



**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**

06/08/2012

**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 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Thursday, June 21, 2012

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 Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Tracie Nickel, Jackson County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

JUN 04 2012

LAND CONSERVATION AND FOR OFFICE USE ONLY

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Jackson county**

Local file number: **LRP2009-00009**

Date of Adoption: **5/30/2012**

Date Mailed: 5/31/2012

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend Section 4.2.7(F) of the Jackson County Land Development Ordinance to conform to the new provisions enacted by House Bill 3280 relating to wineries in the exclusive farm use zoning district. Also proposed are amendments to the farm stand language. The amendments to Section 4.2.7(D) will establish a planning process for reviewing farm stand proposals.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 002-11 (19020) [17066]



DLCD file No. \_\_\_\_\_

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

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Local Contact: **Tracie Nickel**

Phone: **(541) 774-6951** Extension:

Address: **10 South Oakdale, Room 100**

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

City: **Medford**

Zip: **97501-**

E-mail Address: **nickeltl@jacksoncounty.org**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011



## NOTICE OF ADOPTION

DEPT OF  
JUN 04 2012  
LAND CONSERVATION  
AND DEVELOPMENT

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2012-2 at a properly advertised public hearing on May 2, 2012, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on July 29, 2012 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2012-2 amends Section 4.2.7(F) and Section 4.2.7(G) of the Jackson County Land Development updating the language consistent with the provisions enacted by House Bill 3280 related to wineries in the exclusive farm use zone. Section 13.3(312), winery definition, will also be amended to conform to the changes. Also, consideration of amendments to Section 4.2.7(D) which establishes a review process and clarity for farm stand proposals. Amendments to Table 4.2-1 will change the review procedures for both wineries and farm stands from a Type 2 review process to a Type 1 review process thereby establishing the winery and the farm stand as Type 1 uses. File LRP2009-00009.

This notice is being mailed to you on May 31, 2012, 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 **Tracie Nickel** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6951; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6951.

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 May 31, 2012, and the LUBA appeal period will expire on June 21, 2012. 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 )

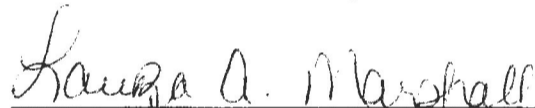
I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2012-02 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last 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 May 31, 2012.

  
\_\_\_\_\_  
Signature

Personally appeared before me this 31st day of May, 2012, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 2-6-2016

NOTICE OF ADOPTION SENT TO: AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: Jackson County – Wineries/Farm Stand Amendment  
FILE NO: LRP2009-00009

FILE NO. LRP2009-00009  
NOTICE OF ADOPTION LABELS  
APPLICANT: JACKSON COUNTY  
DATE CREATED: 5/31/2012

BOC LRP2009-00009  
DON SKUNDRICK, CHAIR  
BOARD OF COMMISSIONERS

BOC LRP2009-00009  
DENNIS "C.W." SMITH  
BOARD OF COMMISSIONER

BOC LRP2009-00009  
JOHN RACHOR  
BOARD OF COMMISSIONER

STAFF LRP2009-00009  
KELLY MADDING  
DIRECTOR

STAFF LRP2009-00009  
TRACIE NICKEL  
PLANNER

AGENCY LRP2009-00009  
COUNTY COUNSEL

IP LRP2009-00009  
KATHERINE DANIELS  
DLCD  
635 CAPITOL STREET NE, STE 150  
SALEM OR 97301-2540

IP LRP2009-00009  
BARBARA TANTARE  
3706 GRIFFIN CRK RD  
MEDFORD OR 97501

LRP2009-00009  
PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL ST NE, STE 150  
SALEM OR 97301-2540



