



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

06/26/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Thursday, July 09, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<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

DEPT OF

JUN 19 2009

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Jackson County**

Local file number: **LRP2008-00008**

Date of Adoption: **6/17/2009**

Date Mailed: **6/18/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **8/22/2008**

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".

Amendments to Chapters 1, 2, 3, and 13 of the Jackson County Land Development Ordinance to improve the Land Use Planning Applications, Hearings, Procedures, and related topics and amend the Use Tables in Chapter 4 to comply with Oregon Administrative Rule 660-33-120.

Does the Adoption differ from proposal? No, no explanation is necessary

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

to: **N/A**

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

to: **N/A**

Location: **N/A**

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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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 File No. 004-08 (17097) [15572]

DLCD file No. See First Page

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

See Attached list

Local Contact: **Josh LeBombard**

Phone: (541) 774-6944 Extension:

Address: **10 S. Oakdale Ave. Room 100**

Fax Number: **541-774-6791**

City: **Medford**

Zip: **97501-**

E-mail Address: **lebobjm@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.

Affected Agencies

Cities of Rogue River, Talent, Ashland, Shady Cove, Gold Hill, Butte Falls, Central Point, Eagle Point, Jacksonville, Phoenix, Medford, White City Comm Improvement Assoc, Pacific Power, US West Comm, Avista Utilities, Medford Post Office, RVSS, United Telephone, Emparq, Medford Water Commission, Jackson/Josephine Community Coord Child Care Council, RVCOG, Ashland Public Works, Oregon Dept of Forestry, ODF&W, DOGMI, DEQ, Applegate River Watershed Council, Little Butte Cr Watershed Council, ODOT, Child Care Division, State Dept of Agriculture, The Nature Conservancy, OR Dept of Aviation, OR St Historic Preservation Ofc, SOU, Oregon State Parks, SOREDI, DLCD, DSL, Pacific Crest Trail Assoc, Jackson County, Medford Water Commission, Charlotte Anne Water Dist, Coker Butte Water Assoc, Elk City Water Dist, Jacksonville Hwy Water Dist, Kings Hwy Water Dist, Sunshine Village Water Assoc



**JACKSON
COUNTY**
Oregon

NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2009-1 at a properly advertised public hearing on June 17, 2009, at 10:30 a.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on August 16, 2009 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2009-1 amends Chapters 1, 2, 3, and 13 of the Jackson County Land Development Ordinance (LDO) to improve the Land Use Planning Applications, Hearings, Procedures, and Related Topics and amends the Use Tables in Chapter 4 to comply with Oregon Administrative Rule 660-33-120. File LRP2008-00007.

This notice is being mailed to you on June 18, 2009, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Josh LeBombard** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6944; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6944.

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

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on June 18, 2009, and the LUBA appeal period will expire on July 9, 2009. 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

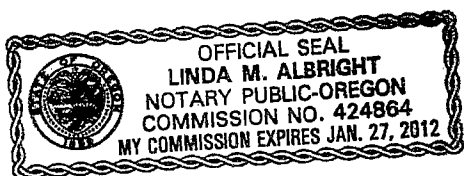
STATE OF OREGON)
)
COUNTY OF JACKSON)

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. 2009-1 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on June 18, 2009.

Patricia A. Guida
Signature

Personally appeared before me this 18th day of June, 2009, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Linda M. Albright
Notary Public for Oregon
My Commission Expires: 1-27-2012

NOTICE OF ADOPTION SENT TO: AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: JACKSON COUNTY

FILE NO: LRP2008-00008

FILE NO. LRP2008-00008
DECISION LABELS
APPLICANT: JACKSON COUNTY
LDO TEXT AMENDMENTS
DATE CREATED: 6/17/2009

STAFF LRP2008-00008
KELLY MADDING
DIRECTOR

STAFF LRP2008-00008
JOSH LEBOMBARD
PLANNER

AGENCY LRP2008-00008
FRANK HAMMOND
COUNTY COUNSEL

AGENCY LRP2008-00008
DLCD PLAN AMENDMENT SPECIALIST
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540

COMMISSIONER LRP2008-00008
DAVE GILMOUR, CHAIR
BOARD OF COMMISSIONERS

STAFF LRP2008-00008
SANDY BANDY
RECEPTION DESK

CONSULTANT LRP2008-00008
DONALD RUBENSTEIN
3245 ELK LANE
GRANTS PASS OR 97527

IP
JUD HOLTEY
PO BOX 1090
ASHLAND OR 97520

IP
TOM LOWELL
7340 ADAMS RD
TALENT OR 97540

IP LRP2008-00008
CSA PLANNING LTD
4497 BROWNRIDGE TERR
MEDFORD OR 97504

IP LRP2008-00008
ABELOE & ASSOCIATES
827 ALDER CR
MEDFORD OR 97504

IP LRP2008-00008
HOFFBUHR & ASSOCIATES
880 GOLF VIEW DR
MEDFORD OR 97504

IP LRP2008-00008
MATT ROPP LUC INC
10 S BARTLETT
MEDFORD OR 97501

IP LRP2008-00008
RICHARD STEVENS & ASSOC INC
P O BOX 4368
MEDFORD OR 97501

IP LRP2008-00008
HAROLD HAUGEN
ROGUE VALLEY ASSOC. OF REALTORS
4300 LOWER RIVER RD
GRANTS PASS OR 97526

IP LRP2008-00008
BOB HART
5126 W EVANS CREEK RD
ROGUE RIVER OR 97537

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

ORDINANCE NO. 2009-1

IN THE MATTER OF CONSIDERATION OF AMENDMENTS TO CHAPTERS 1, 2, 3, AND 13 OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE (LDO) TO IMPROVE THE LAND USE PLANNING APPLICATIONS, HEARINGS, PROCEDURES, AND RELATED TOPICS AND AMENDMENTS TO THE USE TABLES IN CHAPTER 4 TO COMPLY WITH OREGON ADMINISTRATIVE RULE 660-33-120. *File LRP2008-00008.*

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Land Conservation and Development Commission (LCDC).
2. The Jackson County Planning Commission held properly noticed public hearings on this matter to consider the evidence on October 9, November 13, and December 11, 2008.
3. The Jackson County Board of Commissioners also held a properly noticed public hearing on this matter on February 4, March 25, April 8, and April 29, 2009.

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

SECTION 1. FINDINGS

- 1.1 Land Development Ordinance (LDO) Chapter 1 provides the general provisions of the LDO. Chapter 2 summarizes the review and decision making responsibilities of the land use planning entities in Jackson County. Chapter 3 sets forth the provisions for application review and decision making. Chapter 13 provides definitions of terms used in the LDO. Table 4.2-1 established the review procedure for uses allowed within the Exclusive Farm Use zoning district.

1-ORDINANCE; File LRP2008-00008
LDO Amendments

- 1.2 The Jackson County Planning Commission held properly noticed public hearing on this matter to consider the evidence on October 9, November 13, and December 11, 2008.
- 1.3 The Jackson County Planning Commission recommended approval of amendments to Land Development Ordinance Chapters 1, 2, 3 and 13 and the use table in Chapter 4.
- 1.4 The Jackson County Board of Commissioners also held a properly noticed public hearing on this matter on February 4, March 25, April 8, and April 29, 2009.

SECTION 2. CONCLUSIONS

- 2.1 The procedural requirements of ORS 197.610-197.615 have been met.
- 2.2 The amendments to Land Development Ordinance Chapter 1 (General Provisions), Chapter 2 (Review and Decision Making), Chapter 3 (Application Review and Decision), Chapter 13 (Definitions), and the use table in Chapter 4 (Resource Districts) are intended to streamline procedures, reduce reoccurring and/or escalating costs to applicants for the processing of land use planning applications, and to comply with state law.

SECTION 3. DECISION

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

- 3.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners accepts the recommendation of the Planning Commission and adopts their recommendation, attached and incorporated here by reference as Exhibit "A"; including revisions to the proposed amendments outlined in the Memo incorporated by reference as Exhibit "B"; including revisions to the proposed amendments to Table 4.2-1 incorporated by reference as Exhibit "C"; including revisions to the proposed amendments outlined in the memo regarding the Remand Fee in Section 2.6.10(E), Final Development Plan and Platting Requirements in Section 3.5.3(D)(1), mandatory Pre-Application Conferences in Section 2.7.1, and Table 4.2-1 incorporated by reference as Exhibit "D"; and amended in Exhibit "E".
- 3.2 In accordance with Section 14(8) of the Jackson County Charter, this ordinance shall take effect sixty (60) days after the date this ordinance is adopted, or when this ordinance becomes acknowledged by operation of ORS 197.625(1) and (2), whichever occurs later.
- 3.3 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 17th day of June, 2009, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

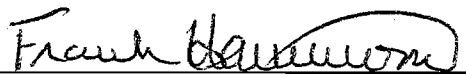

Dennis C.W. Smith, Chair


Dave Gilmour, Commissioner


Jack Walker, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

ATTEST:


Frank Hammond, County Counsel

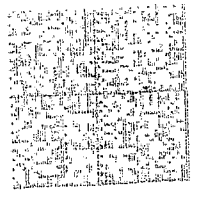

By: Recording Secretary

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 _____, 2009, and the LUBA appeal period will expire on _____, 2009. 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.




Development Services
 10 S Oakdale Ave. Room 100
 Medford, OR 97501


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 JAN 18 2008
 MEDFORD, OR 97501
 US POSTAGE



AGENCY LRP2008-00008
 DLCD PLAN AMENDMENT SPECIALIST
 635 CAPITOL STREET NE STE 150
 SALEM OR 97301-2540



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Label 107R, January 2008

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

ORDINANCE NO. 2009-1

IN THE MATTER OF CONSIDERATION OF AMENDMENTS TO CHAPTERS 1, 2, 3, AND 13 OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE (LDO) TO IMPROVE THE LAND USE PLANNING APPLICATIONS, HEARINGS, PROCEDURES, AND RELATED TOPICS AND AMENDMENTS TO THE USE TABLES IN CHAPTER 4 TO COMPLY WITH OREGON ADMINISTRATIVE RULE 660-33-120. *File LRP2008-00008.*

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan and implementing ordinances have been acknowledged by the Land Conservation and Development Commission (LCDC).
2. The Jackson County Planning Commission held properly noticed public hearings on this matter to consider the evidence on October 9, November 13, and December 11, 2008.
3. The Jackson County Board of Commissioners also held a properly noticed public hearing on this matter on February 4, March 25, April 8, and April 29, 2009.

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

SECTION 1. FINDINGS

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1-ORDINANCE; File LRP2008-00008
LDO Amendments

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SECTION 2. CONCLUSIONS

- 2.1 The procedural requirements of ORS 197.610-197.615 have been met.
- 2.2 The amendments to Land Development Ordinance Chapter 1 (General Provisions), Chapter 2 (Review and Decision Making), Chapter 3 (Application Review and Decision), Chapter 13 (Definitions), and the use table in Chapter 4 (Resource Districts) are intended to streamline procedures, reduce reoccurring and/or escalating costs to applicants for the processing of land use planning applications, and to comply with state law.

SECTION 3. DECISION

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

- 3.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, the Board of County Commissioners accepts the recommendation of the Planning Commission and adopts their recommendation, attached and incorporated here by reference as Exhibit "A"; including revisions to the proposed amendments outlined in the Memo incorporated by reference as Exhibit "B"; including revisions to the proposed amendments to Table 4.2-1 incorporated by reference as Exhibit "C"; including revisions to the proposed amendments outlined in the memo regarding the Remand Fee in Section 2.6.10(E), Final Development Plan and Platting Requirements in Section 3.5.3(D)(1), mandatory Pre-Application Conferences in Section 2.7.1, and Table 4.2-1 incorporated by reference as Exhibit "D"; and amended in Exhibit "E".
- 3.2 In accordance with Section 14(8) of the Jackson County Charter, this ordinance shall take effect sixty (60) days after the date this ordinance is adopted, or when this ordinance becomes acknowledged by operation of ORS 197.625(1) and (2), whichever occurs later.
- 3.3 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 17th day of June, 2009, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

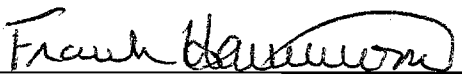

Dennis C.W. Smith, Chair


Dave Gilmour, Commissioner


Jack Walker, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

ATTEST:


Frank Hammond, 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 _____, 2009, and the LUBA appeal period will expire on _____, 2009. 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.

EXHIBIT A

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

IN THE MATTER OF CONSIDERATION OF)
AMENDMENTS TO CHAPTERS 1, 2, 3, AND 13)
OF THE JACKSON COUNTY LAND)
DEVELOPMENT ORDINANCE (LDO) TO)
IMPROVE THE LAND USE PLANNING)
APPLICATIONS, HEARINGS, PROCEDURES,)
AND RELATED TOPICS AND AMEDNMENTS)
TO THE USE TABLES IN CHAPTER 4 TO)
COMPLY WITH OREGON ADMINISTRATIVE)
RULE 660-33-120. File LRP2008-00008)

**RECOMMENDATION
FOR APPROVAL**

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The Jackson County Planning Commission (JCPC) hereby initiates a text amendment to the Jackson County Land Development Ordinance (LDO), pursuant to LDO Section 3.8.2.
3. The JCPC conducted the first work session on this subject on November 8, 2007 followed by several similar sessions in 2008. Pursuant to Oregon Revised Statute (ORS) 197.660 and Oregon Administrative Rule (OAR) 660, Division 18, notice was given to the State of Oregon Department of Land Conservation and Development Commission (DLCD) on September 19, 2008. The JCPC conducted the first evidentiary hearing on October 9, 2008 and concluded deliberations on the matter on December 4, 2008.

Now, therefore,

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

FINDINGS:

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

1. Work sessions were held on the subject beginning in November 8, 2007 and continuing in 2008.
2. Proper notice was given pursuant to ORS 197.660 and OAR 660-018 on September 19, 2008.

1-File No. LRP2008-00008
LDO Procedures Update

Board of County Commissioners

File No. LRP2008-00008 Exhibit # 2

Offered by: Staff

Date: 1-26-2009 Received by: D

- 7

3. A properly published legal notice was in the Mail Tribune on September 28, 2008, for the first evidentiary hearing held before the JCPC on October 9, 2008 and was continued on November 13, and December 11, 2008. A broad list of stakeholders was also directly provided notice for each of the hearings.
4. The LDO Criteria for a legislative amendment to the LDO are found in Section 2.7.6(E)(6).
5. Staff reports were prepared for the work sessions (beginning p. 2, JCPC Record), the initial public hearing on October 9, 2008 (memo dated 10/01/08, p. 1, JCPC Record) and the hearing on November 13, 2008 (memo dated 11/03/08, p. 140, JCPC Record), and for the final deliberation on December 4, 2008 (memo dated 12/04/08, p. 226, JCPC Record).
6. The JCPC finds that the proposed amendments do not restrict the residential use of private real property or farming or forest practices and do not reduce the fair market value of the property; thus are not subject to ORS 195.300-336.
7. The JCPC finds that the proposed amendments do not limit or prohibit otherwise permissible land uses or rezone property and thus are not subject to notice requirements under ORS 197.047.
8. The JCPC finds that the proposed amendments will improve the operation of the Jackson County Development Services Planning Division.

CONCLUSION:

The Jackson County Planning Commission adopts the Staff Reports and recommendation as included in the record, including the attached text amendments to the LDO (Exhibit 1).

RECOMMENDATION:

Based on the evidence in the record, the Planning Commission finds the changes to LDO Chapters 1, 2, 3 and 13 and the use table in Chapter 4 (Attachment 1) are warranted and recommends adoption by the Board of Commissioners.

In addition to the LDO revisions, the JCPC also recommends the Board amend the Jackson County Code as follows:

Chapter 1222.12: Establishment and membership of the Planning of White City Commission

(b) The White City Planning Commission shall consist of five members appointed by the Board of Commissioners for four-year-terms, provided that the initial appointments may be staggered for one, two, three or four-year terms. All members must be residents of Jackson County. Three members must be residents of various geographic areas within White City. In all other respects, the provisions of Section 1222.03 shall apply. Members of the Jackson County Planning Commission may be appointed to the White City Planning Commission or serve as an interim appointment for any vacancy.

Chapter 1222.13: Functions of Planning of White city Commission

2-File No. LRP2008-00008
LDO Procedures Update

(b) Other Functions. In addition, the White City Planning Commission shall review and make recommendations with respect to the White City Urban Unincorporated Area Plan prior to its consideration by the Board of Commissioners and, further, perform within the present White City Urban Unincorporated Community all those functions which have been prescribed for the General Planning Commission with respect to the remainder of the County areas, except for those recommendations related to County-wide Land Development Ordinance changes.

This recommendation for APPROVAL adopted this 11th day of December, 2008, at Medford, Oregon.

JACKSON COUNTY PLANNING COMMISSION

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

Reeve Hennion Y
Reeve Hennion, Chair 1-26-09

Don Greene Y
Don Greene, Vice-Chair

Richard B. Thierolf, Jr. Y
Richard B. Thierolf, Jr., Commissioner 1-26-09

Joel Ockunzzi Y
Joel Ockunzzi, Commissioner 1-26-09

ABSENT
Tani Wouters, Commissioner

ATTEST:

Susan Lee
Susan Lee, JCPC Secretary/Planning Director

Exhibit 1: LDO Text Amendment to Chapters 2, 3, 13, and Use Table in Chapter 4

CHAPTER 2¹. REVIEW AND DECISION-MAKING

2.1 SUMMARY OF ADMINISTRATION AND REVIEW ROLES

Table 2.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the procedures set forth in Chapter 3. Complete descriptions of the duties and responsibilities of the entities are set forth in the following sections. Footnotes for Table 2.1-1 appear below. Even though not referenced in Table 2.1-1, other boards, commissions, and agencies may be asked to provide comments during the County's review of land use applications.

Table 2.1-1 Footnotes:

[1] The White City Planning Commission(WCPC) reviews land use actions within the White City Urban Unincorporated Community (WCUUC) and the Jackson County Planning Commission (JCPC) reviews actions of countywide significance and land use actions outside the WCUUC.

[2] Not a land use decision per ORS 197.015.

[3] ORS 215.416 and 215.416 (11)(b) provides opportunity to appeal the decision.

[4] Responsibility for making final County decisions when an appeal is filed will transfer to WCPC upon passage by the Board of Commissioners of a development services funding mechanism for the WCUUC.

[5] Staff decision unless referred directly to hearing under Section 2.7.4 (C).

¹Ordinance 2006-10, effective 2-18-2007

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]: <ul style="list-style-type: none"> • Site Development Plan • Public Park Minor Alteration/Expansion • Partition • Property Line Adjustment on Resource Lands • Administrative Adjustment • Historic Property Minor Alteration/Noncompatible Property/Parcel Area Reduction • Destination Resort Final Development Plan • Sewer Extension for Public Health 	3.1.3 3.2 3.2.10 3.3.2 3.4 3.12 7.1.1(F) 8.9 6.3.87.1.5 3.6	Decision	Hearing/ Decision [3] (If appealed or referred by Director)	-	Hearing/ Decision [3, 4]	-
Type 2 Permits [5] <ul style="list-style-type: none"> • Written Interpretations 	3.9	Decision	-	-	-	Hearing/Decision (if appealed)
Type 3 Permits [5]: <ul style="list-style-type: none"> • 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] (If appealed or referred by Director)	-	Hearing/ Decision [3, 4]	
Type 4 Permits: <ul style="list-style-type: none"> • Solid Waste Disposal • Public Road Creation <u>requiring a TSP amendment</u> • Sewer Extension <u>requiring a Goal Exception</u> • Comprehensive Plan or Zoning Text Amendment • Comprehensive Plan or Zoning Map Amendment • UGB/Urban Fringe/Urban Buffer Amendment • JGPP Jackson County Park Plan • Historic Property Designation/Moving/Demolition 	3.1.5 3.2.9 3.10 ¹ 3.6 3.7.1 3.8 3.7.3(E) 3.7.4 3.7.5/ 7.1.1(F)	Recommendation	-	Hearing/Recommendation	Hearing/Recommendation	Hearing/Decision
Type 4 Permits: <ul style="list-style-type: none"> • Subdivision • Planned Unit Development • Destination Resort Preliminary Development Plan • <u>Solid Waste Disposal</u> • <u>Public Road Creation with no TSP amendment</u> 	3.3.2 3.5 6.3.87.1.5 <u>6.3.6(C)</u> 3.10 ¹	Recommendation	-	Hearing/Decision	Hearing/Decision	Hearing/Review/ Decision (if appealed)

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. The Board may, consistent with Section 2.6.10, remand matters to the Planning Commissions to conduct further proceedings and make additional recommendations or confirm or revise its decision.

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.

2.2.2 Scope of Review of Specified Decisions

A) Review on the Record

- 1) Except as limited in this section and notwithstanding any other provisions of the LDO, the Board of Commissioners' review of appeals from decisions will be on the record created at the hearing conducted by the lower reviewing body, provided, however, that the Board of Commissioners must conduct a de novo hearing on appeals of Sewer Extensions that require a goal exception (Section 3.6.2), the adoption of Jackson County Public Park Overlays (Section 3.7.4), Comprehensive Plan or Zoning Text Amendments (Section 3.7.1), Comprehensive Plan or Zoning Map Amendments (Section 3.8) and UGB/Urban Fringe Buffer Amendments (Section 3.7.3(E)).
- 2) For purposes of this section, the "record" shall consist of the following elements from the hearing conducted by the reviewing body from which the appeal is being taken: the recording of the hearing made by the County pursuant to Section 2.7.6(F)(2), all exhibits received, all motions and objections made by the parties and all actions taken by the reviewing body from which the appeal is being.
- 3) Transcript
 - a) The appellant or any other party may provide the Board of Commissioners with a transcript or a portion of a transcript of the hearing from which the appeal is being taken which must be prepared by a Certified Shorthand Court Reporter from the recording made by the County, and its accuracy must be attested to.
 - b) One copy of the transcript will be provided for each Commissioner and one extra copy will be provided for the

file. Only one transcript is required to bear the original affidavit. The absence of a transcript from the record on appeal shall not be construed as a defect in the record.

- c) The transcript, if any, must be provided by the date set by the Board of Commissioners for the receipt of written arguments on the appeal.

4 Argument:

- a) Participants in an appeal are entitled to submit written argument in support of their position. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.

- b) The Board of Commissioners shall establish a schedule for submittal of arguments by the participants provided, however, that the applicant shall have the opportunity to submit final rebuttal argument not sooner than 7 days following the submittal of argument by the other participants.

5) The Planning Division may prepare a memorandum for the record summarizing the matter under appeal. The memorandum may also include a recommendation. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.

6) The timing and content of the decision of the Board of Commissioners shall conform to the requirements of the ORS and the LDO.

B) Discretionary De Novo Hearing

- 1) An appellant may request in writing that the Board of Commissioners hold a de novo hearing on the appeal at the time of the filing of the notice of appeal. Such a request must provide specific reasons for the request.

- 2) The Board of Commissioners may grant a request for a de novo review at its discretion after consideration of the following factors:

- a) Whether a de novo hearing could cause the time limits in ORS 215.427 to be exceeded. For the purposes of this subsection, if an applicant is the appellant and the appellant has submitted together with its notice of appeal a written consent for an extension of the time limit adequate to allow for a de novo hearing and decision, consistent with the maximum limitation in ORS 215.427, then this criterion shall not be considered;

- b) If the recording of the hearing below, or a portion of thereof, is unavailable due to a malfunction of the recording device during the hearing, whether review on the

record would be hampered by the absence of all or a portion of the transcript of the hearing below;

- c) Whether the substantial rights of the parties would be significantly prejudiced without de novo review;
 - d) Whether ~~it appears that~~ the request is necessitated by failure of the appellant to present evidence that was ~~or should have been~~ available at the time of the hearing below;
 - e) Whether the appeal contains an allegation that statutes, ordinances, regulations or procedures were violated in the hearing or decision below;
 - f) Whether the Planning Commission or the Director has recommended that a de novo hearing be conducted on the appeal, and
 - g) Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the matter being appealed.
- 3) In the absence of a request for a de novo hearing, the Board of Commissioners may independently decide to conduct a de novo hearing on an appeal.
- 4) The Board of Commissioners may, at its discretion, determine to limit the issues on appeal to those listed in the notice of appeal or to one or more specific issues from among those listed on the notice of appeal.

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.² 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-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 the Development Services Department. The Hearings Officer may, however, request research assistance from 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 Planning Director of the ~~Development Services Department~~. The Director may render advisory opinions

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

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 Completeness³

- A) An application that is consistent with the submittal requirements specified in the Land Development Ordinance and the 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) If the applicant who receives notice of an incomplete application refuses to submit the missing information, the application will be deemed complete upon receipt of:

³Ordinance 2004-12, effective 2-6-2005

1. All of the information;
 2. Some of the information; or
 3. Written notice from the applicant that none of the missing information will be provided. *ORS 215.427(2)*
- D. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection C of this section and has not submitted:
1. All of the information;
 2. Some of the information; or
 3. Written notice that none of the missing information will be provided.
- 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))*
- 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. County review of Post-Acknowledgement Plan Amendment (PAPA) Applications for Aggregate Resource Land will take final action within 180 days after the application is deemed complete. *[ORS 215.427 (1), OAR 660-023-0180(5)]*
- C) At the written request by the applicant, the period set in subsection A of this section may be extended for a specified period of time. The total of all extensions may not exceed 215 days. *[ORS 215.427 (5)]*

2.6.5 Simultaneous Application Review

- A) Applications for more than one land use decision on the same property may, at the applicant's 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. Simultaneously reviewed applications will be required to pay the applicable fees for each application.
- B) When applications of differing review types are combined resulting in different review authorities, the review authority shall be that authority required for the highest review type, e.g., if one application requires a Type 2 review by Planning Division staff and another requires review by the Planning Commission, the Planning Commission will be the review authority for the simultaneous review.
- C) When applications of different review types require the same review types but result in different appeal bodies, the Director shall designate one of

the appeal bodies to have jurisdiction based on the following criteria and the Director's decision in this regard shall be final.

- 1) The nature of the appeal;
- 2) The efficiency of the appeal processes available, and
- 3) Such other factors as the Director may deem appropriate to the applications that have been combined.

D) The final decision rendered by the review authority may be appealed to LUBA.

E) 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 denies 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. (ORS 197.620, 197.830, and Jackson Co. Charter Chapter III, 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. The County may establish a fee to cover the reasonable costs of inspections and other actions to determine whether conditions have been complied with.

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***

1) ~~Following~~At an applicant's written application 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) Such an application request shall be reviewed by the Director within 21 days of submittal to determine whether the condition requested to be modified or amended was imposed to assure compliance with a standard or in order to satisfy the requirements of a criterion. Upon completion of that review, the Director shall take the following actions:

a) If the condition being considered was imposed to assure compliance with a standard or if it can be modified as an administrative adjustment under Section 3.12, the Director may determine whether to authorize the modification or amendment that has been requested.

b) If the condition being considered was imposed in order to satisfy the requirements of a criterion, the Director shall refer the request to the review authority having initial jurisdiction over the original application using the same type of review procedure as the original review.

- 3) The County may establish a fee to cover the reasonable costs of an application made under this provision.

2.6.8 Expiration and Extension of Land Use Permits

Except as provided in Section 4.1.3 for land use permits in EFU and forest zones, and as provided in Section ~~6-3-87.1.5~~ with regard to destination resort preliminary development plans and final development plans, a land use permit will become void ~~two~~ four years, or such lesser time as the permit may specify, after the date of the final decision if development has not been initiated. (See Section 13.3) For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the permit is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

~~Two~~A one-year extension may be granted by the Director 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 ~~(D)~~ above are met. ~~Unless otherwise noted, Authority to grant extensions of time will rest with the Director. Approval of an extension granted under this Section and is a Type 1 decision when made in accordance with the provisions of OAR 660-033-0140. Such decisions are~~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 decisions.~~

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

A remand of a decision may result from an order by the LUBALand Use Board of Appeals, the Oregon Court of Appeals, the Oregon Supreme Court or by order of the Board of Commissioners pursuant to Section 2.6.10(AB).

~~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]~~

A) **Remands from the Board of Commissioners**

- 1) The Board of Commissioners may remand a Type 3 or Type 4 land use decision or other land use action to the previous decision making body upon making findings consistent with the following criteria:
 - a) New substantial evidence is being offered for consideration that was unavailable at the time of review by the previous decision making body and is significant enough to call into serious question whether that decision would have been different;
 - b) The wrong legal criteria were applied by the previous decision making body;
 - c) Incomplete legal criteria were applied by the previous decision making body;
 - d) The previous decision making body improperly or incorrectly interpreted a provision of this Ordinance in reaching its decision;
 - e) The volume of new evidence offered would seriously interfere with the Board of Commissioners' agenda or unreasonably prejudice parties to the review;
 - f) The proposed new evidence is of sufficient importance to merit a reconsideration by the decision making body.
- 2) The Board of Commissioners may issue an order of remand based on its review of the record and the proposed new evidence in advance of a hearing, provided that such order is made and published not less than 7 days in advance of the scheduled hearing on the matter under consideration by the Board of Commissioners. The Board of Commissioners may also order a remand at any time during a hearing on the matter under consideration.
- 3) The order of remand must specify what new evidence provides the basis for the remand, and the parties to the remand hearing shall be limited to introducing that evidence and such other

evidence specifically found by the remand hearings body to be relevant to confront the allowed new information.

- 4) Nothing in this section shall prohibit, prevent or limit the ability of the Board of County Commissioners from referring a remand decision to the Planning Commission, Planning Division, Hearings Officer, and/or other entity for review, recommendation, and/or decision consistent with the duties and authorities designated to that decision making authority in Section 2.3-2.5 of this Chapter.
- 5) The County may establish a fee to cover the reasonable costs of remands under this provision. The fee will be assessed against the Applicant.

B) Standards and Criteria and Time Limits

- 1) Remands Generally
Unless otherwise required by this Ordinance or provisions of state law, reconsideration of quasi-judicial land use decisions remanded will be based on the standards and criteria in effect at the time the completed application 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.
- 2) Remands from the Board of Commissioners
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 the time limits established in ORS 215.427.
- 3) Remands from the Land Use Board of Appeals
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]

C) Scope of Review on Remand

- 1) Remands from State Bodies
Consideration of matters remanded from LUBA the Land Use Board of Appeals, the Oregon Court of Appeals or the Oregon Supreme Court is subject to the rulings and orders from those bodies, Oregon Revised Statutes, Oregon Administrative Rules and prevailing case law.
- 2) Remands from the Board of Commissioners
Consideration of matters remanded pursuant to Section 2.6.10(A) is limited as follows:
 - a) The decision making body to which the remand is referred

is limited to considering only the existing prior record and the new evidence allowable pursuant to Section 2.6.10(AB)(3).

- b) The review conducted on remand is limited to a consideration of whether the new evidence allowable pursuant to Section 2.6.10(AB)(3) requires a different decision than previously reached, in light of the record as a whole.

D) Notice and Procedure

- 1) Notice for a remand hearing shall conform to the requirements of Section 2.7.6 or 2.7.7, as applicable, provided however, if a party requests expedited review pursuant to Section 2.7.6, the County may assess an additional fee to cover the additional cost of that process.
- 2) A determination on remand will be made pursuant to a quasi-judicial hearing in conformity with 2.8.2 and 2.8.3 or 2.8.4, as applicable.
- 3) A remand hearing shall be subject to the notice provisions of Section 2.7.6.

E) Fees

A fee to conduct a remand hearing may be established by the Board of Commissioners which shall be assessed against the applicant. The County may establish a fee to cover the reasonable costs of remands under this provision. The fee will be assessed against the Applicant.

F) Appeal

No appeal may be taken from a remand decision ordered pursuant to Section 2.6.10(AB). Such decisions shall return to the Board of Commissioners for consideration. Remand decisions resulting from an order of the LUBA may be appealed to the LUBA

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 final 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 <i>if appealed</i>	-	X	X
Notice of <i>required</i> evidentiary hearing	-	-	-
Hearings Officer Decision <i>if appealed</i>	-	X	X
JCPC Decision or Recommendation	-	-	-
WCPC Decision or Recommendation See Note[4]	-	X	X
BoC Decision on appeal	-	-	-
BoC required final Decision	-	-	-

Table 2.7-2 SUMMARY OF REVIEW PROCEDURE FOR TYPE 4 APPLICATIONS
X = APPLICABLE

	Sewer extension		Subdivision	PUD	Destination Resort Preliminary Development Plan	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	6.3.87.1.5	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 <i>if appealed</i>	-	-	-	-	-	-	-	-
Notice of <i>required</i> evidentiary hearing	X	X	X	X	X	X	X	X
Hearings Officer Decision <i>if appealed</i>	-	-	-	-	-	-	-	-
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

(Drafter's Note: The flow charts for Types 2, 3 and 4 Reviews have been removed from the LDO and revised for clarity. They will be placed in the User's Guide.)

