minimum of five feet. A minimum of ten feet between structures must be maintained under all circumstances;
- 2) Prior to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

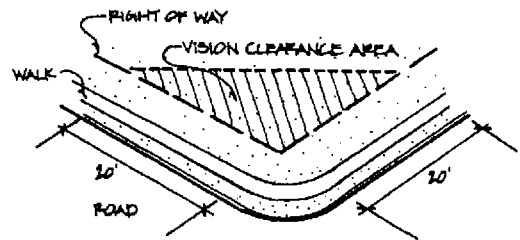
Following formal consultation with the Rogue Valley Transportation District (RVTD) as part of a pending land use application, the County may require a transit stop and such improvements as may be necessary for the District's convenience and safe operation.

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.

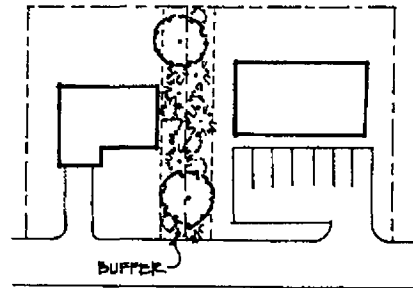
### 12.9.3 Oregon Fire Code Requirements

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**

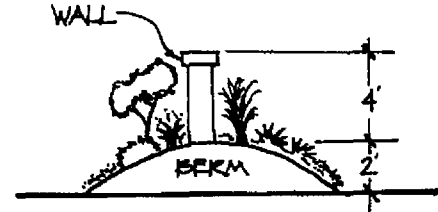
Fencing, where required, will typically be located on the side of the buffer yard nearest the less intensive use (e.g., single-family residential) while a wall, where required, will typically be located on the more intensive (e.g., industrial) side of the buffer yard. In either case, the Planning Director 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  FEET	No. of Plants Required Per 100 Feet of Street Frontage* (Excluding Driveway Frontage)	
		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)