Adopted: 5/30/2012  
Effictive: 7/29/2012

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
STATE OF OREGON, COUNTY OF JACKSON  
ORDINANCE NO. 2012-2

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE, AS RECOMMENDED BY THE JACKSON COUNTY PLANNING COMMISSION, SECTIONS 4.2.7(D), 4.2.7(F), 4.2.7(G), CHAPTER 13 AND TABLE 4.2-1, CHANGING FARM STANDS TO A TYPE 1 USE, CHANGING WINERIES TO A TYPE 1 USE EXCEPT WHEN THE RESTAURANT OR EVENTS ASSOCIATED WITH THE LARGER WINERIES OPERATES GREATER THAN 25 DAYS IN A CALENDAR YEAR THE USE IS A TYPE 3 AND UPDATING THE WINERY SECTION AND DEFINITIONS CHAPTER CONSISTENT WITH RECENT LEGISLATIVE CHANGES ENACTED THROUGH HB 3280. FILE LRP2009-00009

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 Oregon Land Conservation and Development Commission (LCDC).
2. The standards justifying a text amendment to the Jackson County Land Development Ordinance (JCLDO) are contained in the JCLDO Chapter 3.
3. JCLDO Section 3.8.3 states that recommendations and decisions on JCLDO text amendments must be consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals and Oregon Administrative Rules.

Now, therefore, the Jackson County Board of Commissioners hereby finds and concludes as follows:

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

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

- 1.1 Land Development Ordinance (LDO) Chapter 4 sets forth regulations and criteria for development in the Exclusive Farm Use zoning district and Table 4.2-1 establishes the review procedure for uses allowed in that district.
- 1.2 The Board of Commissioners finds that the proposed text amendments apply only to Section 4.2.7(D), 4.2.7(F), 4.2.7(G), Chapter 13 and Table 4.2-1 of the JCLDO.
- 1.3 The Jackson County Planning Commission held a properly noticed public hearing on this matter on February 23, 2012 and March 8, 2012.
- 1.4 At a March 8, 2012 public hearing the Jackson County Planning Commission recommended approval of amendments to the LDO to allow farm stands and wineries to be processed as a Type 1 use, to process a proposal for a restaurant or events associated with the winery and operating greater than 25 days in a calendar year as a Type 3 land use permit, and to update the LDO consistent with recent legislative changes enacted by HB 3280.
- 1.5 The Board of Commissioners finds that proper legal notice was provided. The Notice of Public Hearing was published in the **Sunday, April 22, 2012** edition of the Medford Mail Tribune and a copy sent to the Upper Rogue Independent.
- 1.6 The Board of Commissioners also held a properly noticed public hearing on May 2, 2012.

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

- 2.1 The Board of Commissioners finds that the Jackson County Planning Commission's recommendations, as attached as Exhibit "B", are based upon following proper procedures and are consistent with and adequate to implement all applicable provisions of the Comprehensive Plan, the Statewide Planning Goals and Oregon Administrative Rules.
- 2.2 The Board of Commissioners hereby adopts, as its own, the amendments to LDO Sections 4.2.7(D), 4.2.7(F), 4.2.7(G), Chapter 13 and Table 4.2-1 as recommended by and attached as Exhibit "A."



**SECTION 3. CONCLUSIONS**

- 3.1 The procedural requirements of ORS 197.610- 197.615 have been met.
- 3.2 The amendments to Section 4.2.7(D) are intended to provide clarity and streamline the review process for farm stand applications.
- 3.3 Amendments to Section 4.2.7(F), 4.2.7(G) and Chapter 13 update the LDO consistent with HB 3280.
- 3.4 Amendments to Table 4.2-1 establish the review procedure for farm stand and winery applications.


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

**SECTION 4. DECISION**

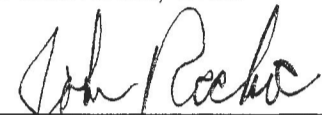
- 4.1 Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, incorporated herein and attached as Exhibit "B", evidence and testimony, the Board of Commissioners hereby adopts, as its own, the amendments to LDO Sections 4.2.7(D), 4.2.7(F), 4.2.7(G), Chapter 13 and Table 4.2-1, incorporated herein and attached as Exhibit "A." to allow farm stands and wineries to be processed as a Type 1 permit and to update the LDO consistent with HB3280; File LRP2009-00009.