2.7.1 Pre-Application Conference

A) **Applicability**

- 1) A pre-application conference is mandatory prior to submission of all Type 2, 3 and 4 land use applications (Table 2.7-2) ~~and optional at the applicant's request for all other applications under this Ordinance.~~
- 2) Type 2 Review Applications
 - 4a) The pre-application requirement will be waived for Type 2 application if the Planning Division has not conducted the pre-application within 30 days following a written request and payment of the appropriate fee pursuant to Section 2.7.1(C).
 - 2b) The requirement of a pre-application conference for a Type 2 application will be waived when, within the twelve months prior to the pre-application conference, the applicant has secured an land use approval under the same provision of this Ordinance and:
 - a) There has been no change in the provisions of this Ordinance under which the application was approved, and
 - b) The application for that approval was deemed complete by the Planning Staff.
- 3) Type 2 and 3 Review Applications
 - aii) If, within 6 months following the pre-application conference, the application is filed, deemed complete by the Planning Staff and pursued to approval by the applicant, the fee paid for the pre-application conference will be applied in full to subsequent Development Services Department permits required for the approved project.
 - biii) Nothing in this section assures approval of an application under this Ordinance or eligibility for refund under Section 2.7.1(A)(2)(a).

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 hearing⁴. 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, or by a private professional with expertise in the field of the resource of concern.
 - d) An application involves an existing use with neighborhood opposition or where there is with an enforcement/compliance action pending against the use# which the application proposes to remedy 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

⁴Some 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)

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, ~~a member of a Committee for Citizen Involvement~~ or recognized CAC requests a hearing.
 - i) The Planning Division has not deemed an application complete under Section 2.6.3(A) and the applicant has declined to submit some or all of the additional information identified pursuant to Section 2.6.3(B) and requested that the application be deemed complete pursuant to Section 2.6.3(D).
 - j) An application concerns a property with a history of violations of this Ordinance or the Jackson County Code, regardless of whether the application is for a use that has generated the history of violations.
- 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), ~~(f), (h), (i), or (j)~~ above.
 - 3) The evidentiary hearing before the Director or Hearings Officer will be scheduled for a date no later than 60 days from the date the application is deemed complete.
 - 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.
 - 5) Notice of the elective hearing will follow the process in Section 2.7.6.
 - 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).
 - 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 (1/2) 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) To the best of the appellant's ability, state the specific reason(s) for the appeal, including the sections of this Ordinance and other authorities, if any, upon which the appeal is based. Nothing in this requirement limits the issues that can be raised during the appeal, and failure to list reasons with specificity cannot be the basis for refusing to hear or for denying 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).
- 5) The Planning Commission holds a remand hearing pursuant to an order of the Board of Commissioners under Section 2.6.10(A~~B~~).

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). Where no first evidentiary hearing has been held, 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 Planning Commission will hear all Type 3 and Type 4 review matters which have been remanded by the Board of Commissioners under Section 2.6.10(AB). Such hearings will be limited pursuant to the provisions of Section 2.6.10. Following a determination made by the Planning Commission on the remand, the matter will return to the Board of Commissioners so that it may continue its review.

54) 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) For all Comprehensive Plan amendments, a notice of public hearings shall be published in a newspaper of general circulation at least 10 days prior to the hearing. [ORS 215.060 and 215.223]
- 3) For applications not proposing a plan amendments, aAt 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.
- 4) Nothing in subsections 1, 2, or 3 shall restrict the giving of notice by other means, such as email, mail, radio, television, posting on the County website and any other reasonable means of communication.

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 ~~Division~~Department at no cost any time prior to the hearing and can be reproduced at reasonable cost.

F) ***Procedures and Decision***

- 1) 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.
- 2) A verbatim record of the hearing shall be made by digital, mechanical or other suitable means.
- 3) 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 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 specific reason(s) for the appeal, including the sections of this Ordinance and other authorities, if any, upon which the appeal is based;
 - 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.

(I) ***Appeal of a Director's First Evidentiary Hearing Decision***

- 1) *Review on the Record*
 - a) Except as limited in this section and notwithstanding any other provisions of the LDO, the Hearings Officer's review of appeals from Director's First Elective Hearing decisions will be on the record created at the hearing.

- b) For purposes of this section, the "record" shall consist of the following elements from the hearing conducted by the Director: the recording of the hearing made by the County pursuant to Section 2.7.6(F)(2), all exhibits received, all motions and objections made by the parties and all actions taken by the Director.
- c) Transcript
 - i) The appellant or any other party may provide the Hearings Officer with a transcript or a portion of a transcript of the hearing which must be prepared by a Certified Shorthand Court Reporter from the recording made by the County, and its accuracy must be attested to.
 - ii) One copy of the transcript will be provided for the Hearings Officer and one extra copy will be provided for the file. Only one transcript is required to bear the original affidavit. The absence of a transcript from the record on appeal shall not be construed as a defect in the record.
 - iii) The transcript, if any, must be provided by the date set by the Planning Division for the receipt of written arguments on the appeal.
- d) The timing and content of the decision of the Hearings Officer shall conform to the requirements of the ORS and the LDO.
- e) Argument:
 - i) Participants in an appeal are entitled to submit written argument in support of their position. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
 - ii) The Board of CommissionersHearings Officer shall establish a schedule for submittal of arguments by the participants provided, however, that the applicant shall have the opportunity to submit final rebuttal argument not sooner than 7 days following the submittal of argument by the other participants.
- f) The Planning Division may prepare a memorandum for the record summarizing the matter under appeal. The memorandum also may include a recommendation. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
- 2) Discretionary De Novo Hearing

- a) An appellant may request in writing that the Hearings Officer hold a de novo hearing on the appeal at the time of the filing of the notice of appeal. Such a request must provide specific reasons for the request.
- b) The Hearings Officer may grant a request for a de novo review at his or her discretion after consideration of the following factors:
 - i) Whether a de novo hearing could cause the time limits in ORS 215.427 to be exceeded. For the purposes of this subsection, if an applicant is the appellant and the appellant has submitted together with its notice of appeal a written consent for an extension of the time limit adequate to allow for a de novo hearing and decision, consistent with the maximum limitation in ORS 215.427, then this criterion shall not be considered;
 - ii) If the recording of the hearing, or a portion of thereof, is unavailable due to a malfunction of the recording device during the hearing, whether review on the record would be hampered by the absence of all or a portion of the transcript of the hearing;
 - iii) Whether the substantial rights of the parties would be significantly prejudiced without de novo review;
 - iv) Whether ~~it appears that~~ the request is necessitated by failure of the appellant to present evidence that was or should have been available at the time of the hearing;
 - v) Whether the appeal contains an allegation that statutes, ordinances, regulations or procedures were violated in the hearing or decision;
 - vi) Whether the Director has recommended that a de novo hearing be conducted on the appeal, and
 - vii) Whether in the Hearings Officer's sole judgment a de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the matter being appealed.
- b) In the absence of a request for a de novo hearing, the Hearings Officer may independently decide to conduct a de novo hearing on an appeal.
- c) The Hearings Officer may, at his or her discretion, determine to limit the issues on appeal to those listed in the notice of appeal or to one or more specific issues from among those listed on the notice of appeal.

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 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 regarding the application.
- C) After hearing the report of the Planning Staff, 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) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The hearings body shall grant such request by continuing the public hearing pursuant to Section 2.8.3(E) or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph Section 2.8.3(F) of this subsection. [ORS 197.763(6)(a)]
- E) If the hearings body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence. [ORS 197.763(6)(b)]
- F) If the hearings body leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the hearings body for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record pursuant to Section 2.8.3(I). [ORS 197.763(6)(c)]
- G) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179, unless the continuance or extension is requested or agreed to by the applicant. The County may assess a fee for any continuance initiated by the applicant. [ORS 197.763(6)(d)]
- H) Unless waived by the applicant, the hearings body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179. [ORS 197.763(6)(e)]
- I) When the hearings body reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue. [ORS 197.763(7)]
- J) 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.

- K) 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 and the record.
- L) 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.
- M) For purposes of this section
 - 1) "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision. [ORS 197.763(9)(b)]
 - 2) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts. [ORS 197.763(9)(a)]
 - 3) "Hearings body" means whatever authority is conducting an quasi-judicial hearing, including the Hearings Officer.

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.
- B) After hearing the report of the Planning Staff, 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 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.

CHAPTER 3.¹ 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 ~~Authorizations~~Permits and Zoning Information Sheet

Type 1 uses are ~~authorized~~permitted by right~~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 ~~authorizations~~permits are limited to situations that do not require interpretation or the exercise of policy or legal judgment. Type 1 authorizations are not land use decisions as defined by ORS 215.402.

¹Ordinance 2006-10, effective 2-18-07

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.²

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 and standards contained in the Comprehensive Plan, applicable standards of this Ordinance, and that all 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;

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

- 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 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. 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.³

³Ordinance 2004-12, effective 2-6-2005

- 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.
- 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 review, and thus does not address every building, fire, or life safety requirement.

3.2.2 Applicability⁴

This section does not apply to single family residential development projects or destination resorts approved under Section 6.3.8.

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. When a site development plan is required, it will be submitted to and approved by the Planning 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 Requirement³

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(B) are met.

New uses, substantial expansion, change in use (other than as exempted in Section 3.2.5(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

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

increase in traffic of more than 100 trips per day as a result of increased employees, customers or a combination of both;

- 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) Multi-family development with more than 10 dwelling units;
- 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;⁵
- 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 development. In both cases it will be necessary to obtain a

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

binding commitment to make needed road improvements when warranted;

- 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) **Amendments**

An 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. 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.

B) **Exemption for Changes in Use or Ownership⁶**

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 impacts resulting from the change in use will be commensurate with those of the existing use, including:
 - 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;

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

- 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 subsection (A), 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 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 Division will hold a pre-application conference to discuss the proposed alteration or expansion. Following the meeting, the Planning Staff 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 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 a division of land 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 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:* An approved tentative plan will become void ~~24~~12 months after the date of the final decision approving the tentative plan if the final plat has not been prepared and submitted to the Department for review. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.
 - a) ~~Notwithstanding Section 2.6.8, A~~ time extension of not more than 12 additional months may be granted by the Director, ~~for good cause,~~ based upon a written request from the applicant made prior to the expiration of the original ~~24~~12 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) In any event, the total time period within which to submit a final plat will not exceed ~~four~~two years after the date of the final decision approving the tentative plan.

D) ***Final Plat Procedures***

Regardless of the type of approval process required for the tentative plan, the Director will review the final plat for consistency with the approved tentative plan as a Type 1 review procedure. If the Director determines that the final plat complies with the requirements of paragraphs (1) and (2) of this Section, the Director will so certify and sign the final plat. No additional conditions will be imposed on the final plat. If the 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 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) Phased Developments

1) Generally:

- a) In a phased development the applicant secures final plat approval in phases that are composed of a portion of the land for which the tentative plan approval was granted. Each stage requires the satisfaction of all conditions of approval for the portion of land which is being developed.
- b) The phases to be developed must be clearly set out on the tentative plan together with the order of their development. Each phase must be designed to be independent of all later phases so that each phase stands on its own, even if later phases are not developed.
- c) Any alteration in the order of development of the phases requires approval for an amendment to the tentative plan.

2) Validity, Duration and Extensions of Tentative Plan Approval: An approved tentative plan for a phased development shall become void 24 months after the date of the final decision approving the tentative plan, subject to the following provisions. For the purposes of this section the "date of the final decision" shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.

- a) 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 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The request may be granted where all of the standards of

- Section 2.6.8(A) through (D) are met.
- b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) The other provisions of Sections 3.3.2 notwithstanding, the Planning Commission shall have the discretion to allow extensions to the validity of a tentative plan approved for a phased development to be for a different period or periods, provided that the total period of validity may not exceed the maximum allowed by the applicable provisions of the Oregon Revised Statutes. Any such approval must be based on specific findings related to the phased development which justify the different periods of validity
 - d) Except as provided in Section 3.3.2(E)(2)(c), in no event shall the total time period within which to submit the final plat for the last phase designated on the approved tentative plan exceed five years after the date of the final decision approving the tentative plan.
 - e) The granting of any extension pursuant to Sections 3.3.2(E)(2)(a), (b) or (c) is subject to the limitation of Section 3.3.2(E)(3).
- 3) Changes in the Comprehensive Plan or this Ordinance: No extension of the validity of the tentative plan pursuant to Section 3.3.2(E)(2)(a) or (b) shall take effect if the Director determines that the tentative plan is in conflict with changes in the Comprehensive Plan or this Ordinance that have been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for all phases designated on the tentative plan for which a final plat has not been reviewed and approved by the County.

FE) 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.

GF) Documents to be Recorded and Filed

Approval of the final plat by the 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.

HG) 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.

IH) 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.

JH) 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] all or a portion of a common boundary line between 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 of this Section. Boundary line agreements, as defined, are not subject to the requirements of this Section. A property line adjustment is not required [when] for a boundary line agreement establishing the physical location of an existing lawful property boundary.

3.4.2 Procedure

Applications for property line adjustments comprised of entirely non-resource lands will be processed as Type 1 permits. Applications for property line adjustments involving any resource lands will be processed under the Type 2

procedure of Section 3.1.3. Both the Type 1 and Type 2 permits are subject to the following:

- 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 both parcels will be greater than 10 acres [ORS 92.060(8)];
- 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 Criteria⁷

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

- A) ~~All~~ Both properties are lawfully established units of land;
- B) No new parcels will result from the adjustment;

⁷Ordinance 2004-12, effective 2-6-2005

- C) Except as provided by (F) and (G) below, and provided the standards of Section 10.4.4 are met, for properties located entirely outside the corporate limits of a city:
- 1) Where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, after the adjustment one is as large as or larger than the minimum lot or parcel size for the applicable zone; or
 - 2) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment. [2008 HB 3629]
- 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 onsite 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 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 buildable through a property line adjustment; and
- G) In resource districts:
- 1) A property line adjustment will not:
 - a) Decrease the size of a lot or parcel that, before the relocation or elimination of all or a portion of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - (b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - (c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard. [2008 HB 3629]

- 2) A property line adjustment for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change to a non-resource zone [are] is prohibited[;].
- 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.
- 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(4) & 660-033-0020(4)]

3.5 PLANNED UNIT DEVELOPMENT (PUD) AND CLUSTER DEVELOPMENT 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) or cluster developments 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 and cluster developments, 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;
- E) To capitalize on the potential of special site features such as geography, topography, size, or shape; and
- F) To preserve open space for aesthetic, environmental and resource management purposes.

3.5.2 Authorization and Applicability

The County may authorize PUDs and cluster developments 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 or cluster development 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 and cluster developments 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 Staff Recommendation**

The Planning 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 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 right-of-ways 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 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 Or Cluster 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 or cluster development 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

The objectives of Section 3.5.1 must demonstrably be met by the proposed PUD or cluster development plan. In addition, a PUD or cluster development 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;
- 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 24 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) *Minor Map Amendment (Legislative):* Amendments that propose a change to correct mapping, iconographic, scrivener's and similar errors and that do not alter the substance of a map. Such changes will be based on a comparison of the map with the ordinance that created it and the legislative history of the ordinance.
- 3) 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.
- ~~43)~~ *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.
- 54) *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 non-substantive 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 Plan⁸:
 - 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;

⁸ These criteria are superseded in Aggregate Resource plan and zone amendments by OAR 660-023-0180. The applicable criteria in aggregate amendment cases are found in the Map Designation Element of the Comprehensive Plan, other elements of this Plan, and in other sections of this LDO.

- 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 re-designation, 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 sub-region 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.

- 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 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

3.9.1 Written Interpretations by the Director

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:

- A) The Director's interpretation will be in writing, and a copy will be provided to the applicant and parties entitled to notice of the decision.
- B) 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.
- C) The record of interpretations will be kept in the Development Services Department and will be available for public inspection during normal business hours.
- D) Appeal of the Director's interpretation will be to the Board of Commissioners in accordance with Table 2.1-1. The interpretation of the Board of Commissioners upon appeal will be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.2 Director's Referral for Interpretation by the Board of Commissioners

A) ***Purpose***

- 1) When the meaning of a provision of this Ordinance is in doubt or

dispute or lacks adequate clarity or otherwise significantly impairs the proper administration and application of this Ordinance, the Director may refer the provision to the Board of Commissioners for a binding written interpretation.

- 2) The Director may also exercise this authority when, in the Director's judgment, any decision of the Hearings Officer misapplies or misinterprets this Ordinance. In such cases, the Hearings Officer's decision shall stand, subject to an appeal to LUBA as provided in the Chapter 2.

B) Procedures

- 1) The Director shall prepare a written referral on such a provision and transmit it to the Board of Commissioners. Copies of the referral shall simultaneously be provided to the JCPC and to the WCPC, if the provision to be interpreted affects White City. The referral will be processed as a Type 2 determination consistent with the provisions of Section 2.7.6.
- 2) The written referral will identify the provision for which an interpretation is sought and will include a clear of the reason for the referral and of the implications of the various interpretations known at the time of the referral. Nothing in this provision shall limit the Board of Commissioners' authority to adopt any it deems proper.

C) Hearing and Notice of Hearing

- (1) The Board of Commissioners shall notice and schedule a hearing within 45 days of receipt of the referral, and notice will be provided in a manner consistent with Section 2.7.6(C)(1).
- (2) Notice of all written interpretations shall be provided to all parties who have notified the Planning Division in writing of their interest in such notification. Notice shall also be posted on the County's website. The Director shall keep a current list of all those who have requested to receive notices.

D) Evidence

All evidence and testimony offered shall be restricted to the provision referred for interpretation and must be material to that issue. The Board of Commissioners may exclude evidence and testimony that is not germane to the issue referred for interpretation.

E) Decision

The Board of Commissioners' determination on the Directors referral must be rendered within 15 days of the close of the noticed hearing.

F) Appeal

The decision by the Board of Commissioners adopting the interpretation is not appealable. A decision on a land use application which relies on such an interpretation is subject to appeal as provided in Chapter 2, and such an appeal may include assignments of error relating to the interpretation.

E) **Binding Interpretation**

Interpretations adopted by the Board of Commissioners shall be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.3 Record of Interpretations

A) **Permanent Record**

The Director shall establish and maintain a permanent record of all interpretations rendered pursuant to Section 3.9. Each interpretation shall be entered into the record within 5 days of its having been rendered.

B) In the case of an interpretation rendered by the Director pursuant to Section 3.9.1, the interpretation shall be entered into the record within 5 days of the expiration of the appeal period if no appeal is taken. If an appeal is taken, only the interpretation rendered by the Board of Commissioners shall be entered into the record.

C) **Elements of the Record**

1) The record shall contain a comprehensive summary of all interpretations, organized by LDO section number. Entries within each section shall be organized by the date of the interpretations, and each entry shall indicate what body rendered it.

2) The summary shall be up dated with each new interpretation entered into the record, and a copy of the most current summary shall be included as a part of the annual update of this Ordinance.

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 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 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.

CHAPTER 13.¹ 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 supersede definitions appearing in State or Federal land use law, which may also be directly applicable in land use decision-making.

13.1.1 Rules of Interpretation

A) **Multiple Definitions**

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

B) **Conflicting Definitions**

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

C) **Interpreting Words, Terms, and Phrases**

¹Ordinance 2006-10, effective 2-18-07

When a word, term or phrase is not defined, or where multiple definitions may apply to a situation, the Director is authorized to interpret or define such words, terms, and phrases. When such an interpretation involves discretion in resolving apparent definitional conflicts, the interpretation will be made in accordance with Section 3.9. In making any interpretation or definition, the Director may consult secondary sources related to the planning profession, such as *A Survey of Zoning Definitions - Planning Advisory Service Report Number 421*, edited by Tracy Burrows (American Planning Association Chicago, IL 1989); and *The Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University NJ 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 (1) use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

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

1) ***Principal Use Characteristics***

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

2) ***Exclusion***

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

13.2.2 Resource Uses

A) ***Agriculture***

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

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

B) ***Forestry***

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

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

C) ***Mineral and Aggregate***

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

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

- 2) *Exclusion*
Permanent concrete and asphalt batch plants are classified as Industrial/Manufacturing uses.

D) ***Fish and Game***

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

13.2.3 Residential Uses

A) ***Household Living***

- 1) *Characteristics; Accessory Uses*
Includes residential occupancy of a dwelling unit by a family. Tenancy is arranged on a month to month or longer basis. Common accessory uses include recreational and hobby activities, raising pets, gardens, personal storage buildings, and parking of the occupants' vehicles. Home Occupations, Home Businesses, Detached Living Space and Accessory Dwelling Units are accessory uses that are subject to additional regulations (See Section 6.4).
- 2) *Exclusion*
Lodging in a dwelling unit where more than two-thirds (2/3) of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified as a "Visitor Accommodation."

B) ***Group Living***

- 1) *Characteristics; Accessory Uses*
Includes residential occupancy of a structure by a group of people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and care givers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

13.2.4 Commercial/Office Uses

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

- 1) *Characteristics; Accessory Uses*

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

B) *Animal Sales/Service*

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

C) *Building Materials*

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

D) *Day Care*

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

E) *Eating and Drinking Establishments*

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

F) *Financial Institutions*

- 1) *Characteristics; Accessory Uses*
Includes establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-

cashing facilities. Accessory uses may include automatic teller machines, offices, and parking. Financial Institutions may or may not have drive-through service, as permitted in the zoning district.

- 2) *Exclusion*
Financial Institutions do not include bail bond brokers.

G) **Food and Beverage Sales**

- 1) *Characteristics; Accessory Uses*
Includes retail sales of food and beverages for off-site preparation and consumption. Accessory uses may include offices, parking, and food preparation areas.
- 2) *Exclusion*
Establishments at which 20% or more of the transactions are sales of prepared food for on-site or take-out consumption are classified as "Eating and Drinking Establishments."

H) **Landscaping Sales/Service**

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

I) **Medical Services**

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

J) **Office**

- 1) *Characteristics; Accessory Uses*
Includes uses characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, insurance, or financial services. Accessory uses may include cafeterias, health facilities, employee childcare, parking, or other amenities primarily for the use of employees in the firm or building.
- 2) *Exclusion*
Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category (e.g., manufacturing), are considered part of the other category.

K) **Personal Service**

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

L) **Recreation and Entertainment**

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

M) **Retail Sales**

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

2) *Exclusions*

- a) The sale of agricultural products and equipment is classified as "Agricultural Sales and Service."
- b) The sale of animals is classified as "Animal Sales/Service."
- c) The sale of food or beverages for consumption on the premises is classified as "Eating and Drinking Establishments."
- d) The sale of food or beverages for consumption off premises is classified as "Food and Beverage Sales."
- e) Lumber yards and other building material sales that sell to contractors as well as retail customers are classified under "Building Materials."
- f) Sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as "Vehicles and Equipment."

N) **Service and Repair Businesses**

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

2) *Exclusion*

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

O) **Vehicles and Equipment**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

a) "Heavy Machinery and Equipment Repair" is classified as an Industrial Use.

b) "Wrecking Yard (Salvage or Junk)" is classified as an Industrial Use.

P) **Visitor Accommodation**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

a) Lodging where the residents meet the definition of a family and where tenancy is arranged at a minimum on a month-to-month basis is classified as "Household Living."

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

13.2.5 Industrial/Manufacturing Uses

A) **Equipment Storage and Repair**

1) *Characteristics; Accessory Uses*

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

B) **Industrial Service**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

C) ***Manufacturing and Production***

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

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

1) *Characteristics; Accessory Uses*

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

13.2.6 **Transportation Uses**

A) ***Aviation***

1) *Characteristics; Accessory Uses*

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

2) **Exclusion**

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

B) **Public Transportation**

1) **Characteristics; Accessory Uses**

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

C) **Transportation Facility**

1) **Characteristics; Accessory Uses**

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

D) **Transportation Improvements**

1) **Characteristics; Accessory Uses**

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

13.2.7 **Utility/Solid Waste Uses**

A) **Utility**

1) **Characteristics; Accessory Uses**

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

publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

2) *Exclusion*

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

B) **Waste Related Use**

1) *Characteristics; Accessory Uses*

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

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

A) **Parks and Recreation**

1) *Characteristics; Accessory Uses*

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

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

1) *Characteristics; Accessory Uses*

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

C) **Public Assembly**

1) *Characteristics; Accessory Uses*

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

D) **Public Works**

1) *Characteristics; Accessory Uses*

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

E) **Religious Assembly**

1) *Characteristics; Accessory Uses*

Includes uses that primarily provide meeting areas for religious activities (e.g., churches, temples, synagogues, and mosques). Accessory uses include parking, "Sunday school" and child care facilities and seminaries. In non-resource zones, group living facilities such as convents and monasteries may be developed as an accessory use. (See ORS 215.441)

2) *Exclusion*

Private K-12 religious schools and preschool facilities are classified under "Schools" and Commercial Use, "Day care", respectively.

F) **Safety Services**

1) *Characteristics; Accessory Uses*

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

G) **Schools**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

13.3 TERMS DEFINED

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

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

permit and a construction time schedule have been approved by the County.

- f) Processing: The extraction, washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt and portland cement.
 - g) Significant Aggregate Resource: Aggregate or stone materials commonly used in construction purposes which:
 - (i) Meet Oregon Department of Transportation specifications for construction grade material or meet city, county, state, or federal specifications for structural fill material. Oregon Department of Transportation quality specifications for aggregate include: (1) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 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 500,000 tons (this standard is not absolute; the County may consider the significance of a site based on unique circumstances even though the volume threshold may not be met); or,
 - (iii) Are located on property owned by, or under long-term lease to a city, county, or state jurisdiction for the primary purpose of excavating aggregate or stone materials for road maintenance and road construction.
 - h) Significant Mineral Resource: Metallic and non-metallic minerals, other than aggregate, commonly used in construction, that have been determined to be significant based upon an analysis and findings that the resource represents a marketable and valuable resource.
- 7) AGGRIEVED PARTY: Any person(s) or entity(ies) who can demonstrate that their property will be injured by a land use decision of the County; or anyone requiring notice pursuant to this Ordinance.
- 8) AGRICULTURE, AGRICULTURE USE: The use of the land for crop and tree farming; the raising of livestock, poultry, fur-bearing animals, or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries and greenhouses, and the necessary uses for storing produce that is incidental to that of normal agricultural activity. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use, and disposal by marketing or otherwise. Agriculture use shall not include auction yards, slaughter houses, or rendering plants. When located outside of a commercial or industrial zone, a plant nursery or greenhouse involving wholesale or commercial sales is an agricultural use only if the products offered for sale are produced by the farm use of the property as defined by this Ordinance and ORS 215.203.

- a) Agricultural Produce Stand (farm stand): A facility for the marketing of produce grown on the subject parcel or other farm operations in the local agricultural area.
 - b) Commercial Agricultural Enterprise: Farm operations that will contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm products. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state. (See OAR 660-033-0020(2))
 - c) Exempt Agricultural Building: A structure located on a farm outside any floodplain and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting, and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such farms for man's use and animal use and disposal by marketing or otherwise. See the *Building Code*.
 - d) Horse Boarding/Riding Facilities: A facility for the boarding, care, and exercise of horses and related equestrian activities including facilities for instruction in horseback riding, and horse training including rings, stables and exercise areas. Periodic horse shows, when not the primary purpose of the facility, are an incidental use.
 - e) Intensive Agriculture: The use of parcels or tracts to actively grow specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture or Jackson County 2001 aerials. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa.
- 9) AIRPORT/HELIPORT: The strip of land used for taking off and landing aircraft, together with all adjacent land and airspace used in connection with the aircraft landing or taking off from the strip of land, including but not limited to any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. (See ORS 836.005)
- a) Aircraft: Helicopters, other rotorcraft and airplanes, but not hot air balloons or ultra-lights. (See OAR 660-013-0020)
 - b) Airport Imaginary Surfaces: Surfaces established with relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft. Buildings, structures and other obstructions are generally prohibited from extending above the imaginary surfaces. Imaginary surfaces include the primary surface, approach surface, conical surface (concern overlay), horizontal surface and transitional surface. The airspace boundaries to use are those indicated on the most recent airport Master Plan and/or the most recent Oregon Department of Aviation specifications. (See OAR 738.070.0120 and 0130)

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

- 15) APPLIANCE REPAIR/INCIDENTAL SALES: An establishment primarily engaged in the repair of household appliances, with incidental sales of new and used appliances.
- 16) APPLICANT: The person or entity who applies for a land use permit, including person(s) holding legal and/or equitable title to the property; their designee, successors or assigns; their authorized agent; or a condemner who has been granted immediate possession by a court of competent jurisdiction. A public agency may also be an applicant when the land use approval sought involves land or infrastructure for which the agency is responsible. The rights and responsibilities of a land use approval are jointly and severally vested in the applicant and person(s) holding legal and/or equitable title to the property and their successors or assigns.
- 17) AUCTION SERVICE: An indoor establishment where goods, not including livestock, are sold by auction. See STOCK AUCTION YARD.
- 18) BARBER/BEAUTY SHOP: A facility, licensed by the state, where hair cutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.
- 19) BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.
- 20) BATCH PLANT: An apparatus used in the mixing of asphalt or cement products, including any auxiliary apparatus used in such mixing process. Batch plants may be sited as either permanent or temporary facilities.
- 21) BEST MANAGEMENT PRACTICES: Conservation practices or systems incorporating management measures that: (1) control soil loss and reduce water-quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (3) ensure safe use and storage of fertilizers/pesticides.
- 22) BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for 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.
- 26) BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
- 27) BODY AND FENDER SHOP: General repair, rebuilding, or reconditioning of

engines, motor vehicles or trailers, including body work, framework, welding, and major painting service. The use does not include salvage, junk, or wrecking yards.

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

in forest zones are regulated under OAR 660-006-0025 (4)(e) and (5). Campgrounds in Exclusive Farm Use zones are regulated under ORS 215.283 (2).

- 39) CAMPING/RECREATIONAL VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- 40) CEMETERY: A place used for internment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, or a combination thereof. See MORTUARY
- 41) CHURCH: See RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP
- 42) CLUSTER DEVELOPMENT: A subdivision in which lot sizes are reduced below those normally required in the zoning district and that concentrates buildings in specific areas in order to provide permanent open space, preserve historically or environmentally sensitive features, or to mitigate for hazardous site conditions (e.g., steep slopes, wildfire hazard areas). The County may authorize such development by permitting smaller lot sizes when a specified portion of the land is kept in permanent open space to provide natural habitat or open space uses through public or private dedication.
- 43) COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: For-profit accessory uses and activities conducted for the primary purpose of maintaining a "commercial agricultural enterprise" as defined in OAR 660-033-0020. See Sections 4.2.7, 6.3.3 and 6.4.4
- 44) COMMERCIAL USE: The retail sale of products or services, including offices. Not including factories, warehouses, freight terminals or wholesale distribution centers. (See OAR 660-022-0010)
- 45) COMMUNITY CENTER/TOWN HALL/GRANGE: A facility owned and operated by a governmental agency or a nonprofit community organization for the purpose of public assembly, provided that no permanent for-profit commercial eating or drinking facilities open to the general public are operated on the premises.
- 46) COMMUNITY COMMERCIAL KITCHEN: A public facility with a kitchen approved by the State for commercial use to prepare locally grown produce for sale (e.g., canned goods, jams, jellies, etc.).
- 47) CONDITIONAL USE: An activity that may be suitable only in specific locations, or if the site is regulated in a particular manner. See Type 3 land use permits in Section 3.1.4
- 48) CONFLICTING USE: A land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource (except as in OAR 660-023-0180, (1), (b)). (See OAR 660-023-0010)
- 49) CONNECTIVITY: In transportation planning, the principal of connecting local streets to each other, collectors and arterials for purposes of increasing options available to move through an area for motorists, bicyclists and pedestrians.
- 50) CONSOLIDATION: The act of aggregating two (2) or more tax lots or tracts of

land into one (1) or more parcels.