ADOPTED this 30<sup>th</sup> day of May, 2012, at Medford, Oregon.


JACKSON COUNTY BOARD OF COMMISSIONERS



Don Skundrick, Chair

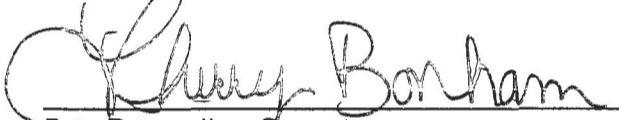


John Rachor, Commissioner



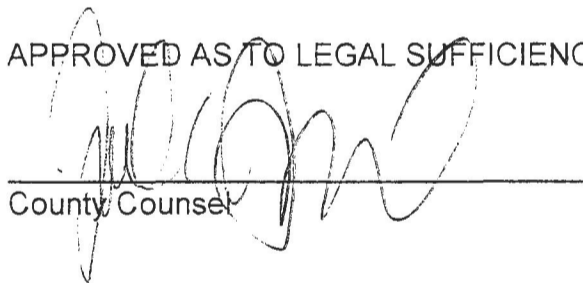
Dennis C.W. Smith, Commissioner

ATTEST:



By: Recording Secretary

APPROVED AS TO LEGAL SUFFICIENCY:



County Counsel

The Board of Commissioners' Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on May 31, 2012, and the LUBA appeal period will expire on June 21, 2012. 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.



**Section 4.2.7**

D) **Farm Stand** [ORS 215.283(1)(f); OAR 660-033-0120; and 0130(23)]  
In an area zoned for exclusive farm use, a farm stand may be approved as a Type 1 use when:

- 1) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand.
  - a) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection "processed crops and livestock" includes jams, syrups, apple cider, animal product and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
  - b) As used in this section, "local agricultural area" includes Oregon and Siskiyou County, California.
- 2) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings, or public entertainment.
- 3) The proposed development is in compliance with all other applicable provisions of this ordinance.

F) **Winery**  
[ORS 215.452; 215.283(1)(g); OAR 660-033-0120]  
In areas zoned for exclusive farm use, a winery may be approved as a Type 1 use when it complies with subject to the following:

- 1) The "winery" is a facility that produces wine with a maximum annual production of:
  - a) Less than 50,000 gallons and that:
    - i) Owns an on-site vineyard of at least 15 acres;
    - ii) Owns a contiguous vineyard of at least 15 acres;
    - iii) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard

- iv) Obtains grapes from any combination of paragraphs (i), (ii), or (iii) above;
- b) At least 50,000 gallons and ~~no more than 100,000 gallons~~ and that:
- i) Owns an on-site vineyard of at least 40 acres;
  - ii) Owns a contiguous vineyard of at least 40 acres;
  - iii) Has a long-term contract for the purchase of all the grapes from at least 40 acres of a vineyard contiguous to the winery; or
  - iv) Obtains grapes from any combination of paragraphs (i), (ii), or (iii) above.
- 2) Prior to the issuance of a Type 1 permit to establish a winery, the applicant must show that a qualifying vineyard described in subsection (1) above has been planted or that the contract has been executed, as applicable.
- 3) ~~Product sales at a A~~ winery approved in accordance with this Section ~~will be limited to may~~:
- ~~a) Wines produced in conjunction with the winery; and,~~
  - ~~b) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant as defined in Chapter 13.~~
- a) Market and sell wine produced in conjunction with the winery, including the following activities:
    - i) Wine tours;
    - ii) Wine tastings in a tasting room or other location at the winery;
    - iii) Wine clubs; and
    - iv) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
  - b) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010;
  - c) Provide services, including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

- i) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
- ii) Are incidental to the retail sale of wine on-site; and
- iii) Are limited to 25 days or fewer in a calendar year.