- 51) CONSTRUCTION SITE: A site on which alteration, demolition, erection fabrication, installation, or removal of any structure, facility, or addition thereto, occurs including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.
- 52) CONTIGUOUS OWNERSHIP: Lots or parcels in a single ownership that have a common boundary and that are connected in a manner that forms a single block of land. Lots or parcels are not contiguous in any zone if their common boundary is the Rogue River or Interstate Five (I-5). (See OAR 660-033-0020)
- 53) CONVENTION/EXHIBIT HALL: A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions.
- 54) COUNTRY CLUB: A for-profit organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes.
- 55) CREATION DATE: The recordation date of a document that creates a lot(s) or parcel(s), or the date of execution of an unrecorded land sale contract, deed or other instrument intended to create new lots or parcels. A lawfully created lot or parcel remains discrete unless the lot or parcel lines are vacated, or the lot or parcel is further divided as provided by law. (ORS 92.017) In addition, in resource zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract. (See OAR 660-006-0005 & 033-0020) See LAWFULLY CREATED PARCEL
- 56) CUBIC FOOT PER ACRE: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked standards the culmination of mean annual increment as reported by the USDA NRCS. Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Dept. of Forestry. (See OAR 660-006-0005)
- 57) DAY: Unless otherwise specified by this ordinance or statute, all references to days shall mean calendar days.
- 58) DAY CARE: A use that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care uses are regulated by ORS 657A. Accessory uses include offices, recreation areas, and parking. Day care does not include public or private schools. See also GROUP LIVING.
 - a) Adult day care/in-home child care: A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. A structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours. (See ORS 410.495(3))
 - b) Child care center: Any facility licensed by the state that provides child care outside the providers home either as a for-profit or non-profit

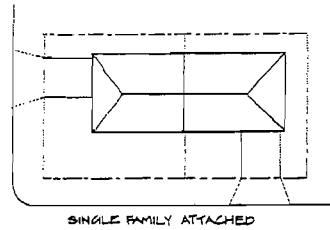
operation. (See ORS 657A.440)

- 59) DECISION, FINAL: A local land use decision is final once all time frames for local appeal have expired, whether or not an appeal to LUBA or the Oregon Court of Appeals has been filed. For purposes of development permitting, the date the decision is mailed to the parties, which date is set forth in the decision, is the date of the final decision of the County. If a final land use decision is appealed and subsequently remanded to the County for reconsideration, the reconsidered local decision becomes final on the date notice of the decision is mailed to the parties.
- 60) DEFERRED IMPROVEMENT AGREEMENT: A written agreement recorded with the County Clerk in which the property owner agrees to make road improvements or to contribute a fair share toward road improvements at a later date. This agreement may take the form of an irrevocable consent to participate in a Local Improvement District (LID) or may be a contract between the property owners, their successors or assigns, and the County through the Board of Commissioners.
- 61) DENSITY: A measure of dwellings or people per specified area (e.g., dwelling units per acre). Density can be expressed in either gross or net terms, to wit:
- a) Gross: The numerical value obtained by dividing the total number of dwelling units, employees, etc. in a development by the gross area of the tract or parcel of land (in acres) or gross area of a building (in square feet).
 - b) Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract or parcel of land (in acres) dedicated to the development, including common open space and associated recreational facilities within the area, private streets or roads, drainage-ways, and the like. Net density calculations exclude rights-of-way of publicly dedicated streets, areas that cannot be developed because of environmental constraints, and areas reserved for the exclusive use of non-residential components of a project.
- 62) DESTINATION RESORT: A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities, as provided for in ORS 197.435-467 and Statewide Planning Goal 8, and as approved under Section 6.3.8 of this Ordinance.
- 63) DETACHED LIVING SPACE: One (1) or more rooms designed for occupancy by one (1) or more persons either as a separate building or within a lawfully established accessory building that is not a dwelling. Structures may be plumbed, but may not contain permanent provisions that would constitute a separate dwelling unit, and must meet requirements of the most recent edition of the State of Oregon building code. See Section 6.4.4(B).
- 64) DEVELOPER: An individual or business that prepares land for development.
- 65) DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

- 66) DEVELOPMENT, INITIATE: Development is initiated when conditions necessary to obtain a development permit to commence a project or use approved through a land use application are met and any building or sanitation permits necessary to begin construction are obtained or, if construction is not required, that any conditions of approval have been satisfied and the use has begun. Once a land use approval has expired, any building or sanitation permits previously issued in reliance on the land use decision must be perfected to retain the right to proceed. Any activity on the property, including construction, that could be legally undertaken without first obtaining the land use approval at issue does not initiate development.
- 67) DEVELOPMENT PERMIT: Written authorization from the County to proceed with development through issuance of building or sanitation permits. See LAND USE PERMIT
- 68) DIVIDE: To separate land into two (2) or more lots or parcels for the purpose of transferring a substantial interest in land. See PARTITION LAND and SUBDIVISION.
- 69) DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors.
- 70) DRIVE-THROUGH: Service from a building to persons in vehicles or pedestrians through an outdoor service window.
- 71) DRIVEWAY: Practical, physical access that serves a single 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.
- 72) DWELLING: A building, combination of buildings, or portions thereof, designed or used for human occupancy for residential purposes. See Sections 4.2.6 and 4.3.6 for additional standards applicable to dwellings in resource zones.
- a) Accessory dwelling: Accessory use to an existing single family dwelling. See Chapter 6.
 - b) Co-Housing: A collection of dwellings in which each dwelling unit is individually owned, but some facilities and resources are shared by all individuals and families within the co-housing community. Such development is subject to the density provisions of the zoning district.
 - c) Dwelling unit: A single unit containing no more than one (1) kitchen, and providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - d) Multi-family: Attached housing where all dwelling units are located on the same lot or parcel. Multi-family may be owner occupied or rental housing.
 - e) Rectory (parsonage): A place of residence for the pastor of a church.
 - f) Single-family: A building, either detached or attached, designed or used for residential purposes by not more than one (1) family. A manufactured

dwelling is considered a single-family dwelling.

- g) Single family (attached): Common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot or parcel. (See OAR 660-007 & 008-0005)
- h) Single family (detached): A dwelling unit that is free standing and physically separate from other dwelling units.

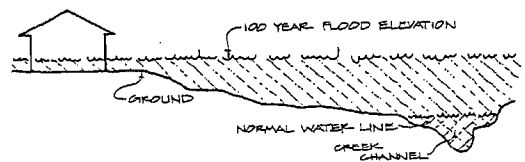


- 73) EASEMENT: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- 74) EATING ESTABLISHMENT: A for profit business serving prepared food and non-alcoholic beverages for consumption on or off the premises.
- 75) ENERGY FACILITY, SMALL SCALE: Energy production facilities that are incidental and subordinate to a principal use established on a property. These systems include, but are not limited to, solar, wind, hydrologic, and biomass systems.
- 76) ENGINEER, (LICENSED, PROFESSIONAL, OR REGISTERED): A person who is registered in the State of Oregon and holds a valid certificate to practice engineering in Oregon as provided under ORS 672.002 to 672.325.
- 77) ENGINEERING GEOLOGIST: Any Oregon Registered Geologist who is certified in the specialty of Engineering Geology. (See ORS 672.505 to 672.705)
- 78) ENGINEERING GEOLOGY REPORT: A report prepared by an Oregon Engineering Geologist. An engineering geology report must provide a detailed description of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. An engineering geology report must be prepared in accordance with the Guidelines for Preparing Engineering Geology Reports in Oregon adopted by the Oregon State Board of Geologist Examiners. The engineering geology report may incorporated into or included as an appendix to the geotechnical report.
- 80) ESEE CONSEQUENCES: In the Goal 5 context, the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. An ESEE analysis is the process by which recognition of the ESEE consequences influences the decision to limit or not limit conflicting uses.
- 80) EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.
- 81) EXCEPTION: A decision to exclude certain land from the requirements of one (1) or more applicable statewide planning goals in accordance with the process specified in Goal 2, Part II, Exceptions. (See OAR 660-004-0000)
- 82) EXPANSION: A change in use, structure, or physical improvements that increase impacts on the surrounding area.

- 83) FAIRGROUNDS OR RODEO GROUNDS: An area where a fair, circus, or exhibition is held, or a facility for public rodeo performance that may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.
- 84) FAMILY: An individual, two (2) or more persons related by blood, marriage, or law; or a group of not more than any five (5) unrelated persons living together in a dwelling unit; or a combination of related and unrelated persons where the total number of unrelated persons does not exceed five (5). Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or more persons related by blood, marriage, or law are a part of the family for purposes of this Ordinance.
- 85) FARMLAND, HIGH VALUE:
- a) Land in a tract composed predominantly of soils that are:
 - (i) Irrigated and classified prime, unique, Class I or II; or
 - (ii) Not irrigated and classified prime, unique, Class I or II.
 - b) In addition to that land described above, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa. (See OAR 660-033-0020(8)(a)-(b), and (f)-(h))
- 86) FARM/RANCH OPERATION: All lots or parcels of land in the same ownership (contiguous or non-contiguous) that are used as a unit by the farm or ranch operator for farm uses defined in ORS 215.203. (See OAR 660-033-0135(11)(b))
- 87) FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products raised on such land for human use or animal use. Farm Use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission to the extent allowed by the rules adopted by the Commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3), or land described in ORS 321.267 (1)(e) or 321.415 (5). (See ORS 215.203 (2)(a))

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

- 99) FLEA MARKET: An occasional or periodic market held inside a building or other enclosure where goods are offered for sale to the general public by individual sellers. Open air display of sample items offered for sale inside the market is an incidental use.
- 100) FLOOD OR FLOODING: A general 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 1% 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 1% 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 1% 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.
- 101) FLOOR AREA RATIO (FAR): The total horizontal floor area of all buildings on a lot or parcel divided by the area of the lot or parcel.
 - 102) FOODS/SUNDRIES, CONVENIENCE: Any retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items for the convenience of the neighborhood.
 - 103) FOREST LABOR CAMP (temporary): An area of land that provides temporary living facilities for workers employed for forest management, forestry operations, or fire suppression purposes. Portable or pre-existing sanitation, bathing and cooking facilities may be provided in conjunction with temporary living facilities, which may include tents, yurts, recreational vehicles or other types of shelter suitable and intended for use in a temporary or seasonal manner. Forest labor camps may be used throughout the term of an operation or activity (e.g., forest fire) and must cease once the operation or activity is concluded.
 - 104) FORESTRY OPERATIONS: The use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels.
 - 105) GARAGE: A permanently constructed attached or detached accessory structure, designed primarily for storage of personal use motor vehicles.
 - 106) GENERAL MERCHANDISE/CLOTHING STORE: A use devoted exclusively to the retail sale of a commodity or commodities.
 - 107) GEOLOGICAL ASSESSMENT: An assessment prepared by an Oregon Engineering Geologist or Oregon registered professional engineer, who by training, education, and experience, is qualified in the practice geologic or soils engineering practices. The assessment shall detail the surface and subsurface conditions of a site, delineating areas of a property that may be subject to specific geologic hazards, and furnish professional analysis of information to

assess the suitability of the site for development. The geologic assessment may be incorporated into or included as an appendix to the geotechnical report.

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

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

- ongoing maintenance of the historic building materials.
- b) Renovation/Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.
- c) Resource, historic: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.
- 122)** HOME BUSINESS: The most intensive type of home occupation, which allows up to five (5) non-resident employees. See Section 6.4.4, (D).
- 123)** HOME OCCUPATION: A limited business, accessory to a residential use, allowed in noncommercial zones. The purpose of a home occupation is to make a profit in money. See Section 6.4.4, (C).
- 124)** HOTEL OR MOTEL: An establishment offering six (6) or more guest rooms or units on a temporary basis, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture. This term does not include Bed and Breakfast facilities as set forth in Section 6.4.4 (D)(5).
- 125)** IMPACT, ADVERSE: A negative consequence to the physical, social, or economic environment resulting from an action or project.
- 126)** IMPACT AREA: A geographic area within which conflicting uses could adversely affect a significant Goal 5 resource. An impact area is used as an area of conflicting use analysis in Goal 5 review, with consideration for impacts to the identified resource and to the other existing or approved uses therein. (See OAR 660-023-0010)
- 127)** INDUSTRIAL PARK: A planned, coordinated development on a tract or parcel of land with two (2) or more separate industrial buildings, which are designed, constructed, and managed on an integrated and coordinated basis. Special attention is given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space in permitting industrial parks.
- 128)** INDUSTRIAL SERVICE, HIGH IMPACT: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- 129)** INDUSTRIAL SERVICE, LOW IMPACT: Research and development activities, the manufacturing compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.
- 130)** INDUSTRIAL USE: The use of land for the manufacture, processing, storage, or wholesale distribution of products, goods or materials (not including commercial uses). (See OAR 660-022-0010)

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

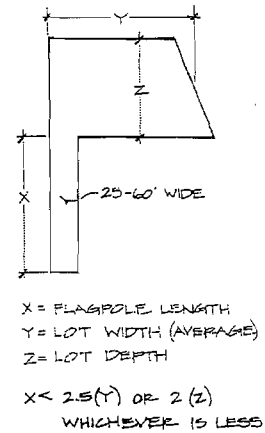
of individual garments, fabrics, rugs, draperies or other similar items that is not a bulk or commercial type plant.

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

- d) Double frontage: A term used to describe a lot or parcel which has road frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three (3) sides. Alley access is not considered "frontage" in this context.
- e) Width: The diameter of the biggest circle that can fit entirely inside the lot boundary lines.

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

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



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

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

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

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

153) MANUFACTURED DWELLING PARK/MOBILE HOME PARK: Any place where four (4) or more such homes are located within 500 feet of each other on a lot,

tract, or parcel of land under the same ownership, the primary purpose of which is: (1) to rent or lease space for manufactured dwellings for a charge or fee paid; (2) to be paid for the rental, lease, or use of facilities for manufactured dwellings; or (3) to offer space free for location of manufactured dwellings in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps. For floodplain management purposes, any parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale is subject to the requirements of Section 7.1.2.

- 154) MANUFACTURED DWELLING/MOBILE HOME/RV SALES/RENTAL:** Sale or rental of manufactured homes for occupation off-site, including incidental storage and incidental maintenance.
- 155) MANUFACTURING/PRODUCTION, HIGH IMPACT:** The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials used in the manufacturing process, and may involve outdoor storage and operations. These activities may impact adjacent properties by creating noise, odor, vibration, dust, or hazards. Examples include, but are not limited to: lumber, plywood and hardboard manufacturing; rolling, drawing, or extruding of metals; and log decking, storage, and pond storage.
- 156) MANUFACTURING/PRODUCTION, LOW IMPACT:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Examples include, but are not limited to: manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and pharmaceuticals; and manufacture and fabrication of components, jewelry, clothing, trimming decorations and any similar item.
- 157) MARINA:** A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, food, marine supplies, and marine repairs.
- 158) MEDICAL 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.
- 159) 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.

- 160) 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.
- 161) MODIFY/MODIFICATION:** Making a limited change in something without altering its primary purpose.
- 162) 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
- 163) 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.
- 164) 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.
- 165) 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.

- 166)** 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"
- 167)** 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)
- 168)** 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.
- 169)** 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.
- 170)** 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.
- 171)** PARCEL: A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect; or (3) validation of an unlawfully established unit of land under Section 10.2.1(C) of this Ordinance. The term parcel does not include a unit of land created solely to establish a separate tax account. (See ORS 92.010, 92.176 and 215.010) See DIVIDE, LOT, PARTITION LAND, TAX LOT, and Chapters 3 and 10 of this Ordinance.
- 172)** 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.
- 173)** 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."
- 174)** 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

- 175) PARTITION LAND:** To divide land to create two (2) or three (3) parcels within a calendar year, not including: (1) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (2) the division of land resulting from the recording of a subdivision or condominium plat; (3) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes continues to be considered a single unit of land until such time as a subdivision or partition is approved by the County; (4) a sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property; (5) adjustment as defined in this Section in compliance with Section 3.4; (6) the surveying or deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use; (7) issuance of a mining patent or other lot created by the federal government; or (8) the creation of two (2) or more tracts or parcels of land by description in a single deed unless it is determined by the Director that said tracts or parcels of land were conveyed in fee separately prior to September 1, 1973, and provided that the tracts or parcels are identical to those separately conveyed prior to September 1, 1973. See also Section 3.3.1(B) (See ORS 92.010(9))
- 176) PAVEMENT/PAVE/PAVING:** Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.
- 177) 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
- 178) PERMIT:** Any approval granted as the result of a Type 1 ministerial review as described in Section 3.1.2 and any approval granted as the result of a Type 2, Type 3 or Type 4 discretionary review as described in Sections 3.1.3, 3.1.4 and 3.1.5, respectively. Only Type 2, Type 3 and Type 4 approvals are land use decisions within the meaning of ORS 215.402. This distinction governs regardless of the terms used elsewhere in this Ordinance to describe any given approval. ~~Discretionary approval of a proposed development of land.~~ (See ORS 215.402)
- 179) 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

- 180)** 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.
- 181)** 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
- 182)** 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.
- 183)** 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.
- 184)** 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.
- 185)** PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land division, or a parcel approved by a County decision pursuant to Section 10.2.1(C) or (D), that has been prepared for recordation. (See ORS 92.010 (9) and (18) and 92.176(5))
- 186)** 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.
- 187)** 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.
- 188)** POST ACKNOWLEDGMENT PLAN AMENDMENT (PAPA): The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation.
- 189)** 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.

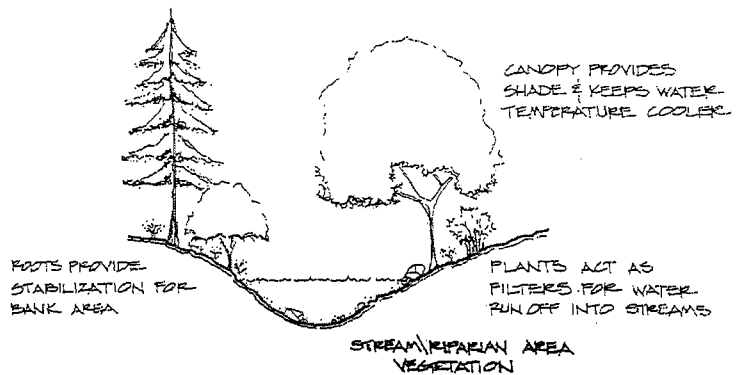
- 190) PREEXISTING:** Something that was lawfully established prior to adoption of current zoning regulations and which could be permitted under those regulations if applied for under current regulations. A building, structure, lot, parcel or use may be preexisting. See Section 1.7.5.
- 191) PROPANE GAS/FUEL OIL DISTRIBUTOR:** An establishment for the sale and distribution of fuel oil and gases, including propane.
- 192) PROPERTY LINE:** The division line between two (2) units of land. (See ORS 92.010) See LOT/PROPERTY LINE
- 193) PROPERTY LINE ADJUSTMENT:** The relocation or elimination of all or a portion of a common property line between abutting lots or parcels that does not create an additional lot or parcel. (See ORS 92.010) See BOUNDARY LINE AGREEMENT, PARTITION LAND.
- 194) 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
- 195) 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)
- 196) PUBLIC BODY:** Any city, county, school district, special district, or other political subdivision or municipal or public corporation and any state or federal agency.
- 197) 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
- 198) 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.
- 199) 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

- 200)** 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.
- 201)** 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
- 202)** 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.
- 203)** 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.
- 204)** 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).
- 205)** RECREATIONAL VEHICLE: See CAMPING/RECREATIONAL VEHICLE
- 206)** RECREATIONAL VEHICLE PARK OR CAMPGROUND: See CAMPGROUND
- 207)** REGISTERED GEOLOGIST: A person who is registered as a geologist in Oregon under the provisions of ORS 672.505 to 672.705.
- 208)** 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.
- 209)** 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)
- 210)** 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.
- 211)** 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)

- 212) 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)
- 213) 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)
- 214) RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm water main, street trees, or other special use designed and intended to benefit the public.

215) RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

216) 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)

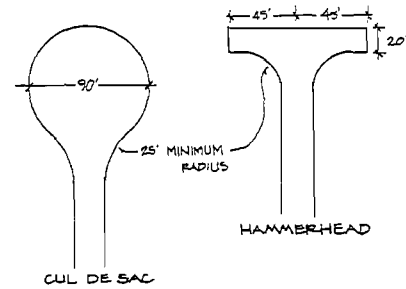


217) RIPRAP: A layer, facing, or protective mound of rubble (e.g., broken concrete) or stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.

218) 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) Hammerhead Turnaround:
A "T" or "L" shaped dead-end street that allows for vehicles to reverse directions without using private property. Hammerhead turnarounds are often coupled with partial street improvements where a cul-de-sac would have been required if the entire street was initially developed.
- 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 (2) lanes, and lower speed limits. A local access road is dedicated to the public for access but is not part of a public maintenance or improvement program and is not maintained by the County or any other public entity.
- 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 serving 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.

219) 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)

220) 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.

221) 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)

222) 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)

223) 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.

224) SANITARY SERVICE INSTALLER: A business that installs or repairs subsurface sewage disposal systems.

225) 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.

226) SEMINARY: A religious institution for the training of candidates for the priesthood, ministry, rabbinate or similar callings.

227) SENSITIVE FISH AND/OR WILDLIFE HABITAT: Areas identified as important to the survival of a plant or animal species, or group of species.

228) 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)

229) 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.

230) 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

231) 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.

232) 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.

233) SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility serving a single parcel for the purpose of disposal of domestic waste products.

234) 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.

235) 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))

236) 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)

237) 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.

238) 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.

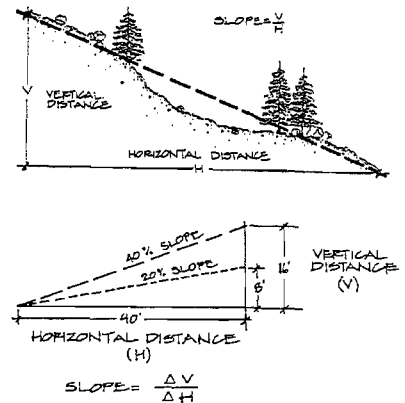
- j) On-premise sign: A sign that directs attention to a business, commodity, industry, or other activity which is sold, offered, or conducted on the premises upon which the sign is located.
- k) Temporary Sign: A non-illuminated sign without permanent footings, but which is securely attached to an adequate 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

239) 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.

240) 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.

241) 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.

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



243) 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.

244) 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.

245) 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.

246) 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.

- 247) SOLAR ORIENTATION:** The layout and design of parcels and siting of a structure on building lots in order to take advantage of solar insulation for use of the sun as an energy source.
- 248) 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
- 249) STEEP SLOPE:** Slopes greater than 20%.
- 250) 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.
- 251) 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.

- 252) 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.
- 253) 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.
- 254) 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).*
- 255) 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.
- 256) 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.
- 257) SUBDIVIDE LAND: To divide an area, parcel, or tract of land to create four (4) or more lots within a calendar year. See DIVIDE *(See ORS 92.101)*
- 258) 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)*
- 259) SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
- 260) 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.

- 261) 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.
- 262) 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
- 263) SUBSTANTIAL MODIFICATION:** A change or alteration that significantly alters the impacts or character of a structure, development, or activity. See SIMILAR USE
- 264) SWIMMING POOL, PRIVATE:** A swimming pool, constructed for the exclusive use of the residents and guests of single-family or multiple-family dwellings.
- 265) 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.
- 266) TAX LOT:** A unit of land created by the County Assessor for the purpose of taxation or at a property owner's request. See DIVIDE, LAWFULLY ESTABLISHED UNIT OF LAND, PARCEL, and Chapters 3 and 10.
- 267) TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT:** Unattended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.
- 268) TEMPORARY:** Temporary means 30 days or less in any 12-month period, unless otherwise specified by a provision of this Ordinance.
- 269) 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.
- 270) 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.

- 271)** 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
- 272)** THEATER: A structure used for showing motion pictures, or for dramatic, dance, musical, or other live performances.
- 273)** 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)
- 274)** TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.
- 275)** TRACT: One (1) or more contiguous lots or parcels in the same ownership. (See OAR 660-033-0020, and ORS 215.010, (2))
- 276)** TRANSMISSION FACILITY: Any facility constructed across contiguous zoning districts for the purpose of transmitting or transporting in any form; energy resources, telecommunications, persons, or goods (e.g., highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines). In particular, the following specifically-defined types of facilities are included: electric power transmission facilities carrying 115 KV or greater; gas pipelines carrying 300 psi capacity or greater; and new highway construction or improvements to existing highways that result in an increased traffic volume of 5,000 vehicles/day. Underground water pipelines, sewer trunk lines, and cable television facilities are not included. This definition also does not apply to facilities that have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities are located. See ROAD
- 277)** 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.

- 278)** 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.
- 279)** TREE SPECIES, COMMERCIAL: Trees recognized under rules adopted under ORS 527.715 for commercial production. (See OAR 660-006-0027(5)(b))
- 280)** TREE TOPPING/SEVERE PRUNING: The severing of the trunk or cutting back of the trunk or a limb to a stub larger than three (3) inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- 281)** 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.
- 282)** 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)
- 283)** 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.
- 284)** 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))
- 285)** 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.
- 286)** 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.
- 287)** 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.
- 288)** URBAN SERVICE: Sanitary sewers, water, municipal fire protection, parks,

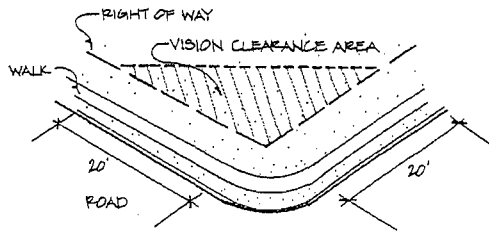
open space, recreation, streets, roads, and mass transit. (See ORS 195.065)

- 289) URBAN UNINCORPORATED COMMUNITY:** An unincorporated community that includes a minimum of 150 permanent residential dwelling units, a mixture of land uses (i.e., three (3) or more public, commercial or industrial uses), and that has community sewer and water service available to residents and businesses. See UNINCORPORATED COMMUNITY (See OAR 660-022-0010)
- 290) 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.
- 291) 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
- 292) USE, PRINCIPAL:** The primary use and chief purpose of land, buildings or structures.
- 293) 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.
- 294) UTILITY FACILITY:** Those necessary appurtenances including related right-of-ways and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses). Additionally, a utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources. A utility facility must include equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility. The equipment need not be extensive or complex; however, at a minimum the facility must include some equipment or apparatus that performs the relevant production, transmission or similar function or service. (174 Or App at 343-45 "Sabroso") (See ORS 215.283(1)(d)(1997))
- 295) 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.
- 296) 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.
- 297) VIEWSHED:** The area observable from a defined geographic location.

298) 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.

299) 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.

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

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

302) 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.*

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- 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)

303) 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)

- 304) 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)
- 305) 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)
- 306) WATER SYSTEM, PUBLIC:** A system supplying water for human consumption through four (4) or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day. The term includes any domestic water supply source and associated distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit or cluster development. (See OAR 660-023-0140)
- 307) 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 (1/2) acre per dwelling, and which is not used as or part of a public water supply.
 - c) Flow test: A procedure for pumping water from a well for a specified period of time to establish well yield and/or basic ground water quantity information.
 - d) Major flow test (12-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of 12 hours while noting the effect on static water levels in the subject well and any existing wells within 500 feet of the subject well.
 - e) Minor flow test (4-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of four (4) hours while noting the effect on static water levels in the subject well.
- 308) 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)
- 309) 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.

- 310)** WILDLIFE: Wild mammals, birds, reptiles, and amphibians.
- 311)** WILDLIFE HABITAT: An area upon which wildlife depends in order to meet their requirements for food, water, shelter and reproduction. (e.g., migration corridors, big game winter range, nesting and roosting sites). (See OAR 660-023-0010)
- 312)** 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 and 100,000 gallons and that (a) owns an on-site vineyard of at least 40 acres; (b) owns a contiguous vineyard of at least 40 acres; (c) has a long-term contract for the purchase of all the grapes from at least 40 acres of a vineyard contiguous to the winery; or (d) obtains grapes from any combination of (a), (b) or (c). See WINE SHOP (See ORS 215.452)
- 313)** 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
- 314)** 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
- 315)** XERISCAPING: Landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought-tolerant landscaping.
- 316)** 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.

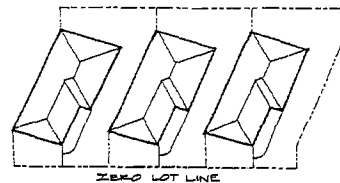
- d) Side: A yard between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

317) 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)

318) 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

319) 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

4.2.2 Table of Permitted Uses

Modified from OAR 660-033-0120: 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. Accessory uses and structures are allowed in all zoning districts (Section 6.4). All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130, as well as additional limitations and requirements in this Ordinance ("See Also" column). The abbreviations used within the schedule shall have the following meanings:

- A) 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.
- B) Type 2 uses are subject to administrative review. These decisions are discretionary and therefore require a notice of decision and opportunity for hearing.
- C) Type 3 uses: 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
- D) Type 4 uses require 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.
- E) Prohibited Uses -- An "X" in the Table indicates that the use is not permitted. However, where noted by an *existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 2 (3) review.
- F) Numerical References: The numbers contained in the "See Also" column are references to additional standards and requirements in the LDO that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9. Numerical references for specific uses shown on the table, refer to the corresponding section of OAR 660-033-0130, or specific Oregon Revised Statutes.