As used in this section "private events" includes, but is not limited to, facility rentals and celebratory gatherings.

- 4) Gross income received from incidental sales, services and activities as described in subsection (3) (b) & (c) is limited as follows:
  - a) The gross income of the winery from the sale of incidental items pursuant to subsection (3)(b) of this section and services provided pursuant to subsection (3)(c) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
  - b) Effective January 1, 2013 and at the request of the Director, the winery shall submit a written statement, prepared by a certified public accountant that certifies compliance with paragraph (a) of this subsection for the previous tax year.

~~The conditions of approval shall include language limiting the winery to the sale of the items listed above.~~

The conditions of approval supporting the winery shall include language limiting the winery to the sales, services and activities outlined in subsections (3) and (4).

- 5) A winery operating under this section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
- 6) When reviewing an application for a Type 1 winery permit, the County will adopt findings addressing the applicable standards included in subsection (1) (a) or (b) above and paragraphs (4)(a) and (b) below. Standards imposed on the siting of a winery ~~must~~ shall be limited to the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
  - a) Establishment of a setback ~~not to exceed~~ of at least 100 feet from all property lines for the winery and all public gathering places; and
  - b) Provision of ~~D~~direct road access and adequate internal circulation, ~~and~~ parking.

- 7) A winery proposed under this section shall comply with:



- a) Criteria regarding floodplains, geologic hazards, solar access and airport safety;
  - b) Regulations for public health and safety; and
  - c) Regulations for resource protection acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas and natural resources.
- 8) The County may issue a permit for a winery operating under this section to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the County issued permits to the winery operating under this section in similar circumstances before August 2, 2011.
- 9) A use or structure that is lawfully established at a winery located in an exclusive farm use zone and existed on or before August 2, 2011, including events and activities that exceed the income limit imposed by ORS 215.452, may be continued, altered, restored or replaced pursuant to ORS 215.130.
- a) Subsection (9) of this section does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.
- G) **Winery Producing At Least 150,000 Gallons** *[ORS 215.452; 215.283(1)(en); OAR 660-033-0120]*
- 1. In an area zoned for exclusive farm use a winery may be approved as a Type 1 use subject to the following:
    - a) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
    - b) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in paragraph (a) of this subsection; and
    - c) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this section.
  - 2) Prior to the issuance of permits to establish a winery under this section, the applicant must show that vineyards described in subsection (1) of this section have been planted.
  - 3) A winery approved in accordance with this section may:
    - a) Market and sell wine produced in conjunction with the winery, including the following activities:
      - i) Wine tours;
      - ii) Wine tastings in a tasting room or other location at

the winery;

- iii) Wine clubs; and
  - iv) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
  - b) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages served by a limited service restaurant, as defined in ORS 624.010, wine not produced in conjunction with the winery and gifts; and
  - c) Provide services, including private events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
    - i) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
    - ii) Are incidental to the retail sale of wine on-site; and
    - iii) Are limited to 25 days or fewer in a calendar year.
- 4) Gross income received from incidental sales, services and activities as described in subsection (3) (b) & (c) is limited as follows:
- a) The gross income of the winery from the sale of incidental items in accordance with subsection (3)(b) of this section and services provided pursuant to subsection (3)(c) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
  - b) Effective January 1, 2013 and at the request of the Director, the winery shall submit a written statement, prepared by a certified public accountant that certifies compliance with paragraph (a) of this subsection for the previous tax year.

The conditions of approval supporting the winery shall include language limiting the winery to the sales, services and activities outlined in subsections (3) and (4).

- 5) A winery approved in accordance with this section:
- a) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
  - b) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of

the winery.

- 6) A conditional use permit shall be obtained from the County in the event the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for private events occurring more than 25 days in a calendar year. In addition to any other requirements, the County may approve a land use permit under this subsection if the County finds that the activity:
- a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
  - b) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use;
  - c) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery;
  - d) Does not materially alter the stability of the land use pattern in the area; and
  - e) If the County issues a permit under this subsection for private events, the County shall review the permit at least once every five years and, if appropriate, may renew the permit.

As used in this section "private events" includes, but is not limited to, facility rentals and celebratory gatherings.

- 7) A person may not have a substantial ownership interest in more than one winery operating a restaurant under this section.
- 8) The County shall require a winery operating under this section to provide for:
- a) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
  - b) Direct road access and internal circulation.
- 9) A winery proposed under this section shall comply with:
- a) Criteria regarding floodplains, geologic hazards, solar access and airport safety;
  - b) Regulations for public health and safety; and
  - c) Regulations for resource protection acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas and natural resources.
- 10) The County may authorize a winery described in subsection (1) of this section to sell or deliver items or provide services not



described in subsection (3) (b) & (c) or (4) of this section under the criteria for a commercial activity in conjunction with farm use under ORS 215.283(2)(a).

11) The County may issue a permit for a winery operating under this section to host outdoor concerts for which admission is charged, facility rentals or celebratory events only if the County issued permits to the winery operating under this section in similar circumstances on or before August 2, 2011.

12) A use or structure that is lawfully established at a winery located in an exclusive farm use zone and existed on or before August 2, 2011, including events and activities that exceed the income limit imposed by ORS 215.452, may be continued, altered, restored or replaced pursuant to ORS 215.130.

a) Subsection (12) of this section does not affect the lawful continuation, alteration, restoration or replacement of the winery sited on the same tract.

**HG) *Landscaping Business* [ORS 215.283(2)(z)]**

A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use may be approved through a Type 2 permit.

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, uses may include wine tours, wine tasting, wine clubs and similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or other wineries as in the case where a winery produces at least 150,000 gallons of wine, a facility that produces wine with a maximum annual production of: (1) ~~Less than 50,000 gallons and that (a) owns an on-site vineyard of at least 15 acres; (b) owns a contiguous vineyard of at least 15 acres; (c) has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or (d) obtains grapes from an combination of (a), (b) or (c); or (2) between at least 50,000 and the winery 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); or (3) See WINE SHOP (See ORS 215.452)~~



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
<b>COMMERCIAL USES</b>					
25	Winery	<u>1</u> <del>2</del>	<u>1</u> <del>2</del>	ORS 215.283(1)(q), & 452; OAR 660-033-0120	4.2.7(F)&(G)
<u>26</u>	<u>Restaurant or Events in conjunction with a Winery where the restaurant and/or the events are open to the public greater than 25 days in a calendar year.</u>	<u>3</u>	<u>3</u>	<u>ORS 215.283(1)(q), &amp; 452; OAR 660-033-0120</u>	<u>4.2.7(G)</u>
<del>27</del> <u>6</u>	Farm stand	<del>1</del> 2	<del>1</del> 2	ORS 215.283(1)(p); OAR 660-033-0120 & 0130(23)	4.2.7(D)
<del>28</del> <u>7</u>	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; OAR660-033-0130(5)	4.2.7(H)

**EXHIBIT B**

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

IN THE MATTER OF AN AMENDMENT TO THE )  
JACKSON COUNTY LAND DEVELOPMENT )  
ORDINANCE SECTION 4.2.7(D), SECTION 4.2.7(F), )  
SECTION 4.2.7(G), CHAPTER 13 AND TABLE 4.2-1 )  
CHANGING FARM STANDS AND WINERIES TO A )  
TYPE 1 USE AND UPDATING WINERY )  
LANGUAGE CONSISTENT WITH RECENT )  
LEGISLATIVE CHANGES ENACTED THROUGH )  
HB 3280. )