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	OAR 660-033-0120 Standards; ORS 215.203 (farm definition)	
2	Buildings, other than dwellings, customarily provided in conjunction with farm use	1	1	ORS 215.203 (farm definition)	
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c)	
4	Temporary facility for primary processing of forest products	2	2	OAR 660-033-0130(6); ORS 215.283(2)(j);	4.2.3, 4.2.4(B)
5	Facility for processing farm crops or biofuel production	2	2	ORS 215.283(1)(u); ORS 315.141 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	
7	The propagation, cultivation, maintenance, & harvesting of aquatic or insect species	2	2	ORS 215.283(2)(p); OAR 660-033-0130(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 660-033-0130(1), (30) & OAR 660-033-0135 (criteria)	4.2.6(A) & (C)
9	Farm dwelling for relative	4 2	4 2	ORS 215.283(1)(e); OAR 660-033-0130(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 660-033-0130(24), (30)	4.2.6(A) & (E)
11	Ownership of record dwelling (1)	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0130(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); ORS 215.263(4); ORS 215.284(2) & (3); OAR 660-033-0130(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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
14	Residential home/facility in existing dwellings	2	2	ORS 197.660(definition), ORS 197.665(3), ORS 215.283(2)(o); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(8), (30)	4.2.6(A) & (B)
17	Historic dwelling replacement	4 2	4 2	ORS 215.283(1)(o); ORS 358.480; OAR 660-033-0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	4 2	4 2	ORS 657A.440 (3)	4.2.6(K)
COMMERCIAL USES					
19	Commercial activities in conjunction with farm use including processing of farm crops into biofuel not permitted under ORS215.203(2)(b)(L) or ORS 215.213(1)(x) and ORS 215.283(1)(u)	3	3	ORS 215.283(2)(a); OAR 660-033-0130(5)	4.2.3; 4.2.7(A); 6.4.4(E)
20	Breeding, kenneling, & training greyhounds for racing	X (3)	1	ORS 215.283(1)(j); OAR 660-033-0130(18)	11.2
21	Dog kennels	X (3)	2	ORS 215.283(2)(n); OAR 660-033-0130(5) & (18)	4.2.3 11.2
22	Home occupation/home business	2	2	ORS 215.283(2)(i), ORS 215.448; OAR 660-033-0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X (3)	4 PDP ² 2 FDP ³	ORS 197.435-.467; ORS 215.283(2)(t); OAR 660-033-0130(5) & (18)	4.2.3; 6.3.8 11.2, 11.3

1 Preliminary Development Plan

2 Final Development Plan

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
24	Destination resort, small	X 3	X	ORS 197.435-.445(6)(a); OAR 660-033-0130(5)	11.2, 11.3
25	Winery	4 2	4 2	ORS 215.283(1)(q), & ORS 215.452	4.2.7(F)
26	Farm stand	4 2	4 2	ORS 215.283(1)(r); OAR 660-033-0130(23)	4.2.7(D)
27	Landscape business in conjunction with growing/marketing of nursery stock on the land that constitutes farm use	2	2	ORS 215.283(2)(z); ORS 674.520; ORS 671.318; OAR 660-033-0130 (5)	4.2.7(G)
MINERAL, AGGREGATE, OIL, AND GAS USES					
28	Exploration & production of geothermal, oil & gas	2	2	ORS 215.283(1)(g), ORS 520.005 (definition), ORS 522.005 (definition)	4.2.8(A)
29	Exploration for minerals	1	1	ORS 215.283(1)(h), ORS 517.750 (definition)	4.2.8(B)
30	Operations for mining & processing geothermal, oil & gas resources not otherwise per-mitted under this Ordinance	3	3	ORS 215.283(2)(b)(A); ORS 520.005 (definition); ORS 522.005 (definition); OAR 660-033-0130(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); ORS 215.298 & ORS 215.301; OAR 660-033-0130(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); ORS 517.750 (definition); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(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)	
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 660-033-0130(5)	4.2.3

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
37	Reconstruction or modification of public roads and highways, including placement of utility facilities over-head and in the subsurface of public roads and high-ways 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)	
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 660-033-0130(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)	
40	Minor betterment of existing public roads & highway related facilities (e.g., maintenance yards, weigh- stations & rest areas) within a right-of-way existing as of July 1, 1987, & contiguous publicly-owned property to support operation & maintenance of public roads & highways	1	1	ORS 215.283(1)(n)	
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 660-033-0130(5)	4.2.3

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
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 660-033-0130(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, <u>not including</u> commercial facilities for generating electrical power for public use by sale, or transmission towers over 200 feet high	2	2	ORS 215.275 and ORS 215.283(1)(d); OAR 660-033-0130(16)	4.2.10(C); 6.3.6(A)
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 <u>ordered established</u> by the Environmental Quality Commission (EQC)	4 3	4 2/3	ORS 459.049, 215.283(1)(i); 660-033-0130(18)	4.2.10 11.2, 11.3
48	Solid waste disposal site for which DEQ permit is required	X (3)	4	ORS 215.283(2)(k), ORS 459.245; OAR 660-033-0130(5) & (18)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
49	Modification of a waste related use	2	2		6.3.6(D)
50	Fire service facilities providing rural fire protection	4 2	4 2	ORS 215.283(1)(v) 197.015(10)	3.2
51	Irrigation canals, delivery lines, and accessory structures and facilities associated with a district	4 2	4 2	ORS 215.283(1)(w), ORS 540.505 (definition) 197.015(10)	3.2
52	Utility facility service lines	1	1	ORS 215.283(1)(x); OAR 660-033-0130(32)	4.2.10

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
53	Commercial utility facilities for generating power for public use by sale	2	2	ORS 215.283(2)(g); OAR 660-033-0130(5), (17) & (22)	4.2.3; 4.2.10
54	Composting facilities on farms, or for which a permit has been granted by the DEQ	X (3)	4	ORS 215.283(2)(k), ORS 459.245; OAR 340-093-0050; OAR 660-033-0130(5), (18), (29)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
PARKS/PUBLIC/QUASI-PUBLIC USES					
55	Public/ private schools, including essential buildings	4 3	4 2	ORS 215.283(1)(a); OAR 660-033-0130(2), (18)	4.2.11(I) 11.2, 11.3
56	Churches & cemeteries in conjunction with churches	4 3	4 2	ORS 215.283(1)(b) & ORS 215.441; OAR 660-033-0130(2), (18)	4.2.11(B) 11.2, 11.3
57	Private parks, playgrounds, and hunting and fishing preserves	X (3)	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3, 11.2, 11.3
58	Campgrounds	X (3)	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3; 4.2.11(A) 11.2, 11.3
59	Public parks and playgrounds	2	2	ORS 195.120, ORS 215.283(2)(d); OAR 660-033-0130(5) & (31); 660-034-0035 & 0040	3.7.4; 4.2.3; 4.2.11(H)
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 660-033-0130(5), (36)	4.2.3; 4.2.11(K)
61	Golf courses	X (3)	3	ORS 215.283(2)(f); OAR 660-033-0130(5), (18), (20)	4.2.3; 4.2.11(C) 11.2
62	Living history museum	2	2	ORS 215.283(2)(x); OAR 660-033-0130(5), (21)	4.2.3; 4.2.11(E)
63	On-site filming & accessory activities for <u>45 days or less</u>	1	1	ORS 215.306(3)(a) & (4)	4.2.11(F)
64	On-site filming & accessory activities for <u>more than 45 days</u>	2	2	ORS 215.306(3)(b) & (4); OAR 660-033-0130(5)	4.2.3; 4.2.11(G)
65	Takeoff & landing site for model aircraft	1	1	ORS 215.283(1)(t); OAR 660-033-0130(26)	4.2.11(J)

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
66	Expansion of existing county fairgrounds & directly related activities	2	2	ORS 215.283(2)(w); ORS 565.210; OAR 660-033-0130(5);	4.2.3
67	Operations for extraction and bottling of water	2	2	ORS 215.283(2)(v); OAR 660-033-0130(5)	4.2.3
68	Land application of biosolids transported by vehicle to a tract.	1	1	ORS 215.246; ORS 215.247; ORS 215.249; ORS 215.251; & ORS 215.283(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; ORS 215.249; ORS 215.251; & ORS 215.283(1)(y); OAR 660-033-0130(11)	4.2.11
70	Firearms training facility; Law enforcement facility	X (3)	X (3)	ORS 197.770; ORS 215.283(1)(z)	6.3.7; 4.2.11(L) 11.2
OUTDOOR GATHERING USES					
71	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	1	ORS 197.015(10)(d); ORS 433.735; OAR 660-033-0130(33)	6.5.3(J)
72	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	4	ORS 433.735(1) & ORS 433.763; OAR 660-033-0130(34)	6.5.3(J)

EXHIBIT B

MEMORANDUM

To: Jackson County Board of Commissioners
From: Donald Rubenstein, Consultant
Date: March 31, 2009
Subject: LDO Revisions

**PLEASE DISREGARD THE MEMO SUBMITTED FOR THE
BOARD OF COMMISSIONERS' HEARING ON MARCH 25, 2009.**

The Planning Division Staff and I have reviewed the draft revisions that were presented at the Board of Commissioners' hearing on February 4th, and we have discovered both scrivener and substantive errors that need to be corrected. We also discovered a few additional revisions that we believe require consideration. The purpose of this memorandum is to present these changes.

Chapter 2

- Section 2.2.2(A)(2): Chapter page 3 – Scriveners Error. Change “form” to “from”.
- Section 2.2.2(A)(2): Chapter page 3 – Scriveners Error. Add “taken” to complete the sentence.
- Section 2.2.2(B)(2)(b): Chapter pages 4-5 – Substantive Revision. Change “the transcript” to “that element” for consistency of meaning.
- Section 2.3.2: Chapter page 5 – Substantive Revision. Change Title and add provision to give authority to JCPC to adopt, modify and amend the User's Guide.
- Section 2.6.3(C)&(D): Chapter page 8 – Substantive Revision. Insert “and written notice that no other information will be provided” at the end of these subsections to comply with ORS 215.427(2).
- Section 2.6.7(D)(3): Chapter page 11 – Substantive Revision. Add a new section as follows: “No modification of a condition shall be approved if the Director determines that the modification would render the permit inconsistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance has been adopted after the date of the final decision approving the permit. In that event, a new application must be submitted for the

Board of County Commissioners

File No. LRP2008-00008 Exhibit # 15

Offered by: Donald Rubenstein

Date: 4-7-2009 Received by: AS

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permit.” This is necessary to assure consistency with state law and regulations.

- Section 2.6.8(D): Chapter page 11 – Substantive Revision. Change “State or County goals, Plan policies or ordinance language” to “state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance” for consistency with state law and regulations and with the language of LDO Section 2.6.7(D)(3).
- Section 2.6.10(A)(1)(f): Chapter page 13 – Scriveners Error. Add “previous”.
- Section 2.6.10(A)(3): Chapter page 13 – Substantive Revision. Change “what new evidence” to “or other criteria of Section 2.6.10(A)(1)”. Change “provides” to “provide” for grammar.
- Section 2.7.1(A)(2)(a): Chapter page 18 – Scriveners Error. Add “conference”.
- Section 2.7.1(A)(2)(b): Chapter page 18 – Substantive Revision. Add “a member of the American Institute of Certified Planners or” to list of those exempt from Type 2 pre-application conferences. This revision is in response to the Board’s comments at the February 4th hearing.
- Section 2.7.1(C)(ii): Chapter pages 18-19 – Substantive Revision. Split the existing paragraph into new subparagraphs “(i)” and “(iii)”. Add following language as new subparagraph “(ii)”: “The written request shall be on forms provided by the Division and shall include a draft application for the proposed development, a plot plan and other application elements identified in the User’s Guide.”
- Section 2.7.6(H)(2)(c): Chapter page 29 – Substantive Revision. Add the following new final sentence, “Nothing in this requirement limits the issues that can be raised during the appeal, and any failure to list reasons with specificity cannot be the basis for refusing to hear or for denying the appeal”. This limitation is required by LUBA and was recommended by the JCPC. It was inadvertently omitted from the first version presented to the Board..
- Section 2.7.6(I): Chapter page 30 – Scriveners Error. Change “Elective” to “Evidentiary”.
- Section 2.7.6(I)(2)(b)(ii): Chapter page 31 – Substantive Revision. Change “the transcript” to “that element”.

Chapter 3

- Section 3.3.2(C)(2)(d): Chapter page 11 – Substantive Revision. Add a new section as follows: “No extension of the validity of a tentative plan pursuant to Section 3.3.2(C)(2)(a) or (b) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.” This is necessary to assure consistency with state law and regulations.
- Section 3.3.2(E)(3): Chapter page 13 – Substantive Revision. Add a new section as follows: “Changes in the State or County criteria: No extension of the validity of a tentative plan pursuant to Section 3.3.2(E)(2)(a), (b) or (c) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.” This is necessary to assure consistency with state law and regulations.
- Section 3.6.2:
2” Chapter page 21 – Scrivener’s Error. Change reference to “Type 2” to “Type 4” in the final paragraph.
- Section 3.9.2(B)(2):
line. Chapter page 33 – Scrivener’s Error. Add “statement” to second line. Add “interpretation” to the last line.
- Section 3.9.2(F): Chapter page 34 – Substantive Revision. Delete the following sentence of earlier proposed language, “The decision by the Board of Commissioners adopting the interpretation is not appealable.” This language may not be consistent with state law and regulations or with LUBA decisions.

Chapter 4

- Section 4.2.2(E): Substantive Revision. Revise to require a Type 3 review for changes in uses within High Value Farmland to be consistent with state law.
- Table 4.2-1: Substantive Revision. The uses listed in Table 4.2-1 as X (3) were changed to X* to be consistent with the language in 4.2.2(E).

CHAPTER 13

Section 13.3(178):

Chapter pages 58-59 – Substantive Revision. Revise definition of “permit” for consistency with state law.

CHAPTER 2 PAGES

JACKSON COUNTY
BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT ORDINANCE
PROPOSED REVISIONS
APRIL 1, 2009

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. The Board may, consistent with Section 2.6.10, remand matters to the Planning Commissions to conduct further proceedings and make additional recommendations or confirm or revise its decision.

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.

2.2.2 Scope of Review of Specified Decisions

A) Review on the Record

- 1) Except as limited in this section and notwithstanding any other provisions of the LDO, the Board of Commissioners' review of appeals ~~from form~~ decisions will be on the record created at the hearing conducted by the lower reviewing body, provided, however, that the Board of Commissioners must conduct a de novo hearing on appeals of Sewer Extensions that require a goal exception (Section 3.6.2), the adoption of Jackson County Public Park Overlays (Section 3.7.4), Comprehensive Plan or Zoning Text Amendments (Section 3.7.1), Comprehensive Plan or Zoning Map Amendments (Section 3.8) and UGB/Urban Fringe Buffer Amendments (Section 3.7.3(E)).
- 2) For purposes of this section, the record shall consist of the following elements from the hearing conducted by the reviewing body from which the appeal is being taken: the recording of the hearing made by the County pursuant to Section 2.7.6(F)(2), all exhibits received, all motions and objections made by the parties and all actions taken by the reviewing body from which the appeal is being taken.
- 3) Transcript
 - a) The appellant or any other party may provide the Board of Commissioners with a transcript or a portion of a transcript of the hearing from which the appeal is being taken which must be prepared by a Certified Shorthand Court Reporter from the recording made by the County, and its accuracy must be attested to.
 - b) One copy of the transcript will be provided for each Commissioner and one extra copy will be provided for the

file. Only one transcript is required to bear the original affidavit. The absence of a transcript from the record on appeal shall not be construed as a defect in the record.

- c) The transcript, if any, must be provided by the date set by the Board of Commissioners for the receipt of written arguments on the appeal.

4 Argument:

- a) Participants in an appeal are entitled to submit written argument in support of their position. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
 - b) The Board of Commissioners shall establish a schedule for submittal of arguments by the participants provided, however, that the applicant shall have the opportunity to submit final rebuttal argument not sooner than 7 days following the submittal of argument by the other participants.
- 5) The Planning Division may prepare a memorandum for the record summarizing the matter under appeal. The memorandum may also include a recommendation. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
- 6) The timing and content of the decision of the Board of Commissioners shall conform to the requirements of the ORS and the LDO.

B) Discretionary De Novo Hearing

- 1) An appellant may request in writing that the Board of Commissioners hold a de novo hearing on the appeal at the time of the filing of the notice of appeal. Such a request must provide specific reasons for the request.
- 2) The Board of Commissioners may grant a request for a de novo review at its discretion after consideration of the following factors:
 - a) Whether a de novo hearing could cause the time limits in ORS 215.427 to be exceeded. For the purposes of this subsection, if an applicant is the appellant and the appellant has submitted together with its notice of appeal a written consent for an extension of the time limit adequate to allow for a de novo hearing and decision, consistent with the maximum limitation in ORS 215.427, then this criterion shall not be considered;
 - b) If the recording of the hearing below, or a portion of thereof, is unavailable due to a malfunction of the recording device during the hearing, whether review on the

record would be hampered by the absence of all or a portion of that elementthe transcript of the hearing below;

- c) Whether the substantial rights of the parties would be significantly prejudiced without de novo review;
 - d) Whether the request is necessitated by failure of the appellant to present evidence that was or should have been available at the time of the hearing below;
 - e) Whether the appeal contains an allegation that statutes, ordinances, regulations or procedures were violated in the hearing or decision below;
 - f) Whether the Planning Commission or the Director has recommended that a de novo hearing be conducted on the appeal, and
 - g) Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the matter being appealed.
- 3) In the absence of a request for a de novo hearing, the Board of Commissioners may independently decide to conduct a de novo hearing on an appeal.
- 4) The Board of Commissioners may, at its discretion, determine to limit the issues on appeal to those listed in the notice of appeal or to one or more specific issues from among those listed on the notice of appeal.

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, Adoption of User's Guide

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*. The Jackson County Planning commission has the authority to adopt, modify and amend the Jackson County Planning Division User's Guide.

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

- b) If the condition being considered was imposed in order to satisfy the requirements of a criterion, the Director shall refer the request to the review authority having initial jurisdiction over the original application using the same type of review procedure as the original review.
- 3) No modification of a condition shall be approved if the Director determines that the modification would render the permit inconsistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the permit. In that event, a new application must be submitted for the permit.
- 4) The County may establish a fee to cover the reasonable costs of an application made under this provision.

2.6.8 Expiration and Extension of Land Use Permits

Except as provided in Section 4.1.3 for land use permits in EFU and forest zones, and as provided in Section ~~6.3.87.1.5~~ with regard to destination resort preliminary development plans and final development plans, a land use permit will become void ~~two~~ four years, or such lesser time as the permit may specify, after the date of the final decision if development has not been initiated. (See Section 13.3) For the purposes of this section ~~date of the final decision~~ shall mean the date the final County decision approving the permit is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

~~Two~~A one-year extension may be granted by the Director 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 a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance ~~statute, 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 (D) above are met. ~~Unless~~

interfere with the Board of Commissioners' agenda or unreasonably prejudice parties to the review;

- f) The proposed new evidence is of sufficient importance to merit a reconsideration by the **previous** decision making body.
- 2) The Board of Commissioners may issue an order of remand based on its review of the record and the proposed new evidence in advance of a hearing, provided that such order is made and published not less than 7 days in advance of the scheduled hearing on the matter under consideration. The Board of Commissioners may also order a remand at any time during a hearing on the matter under consideration.
- 3) The order of remand must specify **whichat new-evidence criteria of Section 2.6.10(A)(1)** provides the basis for the remand, and the parties to the remand hearing shall be limited to introducing that evidence and such other evidence specifically found by the remand hearings body to be relevant to confront the allowed new information.
- 4) Nothing in this section shall prohibit, prevent or limit the ability of the Board of County Commissioners from referring a remand decision to the Planning Commission, Planning Division, Hearings Officer, and/or other entity for review, recommendation, and/or decision consistent with the duties and authorities designated to that decision making authority in Section 2.3-2.5 of this Chapter.
- 5) The County may establish a fee to cover the reasonable costs of remands under this provision. The fee will be assessed against the Applicant.

B) **Standards and Criteria and Time Limits**

- 1) *Remands Generally*
Unless otherwise required by this Ordinance or provisions of state law, reconsideration of quasi-judicial land use decisions remanded will be based on the standards and criteria in effect at the time the completed application 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.
- 2) *Remands from the Board of Commissioners*
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 the time limits established in ORS 215.427.
- 3) *Remands from the Land Use Board of Appeals*
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

2.7.1 Pre-Application Conference

A) **Applicability**

- 1) A pre-application conference is mandatory prior to submission of all Type 2, 3 and 4 land use applications (Table 2.7-2) and ~~optional at the applicant's request for all other applications under this Ordinance.~~

- 2) Type 2 Review Applications
 - 1a) The pre-application requirement will be waived for Type 2 application if the Planning Division has not conducted the pre-application conference within 30 days following a written request and payment of the appropriate fee pursuant to Section 2.7.1(C).
 - 2b) The requirement of a pre-application conference for a Type 2 application will be waived the applicant is a member of the American Institute of Certified Planners or when, within the twelve months prior to the pre-application conference, the applicant has secured an land use approval under the same provision of this Ordinance and:
 - a) There has been no change in the provisions of this Ordinance under which the application was approved, and
 - b) The application for that approval was deemed complete by the Planning Staff.

- 3) Type 2 and 3 Review Applications
 - a) If, within 6 months following the pre-application conference, the application is filed, deemed complete by the Planning Staff and pursued to approval by the applicant, the fee paid for the pre-application conference will be applied in full to subsequent Development Services Department permits required for the approved project.
 - b) Nothing in this section assures approval of an application under this Ordinance or eligibility for refund under Section 2.7.1(A)(2)(a).

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**

- i) The Planning Division will schedule a pre-application conference after receipt of a written request and the appropriate fee.

ii) The written request shall be on forms provided by the Planning Division and shall include a draft application for the proposed development, a plot plan and other application elements identified in the User's Guide.

iii) 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.

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 specific reason(s) for the appeal, including the sections of this Ordinance and other authorities, if any, upon which the appeal is based. **Nothing in this requirement limits the issues that can be raised during the appeal, and any failure to list reasons with specificity cannot be the basis for refusing to hear or for denying 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.

(l) **Appeal of a Director's First Evidentiary Hearing Decision**

1) Review on the Record

- a) Except as limited in this section and notwithstanding any other provisions of the LDO, the Hearings Officer's review of appeals from Director's First ~~Evidentiary~~ **Elective** Hearing decisions will be on the record created at the hearing.
- b) For purposes of this section, the "record" shall consist of the following elements from the hearing conducted by the Director: the recording of the hearing made by the County pursuant to Section 2.7.6(F)(2), all exhibits received, all motions and objections made by the parties and all actions taken by the Director.
- c) Transcript
 - i) The appellant or any other party may provide the Hearings Officer with a transcript or a portion of a transcript of the hearing which must be prepared by a Certified Shorthand Court Reporter from the recording made by the County, and its accuracy must be attested to.
 - ii) One copy of the transcript will be provided for the Hearings Officer and one extra copy will be provided for the file. Only one transcript is required to bear the original affidavit. The absence of a transcript from the record on appeal shall not be construed as a defect in the record.
 - iii) The transcript, if any, must be provided by the date set by the Planning Division for the receipt of written arguments on the appeal.
- d) The timing and content of the decision of the Hearings Officer shall conform to the requirements of the ORS and the LDO.
- ef) Argument:
 - i) Participants in an appeal are entitled to submit written argument in support of their position. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.

- ii) The Hearings Officer shall establish a schedule for submittal of arguments by the participants provided, however, that the applicant shall have the opportunity to submit final rebuttal argument not sooner than 7 days following the submittal of argument by the other participants.
- fg) The Planning Division may prepare a memorandum for the record summarizing the matter under appeal. The memorandum also may include a recommendation. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
- 2) Discretionary De Novo Hearing
 - a) An appellant may request in writing that the Hearings Officer hold a de novo hearing on the appeal at the time of the filing of the notice of appeal. Such a request must provide specific reasons for the request.
 - b) The Hearings Officer may grant a request for a de novo review at his or her discretion after consideration of the following factors:
 - i) Whether a de novo hearing could cause the time limits in ORS 215.427 to be exceeded. For the purposes of this subsection, if an applicant is the appellant and the applicant has submitted together with its notice of appeal a written consent for an extension of the time limit adequate to allow for a de novo hearing and decision, consistent with the maximum limitation in ORS 215.427, then this criterion shall not be considered;
 - ii) If the recording of the hearing, or a portion of thereof, is unavailable due to a malfunction of the recording device during the hearing, whether review on the record would be hampered by the absence of all or a portion of ~~that element~~ the transcript of the hearing;
 - iii) Whether the substantial rights of the parties would be significantly prejudiced without de novo review;
 - iv) Whether the request is necessitated by failure of the appellant to present evidence that was or should have been available at the time of the hearing;
 - v) Whether the appeal contains an allegation that statutes, ordinances, regulations or procedures were violated in the hearing or decision;

CHAPTER 3 PAGES

JACKSON COUNTY
BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT ORDINANCE
PROPOSED REVISIONS
APRIL 1, 2009

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:* An approved tentative plan will become void ~~24~~12 months after the date of the final decision approving the tentative plan if the final plat has not been prepared and submitted to the Department for review. For the purposes of this section a date of the final decision shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.
- a) ~~Notwithstanding Section 2.6.8, A~~ a time extension of not more than 12 additional months may be granted by the Director, ~~for good cause,~~ based upon a written request from the applicant made prior to the expiration of the original ~~24~~12 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) In any event, the total time period within which to submit a final plat will not exceed ~~four~~two years after the date of the final decision approving the tentative plan.
 - d) **No extension of the validity of a tentative plan pursuant to Section 3.3.2(C)(2)(a) or (b) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.**

D) ***Final Plat Procedures***

Regardless of the type of approval process required for the tentative plan, the Director will review the final plat for consistency with the approved tentative plan as a Type 1 review procedure. If the Director determines that the final plat complies with the requirements of paragraphs (1) and (2) of this Section, the Director will so certify and sign the final plat. No additional conditions will be imposed on the final plat. If the Director

of this section the date of the final decision shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.

- a) 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 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
- b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
- c) The other provisions of Sections 3.3.2 notwithstanding, the Planning Commission shall have the discretion to allow extensions to the validity of a tentative plan approved for a phased development to be for a different period or periods, provided that the total period of validity may not exceed the maximum allowed by the applicable provisions of the Oregon Revised Statutes. Any such approval must be based on specific findings related to the phased development which justify the different periods of validity
- d) Except as provided in Section 3.3.2(E)(2)(c), in no event shall the total time period within which to submit the final plat for the last phase designated on the approved tentative plan exceed five years after the date of the final decision approving the tentative plan.
- e) The granting of any extension pursuant to Sections 3.3.2(E)(2)(a), (b) or (c) is subject to the limitation of Section 3.3.2(E)(3).

- 3) **Changes in the State or County criteria: No extension of the validity of a tentative plan pursuant to Section 3.3.2(E)(2)(a), (b) or (c) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.**

FE) 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

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 ~~42~~ 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

Department and will be available for public inspection during normal business hours.

- D) Appeal of the Director's interpretation will be to the Board of Commissioners in accordance with Table 2.1-1. The interpretation of the Board of Commissioners upon appeal will be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.2 Director's Referral for Interpretation by the Board of Commissioners

A) Purpose

- 1) When the meaning of a provision of this Ordinance is in doubt or dispute or lacks adequate clarity or otherwise significantly impairs the proper administration and application of this Ordinance, the Director may refer the provision to the Board of Commissioners for a binding written interpretation.
- 2) The Director may also exercise this authority when, in the Director's judgment, any decision of the Hearings Officer misapplies or misinterprets this Ordinance. In such cases, the Hearings Officer's decision shall stand, subject to an appeal to LUBA as provided in the Chapter 2.

B) Procedures

- 1) The Director shall prepare a written referral of such a provision and transmit it to the Board of Commissioners. Copies of the referral shall simultaneously be provided to the JCPC and to the WCPC, if the provision to be interpreted affects White City. The referral will be processed as a Type 2 determination consistent with the provisions of Section 2.7.6.
- 2) The written referral will identify the provision for which an interpretation is sought and will include a clear **statement** of the reason for the referral and of the implications of the various interpretations known at the time of the referral. Nothing in this provision shall limit the Board of Commissioners' authority to adopt any **interpretation** it deems proper.

C) Hearing and Notice of Hearing

- (1) The Board of Commissioners shall notice and schedule a hearing within 45 days of receipt of the referral, and notice will be provided in a manner consistent with Section 2.7.6(C)(1).
- (2) Notice of all written interpretations shall be provided to all parties who have notified the Planning Division in writing of their interest in such notification. Notice shall also be posted on the County's website. The Director shall keep a current list of all those who have requested to receive notices.

D) Evidence

All evidence and testimony offered shall be restricted to the provision referred for interpretation and must be material to that issue. The Board of

Commissioners may exclude evidence and testimony that is not germane to the issue referred for interpretation.

E) **Decision**

The Board of Commissioners' determination on the Directors referral must be rendered within 15 days of the close of the noticed hearing.

F) **Appeal**

The decision by the Board of Commissioners adopting the interpretation is not appealable. A decision on a land use application which relies on such an interpretation is subject to appeal as provided in Chapter 2, and such an appeal may include assignments of error relating to the interpretation.

E) **Binding Interpretation**

Interpretations adopted by the Board of Commissioners shall be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.3 Record of Interpretations

A) **Permanent Record**

The Director shall establish and maintain a permanent record of all interpretations rendered pursuant to Section 3.9. Each interpretation shall be entered into the record within 5 days of its having been rendered.

B) In the case of an interpretation rendered by the Director pursuant to Section 3.9.1, the interpretation shall be entered into the record within 5 days of the expiration of the appeal period if no appeal is taken. If an appeal is taken, only the interpretation rendered by the Board of Commissioners shall be entered into the record.

C) **Elements of the Record**

1) The record shall contain a comprehensive summary of all interpretations, organized by LDO section number. Entries within each section shall be organized by the date of the interpretations, and each entry shall indicate what body rendered it.

2) The summary shall be updated with each new interpretation entered into the record, and a copy of the most current summary shall be included as a part of the annual update of this Ordinance.

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.

CHAPTER 4 PAGES

JACKSON COUNTY
BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT ORDINANCE
PROPOSED REVISIONS
APRIL 1, 2009

4.2.2 Table of Permitted Uses

Modified from OAR 660-033-0120: 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. Accessory uses and structures are allowed in all zoning districts (Section 6.4). All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130, as well as additional limitations and requirements in this Ordinance (ASee Also@ column). The abbreviations used within the schedule shall have the following meanings:

- A) 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.
- B) Type 2 uses are subject to administrative review. These decisions are discretionary and therefore require a notice of decision and opportunity for hearing.
- C) Type 3 uses: 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
- D) Type 4 uses require 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.
- E) Prohibited Uses -- An AX@ in the Table indicates that the use is not permitted. However, where noted by an *existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 2 (3) review.
- F) Numerical References: The numbers contained in the ASee A/so@ column are references to additional standards and requirements in the LDO that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9. Numerical references for specific uses shown on the table, refer to the corresponding section of OAR 660-033-0130, or specific Oregon Revised Statutes.

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	OAR 660-033-0120 Standards; ORS 215.203 (farm definition)	
2	Buildings, other than dwellings, customarily provided in conjunction with farm use	1	1	ORS 215.203 (farm definition)	
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c)	
4	Temporary facility for primary processing of forest products	2	2	OAR 660-033-0130(6); ORS 215.283(2)(j);	4.2.3, 4.2.4(B)
5	Facility for processing farm crops or biofuel production	2	2	ORS 215.283(1)(u); ORS 315.141 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	
7	The propagation, cultivation, maintenance, & harvesting of aquatic or insect species	2	2	ORS 215.283(2)(p); OAR 660-033-0130(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 660-033-0130(1), (30) & OAR 660-033-0135 (criteria)	4.2.6(A) & (C)
9	Farm dwelling for relative	4 2	4 2	ORS 215.283(1)(e); OAR 660-033-0130(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 660-033-0130(24), (30)	4.2.6(A) & (E)
11	Ownership of record dwelling (1)	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0130(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); ORS 215.263(4); ORS 215.284(2) & (3); OAR 660-033-0130(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/facility in existing dwellings	2	2	ORS 197.660(definition), ORS 197.665(3), ORS 215.283(2)(o); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(8), (30)	4.2.6(A) & (B)
17	Historic dwelling replacement	4 2	4 2	ORS 215.283(1)(o); ORS 358.480; OAR 660-033-0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	4 2	4 2	ORS 657A.440 (3)	4.2.6(K)
COMMERCIAL USES					
19	Commercial activities in conjunction with farm use including processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or ORS 215.213(1)(x) and ORS 215.283(1)(u)	3	3	ORS 215.283(2)(a); OAR 660-033-0130(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 660-033-0130(18)	11.2
21	Dog kennels	X*	2	ORS 215.283(2)(n); OAR 660-033-0130(5) & (18)	4.2.3 11.2
22	Home occupation/home business	2	2	ORS 215.283(2)(i), ORS 215.448; OAR 660-033-0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X*	4 PDP ² 2 FDP ³	ORS 197.435-.467; ORS 215.283(2)(t); OAR 660-033-0130(5) & (18)	4.2.3; 6.3.8 11.2, 11.3

1 Preliminary Development Plan

2 Final Development Plan

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
24	Destination resort, small	X	X	ORS 197.435-.445(6)(a); OAR 660-033-0130(5)	11.2, 11.3
25	Winery	4 2	4 2	ORS 215.283(1)(q), & ORS 215.452	4.2.7(F)
26	Farm stand	4 2	4 2	ORS 215.283(1)(r); OAR 660-033-0130(23)	4.2.7(D)
27	Landscape business in conjunction with growing/marketing of nursery stock on the land that constitutes farm use	2	2	ORS 215.283(2)(z); ORS 674.520; ORS 671.318; OAR 660-033-0130 (5)	4.2.7(G)
MINERAL, AGGREGATE OIL, AND GAS USES					
28	Exploration & production of geothermal, oil & gas	2	2	ORS 215.283(1)(g), ORS 520.005 (definition), ORS 522.005 (definition)	4.2.8(A)
29	Exploration for minerals	1	1	ORS 215.283(1)(h), ORS 517.750 (definition)	4.2.8(B)
30	Operations for mining & processing geothermal, oil & gas resources not otherwise per-mitted under this Ordinance	3	3	ORS 215.283(2)(b)(A); ORS 520.005 (definition); ORS 522.005 (definition); OAR 660-033-0130(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); ORS 215.298 & ORS 215.301; OAR 660-033-0130(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); ORS 517.750 (definition); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(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)	
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 660-033-0130(5)	4.2.3

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
37	Reconstruction or modification of public roads and highways, including placement of utility facilities over-head and in the subsurface of public roads and high-ways 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)	
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 660-033-0130(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)	
40	Minor betterment of existing public roads & highway related facilities (e.g., maintenance yards, weigh-stations & rest areas) within a right-of-way existing as of July 1, 1987, & contiguous publicly-owned property to support operation & maintenance of public roads & highways	1	1	ORS 215.283(1)(n)	
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 660-033-0130(5)	4.2.3

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
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 660-033-0130(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, <u>not including</u> commercial facilities for generating electrical power for public use by sale, or transmission towers over 200 feet high	2	2	ORS 215.275 and ORS 215.283(1)(d); OAR 660-033-0130(16)	4.2.10(C); 6.3.6(A)
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 <u>ordered established</u> by the Environmental Quality Commission (EQC)	4 3	4 2/3	ORS 459.049, 215.283(1)(i); 660-033-0130(18)	4.2.10 11.2, 11.3
48	Solid waste disposal site for which DEQ permit is required	X*	4	ORS 215.283(2)(k), ORS 459.245; OAR 660-033-0130(5) & (18)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
49	Modification of a waste related use	2	2		6.3.6(D)
50	Fire service facilities providing rural fire protection	4 2	4 2	ORS 215.283(1)(v) 197.015(10)	3.2
51	Irrigation canals, delivery lines, and accessory structures and facilities associated with a district	4 2	4 2	ORS 215.283(1)(w), ORS 540.505 (definition) 197.015(10)	3.2
52	Utility facility service lines	1	1	ORS 215.283(1)(x); OAR 660-033-0130(32)	4.2.10

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
53	Commercial utility facilities for generating power for public use by sale	2	2	ORS 215.283(2)(g); OAR 660-033-0130(5), (17) & (22)	4.2.3; 4.2.10
54	Composting facilities on farms, or for which a permit has been granted by the DEQ	X*	4	ORS 215.283(2)(k), ORS 459.245; OAR 340-093-0050; OAR 660-033-0130(5), (18), (29)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
PARKS/PUBLIC/QUASI-PUBLIC USES					
55	Public/ private schools, including essential buildings	4 3	4 2	ORS 215.283(1)(a); OAR 660-033-0130(2), (18)	4.2.11(I) 11.2, 11.3
56	Churches & cemeteries in conjunction with churches	4 3	4 2	ORS 215.283(1)(b) & ORS 215.441; OAR 660-033-0130(2), (18)	4.2.11(B) 11.2, 11.3
57	Private parks, playgrounds, and hunting and fishing preserves	X*	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3, 11.2, 11.3
58	Campgrounds	X*	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3; 4.2.11(A) 11.2, 11.3
59	Public parks and playgrounds	2	2	ORS 195.120, ORS 215.283(2)(d); OAR 660-033-0130(5) & (31); 660-034-0035 & 0040	3.7.4; 4.2.3; 4.2.11(H)
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 660-033-0130(5), (36)	4.2.3; 4.2.11(K)
61	Golf courses	X*	3	ORS 215.283(2)(f); OAR 660-033-0130(5), (18), (20)	4.2.3; 4.2.11(C) 11.2
62	Living history museum	2	2	ORS 215.283(2)(x); OAR 660-033-0130(5), (21)	4.2.3; 4.2.11(E)
63	On-site filming & accessory activities for <u>45 days or less</u>	1	1	ORS 215.306(3)(a) & (4)	4.2.11(F)
64	On-site filming & accessory activities for <u>more than 45 days</u>	2	2	ORS 215.306(3)(b) & (4); OAR 660-033-0130(5)	4.2.3; 4.2.11(G)
65	Takeoff & landing site for model aircraft	1	1	ORS 215.283(1)(t); OAR 660-033-0130(26)	4.2.11(J)

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
66	Expansion of existing county fairgrounds & directly related activities	2	2	ORS 215.283(2)(w); ORS 565.210; OAR 660-033-0130(5);	4.2.3
67	Operations for extraction and bottling of water	2	2	ORS 215.283(2)(v); OAR 660-033-0130(5)	4.2.3
68	Land application of biosolids transported by vehicle to a tract.	1	1	ORS 215.246; ORS 215.247; ORS 215.249; ORS 215.251; & ORS 215.283(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; ORS 215.249; ORS 215.251; & ORS 215.283(1)(y); OAR 660-033-0130(11)	4.2.11
70	Firearms training facility; Law enforcement facility	X*	X*	ORS 197.770; ORS 215.283(1)(z)	6.3.7; 4.2.11(L) 11.2
OUTDOOR GATHERING USES					
71	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	1	ORS 197.015(10)(d); ORS 433.735; OAR 660-033-0130(33)	6.5.3(J)
72	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	4	ORS 433.735(1) & ORS 433.763; OAR 660-033-0130(34)	6.5.3(J)

CHAPTER 13 PAGES

JACKSON COUNTY
BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT ORDINANCE
PROPOSED REVISIONS
APRIL 1, 2009

~~proposed development of land.~~ (See ORS 215.402)

- 179) 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
- 180) 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.
- 181) 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 Apreliminary map@ may be used to refer to maps prepared for discussion purposes and are not Atentative plans@ required by this Ordinance. See PLAT, FINAL
- 182) 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.
- 183) PLANNED UNIT DEVELOPMENT (PUD): A residential, commercial, industrial, or mixed use development consisting of units grouped in a fashion not customarily

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

- 175) PARTITION LAND: To divide land to create two (2) or three (3) parcels within a calendar year, not including: (1) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (2) the division of land resulting from the recording of a subdivision or condominium plat; (3) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes continues to be considered a single unit of land until such time as a subdivision or partition is approved by the County; (4) a sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property; (5) adjustment as defined in this Section in compliance with Section 3.4; (6) the surveying or deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use; (7) issuance of a mining patent or other lot created by the federal government; or (8) the creation of two (2) or more tracts or parcels of land by description in a single deed unless it is determined by the Director that said tracts or parcels of land were conveyed in fee separately prior to September 1, 1973, and provided that the tracts or parcels are identical to those separately conveyed prior to September 1, 1973. See also Section 3.3.1(B) (See ORS 92.010(9))
- 176) PAVEMENT/PAVE/PAVING: Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.
- 177) 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
- 178) PERMIT: Any approval granted as the result of a Type 1 ministerial review as described in Section 3.1.2 and any approval granted as the result of a Type 2, Type 3 or Type 4 discretionary review as described in Sections 3.1.3, 3.1.4 and 3.1.5, respectively. Only Type 2, Type 3 and Type 4 approvals are land use decisions within the meaning of ORS 215.402. This distinction governs regardless of the terms used elsewhere in this Ordinance to describe any given approval. ~~Discretionary approval of a~~

EXHIBIT C

4.2.2 Table of Permitted Uses

Modified from OAR 660-033-0120: 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. Accessory uses and structures are allowed in all zoning districts (Section 6.4). All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130, as well as additional limitations and requirements in this Ordinance ("See Also" column). The abbreviations used within the schedule shall have the following meanings:

- A) 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.
- B) Type 2 uses are subject to administrative review. These decisions are discretionary and therefore require a notice of decision and opportunity for hearing.
- C) Type 3 uses: 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
- D) Type 4 uses require 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.
- E) Prohibited Uses -- An "X" in the Table indicates that the use is not permitted. However, where noted by an "*", existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 2 3 review.
- F) Numerical References: The numbers contained in the "See Also" column are references to additional standards and requirements in the LDO that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9. Numerical references for specific uses shown on the table, refer to the corresponding section of OAR 660-033-0130, or specific Oregon Revised Statutes.

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	OAR 660-033-0120 Standards; ORS 215.203 (farm definition)	
2	Buildings, other than dwellings, customarily provided in conjunction with farm use	1	1	ORS 215.203 (farm definition)	
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c)	
4	Temporary facility for primary processing of forest products	2	2	OAR 660-033-0130(6); ORS 215.283(2)(j);	4.2.3, 4.2.4(B)
5	Facility for processing farm crops or <u>biofuel</u> production	2	2	ORS 215.283(1)(u); <u>ORS 315.141</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	
7	The propagation, cultivation, maintenance, & harvesting of aquatic or insect species	2	2	ORS 215.283(2)(p); OAR 660-033-0130(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 660-033-0130(1), (30) & OAR 660-033-0135 (criteria)	4.2.6(A) & (C)
9	Farm dwelling for relative	4 <u>2</u>	4 <u>2</u>	ORS 215.283(1)(e); OAR 660-033-0130(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 660-033-0130(24), (30)	4.2.6(A) & (E)
11	Ownership of record dwelling (1)	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0130(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); ORS 215.263(4); ORS 215.284(2) & (3); OAR 660-033-0130(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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
14	Residential home/facility in existing dwellings	2	2	ORS 197.660(definition), ORS 197.665(3), ORS 215.283(2)(o); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(8), (30)	4.2.6(A) & (B)
17	Historic dwelling replacement	4 <u>2</u>	4 <u>2</u>	ORS 215.283(1)(o); ORS 358.480; OAR 660-033-0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	4 <u>2</u>	4 <u>2</u>	ORS 657A.440 (3)	4.2.6(K)
COMMERCIAL USES					
19	Commercial activities in conjunction with farm use including processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or ORS 215.213(1)(x) and ORS 215.283(1)(u)	3	3	ORS 215.283(2)(a); OAR 660-033-0130(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 660-033-0130(18)	<u>11.2</u>
21	Dog kennels	X ₋	2	ORS 215.283(2)(n); OAR 660-033-0130(5) & (18)	4.2.3 <u>11.2</u>
22	Home occupation/home business	2	2	ORS 215.283(2)(i), ORS 215.448; OAR 660-033-0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X ₋	4 PDP ² 2 FDP ³	ORS 197.435-.467; ORS 215.283(2)(t); OAR 660-033-0130(5) & (18)	4.2.3; 6.3.8 <u>11.2, 11.3</u>

1 Preliminary Development Plan

2 Final Development Plan

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
24	Destination resort, small	X*	X	ORS 197.435-.445(6)(a); OAR 660-033-0130(5)	11.2, 11.3
25	Winery	4 <u>2</u>	4 <u>2</u>	ORS 215.283(1)(q), & ORS 215.452	4.2.7(F)
26	Farm stand	4 <u>2</u>	4 <u>2</u>	ORS 215.283(1)(r); OAR 660-033-0130(23)	4.2.7(D)
27	Landscape business in conjunction with <u>growing/marketing of nursery stock on the land that constitutes farm use</u>	2	2	ORS 215.283(2)(z); ORS 674.520; ORS 671.318; OAR 660-033-0130 (5)	4.2.7(G)
MINERAL, AGGREGATE, OIL, AND GAS USES					
28	Exploration & production of geothermal, oil & gas	2	2	ORS 215.283(1)(g), ORS 520.005 (definition), ORS 522.005 (definition)	4.2.8(A)
29	Exploration for minerals	1	1	ORS 215.283(1)(h), ORS 517.750 (definition)	4.2.8(B)
30	Operations for mining & processing geothermal, oil & gas resources not otherwise per-mitted under this Ordinance	3	3	ORS 215.283(2)(b)(A); ORS 520.005 (definition); ORS 522.005 (definition); OAR 660-033-0130(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); ORS 215.298 & ORS 215.301; OAR 660-033-0130(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); ORS 517.750 (definition); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(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)	
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 660-033-0130(5)	4.2.3

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
37	Reconstruction or modification of public roads and highways, including placement of utility facilities over-head and in the subsurface of public roads and high-ways 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)	
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 660-033-0130(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)	
40	Minor betterment of existing public roads & highway related facilities (e.g., maintenance yards, weigh- stations & rest areas) within a right-of-way existing as of July 1, 1987, & contiguous publicly-owned property to support operation & maintenance of public roads & highways	1	1	ORS 215.283(1)(n)	
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 660-033-0130(5)	4.2.3

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
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
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 660-033-0130(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, <u>not including</u> commercial facilities for generating electrical power for public use by sale, or transmission towers over 200 feet high	2	2	ORS 215.275 and ORS 215.283(1)(d); OAR 660-033-0130(16)	4.2.10(C); 6.3.6(A)
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 <u>ordered established</u> by the Environmental Quality Commission (EQC)	4 <u>3</u>	4 <u>2/3</u>	ORS 459.049, 215.283(1)(i); 660-033-0130(18)	4.2.10 <u>11.2, 11.3</u>
48	Solid waste disposal site for which DEQ permit is required	X ₋	4	ORS 215.283(2)(k), ORS 459.245; OAR 660-033-0130(5) & (18)	4.2.3; 4.2.10; 6.3.6(C)(2) <u>11.2</u>
49	Modification of a waste related use	2	2		6.3.6(D)
50	Fire service facilities providing rural fire protection	4 <u>2</u>	4 <u>2</u>	ORS 215.283(1)(v) <u>197.015(10)</u>	<u>3.2</u>
51	Irrigation canals, delivery lines, and accessory structures and facilities associated with a district	4 <u>2</u>	4 <u>2</u>	ORS 215.283(1)(w), ORS 540.505 (definition) <u>197.015(10)</u>	<u>3.2</u>
52	Utility facility service lines	1	1	ORS 215.283(1)(x); OAR 660-033-0130(32)	4.2.10

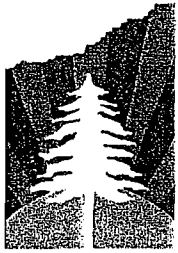
TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
53	Commercial utility facilities for generating power for public use by sale	2	2	ORS 215.283(2)(g); OAR 660-033-0130(5), (17) & (22)	4.2.3; 4.2.10
54	Composting facilities on farms, or for which a permit has been granted by the DEQ	X*	4	ORS 215.283(2)(k), ORS 459.245; OAR 340-093-0050; OAR 660-033-0130(5), (18), (29)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
PARKS/PUBLIC/QUASI-PUBLIC USES					
55	Public/ private schools, including essential buildings	4 3	4 2	ORS 215.283(1)(a); OAR 660-033-0130(2), (18)	4.2.11(I) 11.2, 11.3
56	Churches & cemeteries in conjunction with churches	4 3	4 2	ORS 215.283(1)(b) & ORS 215.441; OAR 660-033-0130(2), (18)	4.2.11(B) 11.2, 11.3
57	Private parks, playgrounds, and hunting and fishing preserves	X*	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3, 11.2, 11.3
58	Campgrounds	X*	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3; 4.2.11(A) 11.2, 11.3
59	Public parks and playgrounds	2	2	ORS 195.120, ORS 215.283(2)(d); OAR 660-033-0130(5) & (31); 660-034-0035 & 0040	3.7.4; 4.2.3; 4.2.11(H)
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 660-033-0130(5), (36)	4.2.3; 4.2.11(K)
61	Golf courses	X*	3	ORS 215.283(2)(f); OAR 660-033-0130(5), (18), (20)	4.2.3; 4.2.11(C) 11.2
62	Living history museum	2	2	ORS 215.283(2)(x); OAR 660-033-0130(5), (21)	4.2.3; 4.2.11(E)
63	On-site filming & accessory activities for <u>45 days or less</u>	1	1	ORS 215.306(3)(a) & (4)	4.2.11(F)
64	On-site filming & accessory activities for <u>more than 45 days</u>	2	2	ORS 215.306(3)(b) & (4); OAR 660-033-0130(5)	4.2.3; 4.2.11(G)
65	Takeoff & landing site for model aircraft	1	1	ORS 215.283(1)(t); OAR 660-033-0130(26)	4.2.11(J)

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
66	Expansion of existing county fairgrounds & directly related activities	2	2	ORS 215.283(2)(w); ORS 565.210; OAR 660-033-0130(5);	4.2.3
67	Operations for extraction and bottling of water	2	2	ORS 215.283(2)(v); OAR 660-033-0130(5)	4.2.3
68	Land application of biosolids transported by vehicle to a tract.	1	1	ORS 215.246; ORS 215.247; ORS 215.249; ORS 215.251; & ORS 215.283(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; ORS 215.249; ORS 215.251; & ORS 215.283(1)(y); OAR 660-033-0130(11)	4.2.11
70	Firearms training facility; Law enforcement facility	X ₋	X ₋	ORS 197.770; ORS 215.283(1)(z)	6.3.7; 4.2.11(L) 11.2
OUTDOOR GATHERING USES					
71	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	1	ORS 197.015(10)(d); ORS 433.735; OAR 660-033-0130(33)	6.5.3(J)
72	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	4	ORS 433.735(1) & ORS 433.763; OAR 660-033-0130(34)	6.5.3(J)



**JACKSON
COUNTY**
Oregon

MEMO

DEVELOPMENT SERVICES

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TO: Jackson County Planning Commission
FROM: Kelly Madding; Development Services Director
BY: Josh LeBombard; Senior Planner
SUBJECT: Staff Memo- LRP2008-00008; LDO Procedural Amendments
DATE: April 6, 2009

This staff memo is meant to clarify the memo dated April 6, 2009 from our consultant Donald Rubenstein. Staff has grouped the comments received on this case into the following categories for clarification purposes:

- Comments Staff Concurs With;
- Comments Staff Partially Concurs With;
- Comments Staff Does Not Concur With
- Comments Beyond the Scope of Current Proposal; and

Comments Staff Concurs With

1. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

Mr. Warner takes issue with the fairness of assessing the proposed remand fee against the applicant, pointing out that an applicant has little if any control over the Board's decision to require a remand. It is also easily possible that the remand would be necessitated by evidence or issues brought by another party or participant.

The Staff and I struggled with this concern as the language was being developed and we concur with his point. We considered a system in which the cost was assessed to the party responsible for the remand and one in which it would be prorated in some fashion. However, we concluded that collection in such circumstances might be a problem and, further, if collection were not possible and a remand did not occur, equal protection issues could well emerge.

Mr. Warner suggests as an alternative that the possible cost of a remand be calculated into the fee for any type of application which can result in a remand. Essentially, this would be limited to applications that will be heard by the Planning Commission since only those are appealable to the Board. (Even so, not all of such applications will result in a remand since,

Board of County Commissioners

File No. LRP2008-00008 Exhibit # 19

Offered by: Staff

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assuming the Board adopts the proposal to review most appeals on the record from the Planning Commission.)

This is a policy decision that the Board should consider. Staff suggests that Mr. Warner's proposal be adopted. The disadvantage is that it will spread the cost of remands across the entire pool of applicants whose matters may require a remand. However, its advantage is that it protects any given applicant from having to bear the cost of a remand owing to circumstances beyond his or her control. This approach can be observed over a period of time and, if problems or inequities are presented, staff can bring the issue back to the Board for reconsideration.

If the Board agrees with this suggestion, the proposed language in Section 2.6.10 would be amended simply to delete Section 2.6.10(E) and re-letter the following provision as follows:

E) Fees

~~A fee to conduct a remand hearing may be established by the Board of Commissioners which shall be assessed against the applicant. The County may establish a fee to cover the reasonable costs of remands under this provision. The fee will be assessed against the Applicant.~~

E) Appeal

No appeal may be taken from a remand decision ordered pursuant to Section 2.6.10(AB). Such decisions shall return to the Board of Commissioners for consideration. Remand decisions resulting from an order of the LUBA may be appealed to the LUBA

2. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

PUD FINAL DEVELOPMENT PLAN AND PLATTING REQUIREMENTS: Mr. Warner points out that there is an important inconsistency between the way that tentative plan approvals are treated with respect to PUDs and the way they are treated for subdivisions or, as proposed, phased developments. Except with respect to PUDs tentative plans are valid for 24 months and are eligible for additional extension under certain circumstances. However, PUD tentative plans are valid for only 12 months and are not eligible for any extensions. This requires that a PUD developer is required within 1 year to "perform all surveying and engineering, to have the engineering approved by the County, to build the streets and other infrastructure and then to submit the final plan and plat." As Mr. Warner says, "The one-year deadline is too short," and there should be extensions available as with other tentative plans.

Response: Staff agrees with his concern. He proposed language to amend Section 3.5.3(D)(1). However, I propose somewhat different language. While both his and mine achieve the same essential outcome, my language preserves consistency of language within those portions of the LDO which authorize extensions to tentative plans. Basically, I believe that my proposal is better legislative drafting.

The changes would extend the initial period of validity of a PUD tentative plan from 12 to 24 months, and it would make up to two additional one-year extensions available on the same terms as they are available under the phased development section of the LDO.

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 ~~24~~ 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); Notwithstanding any other provision of this Ordinance, the submittal of a final plan and final plat for a PUD or cluster development may be extended by action of the Planning Director for two additional 12 month periods consistent with the provisions of Sections 3.3.2(E)(2)(a) and (b) and Section 3.3.2(E)(3).

Comments Staff Partially Concurs With

3. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

MANDATORY PRE-APPLICATION CONFERENCES: Mr. Warner suggests that there should be no mandatory pre-application conferences under Section 2.7.1, and he references a time past when they were required for all applications. Then, he represents, the “staff had a very difficult time processing the land use applications...that had been filed.” . He states that mandatory conferences will deplete county resources, even if a fee is required. Mr. Warner points out that such conferences are not a requirement of state law, but he acknowledges that they may be valuable to applicants who need guidance.

His first concern is that mandatory conferences “can interfere with an applicant’s access to existing land use regulations and standards even where property may have been acquired, after considerable investment...preparatory work...and after reasonable due diligence.”

Response: Mr. Warner does not elaborate on this point, and it is not clear how pre-application conferences, mandatory or otherwise, can have this effect. If anything, such conferences should increase an applicant's access to existing laws and regulations. In the absence of a more complete explanation, I am unable to respond to this comment.

Mr. Warner argues that it should be exclusively an applicant's choice to have a pre-application conference. He states, "Once a plan has been prepared based upon the standards, the choice to present the plan formally for review through a land use application or preceded by a...pre-application conference is properly that of the property owner and applicant." He also seems to argue that the "completion review" which all applications receive is adequate to provide applicants the information that would otherwise be provided in a pre-application conference.

Response: Mr. Warner argues from a limited view of how the level of knowledge and sophistication that various applicants have when they enter the planning process. Not all applicants understand the complexities of the planning system, including how criteria and standards affect a plan and what the actual application requirements are. Many applicants do not appreciate these details, and in the absence of a required pre-application conference, they may invest considerable time and money in preparing an application that is seriously incomplete or, worse still, that cannot be approved in any case. These applicants are very well served by mandatory pre-application conferences.

Even the more sophisticated applicants can benefit from conferences on Type 3 and Type 4 applications. These types of applications are complex, and a given applicant's understanding of one or another of the requirements can easily vary from what the interpretation of the Planning Division. These are often more expensive projects, and clarity at the outset is a benefit to everyone. There is no disservice if a pre-application conference does no more than confirm to staff and applicant alike that there are no divergent interpretations of the requirements. The purposes of the process, the staff and the applicant are benefited by such an outcome.

Mr. Warner asserts, "Cost control is also a reason that has been given to support a requirement for pre-application conferences." However, I do not recall that that reason has ever been presented. He contends that mandating pre-application conferences will only increase the cost to the county. Given that the applicant pays a fee for these conferences and that the fee is calculated to cover the county's costs, this is not a likely outcome. The greatest cost benefit of mandatory pre-application conferences will be to those who might otherwise have submitted seriously incomplete or unsupportable applications.

Staff believes that pre-applications should be mandatory for Type 3 and 4 applications due to the complexity of the applications and the potential requirement for a Transportation Impact Study (TIS). Most applicants submit applications without a TIS, with the anticipation that a TIS will be waived by the County. However, if it is determined that a TIS cannot be waived, the applicant is then burdened with having a TIS prepared under the application processing timeframes. This often cannot be done, and the applicant is forced to withdraw the project.

Comments Staff Does Not Concur With

4. Comments of Bob Hart, Land Use Consultant, dated March 25, 2009.

PRE-APPLICATION CONFERENCES: Most of Mr. Hart's concerns relate to the mandatory pre-application conference languages in Section 2.7.1. He considers the use of mandatory pre-application conferences a "poor approach" to solving the problem of a "code [that] is overly intricate and difficult to follow and understand. Mr. Hart's comments detail several examples from the LDO. He also cites an example of difficulty in securing the proper lot legality application forms. He does not have specific suggestions or requests with respect to Section 2.7.1, but suggests the appointment of "a blue ribbon committee" of people familiar with land use matters to "make the code more user friendly".

Response: The LDO went through a complete redrafting which culminated in the 2004 adoption of the current code. That was an extensive process that involved many people who are well versed in the land use system of Oregon, as well as an extensive public process. It is not clear that appointing another committee would result in a code that is either more streamlined or substantially easier to navigate than the current LDO. Additionally, it would be a very expensive undertaking. Mr. Hart's underlying complaint seems to be with the Oregon land use system itself, and revising that set of statutes and regulations is beyond the capacity of any county's land development code.

5. Comments of Bob Hart, Land Use Consultant, dated March 25, 2009.

Mr. Hart raised a concern regarding the proposal in Section 2.2.2 to allow the Board to hear appeals from Jackson County Planning Commission (JCPC) decisions based on the record created at the Planning Commissions. Mr. Hart objects that this will prevent "people bringing in information at the last minute", that "[m]any times the true importance of an issue does not surface until a hearing is conducted", that a hearing on the record is inconsistent with reaching the "best decision possible" and that "[t]he process is starting [to] take on the appearance of a criminal trial".

Response: The proposed language of Section 2.2.2 addresses Mr. Hart's concern by giving the Board the discretion to hold a de novo hearing on appeals in circumstances that it determines require a new hearing. If the Board were to agree that the importance of an issue could not have been understood before the hearing by the Planning Commissions it can hold a de novo hearing. However, it should be remembered that anyone who participates in that hearing can ask that the record be held open to allow response to argument or evidence. That already provides an opportunity for a participant to address an issue the importance of which was not realized before the hearing.

REVIEW ON THE RECORD: As has been discussed, state law only requires that an application be given one hearing. If the initial review of an application is by hearing—as is the case with matters that come to the Board from the Planning Commissions the law is satisfied. Any review thereafter can be based on the record of that hearing. The proposed process is consistent with state requirements and is not an impediment to reaching a good decision.

6. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

REMANDS: Mr. Warner believes that the proposal in Section 2.6.10 to allow the Board to remand matters for additional consideration is unnecessary, asserting that “the Board already has the ‘flexibility’ to remand with specific instructions.” He also argues that the proposed structure is “overly complicated and [an] attempt to do too much”. He suggests that instead the Planning Division prepare a set of guidelines.

Response: Mr. Warner presents no authority to support his claim that the Board already can order remands based on what he characterizes as an amorphous “flexibility”. Even if the Board does have such an authority, there is benefit to codifying remand procedures. Most importantly, codifying a system assures consistency. For example, the criteria upon which decisions to order a remand will be the same from one case to the next, and this will protect the Board from accusation of unfairness or inconsistency. The system itself will have integrity for the same reason. Further, the proposed language also establishes consistent notice and procedural elements as well as timelines. None of this would be the case if the Board exercised the authority that Mr. Warner alludes to on an ad hoc basis.

7. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

INTERPRETATIONS: Mr. Warner implies that interpretations of the LDO should be requested only in the context of specific fact circumstances, presumably meaning in the context of existing applications. He contends that any given factual situation can or will result in a different interpretation.

Response: It is not clear what he is suggesting be changed with respect to the proposal for Section 3.9.1, but I do not concur with his suggestion. Proper administration of any code relies on consistency of its application. The interpretation of a provision should not change from case to case. A properly crafted code provision should avail itself of consistent application in most cases. Otherwise, that provision cannot be relied upon either by the public or the staff.

From time-to-time code sections are not as well stated as they were initially thought to be, and these may require interpretation by the Board. Also, a provision may turn out to be applied in circumstances not originally contemplated, and it may need to be interpreted to assure consistency of its use. At other times, the situations that gave rise to a code section may not be quite as they were understood to be when it was drafted. In all of these circumstances, the interests of the public, the county and the code itself are benefited by bringing the provision before the Board for a controlling interpretation.

8. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

RESOURCE ZONE INCONSISTENCIES WITH STATE LAW: This comment requires an extensive explanation of the existing state and county provisions relating to farm and forest lands. It will be addressed by Francisco Hernandez at the hearing. Further, Mr. Warner’s comments involve LDO sections that are outside of the scope of the proposed revision; thus they have

not been noticed for revision in this process and have not been reviewed by the JCPC or been available for public review and comment.

9. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

SIMULTANEOUS APPLICATION REVIEWS AND FEES: When a project requires more than one application, the LDO allows the various applications to be processed together. The proposed revisions make some procedural clarifications in the process and also make it express that the fee for each application must be paid. Mr. Warner takes exception to the fee element of the proposal, urging that only the fee for the most complex review be required. He states, "While a surcharge would be reasonable, requiring the payment of [a] fee for every potential subcomponent application would be difficult to identify and administer." It is not clear to staff why this would be so, and Mr. Warner does not elaborate.

The fee element of this proposed change was included because the staff must do the work required by each application despite the fact that the project is being reviewed as a whole. Restricting the fee to the charge for only one of the simultaneously processed applications requires the Planning Division to absorb costs for these projects and, thereby, may constitute a benefit to these applicants that others do not enjoy.

This is a policy issue for the Board to decide.

.....

Comments Beyond the Scope of Current Proposal

10. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

ADMINISTRATIVE APPEALS: Mr. Warner proposes that the Board consider adopting an appeal process for Type 1 approvals. He states that "from time to time, situations occur where a staff member may impermissibly add language [to a Type 1 approval] that does not exist in the text of the code." Such cases as these should have the opportunity for appeal with the safeguards of a formal land use decision. To affect this change, he offers the text of such a procedure in the City of Medford's code as an example.

This is a matter that should be considered and reviewed by the JCPC prior to being brought to the Board. Once again, this is a matter that is outside of the scope of the current proposal. It was not suggested as these revisions went through the JCPC process, so the Board is left without the benefit of that body's perspective and experience. Additionally, there has been no Goal One process associated with this possible change. Staff recommends that consideration of this change be held over until the next set of revisions is made to the LDO.

11. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

USER'S GUIDE: Mr. Warner is concerned that referencing the User's Guide in the LDO converts its content from advice into mandatory standards or criteria. He does not provide specific citations to such references for analysis. Mr. Warner's recommendation is that all references to the User's Guide be eliminated from the LDO.

I have reviewed the references to the User's Guide in Chapters 2 and 3, and I do not share Mr. Warner's concern. The term is used consistently to reference the submittal requirements for an application identified in the User's Guide such as a plot plan, a form or the like. These components are not in the nature of either standards or criteria and including reference to them in the LDO does not seem to elevate them to that status.

Staff suggests that the matter of context and applicability of the User's Guide be referred to the JCPC for consideration in the next set of revisions of the LDO. However, the current proposed revision should be implemented.

12. Comments of Raul Warner, CSA Planning, Ltd., of April 1, 2009

CLEAR AND OBJECTIVE STANDARDS: Mr. Warner urges the Board to reassess the development standards of Chapters 8, 9 and 10 "to ensure that outright permitted uses (listed as Type 1 for the applicable zoning district) are not effectively required to be Type 2 uses due to discretionary language in the development standards section that would require subjective interpretation."

This is a potentially significant issue that merits review by the JCPC. However, these chapters are outside of the scope of the proposed revisions and have not been noticed for revision in this process.

Staff suggests that this matter be referred to the JCPC for consideration in the next set of revisions of the LDO.

CHAPTER 2¹. REVIEW AND DECISION-MAKING

2.1 SUMMARY OF ADMINISTRATION AND REVIEW ROLES

Table 2.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the procedures set forth in Chapter 3. Complete descriptions of the duties and responsibilities of the entities are set forth in the following sections. Footnotes for Table 2.1-1 appear below. Even though not referenced in Table 2.1-1, other boards, commissions, and agencies may be asked to provide comments during the County's review of land use applications.

Table 2.1-1 Footnotes:

[1] The White City Planning Commission (WCPC) reviews land use actions within the White City Urban Unincorporated Community (WCUUC) and the Jackson County Planning Commission (JCPC) reviews actions of countywide significance and land use actions outside the WCUUC.

[2] Not a land use decision per ORS 197.015.

[3] ORS 215.416 and 215.416 (11)(b) provides opportunity to appeal the decision.

[4] Responsibility for making final County decisions when an appeal is filed will transfer to WCPC upon passage by the Board of Commissioners of a development services funding mechanism for the WCUUC.

[5] Staff decision unless referred directly to hearing under Section 2.7.4 (C).

¹Ordinance 2006-10, effective 2-18-2007

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]: <ul style="list-style-type: none"> • Site Development Plan • Public Park Minor Alteration/Expansion • Partition • Property Line Adjustment on Resource Lands • Administrative Adjustment • Historic Property Minor Alteration/Noncompatible Property/Parcel Area Reduction • Destination Resort Final Development Plan • Sewer Extension for Public Health 	3.1.3 3.2 3.2.10 3.3.2 3.4 3.12 7.1.1(F) 8.9 7.1.5 3.6	Decision	Hearing/ Decision [3] (If appealed or referred by Director)	-	Hearing/ Decision [3, 4]	-
Type 2 Permits [5] <ul style="list-style-type: none"> • Written Interpretations 	3.9	Decision	-	-	-	Hearing/Decision (if appealed)
Type 3 Permits [5]: <ul style="list-style-type: none"> • 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] (If appealed or referred by Director)	-	Hearing/ Decision [3, 4]	
Type 4 Permits: <ul style="list-style-type: none"> • Public Road Creation requiring a TSP amendment • Sewer Extension requiring a Goal Exception • Comprehensive Plan or Zoning Text Amendment • Comprehensive Plan or Zoning Map Amendment • UGB/Urban Fringe/Urban Buffer Amendment • Jackson County Park Plan • Historic Property Designation/Moving/Demolition 	3.1.5 3.10 ¹ 3.6 3.7.1 3.8 3.7.3(E) 3.7.4 3.7.5/ 7.1.1(F)	Recommendation	-	Hearing/Recommendation	Hearing/Recommendation	Hearing/Decision
Type 4 Permits: <ul style="list-style-type: none"> • Subdivision • Planned Unit Development • Destination Resort Preliminary Development Plan • Solid Waste Disposal • Public Road Creation with no TSP amendment 	3.3.2 3.5 7.1.5 6.3.6(C) 3.10 ¹	Recommendation	-	Hearing/Decision	Hearing/Decision	Review/ Decision (if appealed)

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. The Board may, consistent with Section 2.6.10, remand matters to the Planning Commissions to conduct further proceedings and make additional recommendations or confirm or revise its decision.