**RECOMMENDATION  
FOR APPROVAL**

**JACKSON COUNTY, APPLICANT  
FILE NO. LRP2009-00009**

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**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 hereby initiates a text amendment to the Jackson County Land Development Ordinance (LDO), pursuant to LDO Section 3.8.2.
3. A notice of the proposed amendment was provided to DLCD on October 19, 2011, 127 days prior to the first public hearing. Legal notice was published on Sunday, February 12, 2012 in the Medford Mail Tribune that a legislative hearing was scheduled before the Jackson County Planning Commission on Thursday February 23, 2012 at 9:00 a.m. in the Jackson County Auditorium.
4. On February 23, 2012 the Jackson County Planning Commission held a properly advertised public hearing to consider the proposed amendments to Sections 4.2.7(D), 4.2.7(F), 4.2.7(G), Chapter 13 and Table 4.2-1 of the Land Development Ordinance. The Jackson County Planning Commission voted unanimously to recommend approval of all proposed amendments and concluded the public hearing.

Now, therefore,

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

**SECTION 1 FINDINGS OF FACT:**

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

Planning Commission Recommendation  
Text Amendment to JCLDO

- 1.1 The Planning Commission finds proper legal notice was provided to affected agencies in the Sunday, February 12, 2012 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that a public hearing was held to consider the staff's report on this matter on February 23, 2012.

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

- 2.1 The Planning Commission finds that staff's recommendation is consistent with all applicable provisions of the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan and the Jackson County Land Development Ordinance.
- 2.2 The procedure for a Type 4 legislative review has been properly followed.
- 2.3 The Planning Commission finds the proposed amendments to Section 4.2.7(F) and Section 4.2.7(G) are consistent with HB 3280.
- 2.4 The Planning Commission finds the amended text in Section 4.2.7(D) clarify and streamline the farm stand review process.

#### **SECTION 3. CONCLUSIONS:**

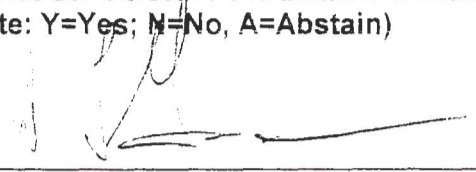
The Jackson County Planning Commission concludes that the amendments to Sections 4.2.7(D), 4.2.7(F), 4.2.7(G), 13.3(312) and Table 4.2-1 as attached to the staff report are warranted and should be adopted.

#### **SECTION 4. RECOMMENDATION:**


The Jackson County Planning Commission hereby recommends that the Board of Commissioners approve file LRP2009-00009.

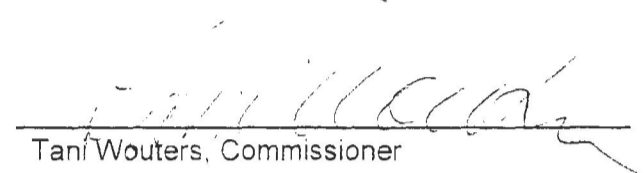
This recommendation for APPROVAL adopted this 9<sup>th</sup> day of March, 2012, at Medford, Oregon.

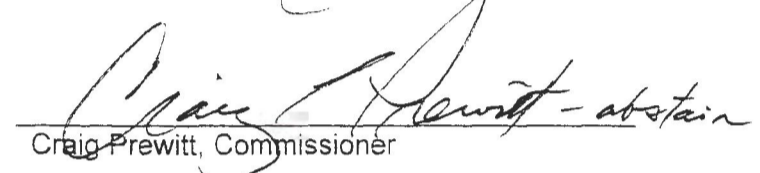
JACKSON COUNTY PLANNING COMMISSION  
(Vote: Y=Yes; N=No, A=Abstain)

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

  
\_\_\_\_\_  
Joel Ockunzzi, Commissioner

  
\_\_\_\_\_  
Richard B. Thierolf, Commissioner

  
\_\_\_\_\_  
Tani Wouters, Commissioner

  
\_\_\_\_\_  
Craig Prewitt, Commissioner

ATTEST:

  
\_\_\_\_\_  
Kelly Madding, Development Services Director



**Development Services**

10 South Oakdale Ave., Room 100  
Medford, Oregon 97501-2902



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