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.

2.2.2 Scope of Review of Specified Decisions

A) *Review on the Record*

- 1) Except as limited in this section and notwithstanding any other provisions of the LDO, the Board of Commissioners' review of appeals from decisions will be on the record created at the hearing conducted by the lower reviewing body, provided, however, that the Board of Commissioners must conduct a de novo hearing on appeals of Sewer Extensions that require a goal exception (Section 3.6.2), the adoption of Jackson County Public Park Overlays (Section 3.7.4), Comprehensive Plan or Zoning Text Amendments (Section 3.7.1), Comprehensive Plan or Zoning Map Amendments (Section 3.8) and UGB/Urban Fringe Buffer Amendments (Section 3.7.3(E)).
- 2) For purposes of this section, the record shall consist of the following elements from the hearing conducted by the reviewing body from which the appeal is being taken: the recording of the hearing made by the County pursuant to Section 2.7.6(F)(2), all exhibits received, all motions and objections made by the parties and all actions taken by the reviewing body from which the appeal is being taken.
- 3) Transcript
 - a) The appellant or any other party may provide the Board of Commissioners with a transcript or a portion of a transcript of the hearing from which the appeal is being taken which must be prepared by a Certified Shorthand Court Reporter from the recording made by the County, and its accuracy must be attested to.
 - b) One copy of the transcript will be provided for each Commissioner and one extra copy will be provided for the

file. Only one transcript is required to bear the original affidavit. The absence of a transcript from the record on appeal shall not be construed as a defect in the record.

- c) The transcript, if any, must be provided by the date set by the Board of Commissioners for the receipt of written arguments on the appeal.

4 *Argument:*

- a) Participants in an appeal are entitled to submit written argument in support of their position. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
 - b) The Board of Commissioners shall establish a schedule for submittal of arguments by the participants provided, however, that the applicant shall have the opportunity to submit final rebuttal argument not sooner than 7 days following the submittal of argument by the other participants.
- 5) The Planning Division may prepare a memorandum for the record summarizing the matter under appeal. The memorandum may also include a recommendation. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
- 6) The timing and content of the decision of the Board of Commissioners shall conform to the requirements of the ORS and the LDO.

B) *Discretionary De Novo Hearing*

- 1) An appellant may request in writing that the Board of Commissioners hold a de novo hearing on the appeal at the time of the filing of the notice of appeal. Such a request must provide specific reasons for the request.
- 2) The Board of Commissioners may grant a request for a de novo review at its discretion after consideration of the following factors:
 - a) Whether a de novo hearing could cause the time limits in ORS 215.427 to be exceeded. For the purposes of this subsection, if an applicant is the appellant and the appellant has submitted together with its notice of appeal a written consent for an extension of the time limit adequate to allow for a de novo hearing and decision, consistent with the maximum limitation in ORS 215.427, then this criterion shall not be considered;
 - b) If the recording of the hearing below, or a portion of thereof, is unavailable due to a malfunction of the recording device during the hearing, whether review on the

record would be hampered by the absence of all or a portion of that element of the hearing below;

- c) Whether the substantial rights of the parties would be significantly prejudiced without de novo review;
 - d) Whether the request is necessitated by failure of the appellant to present evidence that was or should have been available at the time of the hearing below;
 - e) Whether the appeal contains an allegation that statutes, ordinances, regulations or procedures were violated in the hearing or decision below;
 - f) Whether the Planning Commission or the Director has recommended that a de novo hearing be conducted on the appeal, and
 - g) Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the matter being appealed.
- 3) In the absence of a request for a de novo hearing, the Board of Commissioners may independently decide to conduct a de novo hearing on an appeal.
- 4) The Board of Commissioners may, at its discretion, determine to limit the issues on appeal to those listed in the notice of appeal or to one or more specific issues from among those listed on the notice of appeal.

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, Adoption of User's Guide

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*. The Jackson County Planning commission has the authority to adopt, modify and amend the Jackson County Planning Division User's Guide.

2.3.3 Jurisdiction

There are two Planning Commissions within Jackson County. Jurisdiction over planning matters is 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.² 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-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 the Development Services Department. The Hearings Officer may, however, request research assistance from 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.

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

2.5.2 Other Powers and Duties

Authority to administer this Ordinance is vested in the Planning Director. 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 Completeness³

- A) An application that is consistent with the submittal requirements specified in the Land Development Ordinance and the 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.

³Ordinance 2004-12, effective 2-6-2005

- C) If the applicant who receives notice of an incomplete application refuses to submit the missing information, the application will be deemed complete upon receipt of:
 - 1. All of the information;
 - 2. Some of the information and written notice that no other information will be provided or
 - 3. Written notice from the applicant that none of the missing information will be provided. *ORS 215.427(2)*

- D) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection C of this section and has not submitted:
 - 1. All of the information;
 - 2. Some of the information and written notice that no other information will be provided or
 - 3. Written notice that none of the missing information will be provided.

- 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))*

- 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. County review of Post-Acknowledgement Plan Amendment (PAPA) Applications for Aggregate Resource Land will take final action within 180 days after the application is deemed complete. *[ORS 215.427 (1), OAR 660-023-0180(5)]*

- C) At the written request by the applicant, the period set in subsection A of this section may be extended for a specified period of time. The total of all extensions may not exceed 215 days. *[ORS 215.427 (5)]*

2.6.5 Simultaneous Application Review

- A) Applications for more than one land use decision on the same property may, at the applicant'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. Simultaneously reviewed applications will be required to pay the applicable fees for each application.

- B) When applications of differing review types are combined resulting in different review authorities, the review authority shall be that authority required for the highest review type, e.g., if one application requires a

Type 2 review by Planning Division staff and another requires review by the Planning Commission, the Planning Commission will be the review authority for the simultaneous review.

- C) When applications of different review types require the same review types but result in different appeal bodies, the Director shall designate one of the appeal bodies to have jurisdiction based on the following criteria and the Director's decision in this regard shall be final.
 - 1) The nature of the appeal;
 - 2) The efficiency of the appeal processes available, and
 - 3) Such other factors as the Director may deem appropriate to the applications that have been combined.
- D) The final decision rendered by the review authority may be appealed to LUBA.
- E) 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 denies 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. *(ORS 197.620, 197.830, and Jackson Co. Charter Chapter III, 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. The County may establish a fee to cover the reasonable costs of inspections and other actions to determine whether conditions have been complied with.

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***

- 1) Following an applicant's written application, the County may modify or amend one or more conditions of approval for an application previously approved and final.
- 2) Such an application shall be reviewed by the Director within 21 days of submittal to determine whether the condition requested to be modified or amended was imposed to assure compliance with a standard or in order to satisfy the requirements of a criterion. Upon completion of that review, the Director shall take the following actions:
 - a) If the condition being considered was imposed to assure compliance with a standard or if it can be modified as an administrative adjustment under Section 3.12, the Director may determine whether to authorize the modification or amendment that has been requested.
 - b) If the condition being considered was imposed in order to satisfy the requirements of a criterion, the Director shall refer the request to the review authority having initial jurisdiction over the original application using the same type of review procedure as the original review.

- 3) No modification of a condition shall be approved if the Director determines that the modification would render the permit inconsistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the permit. In that event, a new application must be submitted for the permit.
- 4) The County may establish a fee to cover the reasonable costs of an application made under this provision.

2.6.8 Expiration and Extension of Land Use Permits

Except as provided in Section 4.1.3 for land use permits in EFU and forest zones, and as provided in Section 7.1.5 with regard to destination resort preliminary development plans and final development plans, a land use permit will become void four years, or such lesser time as the permit may specify, after the date of the final decision if development has not been initiated. (See Section 13.3) For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the permit is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

A one-year extension may be granted by the Director 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 approval criteria for the original decision found in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance have not changed; and

Additional one (1) year extensions may be authorized where the applicable standards for an extension set out in (A) through (D) above are met. Authority to grant extensions of time will rest with the Director and is a Type 1 decision. Such decisions not subject to appeal as land use decisions.

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

A remand of a decision may result from an order by the Land Use Board of Appeals, the Oregon Court of Appeals, the Oregon Supreme Court or by order of the Board of Commissioners pursuant to Section 2.6.10(A).

A) ***Remands from the Board of Commissioners***

- 1) The Board of Commissioners may remand a Type 3 or Type 4 land use decision or other land use action to the previous decision making body upon making findings consistent with the following criteria:
 - a) New substantial evidence is being offered for consideration that was unavailable at the time of review by the previous decision making body and is significant enough to call into serious question whether that decision would have been different;
 - b) The wrong legal criteria were applied by the previous decision making body;
 - c) Incomplete legal criteria were applied by the previous decision making body;
 - d) The previous decision making body improperly or incorrectly interpreted a provision of this Ordinance in reaching its decision;
 - e) The volume of new evidence offered would seriously interfere with the Board of Commissioners' agenda or unreasonably prejudice parties to the review;
 - f) The proposed new evidence is of sufficient importance to merit a reconsideration by the previous decision making body.
- 2) The Board of Commissioners may issue an order of remand based on its review of the record and the proposed new evidence in advance of a hearing, provided that such order is made and published not less than 7 days in advance of the scheduled hearing on the matter under consideration. The Board of Commissioners may also order a remand at any time during a hearing on the matter under consideration.
- 3) The order of remand must specify which criteria of Section 2.6.10(A)(1) provides the basis for the remand, and the parties to the remand hearing shall be limited to introducing that evidence and such other evidence specifically found by the remand hearings body to be relevant to confront the allowed new information.
- 4) Nothing in this section shall prohibit, prevent or limit the ability of the Board of County Commissioners from referring a remand decision to the Planning Commission, Planning Division, Hearings Officer, and/or other entity for review, recommendation, and/or decision consistent with the duties and authorities designated to that decision making authority in Section 2.3-2.5 of this Chapter.

- 5) The County may establish a fee to cover the reasonable costs of remands under this provision. The fee will be assessed against the Applicant.

B) *Standards and Criteria and Time Limits*

- 1) *Remands Generally*
Unless otherwise required by this Ordinance or provisions of state law, reconsideration of quasi-judicial land use decisions remanded will be based on the standards and criteria in effect at the time the completed application 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.
- 2) *Remands from the Board of Commissioners*
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 the time limits established in ORS 215.427.
- 3) *Remands from the Land Use Board of Appeals*
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]

C) *Scope of Review on Remand*

- 1) *Remands from State Bodies*
Consideration of matters remanded from the Land Use Board of Appeals, the Oregon Court of Appeals or the Oregon Supreme Court is subject to the rulings and orders from those bodies, Oregon Revised Statutes, Oregon Administrative Rules and prevailing case law.
- 2) *Remands from the Board of Commissioners*
Consideration of matters remanded pursuant to Section 2.6.10(A) is limited as follows:
 - a) The decision making body to which the remand is referred is limited to considering only the existing prior record and the new evidence allowable pursuant to Section 2.6.10(A)(3).
 - b) The review conducted on remand is limited to a consideration of whether the new evidence allowable pursuant to Section 2.6.10(A)(3) requires a different decision than previously reached, in light of the record as a whole.

D) **Notice and Procedure**

- 1) Notice for a remand hearing shall conform to the requirements of Section 2.7.6 or 2.7.7, as applicable, provided however, if a party requests expedited review pursuant to Section 2.7.6, the County may assess an additional fee to cover the additional cost of that process.
- 2) A determination on remand will be made pursuant to a quasi-judicial hearing in conformity with 2.8.2 and 2.8.3 or 2.8.4, as applicable.
- 3) A remand hearing shall be subject to the notice provisions of Section 2.7.6.

E) **Appeal**

No appeal may be taken from a remand decision ordered pursuant to Section 2.6.10(A). Such decisions shall return to the Board of Commissioners for consideration. Remand decisions resulting from an order of LUBA may be appealed to the LUBA.

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 final 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.

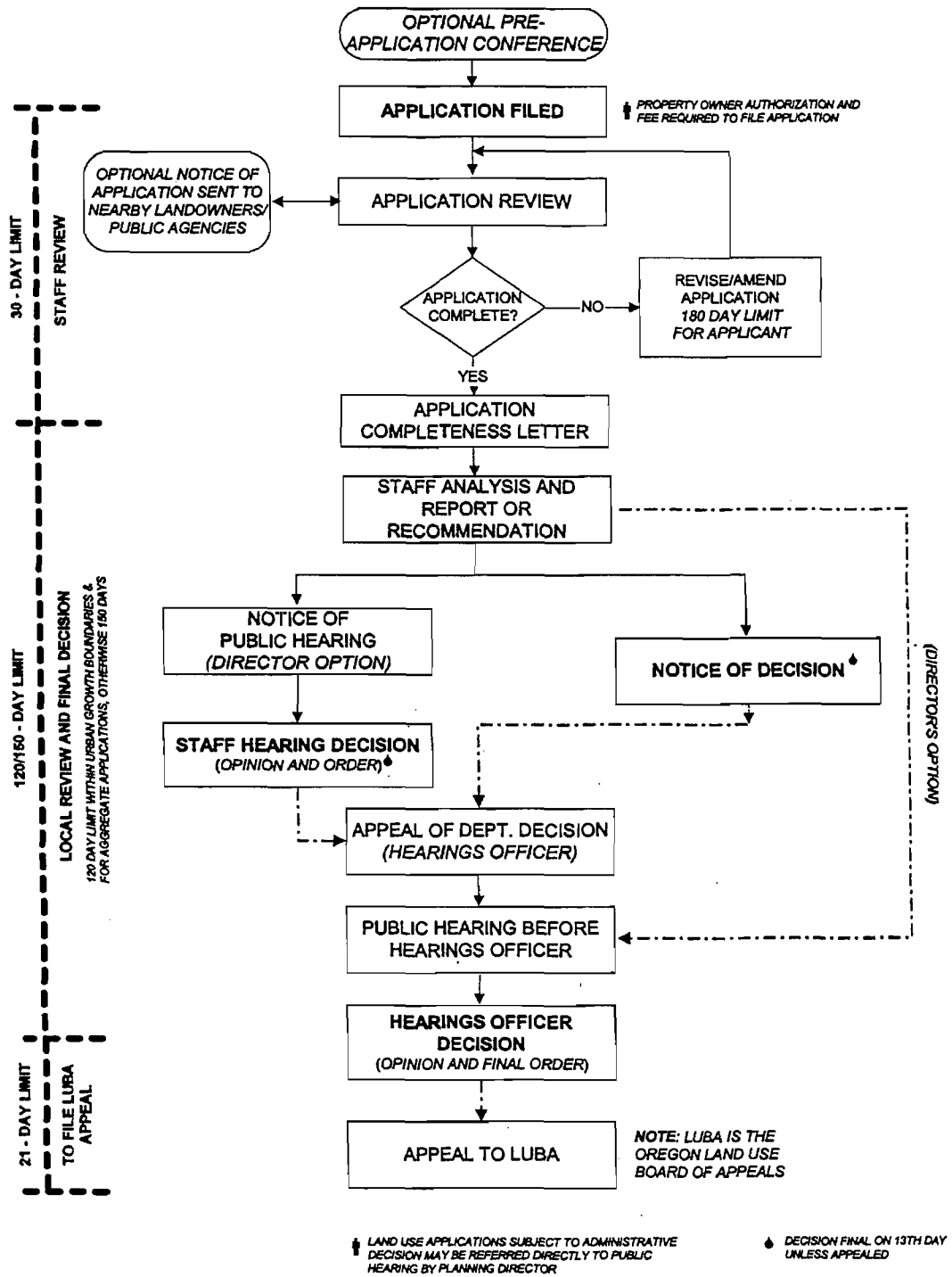
**Table 2.7-1 SUMMARY OF REVIEW PROCEDURE FOR ALL TYPE 1 THROUGH 3 APPLICATIONS
X = APPLICABLE**

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 <i>if appealed</i>	-	X	X
Notice of <i>required</i> evidentiary hearing	-	-	-
Hearings Officer Decision <i>if appealed</i>	-	X	X
JCPC Decision or Recommendation	-	-	-
WCPC Decision or Recommendation See Note[4]	-	X	X
BoC Decision on appeal	-	-	-
BoC required final Decision	-	-	-

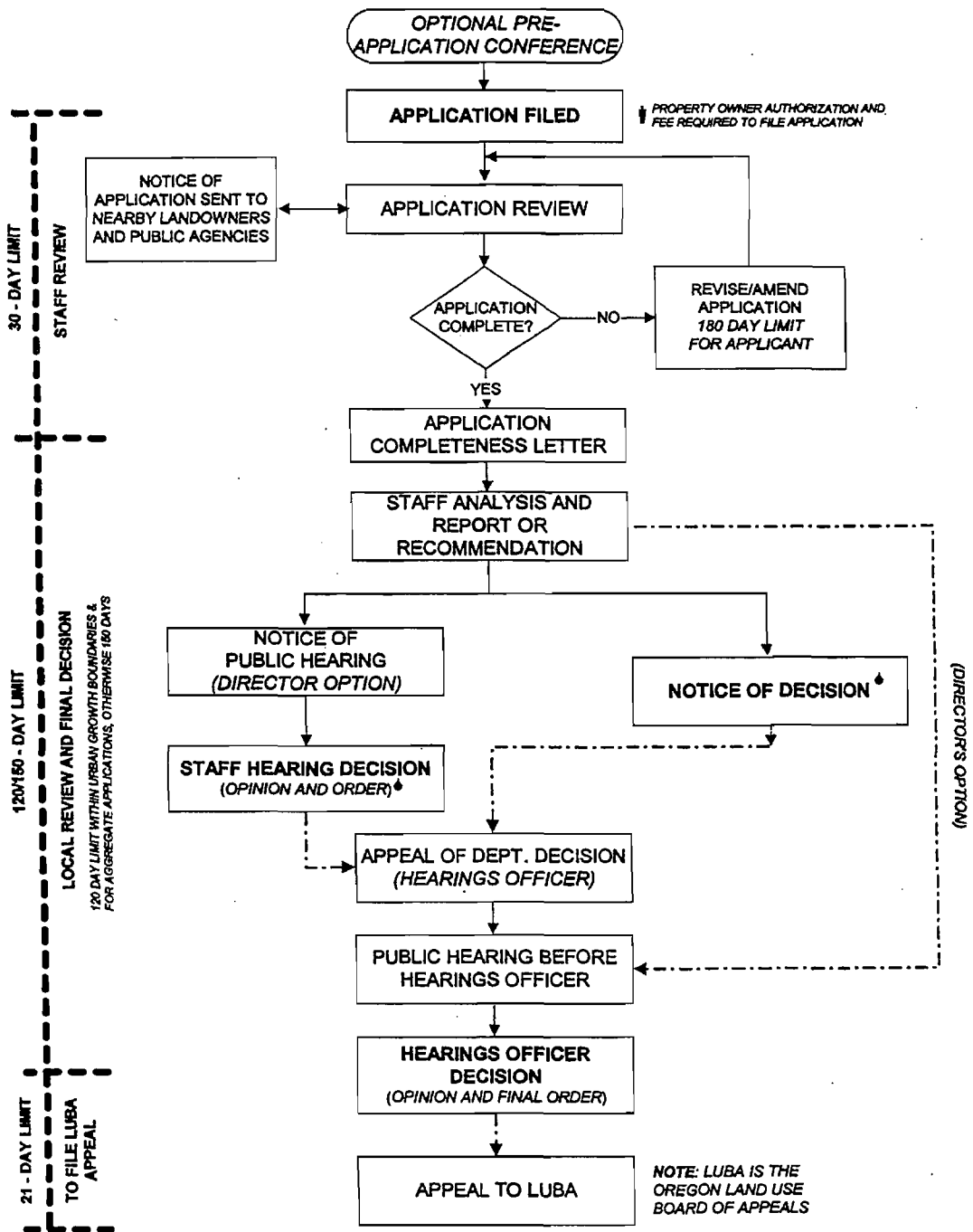
Table 2.7-2 SUMMARY OF REVIEW PROCEDURE FOR TYPE 4 APPLICATIONS
X = APPLICABLE

	Sewer extension		Subdivision	PUD	Destination Resort Preliminary Development Plan	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	6.3.8	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 <i>if appealed</i>	-	-	-	-	-	-	-	-
Notice of <i>required</i> evidentiary hearing	X	X	X	X	X	X	X	X
Hearings Officer Decision <i>if appealed</i>	-	-	-	-	-	-	-	-
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

TYPE 2 PERMIT REVIEW PROCESS



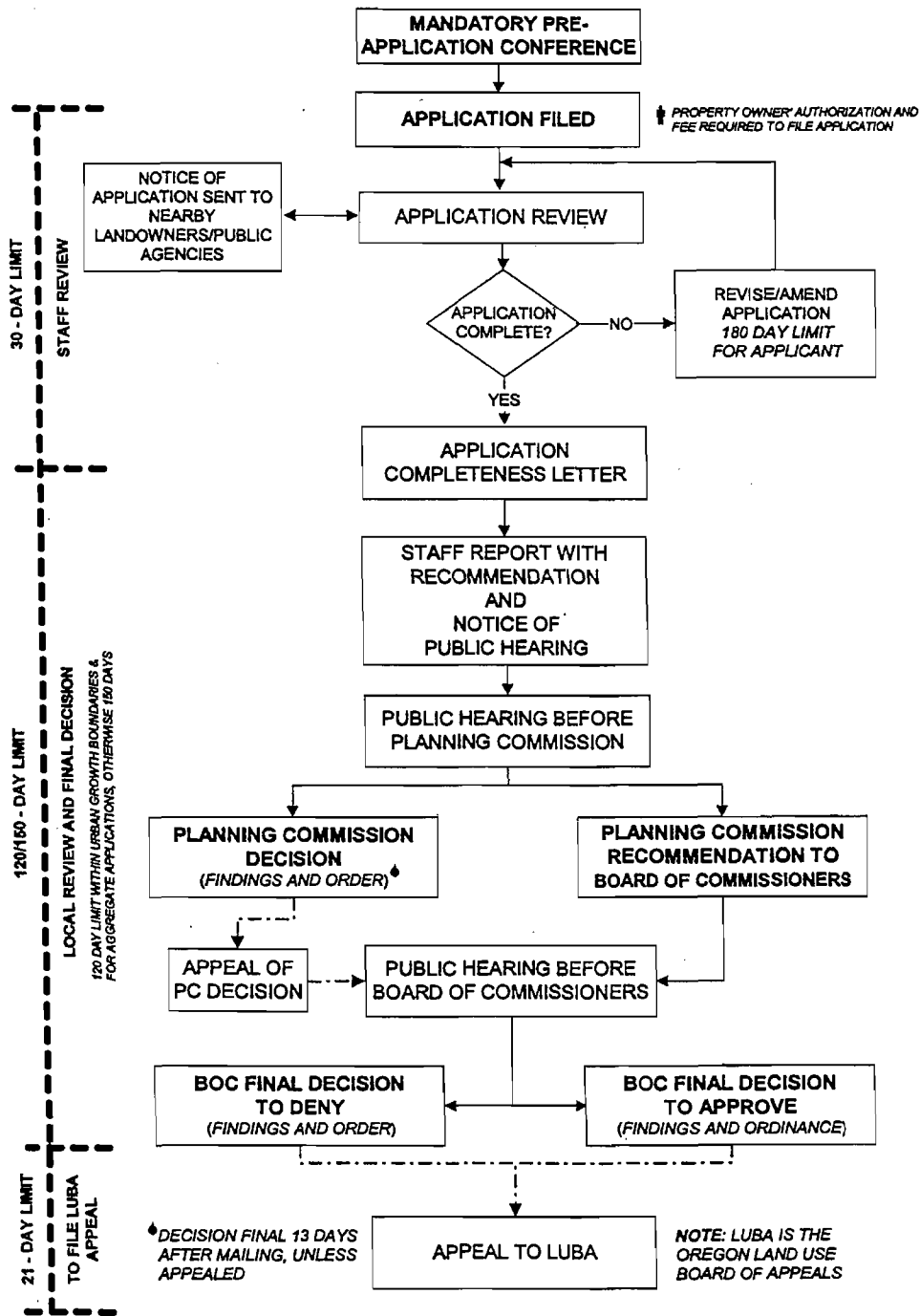
TYPE 3 PERMIT REVIEW PROCESS



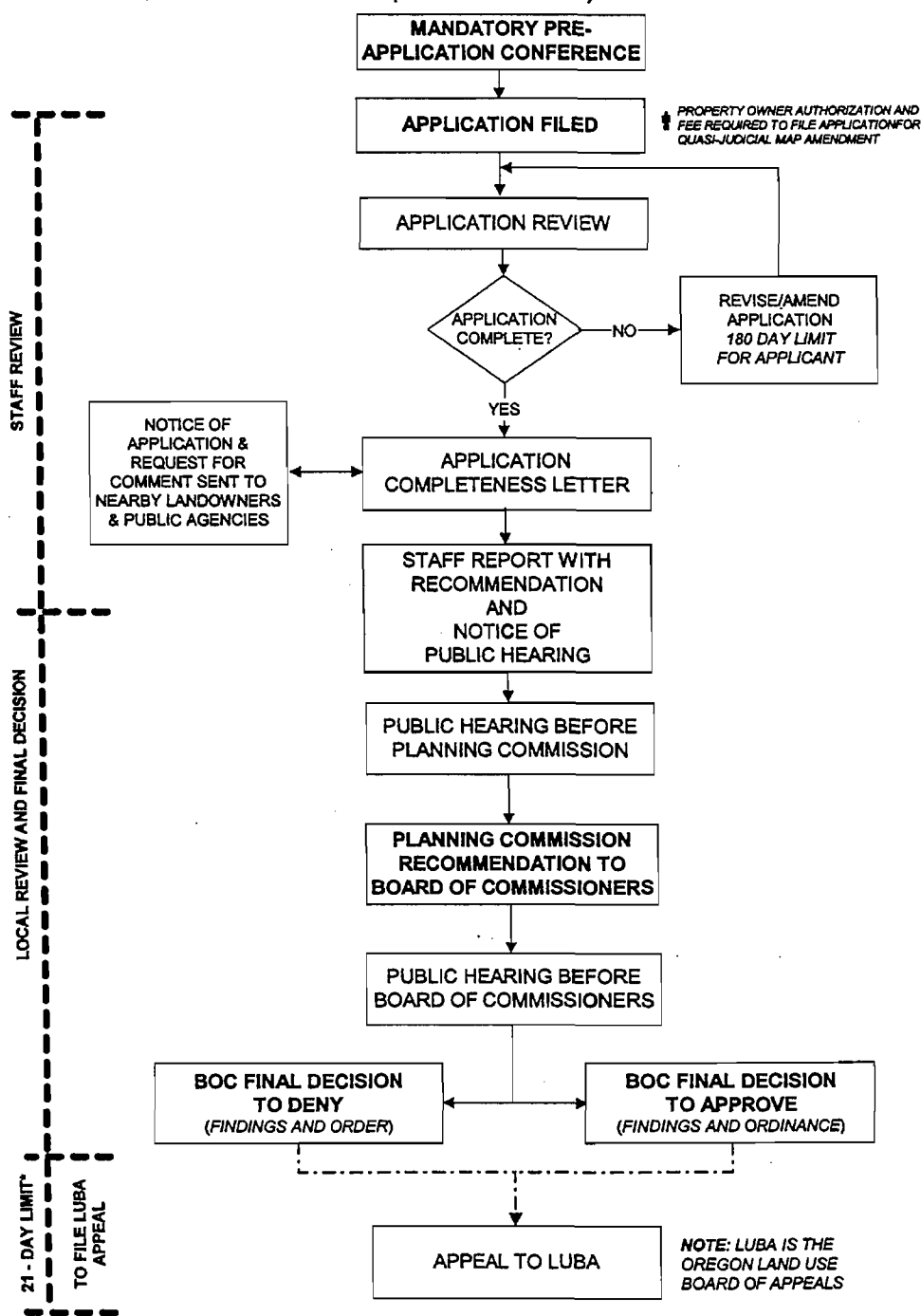
‡ LAND USE APPLICATIONS SUBJECT TO ADMINISTRATIVE DECISION MAY BE REFERRED DIRECTLY TO PUBLIC HEARING BY PLANNING DIRECTOR

◆ DECISION FINAL ON 13TH DAY UNLESS APPEALED

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**

- 1) A pre-application conference is mandatory prior to submission of all Type 3 and 4 land use applications (Table 2.7-2) and optional at the applicant's request for Type.
- 2) Type 2 and 3 Review Applications
 - a) If, within 6 months following the pre-application conference, the application is filed, deemed complete by the Planning Staff and pursued to approval by the applicant, the fee paid for the pre-application conference will be applied in full to subsequent Development Services Department permits required for the approved project.
 - b) Nothing in this section assures approval of an application under this Ordinance or eligibility for refund under Section 2.7.1(A)(2)(a).

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**

- 1) The Planning Division will schedule a pre-application conference after receipt of a written request and the appropriate fee.
- 2) The written request shall be on forms provided by the Planning Division and shall include a draft application for the proposed development, a plot plan and other application elements identified in the User's Guide.
- 3) 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 hearing⁴. 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, or by a private professional with expertise in the field of the resource of concern.
 - d) An application involves an existing use with neighborhood opposition or where there is an enforcement action pending against the use which the application proposes to remedy.
 - 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.
 - i) The Planning Division has not deemed an application complete under Section 2.6.3(A) and the applicant has declined to submit some or all of the additional information identified pursuant to Section 2.6.3(B) and requested that the application be deemed complete pursuant to Section 2.6.3(D).
 - j) An application concerns a property with a history of violations of this Ordinance or the Jackson County Code, regardless of whether the application is for a use that has generated the history of violations.

- 2) *Hearings Officer Evidentiary Hearing*: An election by the Director to refer an application to the Hearings Officer must demonstrate

⁴Some 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)

that the application satisfies one or more of criteria (a), (d), (e), or (f), (h), (i), or (j) above.

- 3) The evidentiary hearing before the Director or Hearings Officer will be scheduled for a date no later than 60 days from the date the application is deemed complete.
- 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.
- 5) Notice of the elective hearing will follow the process in Section 2.7.6.
- 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).
- 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 (1/2) 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) To the best of the appellant's ability, state the specific reason(s) for the appeal, including the sections of this Ordinance and other authorities, if any, upon which the appeal is based. Nothing in this requirement limits the issues that can be raised during the appeal, and failure to list reasons with specificity cannot be the basis for refusing to hear or for denying 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).
- 5) The Planning Commission holds a remand hearing pursuant to an order of the Board of Commissioners under Section 2.6.10(A).

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). Where no first evidentiary hearing has been held, 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 Planning Commission will hear all Type 3 and Type 4 review matters which have been remanded by the Board of Commissioners under Section 2.6.10(A). Such hearings will be limited pursuant to the provisions of Section 2.6.10. Following a determination made by the Planning Commission on the remand, the matter will return to the Board of Commissioners so that it may continue its review.
- 5) 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) For all Comprehensive Plan amendments, a notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing. *[ORS 215.060 and 215.223]*
- 3) For applications not proposing a plan amendments, 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.
- 4) Nothing in subsections 1, 2, or 3 shall restrict the giving of notice by other means, such as email, mail, radio, television, posting on the County website and any other reasonable means of communication.

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 Division at no cost any time prior to the hearing and can be reproduced at reasonable cost.

F) ***Procedures and Decision***

- 1) 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.
- 2) A verbatim record of the hearing shall be made by digital, mechanical or other suitable means.
- 3) 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 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 specific reason(s) for the appeal, including the sections of this Ordinance and other authorities, if any, upon which the appeal is based. Nothing in this requirement limits the issues that can be raised during the appeal, and any failure to list reasons with specificity cannot be the basis for refusing to hear or for denying 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.

l) ***Appeal of a Director's First Evidentiary Hearing Decision***

- 1) *Review on the Record*
 - a) Except as limited in this section and notwithstanding any other provisions of the LDO, the Hearings Officer's review of appeals from Director's First Evidentiary Hearing decisions will be on the record created at the hearing.
 - b) For purposes of this section, the "record" shall consist of the following elements from the hearing conducted by the Director: the recording of the hearing made by the County pursuant to Section 2.7.6(F)(2), all exhibits received, all motions and objections made by the parties and all actions taken by the Director.
 - c) Transcript
 - i) The appellant or any other party may provide the Hearings Officer with a transcript or a portion of a transcript of the hearing which must be prepared by a Certified Shorthand Court Reporter from the recording made by the County, and its accuracy must be attested to.

- ii) One copy of the transcript will be provided for the Hearings Officer and one extra copy will be provided for the file. Only one transcript is required to bear the original affidavit. The absence of a transcript from the record on appeal shall not be construed as a defect in the record.
- iii) The transcript, if any, must be provided by the date set by the Planning Division for the receipt of written arguments on the appeal.
- d) The timing and content of the decision of the Hearings Officer shall conform to the requirements of the ORS and the LDO.
- e) *Argument:*
 - i) Participants in an appeal are entitled to submit written argument in support of their position. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.
 - ii) The Hearings Officer shall establish a schedule for submittal of arguments by the participants provided, however, that the applicant shall have the opportunity to submit final rebuttal argument not sooner than 7 days following the submittal of argument by the other participants.
- f) The Planning Division may prepare a memorandum for the record summarizing the matter under appeal. The memorandum also may include a recommendation. No new evidence may be submitted, and only evidence that is a part of the record on appeal may be referenced.

2) *Discretionary De Novo Hearing*

- a) An appellant may request in writing that the Hearings Officer hold a de novo hearing on the appeal at the time of the filing of the notice of appeal. Such a request must provide specific reasons for the request.
- b) The Hearings Officer may grant a request for a de novo review at his or her discretion after consideration of the following factors:
 - i) Whether a de novo hearing could cause the time limits in ORS 215.427 to be exceeded. For the purposes of this subsection, if an applicant is the appellant and the appellant has submitted together with its notice of appeal a written consent for an extension of the time limit adequate to allow for a

de novo hearing and decision, consistent with the maximum limitation in ORS 215.427, then this criterion shall not be considered;

- ii) If the recording of the hearing, or a portion of thereof, is unavailable due to a malfunction of the recording device during the hearing, whether review on the record would be hampered by the absence of all or a portion of that element of the hearing;
 - iii) Whether the substantial rights of the parties would be significantly prejudiced without de novo review;
 - iv) Whether the request is necessitated by failure of the appellant to present evidence that was or should have been available at the time of the hearing;
 - v) Whether the appeal contains an allegation that statutes, ordinances, regulations or procedures were violated in the hearing or decision;
 - vi) Whether the Director has recommended that a de novo hearing be conducted on the appeal, and
 - vii) Whether in the Hearings Officer's sole judgment a de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the matter being appealed.
- b) In the absence of a request for a de novo hearing, the Hearings Officer may independently decide to conduct a de novo hearing on an appeal.
 - c) The Hearings Officer may, at his or her discretion, determine to limit the issues on appeal to those listed in the notice of appeal or to one or more specific issues from among those listed on the notice of appeal.

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 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 regarding the application.
- C) After hearing the report of the Planning Staff, 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) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The hearings body shall grant such request by continuing the public hearing pursuant to Section 2.8.3(E) or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph Section 2.8.3(F) of this subsection. [ORS 197.763(6)(a)]
- E) If the hearings body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the

continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence. [ORS 197.763(6)(b)]

- F) If the hearings body leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the hearings body for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record pursuant to Section 2.8.3(l). [ORS 197.763(6)(c)]
- G) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179, unless the continuance or extension is requested or agreed to by the applicant. The County may assess a fee for any continuance initiated by the applicant. [ORS 197.763(6)(d)]
- H) Unless waived by the applicant, the hearings body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179. [ORS 197.763(6)(e)]
- I) When the hearings body reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue. [ORS 197.763(7)]
- J) 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.
- K) 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 and the record.
- L) 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.
- M) For purposes of this section
 - 1) "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the

decision. [ORS 197.763(9)(b)]

- 2) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts. [ORS 197.763(9)(a)]
- 3) "Hearings body" means whatever authority is conducting an quasi-judicial hearing, including the Hearings Officer.

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.
- B) After hearing the report of the Planning Staff, 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 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.

CHAPTER 3.¹ 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 Authorizations, Permits and Zoning Information Sheet

Type 1 uses are authorized 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 authorizations are limited to situations that do not require interpretation or the exercise of policy or legal judgment. Type 1 authorizations are not land use decisions as defined by ORS 215.402.

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.

¹Ordinance 2006-10, effective 2-18-07

- 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.²

- 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 and standards contained in the Comprehensive Plan, applicable standards of this Ordinance, and that all 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

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

- 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 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. 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.³

³Ordinance 2004-12, effective 2-6-2005

- 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.
- 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 review, and thus does not address every building, fire, or life safety requirement.

3.2.2 Applicability⁴

This section does not apply to single family residential development projects or destination resorts approved under Section 6.3.8.

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. When a site development plan is required, it will be submitted to and approved by the Planning 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 Requirement⁹

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(B) are met.

New uses, substantial expansion, change in use (other than as exempted in Section 3.2.5(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

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

- employees, customers or a combination of both;
- 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) Multi-family development with more than 10 dwelling units;
- 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;⁵
- 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 development. In both cases it will be necessary to obtain a binding commitment to make needed road improvements when warranted;

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

- 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) **Amendments**

An 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. 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.

B) **Exemption for Changes in Use or Ownership⁶**

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 impacts resulting from the change in use will be commensurate with those of the existing use, including:
 - 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;

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

- 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 subsection (A), 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 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 Division will hold a pre-application conference to discuss the proposed alteration or expansion. Following the meeting, the Planning Staff 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 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 a division of land 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 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:* An approved tentative plan will become void 24 months after the date of the final decision approving the tentative plan if the final plat has not been prepared and submitted to the Department for review. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.
 - a) Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The application may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) In any event, the total time period within which to submit a final plat will not exceed four years after the date of the final decision approving the tentative plan.
 - d) No extension of the validity of a tentative plan pursuant to Section 3.3.2(C)(2)(a) or (b) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.

D) ***Final Plat Procedures***

Regardless of the type of approval process required for the tentative plan, the Director will review the final plat for consistency with the approved tentative plan as a Type 1 review procedure. If the Director determines that the final plat complies with the requirements of paragraphs (1) and (2) of this Section, the Director will so certify and sign the final plat. No additional conditions will be imposed on the final plat. If the 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 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) ***Phased Developments***

1) *Generally:*

- a) In a phased development the applicant secures final plat approval in phases that are composed of a portion of the land for which the tentative plan approval was granted. Each stage requires the satisfaction of all conditions of approval for the portion of land which is being developed.
- b) The phases to be developed must be clearly set out on the tentative plan together with the order of their development. Each phase must be designed to be independent of all later phases so that each phase stands on its own, even if later phases are not developed.
- c) Any alteration in the order of development of the phases requires approval for an amendment to the tentative plan.

2) *Validity, Duration and Extensions of Tentative Plan Approval:* An approved tentative plan for a phased development shall become void 24 months after the date of the final decision approving the tentative plan, subject to the following provisions. For the purposes of this section the "date of the final decision" shall mean the date the final County decision approving the tentative plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.

- a) 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 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - b) An additional extension of 12 months may be granted by the Director upon a written request as specified in Section 3.3.2(C)(2)(a) provided that it must be submitted prior to the expiration of the extension granted under that subsection or within 30 days thereafter. The request may be granted where all of the standards of Section 2.6.8(A) through (D) are met.
 - c) The other provisions of Sections 3.3.2 notwithstanding, the Planning Commission shall have the discretion to allow extensions to the validity of a tentative plan approved for a phased development to be for a different period or periods, provided that the total period of validity may not exceed the maximum allowed by the applicable provisions of the Oregon Revised Statutes. Any such approval must be based on specific findings related to the phased development which justify the different periods of validity
 - d) Except as provided in Section 3.3.2(E)(2)(c), in no event shall the total time period within which to submit the final plat for the last phase designated on the approved tentative plan exceed five years after the date of the final decision approving the tentative plan.
 - e) The granting of any extension pursuant to Sections 3.3.2(E)(2)(a), (b) or (c) is subject to the limitation of Section 3.3.2(E)(3).
- 3) Changes in the State or County criteria: No extension of the validity of a tentative plan pursuant to Section 3.3.2(E)(2)(a), (b) or (c) shall be granted if the Director determines that the tentative plan is not consistent with changes in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance that has been adopted after the date of the final decision approving the tentative plan. In that event, a new application must be submitted for the tentative plan.

F) *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.

G) ***Documents to be Recorded and Filed***

Approval of the final plat by the 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.

H) ***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.

I) ***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.

J) ***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 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 of 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 both parcels will be greater than 10 acres [ORS 92.060(8)];
- 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 Criteria⁷

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

- A) All properties were lawfully created;

⁷Ordinance 2004-12, effective 2-6-2005

- B) No new parcels will result from the adjustment;
- C) Except as allowed in (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 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 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 buildable through a property line adjustment;
- G) In resource districts:
 - 1) A property line adjustment will not:
 - a) Decrease the size of a lot or parcel that, before the relocation or elimination of all or a portion of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - (b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - (c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard. [2008 HB 3629]

- 2) A property line adjustment for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change to a non-resource zone is prohibited.
- 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.
- 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(4) & 660-033-0020(4)]

3.5 PLANNED UNIT DEVELOPMENT (PUD) AND CLUSTER DEVELOPMENT 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) or cluster developments 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 and cluster developments, 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;
- E) To capitalize on the potential of special site features such as geography, topography, size, or shape; and
- vi) To preserve open space for aesthetic, environmental and resource management purposes.

3.5.2 Authorization and Applicability

The County may authorize PUDs and cluster developments 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 or cluster development 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 and cluster developments 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 Staff Recommendation***

The Planning 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 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 right-of-ways 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 24 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). Notwithstanding any other provision of this Ordinance, the submittal of a final plan and final plat for a PUD or cluster development may be extended by action of the Planning Director for two additional 12 month periods consistent with the provisions of Sections 3.3.2(E)(2)(a) and (b) and Section 3.3.2(E)(3).

- 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 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 Or Cluster 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 or cluster development 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

The objectives of Section 3.5.1 must demonstrably be met by the proposed PUD or cluster development plan. In addition, a PUD or cluster development 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;
- 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 2 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) *Minor Map Amendment (Legislative)*: Amendments that propose a change to correct mapping, iconographic, scrivener and similar errors and that do not alter the substance of a map. Such changes will be based on a comparison of the map with the ordinance that created it and the legislative history of the ordinance.
- 3) *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.
- 4) *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.
- 5) *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 Plan⁸:

⁸ These criteria are superseded in Aggregate Resource plan and zone amendments by OAR 660-023-0180. The applicable criteria in aggregate amendment cases is found in the Map Designation Element of the Comprehensive Plan, other elements of this Plan, and in other sections of this LDO.

- 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 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 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 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 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 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

3.9.1 Written Interpretations by the Director

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:

- A) The Director's interpretation will be in writing, and a copy will be provided to the applicant and parties entitled to notice of the decision.
- B) 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.
- C) The record of interpretations will be kept in the Development Services Department and will be available for public inspection during normal

business hours.

- D) Appeal of the Director's interpretation will be to the Board of Commissioners in accordance with Table 2.1-1. The interpretation of the Board of Commissioners upon appeal will be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.2 Director's Referral for Interpretation by the Board of Commissioners

A) Purpose

- 1) When the meaning of a provision of this Ordinance is in doubt or dispute or lacks adequate clarity or otherwise significantly impairs the proper administration and application of this Ordinance, the Director may refer the provision to the Board of Commissioners for a binding written interpretation.
- 2) The Director may also exercise this authority when, in the Director's judgment, any decision of the Hearings Officer misapplies or misinterprets this Ordinance. In such cases, the Hearings Officer's decision shall stand, subject to an appeal to LUBA as provided in the Chapter 2.

B) Procedures

- 1) The Director shall prepare a written referral of such a provision and transmit it to the Board of Commissioners. Copies of the referral shall simultaneously be provided to the JCPC and to the WCPC, if the provision to be interpreted affects White City. The referral will be processed as a Type 2 determination consistent with the provisions of Section 2.7.6.
- 2) The written referral will identify the provision for which an interpretation is sought and will include a clear statement of the reason for the referral and of the implications of the various interpretations known at the time of the referral. Nothing in this provision shall limit the Board of Commissioners' authority to adopt any interpretation it deems proper.

C) Hearing and Notice of Hearing

- (1) The Board of Commissioners shall notice and schedule a hearing within 45 days of receipt of the referral, and notice will be provided in a manner consistent with Section 2.7.6(C)(1).
- (2) Notice of all written interpretations shall be provided to all parties who have notified the Planning Division in writing of their interest in such notification. Notice shall also be posted on the County's website. The Director shall keep a current list of all those who have requested to receive notices.

D) Evidence

All evidence and testimony offered shall be restricted to the provision referred for interpretation and must be material to that issue. The Board of Commissioners may exclude evidence and testimony that is not germane to the issue referred for interpretation.

- E) **Decision**
The Board of Commissioners' determination on the Directors referral must be rendered within 15 days of the close of the noticed hearing.
- F) **Appeal**
A decision on a land use application which relies on such an interpretation is subject to appeal as provided in Chapter 2, and such an appeal may include assignments of error relating to the interpretation.
- E) **Binding Interpretation**
Interpretations adopted by the Board of Commissioners shall be binding and will govern the application of the relevant provision of this Ordinance in all cases.

3.9.3 Record of Interpretations

- A) **Permanent Record**
The Director shall establish and maintain a permanent record of all interpretations rendered pursuant to Section 3.9. Each interpretation shall be entered into the record within 5 days of its having been rendered.
- B) In the case of an interpretation rendered by the Director pursuant to Section 3.9.1, the interpretation shall be entered into the record within 5 days of the expiration of the appeal period if no appeal is taken. If an appeal is taken, only the interpretation rendered by the Board of Commissioners shall be entered into the record.
- C) **Elements of the Record**
 - 1) The record shall contain a comprehensive summary of all interpretations, organized by LDO section number. Entries within each section shall be organized by the date of the interpretations, and each entry shall indicate what body rendered it.
 - 2) The summary shall be updated with each new interpretation entered into the record, and a copy of the most current summary shall be included as a part of the annual update of this Ordinance.

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 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 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.

4.2.2 Table of Permitted Uses

Modified from OAR 660-033-0120: 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. Accessory uses and structures are allowed in all zoning districts (Section 6.4). All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130, as well as additional limitations and requirements in this Ordinance ("See Also" column). The abbreviations used within the schedule shall have the following meanings:

- A) 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.
- B) Type 2 uses are subject to administrative review. These decisions are discretionary and therefore require a notice of decision and opportunity for hearing.
- C) Type 3 uses: 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
- D) Type 4 uses require 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.
- E) Prohibited Uses -- An "X" in the Table indicates that the use is not permitted. However, where noted by an "*" existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 3 review.
- F) Numerical References: The numbers contained in the "See A/so" column are references to additional standards and requirements in the LDO that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9. Numerical references for specific uses shown on the table, refer to the corresponding section of OAR 660-033-0130, or specific Oregon Revised Statutes.

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	OAR 660-033-0120 Standards; ORS 215.203 (farm definition)	
2	Buildings, other than dwellings, customarily provided in conjunction with farm use	1	1	ORS 215.203 (farm definition)	
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c)	
4	Temporary facility for primary processing of forest products	2	2	OAR 660-033-0130(6); ORS 215.283(2)(j);	4.2.3, 4.2.4(B)
5	Facility for processing farm crops or biofuel production	2	2	ORS 215.283(1)(u); ORS 315.141 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	
7	The propagation, cultivation, maintenance, & harvesting of aquatic or insect species	2	2	ORS 215.283(2)(p); OAR 660-033-0130(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 660-033-0130(1), (30) & OAR660-033-0135 (criteria)	4.2.6(A) & (C)
9	Farm dwelling for relative	2	2	ORS 215.283(1)(e); OAR 660-033-0130(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 660-033-0130(24), (30)	4.2.6(A) & (E)
11	Ownership of record dwelling (1)	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0130(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); ORS 215.263(4); ORS 215.284(2) & (3); OAR 660-033-0130(4)(c)-(d) & (30)	4.2.6(A) & (H)
14	Residential home/facility in existing dwellings	2	2	ORS 197.660(definition), ORS 197.665(3), ORS 215.283(2)(o); OAR 660-033-0130(5), (30)	4.2.3; 4.2.6(A) & (J)

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
15	Room and board arrangements for a maximum of five unrelated persons in an existing residence	2	2	ORS 215.283(2)(u); OAR 660-033-0130(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 660-033-0130(8), (30)	4.2.6(A) & (B)
17	Historic dwelling replacement	2	2	ORS 215.283(1)(o); ORS 358.480; OAR 660-033-0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	2	2	ORS 657A.440 (3)	4.2.6(K)
COMMERCIAL USES					
19	Commercial activities in conjunction with farm use including processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or ORS 215.213(1)(x) and ORS 215.283(1)(u)	3	3	ORS 215.283(2)(a); OAR 660-033-0130(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 660-033-0130(18)	11.2
21	Dog kennels	X*	2	ORS 215.283(2)(n); OAR 660-033-0130(5) & (18)	4.2.3 11.2
22	Home occupation/home business	2	2	ORS 215.283(2)(i), ORS 215.448; OAR 660-033-0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	X*	4 PDP ² 2 FDP ³	ORS 197.435-.467; ORS 215.283(2)(t); OAR 660-033-0130(5) & (18)	4.2.3; 6.3.8 11.2, 11.3
24	Destination resort, small	X*	X	ORS 197.435-.445(6)(a); OAR 660-033-0130(5)	11.2, 11.3
25	Winery	2	2	ORS 215.283(1)(q), & ORS 215.452	4.2.7(F)
26	Farm stand	2	2	ORS 215.283(1)(r); OAR 660-033-0130(23)	4.2.7(D)
27	Landscape business in conjunction with growing/marketing of nursery stock on the land that constitutes farm use	2	2	ORS 215.283(2)(z); ORS 674.520; ORS 671.318; OAR 660-033-0130 (5)	4.2.7(G)

1 Preliminary Development Plan

2 Final Development Plan

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), ORS 520.005 (definition), ORS 522.005 (definition)	4.2.8(A)
29	Exploration for minerals	1	1	ORS 215.283(1)(h), ORS 517.750 (definition)	4.2.8(B)
30	Operations for mining & processing geothermal, oil & gas resources not otherwise per-mitted under this Ordinance	3	3	ORS 215.283(2)(b)(A); ORS 520.005 (definition); ORS 522.005 (definition); OAR 660-033-0130(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); ORS 215.298 & ORS 215.301; OAR 660-033-0130(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); ORS 517.750 (definition); OAR 660-033-0130(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 660-033-0130(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 660-033-0130(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)	
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 660-033-0130(5)	4.2.3
37	Reconstruction or modification of public roads and highways, including placement of utility facilities over-head 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)	

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 660-033-0130(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)	
40	Minor betterment of existing public roads & highway related facilities (e.g., maintenance yards, weigh- stations & rest areas) within a right-of-way existing as of July 1, 1987, & contiguous publicly-owned property to support operation & maintenance of public roads & highways	1	1	ORS 215.283(1)(n)	
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 660-033-0130(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 660-033-0130(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, <u>not including</u> commercial facilities for generating electrical power for public use by sale, or transmission towers over 200 feet high	2	2	ORS 215.275 and ORS215.283(1)(d); OAR 660-033-0130(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 Environmental Quality Commission (EQC)	3	2/3	ORS 459.049, 215.283(1)(i); 660-033-0130(18)	4.2.10 11.2, 11.3
48	Solid waste disposal site for which DEQ permit is required	X*	4	ORS 215.283(2)(k), ORS 459.245; OAR 660-033-0130(5) & (18)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
49	Modification of a waste related use	2	2		6.3.6(D)
50	Fire service facilities providing rural fire protection	2	2	ORS 215.283(1)(v) 197.015(10)	3.2
51	Irrigation canals, delivery lines, and accessory structures and facilities associated with a district	1	1	ORS 215.283(1)(w), ORS 540.505 (definition) 197.015(10)	3.2
52	Utility facility service lines	1	1	ORS 215.283(1)(x); OAR 660-033-0130(32)	4.2.10
53	Commercial utility facilities for generating power for public use by sale	2	2	ORS 215.283(2)(g); OAR 660-033-0130(5), (17) & (22)	4.2.3; 4.2.10
54	Composting facilities on farms, or for which a permit has been granted by the DEQ	X*	4	ORS 215.283(2)(k), ORS 459.245; OAR 340-093-0050; OAR 660-033-0130(5), (18), (29)	4.2.3; 4.2.10; 6.3.6(C)(2) 11.2
PARKS/PUBLIC/QUASI-PUBLIC USES					
55	Public/ private schools, including essential buildings	3	2	ORS 215.283(1)(a); OAR 660-033-0130(2), (18)	4.2.11(I) 11.2, 11.3
56	Churches & cemeteries in conjunction with churches	3	2	ORS 215.283(1)(b) & ORS 215.441; OAR 660-033-0130(2), (18)	4.2.11(B) 11.2, 11.3
57	Private parks, playgrounds, and hunting and fishing preserves	X*	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3, 11.2, 11.3
58	Campgrounds	X*	3	ORS 215.283(2)(c); OAR 660-033-0130(5), (18), (19)	4.2.3; 4.2.11(A) 11.2, 11.3
59	Public parks and playgrounds	2	2	ORS 195.120, ORS 215.283(2)(d); OAR 660-033-0130(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 660-033-0130(5), (36)	4.2.3; 4.2.11(K)
61	Golf courses	X*	3	ORS 215.283(2)(f); OAR 660-033-0130(5), (18), (20)	4.2.3; 4.2.11(C) 11.2
62	Living history museum	2	2	ORS 215.283(2)(x); OAR 660-033-0130(5), (21)	4.2.3; 4.2.11(E)
63	On-site filming & accessory activities for <u>45 days or less</u>	1	1	ORS 215.306(3)(a) & (4)	4.2.11(F)
64	On-site filming & accessory activities for <u>more than 45 days</u>	2	2	ORS 215.306(3)(b) & (4); OAR 660-033-0130(5)	4.2.3; 4.2.11(G)
65	Takeoff & landing site for model aircraft	1	1	ORS 215.283(1)(t); OAR 660-033-0130(26)	4.2.11(J)
66	Expansion of existing county fairgrounds & directly related activities	2	2	ORS 215.283(2)(w); ORS 565.210; OAR 660-033-0130(5);	4.2.3
67	Operations for extraction and bottling of water	2	2	ORS 215.283(2)(v); OAR 660-033-0130(5)	4.2.3
68	Land application of biosolids transported by vehicle to a tract.	1	1	ORS 215.246; ORS 215.247; ORS 215.249; ORS 215.251; & ORS 215.283(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; ORS 215.249; ORS 215.251; & ORS 215.283(1)(y); OAR 660-033-0130(11)	4.2.11
70	Firearms training facility; Law enforcement facility	X*	X*	ORS 197.770; ORS 215.283(1)(z)	6.3.7; 4.2.11(L) 11.2
OUTDOOR GATHERING USES					
71	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	1	ORS 197.015(10)(d); ORS 433.735; OAR 660-033-0130(33)	6.5.3(J)
72	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	4	ORS 433.735(1) & ORS 433.763; OAR 660-033-0130(34)	6.5.3(J)

CHAPTER 13.¹ 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 supersede definitions appearing in State or Federal land use law, which may also be directly applicable in land use decision-making.

13.1.1 Rules of Interpretation

A) ***Multiple Definitions***

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

B) ***Conflicting Definitions***

When terms, words or phrases as defined in this Ordinance conflict with terms, words or phrases that are also defined in the Jackson County Comprehensive Plan, or applicable State or Federal land use law, the Comprehensive Plan or statutory definition 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.

¹Ordinance 2006-10, effective 2-18-07

C) ***Interpreting Words, Terms, and Phrases***

When a word, term or phrase is not defined, or where multiple definitions may apply to a situation, the Director is authorized to interpret or define such words, terms, and phrases. When such an interpretation involves discretion in resolving apparent definitional conflicts, the interpretation will be made in accordance with Section 3.9. In making any interpretation or definition, the Director may consult secondary sources related to the planning profession, such as *A Survey of Zoning Definitions - Planning Advisory Service Report Number 421*, edited by Tracy Burrows (American Planning Association Chicago, IL 1989); and *The Illustrated Book of Development Definitions* by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University NJ 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 (1) use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

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

1) ***Principal Use Characteristics***

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

2) ***Exclusion***

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

13.2.2 Resource Uses

A) ***Agriculture***

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

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

B) ***Forestry***

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

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

C) **Mineral and Aggregate**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

D) **Fish and Game**

1) *Characteristics; Accessory Uses*

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

13.2.3 Residential Uses

A) **Household Living**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

B) **Group Living**

1) *Characteristics; Accessory Uses*

Includes residential occupancy of a structure by a group of people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and care givers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

13.2.4 Commercial/Office Uses

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

1) *Characteristics; Accessory Uses*

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

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

1) *Characteristics; Accessory Uses*

Involves the selling, boarding, or care of animals on a commercial basis.

C) ***Building Materials***

1) *Characteristics; Accessory Uses*

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

D) ***Day Care***

1) *Characteristics; Accessory Uses*

Includes uses that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Accessory uses include offices, recreation areas, and parking.

2) *Exclusion*

Day Care does not include public or private schools or facilities accessory to a principal use at which children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity by shopping, recreational or religious activities.

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

1) *Characteristics; Accessory Uses*

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

F) **Financial Institutions**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

Financial Institutions do not include bail bond brokers.

G) **Food and Beverage Sales**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

H) **Landscaping Sales/Service**

1) *Characteristics; Accessory Uses*

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

I) **Medical Services**

1) *Characteristics; Accessory Uses*

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

J) **Office**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

K) ***Personal Service***

1) *Characteristics; Accessory Uses*

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

L) ***Recreation and Entertainment***

1) *Characteristics; Accessory Uses*

Includes uses that provide continuous indoor or outdoor recreation or entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

M) ***Retail Sales***

1) *Characteristics; Accessory Uses*

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

2) *Exclusions*

- a) The sale of agricultural products and equipment is classified as "Agricultural Sales and Service."
- b) The sale of animals is classified as "Animal Sales/Service."
- c) The sale of food or beverages for consumption on the premises is classified as "Eating and Drinking Establishments."
- d) The sale of food or beverages for consumption off premises is classified as "Food and Beverage Sales."
- e) Lumber yards and other building material sales that sell to contractors as well as retail customers are classified under "Building Materials."
- f) Sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as "Vehicles and Equipment."

N) Service and Repair Businesses

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

O) Vehicles and Equipment

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

P) Visitor Accommodation

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

13.2.5 Industrial/Manufacturing Uses

A) *Equipment Storage and Repair*

1) *Characteristics; Accessory Uses*

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

B) *Industrial Service*

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

C) *Manufacturing and Production*

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

D) **Warehouse and Freight Movement**

1) *Characteristics; Accessory Uses*

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

13.2.6 Transportation Uses

A) **Aviation**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

B) **Public Transportation**

1) *Characteristics; Accessory Uses*

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

C) **Transportation Facility**

1) *Characteristics; Accessory Uses*

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

D) **Transportation Improvements**

1) *Characteristics; Accessory Uses*

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

13.2.7 Utility/Solid Waste Uses

A) *Utility*

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

B) *Waste-Related Use*

1) *Characteristics; Accessory Uses*

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

13.2.8 Parks/Public/Quasi-Public Uses

A) *Parks and Recreation*

1) *Characteristics; Accessory Uses*

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

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

1) *Characteristics; Accessory Uses*

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

C) **Public Assembly**

1) *Characteristics; Accessory Uses*

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

D) **Public Works**

1) *Characteristics; Accessory Uses*

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

E) **Religious Assembly**

1) *Characteristics; Accessory Uses*

Includes uses that primarily provide meeting areas for religious activities (e.g., churches, temples, synagogues, and mosques). Accessory uses include parking, "Sunday school" and child care facilities and seminaries. In non-resource zones, group living facilities such as convents and monasteries may be developed as an accessory use. (See ORS 215.441)

2) *Exclusion*

Private K-12 religious schools and preschool facilities are classified under "Schools" and Commercial Use, "Day care", respectively.

F) **Safety Services**

1) *Characteristics; Accessory Uses*

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

G) **Schools**

1) *Characteristics; Accessory Uses*

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

2) *Exclusion*

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

13.3 TERMS DEFINED

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

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

permit and a construction time schedule have been approved by the County.

- f) Processing: The extraction, washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt and portland cement.
 - g) Significant Aggregate Resource: Aggregate or stone materials commonly used in construction purposes which:
 - (i) Meet Oregon Department of Transportation specifications for construction grade material or meet city, County, state, or federal specifications for structural fill material. Oregon Department of Transportation quality specifications for aggregate include: (1) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 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 500,000 tons (this standard is not absolute; the County may consider the significance of a site based on unique circumstances even though the volume threshold may not be met); or,
 - (iii) Are located on property owned by, or under long-term lease to a city, county, or state jurisdiction for the primary purpose of excavating aggregate or stone materials for road maintenance and road construction.
 - h) Significant Mineral Resource: Metallic and non-metallic minerals, other than aggregate, commonly used in construction, that have been determined to be significant based upon an analysis and findings that the resource represents a marketable and valuable resource.
- 7) AGGRIEVED PARTY: Any person(s) or entity(ies) who can demonstrate that their property will be injured by a land use decision of the County; or anyone requiring notice pursuant to this Ordinance.
- 8) AGRICULTURE, AGRICULTURE USE: The use of the land for crop and tree farming; the raising of livestock, poultry, fur-bearing animals, or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries and greenhouses, and the necessary uses for storing produce that is incidental to that of normal agricultural activity. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use, and disposal by marketing or otherwise. Agriculture use shall not include auction yards, slaughter houses, or rendering plants. When located outside of a commercial or industrial zone, a plant nursery or greenhouse involving wholesale or commercial sales is an agricultural use only if the products offered for sale are produced by the farm use of the property as defined by this Ordinance and ORS 215.203.

- a) Agricultural Produce Stand (farm stand): A facility for the marketing of produce grown on the subject parcel or other farm operations in the local agricultural area.
 - b) Commercial Agricultural Enterprise: Farm operations that will contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm products. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state. (See OAR 660-033-0020(2))
 - c) Exempt Agricultural Building: A structure located on a farm outside any floodplain and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting, and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such farms for man's use and animal use and disposal by marketing or otherwise. See the *Building Code*.
 - d) Horse Boarding/Riding Facilities: A facility for the boarding, care, and exercise of horses and related equestrian activities including facilities for instruction in horseback riding, and horse training including rings, stables and exercise areas. Periodic horse shows, when not the primary purpose of the facility, are an incidental use.
 - e) Intensive Agriculture: The use of parcels or tracts to actively grow specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture or Jackson County 2001 aerials. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa.
- 9) AIRPORT/HELIPORT: The strip of land used for taking off and landing aircraft, together with all adjacent land and airspace used in connection with the aircraft landing or taking off from the strip of land, including but not limited to any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. (See ORS 836.005)
- a) Aircraft: Helicopters, other rotorcraft and airplanes, but not hot air balloons or ultra-lights. (See OAR 660-013-0020)
 - b) Airport Imaginary Surfaces: Surfaces established with relation to airport runways and heliports in order to preserve and protect airspace for the take-off, flight pattern and descent of aircraft. Buildings, structures and other obstructions are generally prohibited from extending above the imaginary surfaces. Imaginary surfaces include the primary surface, approach surface, conical surface (concern overlay), horizontal surface and transitional surface. The airspace boundaries to use are those indicated on the most recent airport Master Plan and/or the most recent Oregon Department of Aviation specifications. (See OAR 738.070.0120 and 0130)

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

- 15) APPLIANCE REPAIR/INCIDENTAL SALES: An establishment primarily engaged in the repair of household appliances, with incidental sales of new and used appliances.
- 16) APPLICANT: The person or entity who applies for a land use permit, including person(s) holding legal and/or equitable title to the property; their designee, successors or assigns; their authorized agent; or a condemner who has been granted immediate possession by a court of competent jurisdiction. A public agency may also be an applicant when the land use approval sought involves land or infrastructure for which the agency is responsible. The rights and responsibilities of a land use approval are jointly and severally vested in the applicant and person(s) holding legal and/or equitable title to the property and their successors or assigns.
- 17) AUCTION SERVICE: An indoor establishment where goods, not including livestock, are sold by auction. See STOCK AUCTION YARD.
- 18) BARBER/BEAUTY SHOP: A facility, licensed by the state, where hair cutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.
- 19) BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.
- 20) BATCH PLANT: An apparatus used in the mixing of asphalt or cement products, including any auxiliary apparatus used in such mixing process. Batch plants may be sited as either permanent or temporary facilities.
- 21) BEST MANAGEMENT PRACTICES: Conservation practices or systems incorporating management measures that: (1) control soil loss and reduce water-quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (3) ensure safe use and storage of fertilizers/pesticides.
- 22) BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for 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.
- 26) BLOCK: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
- 27) BODY AND FENDER SHOP: General repair, rebuilding, or reconditioning of

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

in forest zones are regulated under OAR 660-006-0025 (4)(e) and (5). Campgrounds in Exclusive Farm Use zones are regulated under ORS 215.283 (2).

- 39) CAMPING/RECREATIONAL VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
- 40) CEMETERY: A place used for internment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, or a combination thereof. See MORTUARY
- 41) CHURCH: See RELIGIOUS ASSEMBLY/HOUSE OF WORSHIP
- 42) CLUSTER DEVELOPMENT: A subdivision in which lot sizes are reduced below those normally required in the zoning district and that concentrates buildings in specific areas in order to provide permanent open space, preserve historically or environmentally sensitive features, or to mitigate for hazardous site conditions (e.g., steep slopes, wildfire hazard areas). The County may authorize such development by permitting smaller lot sizes when a specified portion of the land is kept in permanent open space to provide natural habitat or open space uses through public or private dedication.
- 43) COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: For-profit accessory uses and activities conducted for the primary purpose of maintaining a "commercial agricultural enterprise" as defined in OAR 660-033-0020. See Sections 4.2.7, 6.3.3 and 6.4.4
- 44) COMMERCIAL USE: The retail sale of products or services, including offices. Not including factories, warehouses, freight terminals or wholesale distribution centers. (See OAR 660-022-0010)
- 45) COMMUNITY CENTER/TOWN HALL/GRANGE: A facility owned and operated by a governmental agency or a nonprofit community organization for the purpose of public assembly, provided that no permanent for-profit commercial eating or drinking facilities open to the general public are operated on the premises.
- 46) COMMUNITY COMMERCIAL KITCHEN: A public facility with a kitchen approved by the State for commercial use to prepare locally grown produce for sale (e.g., canned goods, jams, jellies, etc.).
- 47) CONDITIONAL USE: An activity that may be suitable only in specific locations, or if the site is regulated in a particular manner. See Type 3 land use permits in Section 3.1.4
- 48) CONFLICTING USE: A land use or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resource (except as in OAR 660-023-0180, (1), (b)). (See OAR 660-023-0010)
- 49) CONNECTIVITY: In transportation planning, the principal of connecting local streets to each other, collectors and arterials for purposes of increasing options available to move through an area for motorists, bicyclists and pedestrians.
- 50) CONSOLIDATION: The act of aggregating two (2) or more tax lots or tracts of

land into one (1) or more parcels.

- 51) CONSTRUCTION SITE: A site on which alteration, demolition, erection fabrication, installation, or removal of any structure, facility, or addition thereto, occurs including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.
- 52) CONTIGUOUS OWNERSHIP: Lots or parcels in a single ownership that have a common boundary and that are connected in a manner that forms a single block of land. Lots or parcels are not contiguous in any zone if their common boundary is the Rogue River or Interstate Five (I-5). (See OAR 660-033-0020)
- 53) CONVENTION/EXHIBIT HALL: A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions.
- 54) COUNTRY CLUB: A for-profit organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes.
- 55) CREATION DATE: The recordation date of a document that creates a lot(s) or parcel(s), or the date of execution of an unrecorded land sale contract, deed or other instrument intended to create new lots or parcels. A lawfully created lot or parcel remains discrete unless the lot or parcel lines are vacated, or the lot or parcel is further divided as provided by law. (ORS 92.017) In addition, in resource zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract. (See OAR 660-006-0005 & 033-0020) See LAWFULLY CREATED PARCEL
- 56) CUBIC FOOT PER ACRE: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked standards the culmination of mean annual increment as reported by the USDA NRCS. Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Dept. of Forestry. (See OAR 660-006-0005)
- 57) DAY: Unless otherwise specified by this ordinance or statute, all references to days shall mean calendar days.
- 58) DAY CARE: A use that provides care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Day care uses are regulated by ORS 657A. Accessory uses include offices, recreation areas, and parking. Day care does not include public or private schools. See also GROUP LIVING.
 - a) Adult day care/in-home child care: A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. A structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours. (See ORS 410.495(3))
 - b) Child care center: Any facility licensed by the state that provides child care outside the providers home either as a for-profit or non-profit

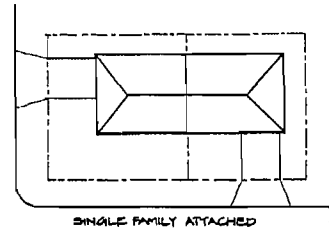
operation. (See ORS 657A.440)

- 59) DECISION, FINAL: A local land use decision is final once all time frames for local appeal have expired, whether or not an appeal to LUBA or the Oregon Court of Appeals has been filed. For purposes of development permitting, the date the decision is mailed to the parties, which date is set forth in the decision, is the date of the final decision of the County. If a final land use decision is appealed and subsequently remanded to the County for reconsideration, the reconsidered local decision becomes final on the date notice of the decision is mailed to the parties.
- 60) DEFERRED IMPROVEMENT AGREEMENT: A written agreement recorded with the County Clerk in which the property owner agrees to make road improvements or to contribute a fair share toward road improvements at a later date. This agreement may take the form of an irrevocable consent to participate in a Local Improvement District (LID) or may be a contract between the property owners, their successors or assigns, and the County through the Board of Commissioners.
- 61) DENSITY: A measure of dwellings or people per specified area (e.g., dwelling units per acre). Density can be expressed in either gross or net terms, to wit:
- a) Gross: The numerical value obtained by dividing the total number of dwelling units, employees, etc. in a development by the gross area of the tract or parcel of land (in acres) or gross area of a building (in square feet).
 - b) Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract or parcel of land (in acres) dedicated to the development, including common open space and associated recreational facilities within the area, private streets or roads, drainage-ways, and the like. Net density calculations exclude rights-of-way of publicly dedicated streets, areas that cannot be developed because of environmental constraints, and areas reserved for the exclusive use of non-residential components of a project.
- 62) DESTINATION RESORT: A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities, as provided for in ORS 197.435-467 and Statewide Planning Goal 8, and as approved under Section 6.3.8 of this Ordinance.
- 63) DETACHED LIVING SPACE: One (1) or more rooms designed for occupancy by one (1) or more persons either as a separate building or within a lawfully established accessory building that is not a dwelling. Structures may be plumbed, but may not contain permanent provisions that would constitute a separate dwelling unit, and must meet requirements of the most recent edition of the State of Oregon building code. See Section 6.4.4(B).
- 64) DEVELOPER: An individual or business that prepares land for development.
- 65) DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

- 66) DEVELOPMENT, INITIATE: Development is initiated when conditions necessary to obtain a development permit to commence a project or use approved through a land use application are met and any building or sanitation permits necessary to begin construction are obtained or, if construction is not required, that any conditions of approval have been satisfied and the use has begun. Once a land use approval has expired, any building or sanitation permits previously issued in reliance on the land use decision must be perfected to retain the right to proceed. Any activity on the property, including construction, that could be legally undertaken without first obtaining the land use approval at issue does not initiate development.
- 67) DEVELOPMENT PERMIT: Written authorization from the County to proceed with development through issuance of building or sanitation permits. See LAND USE PERMIT
- 68) DIVIDE: To separate land into two (2) or more lots or parcels for the purpose of transferring a substantial interest in land. See PARTITION LAND and SUBDIVISION.
- 69) DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors.
- 70) DRIVE-THROUGH: Service from a building to persons in vehicles or pedestrians through an outdoor service window.
- 71) DRIVEWAY: Practical, physical access that serves a single 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.
- 72) DWELLING: A building, combination of buildings, or portions thereof, designed or used for human occupancy for residential purposes. See Sections 4.2.6 and 4.3.6 for additional standards applicable to dwellings in resource zones.
- a) Accessory dwelling: Accessory use to an existing single family dwelling. See Chapter 6.
 - b) Co-Housing: A collection of dwellings in which each dwelling unit is individually owned, but some facilities and resources are shared by all individuals and families within the co-housing community. Such development is subject to the density provisions of the zoning district.
 - c) Dwelling unit: A single unit containing no more than one (1) kitchen, and providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - d) Multi-family: Attached housing where all dwelling units are located on the same lot or parcel. Multi-family may be owner occupied or rental housing.
 - e) Rectory (parsonage): A place of residence for the pastor of a church.
 - f) Single-family: A building, either detached or attached, designed or used for residential purposes by not more than one (1) family. A manufactured

dwelling is considered a single-family dwelling.

- g) Single family (attached): Common-wall dwellings or rowhouses where each dwelling unit occupies a separate lot or parcel. (See OAR 660-007 & 008-0005)
- h) Single family (detached): A dwelling unit that is free standing and physically separate from other dwelling units.

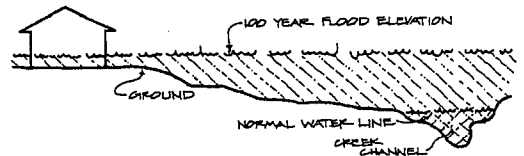


- 73) EASEMENT: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- 74) EATING ESTABLISHMENT: A for profit business serving prepared food and non-alcoholic beverages for consumption on or off the premises.
- 75) ENERGY FACILITY, SMALL SCALE: Energy production facilities that are incidental and subordinate to a principal use established on a property. These systems include, but are not limited to, solar, wind, hydrologic, and biomass systems.
- 76) ENGINEER, (LICENSED, PROFESSIONAL, OR REGISTERED): A person who is registered in the State of Oregon and holds a valid certificate to practice engineering in Oregon as provided under ORS 672.002 to 672.325.
- 77) ENGINEERING GEOLOGIST: Any Oregon Registered Geologist who is certified in the specialty of Engineering Geology. (See ORS 672.505 to 672.705)
- 78) ENGINEERING GEOLOGY REPORT: A report prepared by an Oregon Engineering Geologist. An engineering geology report must provide a detailed description of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. An engineering geology report must be prepared in accordance with the Guidelines for Preparing Engineering Geology Reports in Oregon adopted by the Oregon State Board of Geologist Examiners. The engineering geology report may be incorporated into or included as an appendix to the geotechnical report.
- 79) ESEE CONSEQUENCES: In the Goal 5 context, the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. An ESEE analysis is the process by which recognition of the ESEE consequences influences the decision to limit or not limit conflicting uses.
- 80) EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.
- 81) EXCEPTION: A decision to exclude certain land from the requirements of one (1) or more applicable statewide planning goals in accordance with the process specified in Goal 2, Part II, Exceptions. (See OAR 660-004-0000)
- 82) EXPANSION: A change in use, structure, or physical improvements that increase impacts on the surrounding area.

- 83) FAIRGROUNDS OR RODEO GROUNDS: An area where a fair, circus, or exhibition is held, or a facility for public rodeo performance that may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.
- 84) FAMILY: An individual, two (2) or more persons related by blood, marriage, or law; or a group of not more than any five (5) unrelated persons living together in a dwelling unit; or a combination of related and unrelated persons where the total number of unrelated persons does not exceed five (5). Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or more persons related by blood, marriage, or law are a part of the family for purposes of this Ordinance.
- 85) FARMLAND, HIGH VALUE:
- a) Land in a tract composed predominantly of soils that are:
 - (i) Irrigated and classified prime, unique, Class I or II; or
 - (ii) Not irrigated and classified prime, unique, Class I or II.
 - b) In addition to that land described above, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa. (See OAR 660-033-0020(8)(a)-(b), and (f)-(h))
- 86) FARM/RANCH OPERATION: All lots or parcels of land in the same ownership (contiguous or non-contiguous) that are used as a unit by the farm or ranch operator for farm uses defined in ORS 215.203. (See OAR 660-033-0135(11)(b))
- 87) FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products raised on such land for human use or animal use. Farm Use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission to the extent allowed by the rules adopted by the Commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3), or land described in ORS 321.267 (1)(e) or 321.415 (5). (See ORS 215.203 (2)(a))

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

- 99) FLEA MARKET: An occasional or periodic market held inside a building or other enclosure where goods are offered for sale to the general public by individual sellers. Open air display of sample items offered for sale inside the market is an incidental use.
- 100) FLOOD OR FLOODING: A general 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 1% 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 1% 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 1% 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.
- 101) FLOOR AREA RATIO (FAR): The total horizontal floor area of all buildings on a lot or parcel divided by the area of the lot or parcel.
 - 102) FOODS/SUNDRIES, CONVENIENCE: Any retail establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items for the convenience of the neighborhood.
 - 103) FOREST LABOR CAMP (temporary): An area of land that provides temporary living facilities for workers employed for forest management, forestry operations, or fire suppression purposes. Portable or pre-existing sanitation, bathing and cooking facilities may be provided in conjunction with temporary living facilities, which may include tents, yurts, recreational vehicles or other types of shelter suitable and intended for use in a temporary or seasonal manner. Forest labor camps may be used throughout the term of an operation or activity (e.g., forest fire) and must cease once the operation or activity is concluded.
 - 104) FORESTRY OPERATIONS: The use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels.
 - 105) GARAGE: A permanently constructed attached or detached accessory structure, designed primarily for storage of personal use motor vehicles.
 - 106) GENERAL MERCHANDISE/CLOTHING STORE: A use devoted exclusively to the retail sale of a commodity or commodities.
 - 107) GEOLOGICAL ASSESSMENT: An assessment prepared by an Oregon Engineering Geologist or Oregon registered professional engineer, who by training, education, and experience, is qualified in the practice geologic or soils engineering practices. The assessment shall detail the surface and subsurface conditions of a site, delineating areas of a property that may be subject to specific geologic hazards, and furnish professional analysis of information to

assess the suitability of the site for development. The geologic assessment may be incorporated into or included as an appendix to the geotechnical report.

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

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

- ongoing maintenance of the historic building materials.
- b) Renovation/Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.
 - c) Resource, historic: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.
- 122) HOME BUSINESS: The most intensive type of home occupation, which allows up to five (5) non-resident employees. See Section 6.4.4, (D).
- 123) HOME OCCUPATION: A limited business, accessory to a residential use, allowed in noncommercial zones. The purpose of a home occupation is to make a profit in money. See Section 6.4.4, (C).
- 124) HOTEL OR MOTEL: An establishment offering six (6) or more guest rooms or units on a temporary basis, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture. This term does not include Bed and Breakfast facilities as set forth in Section 6.4.4 (D)(5).
- 125) IMPACT, ADVERSE: A negative consequence to the physical, social, or economic environment resulting from an action or project.
- 126) IMPACT AREA: A geographic area within which conflicting uses could adversely affect a significant Goal 5 resource. An impact area is used as an area of conflicting use analysis in Goal 5 review, with consideration for impacts to the identified resource and to the other existing or approved uses therein. (See OAR 660-023-0010)
- 127) INDUSTRIAL PARK: A planned, coordinated development on a tract or parcel of land with two (2) or more separate industrial buildings, which are designed, constructed, and managed on an integrated and coordinated basis. Special attention is given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space in permitting industrial parks.
- 128) INDUSTRIAL SERVICE, HIGH IMPACT: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- 129) INDUSTRIAL SERVICE, LOW IMPACT: Research and development activities, the manufacturing compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.
- 130) INDUSTRIAL USE: The use of land for the manufacture, processing, storage, or wholesale distribution of products, goods or materials (not including commercial uses). (See OAR 660-022-0010)

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

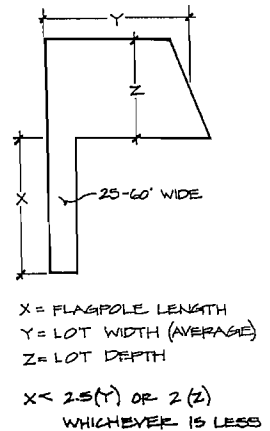
of individual garments, fabrics, rugs, draperies or other similar items that is not a bulk or commercial type plant.

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

- d) Double frontage: A term used to describe a lot or parcel which has road frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three (3) sides. Alley access is not considered "frontage" in this context.
- e) Width: The diameter of the biggest circle that can fit entirely inside the lot boundary lines.

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

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



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

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

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

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

153) MANUFACTURED DWELLING PARK/MOBILE HOME PARK: Any place where four (4) or more such homes are located within 500 feet of each other on a lot,

tract, or parcel of land under the same ownership, the primary purpose of which is: (1) to rent or lease space for manufactured dwellings for a charge or fee paid; (2) to be paid for the rental, lease, or use of facilities for manufactured dwellings; or (3) to offer space free for location of manufactured dwellings in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps. For floodplain management purposes, any parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale is subject to the requirements of Section 7.1.2.

- 154) MANUFACTURED DWELLING/MOBILE HOME/RV SALES/RENTAL: Sale or rental of manufactured homes for occupation off-site, including incidental storage and incidental maintenance.
- 155) MANUFACTURING/PRODUCTION, HIGH IMPACT: The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials used in the manufacturing process, and may involve outdoor storage and operations. These activities may impact adjacent properties by creating noise, odor, vibration, dust, or hazards. Examples include, but are not limited to: lumber, plywood and hardboard manufacturing; rolling, drawing, or extruding of metals; and log decking, storage, and pond storage.
- 156) MANUFACTURING/PRODUCTION, LOW IMPACT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Examples include, but are not limited to: manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and pharmaceuticals; and manufacture and fabrication of components, jewelry, clothing, trimming decorations and any similar item.
- 157) MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, food, marine supplies, and marine repairs.
- 158) MEDICAL 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.
- 159) 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.

- 160) 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.
- 161) MODIFY/MODIFICATION: Making a limited change in something without altering its primary purpose.
- 162) 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
- 163) 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.
- 164) 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.
- 165) 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.

- 166) 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"
- 167) 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)
- 168) 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.
- 169) 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.
- 170) 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.
- 171) PARCEL: A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect; or (3) validation of an unlawfully established unit of land under Section 10.2.1(C) of this Ordinance. The term parcel does not include a unit of land created solely to establish a separate tax account. (See ORS 92.010, 92.176 and 215.010) See DIVIDE, LOT, PARTITION LAND, TAX LOT, and Chapters 3 and 10 of this Ordinance.
- 172) 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.
- 173) 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."
- 174) 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

- 175) PARTITION LAND: To divide land to create two (2) or three (3) parcels within a calendar year, not including: (1) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (2) the division of land resulting from the recording of a subdivision or condominium plat; (3) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes continues to be considered a single unit of land until such time as a subdivision or partition is approved by the County; (4) a sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property; (5) adjustment as defined in this Section in compliance with Section 3.4; (6) the surveying or deed description of a tract of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use; (7) issuance of a mining patent or other lot created by the federal government; or (8) the creation of two (2) or more tracts or parcels of land by description in a single deed unless it is determined by the Director that said tracts or parcels of land were conveyed in fee separately prior to September 1, 1973, and provided that the tracts or parcels are identical to those separately conveyed prior to September 1, 1973. See also Section 3.3.1(B) (See ORS 92.010(9))
- 176) PAVEMENT/PAVE/PAVING: Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.
- 177) 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
- 178) PERMIT: Any approval granted as the result of a Type 1 ministerial review as described in Section 3.1.2 and any approval granted as the result of a Type 2, Type 3 or Type 4 discretionary review as described in Sections 3.1.3, 3.1.4 and 3.1.5, respectively. Only Type 2, Type 3 and Type 4 approvals are land use decisions within the meaning of ORS 215.402. This distinction governs regardless of the terms used elsewhere in this Ordinance to describe any given approval. (See ORS 215.402)
- 179) 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

- 180) 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.
- 181) 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
- 182) 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.
- 183) 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.
- 184) 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.
- 185) PLAT, FINAL: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land division, or a parcel approved by a County decision pursuant to Section 10.2.1(C) or (D), that has been prepared for recordation. (See ORS 92.010 (9) and (18) and 92.176(5))
- 186) 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.
- 187) 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.
- 188) POST ACKNOWLEDGMENT PLAN AMENDMENT (PAPA): The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation.
- 189) 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.

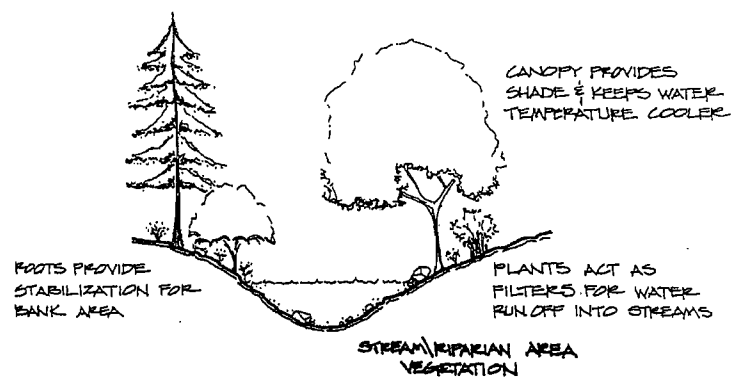
- 190) PREEXISTING: Something that was lawfully established prior to adoption of current zoning regulations and which could be permitted under those regulations if applied for under current regulations. A building, structure, lot, parcel or use may be preexisting. See Section 1.7.5.
- 191) PROPANE GAS/FUEL OIL DISTRIBUTOR: An establishment for the sale and distribution of fuel oil and gases, including propane.
- 192) PROPERTY LINE: The division line between two (2) units of land. (See ORS 92.010) See LOT/PROPERTY LINE
- 193) PROPERTY LINE ADJUSTMENT: The relocation or elimination of all or a portion of a common property line between abutting lots or parcels that does not create an additional lot or parcel. (See ORS 92.010) See BOUNDARY LINE AGREEMENT, PARTITION LAND.
- 194) 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
- 195) 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)
- 196) PUBLIC BODY: Any city, county, school district, special district, or other political subdivision or municipal or public corporation and any state or federal agency.
- 197) 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
- 198) 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.
- 199) 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

- 200) 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.
- 201) 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
- 202) 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.
- 203) 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.
- 204) 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).
- 205) RECREATIONAL VEHICLE: See CAMPING/RECREATIONAL VEHICLE
- 206) RECREATIONAL VEHICLE PARK OR CAMPGROUND: See CAMPGROUND
- 207) REGISTERED GEOLOGIST: A person who is registered as a geologist in Oregon under the provisions of ORS 672.505 to 672.705.
- 208) 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.
- 209) 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)
- 210) 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.
- 211) 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)

- 212) 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)
- 213) 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)
- 214) RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm water main, street trees, or other special use designed and intended to benefit the public.

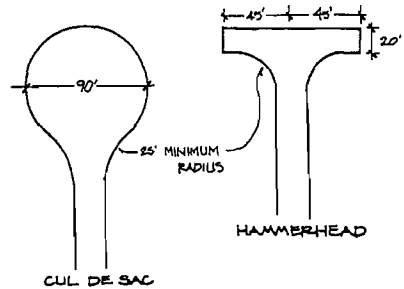
- 215) RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

- 216) 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)



- 217) 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.
- 218) 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) Hammerhead Turnaround:
A "T" or "L" shaped dead-end street that allows for vehicles to reverse directions without using private property. Hammerhead turnarounds are often coupled with partial street improvements where a cul-de-sac would have been required if the entire street was initially developed.
- 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 (2) lanes, and lower speed limits. A local access road is dedicated to the public for access but is not part of a public maintenance or improvement program and is not maintained by the County or any other public entity.
- 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 serving 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.
- 219) 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)
- 220) 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.
- 221) 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)
- 222) 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)
- 223) 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.
- 224) SANITARY SERVICE INSTALLER: A business that installs or repairs subsurface sewage disposal systems.
- 225) SCHOOLS: Public and private schools at the primary, elementary, junior high, or

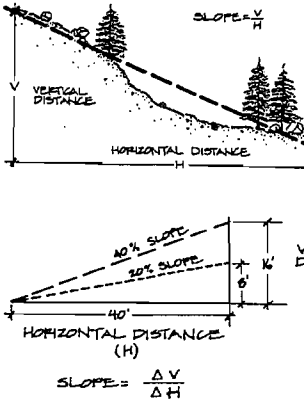
high school (K-12) level that provide state mandated basic education, and institutions of higher learning. Secular commercial or business schools offering General Education Degree (GED) programs, or skills-specific post-secondary coursework leading to a certificate or degree are also included. Accessory 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.
- 226) SEMINARY: A religious institution for the training of candidates for the priesthood, ministry, rabbinate or similar callings.
- 227) SENSITIVE FISH AND/OR WILDLIFE HABITAT: Areas identified as important to the survival of a plant or animal species, or group of species.
- 228) 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)
- 229) 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.
- 230) 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
- 231) 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.
- 232) 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.
- 233) SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility serving a single parcel for the purpose of disposal of domestic waste products.
- 234) 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.
- 235) 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))

- 236) 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)
- 237) 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.
- 238) 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
- 239) 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.
- 240) 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.
- 241) 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.
- 242) SLOPE: The inclination of the natural earth's surface expressed as a ratio of the horizontal (H) distance to vertical (V) distance. Slopes are expressed as a percentage. The percentage of slope refers to a given rise in elevation over a given run in distance, multiplied by 100 ($V/H \times 100$). For example, a 40% slope is a 40-foot rise in elevation over a distance of 100 feet ($40/100 \times 100$). A 100% slope equals a 45 degree angle.
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- 243) 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.
- 244) 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.
- 245) 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.
- 246) 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 severe-moderate limitation will be considered as having a severe limitation to buildings.

- 247) SOLAR ORIENTATION: The layout and design of parcels and siting of a structure on building lots in order to take advantage of solar insulation for use of the sun as an energy source.
- 248) 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
- 249) STEEP SLOPE: Slopes greater than 20%.
- 250) 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.
- 251) 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.
- 252) 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.
- 253) 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.
- 254) 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).*
- 255) 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.
- 256) 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.
- 257) SUBDIVIDE LAND: To divide an area, parcel, or tract of land to create four (4) or more lots within a calendar year. See DIVIDE *(See ORS 92.101)*
- 258) 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)*
- 259) SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
- 260) 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.

- 261) 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.
- 262) 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
- 263) SUBSTANTIAL MODIFICATION: A change or alteration that significantly alters the impacts or character of a structure, development, or activity. See SIMILAR USE
- 264) SWIMMING POOL, PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family or multiple-family dwellings.
- 265) 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.
- 266) TAX LOT: A unit of land created by the County Assessor for the purpose of taxation or at a property owner's request. See DIVIDE, LAWFULLY ESTABLISHED UNIT OF LAND, PARCEL, and Chapters 3 and 10.
- 267) TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT: Unattended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.
- 268) TEMPORARY: Temporary means 30 days or less in any 12-month period, unless otherwise specified by a provision of this Ordinance.
- 269) 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.
- 270) 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.

- 271) 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
- 272) THEATER: A structure used for showing motion pictures, or for dramatic, dance, musical, or other live performances.
- 273) 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)
- 274) TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.
- 275) TRACT: One (1) or more contiguous lots or parcels in the same ownership. (See OAR 660-033-0020, and ORS 215.010, (2))
- 276) TRANSMISSION FACILITY: Any facility constructed across contiguous zoning districts for the purpose of transmitting or transporting in any form; energy resources, telecommunications, persons, or goods (e.g., highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines). In particular, the following specifically-defined types of facilities are included: electric power transmission facilities carrying 115 KV or greater; gas pipelines carrying 300 psi capacity or greater; and new highway construction or improvements to existing highways that result in an increased traffic volume of 5,000 vehicles/day. Underground water pipelines, sewer trunk lines, and cable television facilities are not included. This definition also does not apply to facilities that have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities are located. See ROAD
- 277) 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.

- 278) 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.
- 279) TREE SPECIES, COMMERCIAL: Trees recognized under rules adopted under ORS 527.715 for commercial production. (See OAR 660-006-0027(5)(b))
- 280) TREE TOPPING/SEVERE PRUNING: The severing of the trunk or cutting back of the trunk or a limb to a stub larger than three (3) inches in diameter, or the cutting back of the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
- 281) 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.
- 282) 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)
- 283) 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.
- 284) 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))
- 285) 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.
- 286) 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.
- 287) 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.
- 288) URBAN SERVICE: Sanitary sewers, water, municipal fire protection, parks,

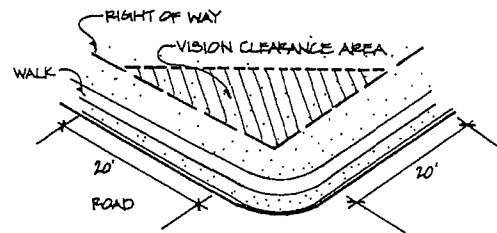
open space, recreation, streets, roads, and mass transit. (See ORS 195.065)

- 289) URBAN UNINCORPORATED COMMUNITY: An unincorporated community that includes a minimum of 150 permanent residential dwelling units, a mixture of land uses (i.e., three (3) or more public, commercial or industrial uses), and that has community sewer and water service available to residents and businesses. See UNINCORPORATED COMMUNITY (See OAR 660-022-0010)
- 290) 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.
- 291) 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
- 292) USE, PRINCIPAL: The primary use and chief purpose of land, buildings or structures.
- 293) 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.
- 294) UTILITY FACILITY: Those necessary appurtenances including related right-of-ways and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses). Additionally, a utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources. A utility facility must include equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility. The equipment need not be extensive or complex; however, at a minimum the facility must include some equipment or apparatus that performs the relevant production, transmission or similar function or service. (174 Or App at 343-45 "Sabroso") (See ORS 215.283(1)(d)(1997))
- 295) 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.
- 296) 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.
- 297) VIEWSHED: The area observable from a defined geographic location.

298) 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.

299) 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.

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

301) 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

302) 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)
- 303) 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)

- 304) 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)
- 305) 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)
- 306) WATER SYSTEM, PUBLIC: A system supplying water for human consumption through four (4) or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day. The term includes any domestic water supply source and associated distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit or cluster development. (See OAR 660-023-0140)
- 307) 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 (1/2) acre per dwelling, and which is not used as or part of a public water supply.
 - c) Flow test: A procedure for pumping water from a well for a specified period of time to establish well yield and/or basic ground water quantity information.
 - d) Major flow test (12-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of 12 hours while noting the effect on static water levels in the subject well and any existing wells within 500 feet of the subject well.
 - e) Minor flow test (4-hour flow test): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of four (4) hours while noting the effect on static water levels in the subject well.
- 308) 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)
- 309) 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.

- 310) WILDLIFE: Wild mammals, birds, reptiles, and amphibians.
- 311) WILDLIFE HABITAT: An area upon which wildlife depends in order to meet their requirements for food, water, shelter and reproduction. (e.g., migration corridors, big game winter range, nesting and roosting sites). (See OAR 660-023-0010)
- 312) 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 a combination of (a), (b) or (c); or (2) between 50,000 and 100,000 gallons and that (a) owns an on-site vineyard of at least 40 acres; (b) owns a contiguous vineyard of at least 40 acres; (c) has a long-term contract for the purchase of all the grapes from at least 40 acres of a vineyard contiguous to the winery; or (d) obtains grapes from any combination of (a), (b) or (c). See WINE SHOP (See ORS 215.452)
- 313) 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
- 314) 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
- 315) XERISCAPING: Landscape maintenance principles that promote good horticultural practices and efficient use of water; water conserving, drought-tolerant landscaping.
- 316) 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

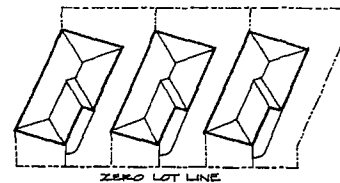
buildings from the ground upward, except as otherwise allowed by this Ordinance.

- 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.

317) 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)

318) 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

319) 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