ZONING ORDINANCE

FOR

JACKSON COUNTY, OREGON

APRIL 24, 1973
ZONING ORDINANCE
JACKSON COUNTY, OREGON

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ZONING ORDINANCE

FOR

JACKSON COUNTY, OREGON

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS IN THE UNINCORPORATED AREA OF JACKSON COUNTY, OREGON.

The County of Jackson, Oregon, ordains as follows:

ARTICLE I. INTRODUCTORY PROVISIONS

Section 1. Title. This ordinance shall be known as the Jackson County Zoning Ordinance of 1973.

Section 2. Purpose. This ordinance is established pursuant to Oregon Revised Statutes Chapter 215 for the purpose of promoting the health, safety and general welfare of the people of Jackson County, and to achieve the following objectives:

1) To implement the County Comprehensive Plan of Land Use;
2) To provide a guide for the growth and development of unincorporated areas of the county;
3) To establish zoning districts within which the needs of agriculture, forestry, commerce, industry, residences and other land uses can be appropriately met;
4) To provide minimum standards within zoning districts for the uses of land, location and height of buildings, density of population, signs, and off-street parking facilities; and
5) To facilitate adequate provisions for services and facilities, such as water, sewage, schools, parks, transportation, utilities, and other public requirements.

-1-
Section 3. **Compliance with Ordinance Provisions.** All buildings, structures or lots shall hereafter be used in conformity with the provisions of this ordinance.

Section 4. **Definitions.** As used in this ordinance the following words and phrases shall mean:

1) **Accessory Structure or Use.** A structure or use incidental, appropriate, and subordinate to the main use of the property and located on the same lot as the main use.

2) **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 man's use and animal use and disposal by marketing or otherwise. Agriculture use shall not include auction yards, slaughter houses or rendering plants.

3) **Boarding or Rooming House.** A residential building, other than a hotel or motel, where lodging or meals are provided to three or more persons, and for which a fee is charged.

4) **Building.** A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

5) **Campground.** An area where facilities are provided to accommodate the temporary use of tents, campers, recreational trailers, and motor homes by the traveling public. For the purposes of this definition, "temporary" means that each visitation within a campground shall not exceed 15 days.

6) **Cemetery.** Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.
7) **Community Center.** A facility owned and operated by a governmental agency or a non-profit community organization, for the purpose of public assembly, provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

7A) **Density.** The number of dwelling units expressed in a ratio to land area. Density is computed by dividing the number of dwelling units by total gross acreage of the site. (Example: 20 dwelling units ÷ by 5 acres equals a density of 4 units per acre.)

8) **Dwelling.** Any building or portion thereof designed or used as a residence or sleeping place by one or more persons.

9) **Dwelling, Single-Family.** A building designed or used for residence purposes by not more than one family and containing one dwelling unit. A mobile home shall be considered a single-family dwelling.

10) **Dwelling, Two-Family or Duplex.** A building designed or used for residence purposes by not more than two families and containing two or more dwelling units.

11) **Dwelling, Multiple-Family.** A building or portion thereof designed or used as a residence by three or more families and containing three or more dwelling units.

12) **Dwelling Unit.** One or more rooms designed for occupancy by one family.

13) **Dwelling Group.** A group of three or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

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

15) **Farm Use.** The current employment of land for the 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

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7A) Amended by Ordinance February 22, 1979
thereof. Farm use includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS, Chapter 321, or to the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

Except as limited by the paragraph on "current employment", of this subsection, farm use land shall not be regarded as being used for the purpose of obtaining a profit in money if the whole parcel has not produced a gross income from farm uses of $500 per year for three of the five calendar years immediately preceding the assessment day of the tax year for which farm use is claimed by the owner or allowed by the assessor, notwithstanding that such land is included within the boundaries of a farm use zone. In case of question, the burden of proving the gross income of a parcel of land for the years designated in this paragraph is placed upon the owner of the land.

"Current employment" of land for farm use includes 1) land subject to the soil bank provisions of the Federal Agricultural Act of 1956, as amended (P. L. 84-540, 70 Stat. 188); 2) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; 3) land planted in orchards or other perennials prior to maturity for bearing crops; and 4) farm woodlots of less than 20 acres appurtenant to farm use land which fulfills the requirements of the paragraph on gross income of this subsection. The acres of land within the categories described in this paragraph shall not be subject to the requirements of the paragraph on gross income of this subsection.

16) **Floor Area.** The maximum horizontal area of the building at the finished floor line.

17) **General Store.** An establishment located in a rural community and primarily engaged in the retail sale of a general
line of merchandise of which the most important line is food, and the more important subsidiary lines are notions, apparel, farm supplies, and gasoline.

18) **Guest House.** Living quarters within an accessory building located on the same premises with a main building and occupied solely by members of the owner's family or temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit.

19) **Height of Building.** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

20) **Home Occupation.** An occupation carried on by the residents of a dwelling as a secondary use of the property, provided the residential character of the property is maintained and the occupation is conducted in such a manner as not to give an outward appearance of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

21) **Kennel.** A business conducted for the purpose of boarding and/or sale of dogs or cats.

22) **Lot.** A parcel or tract of land.

23) **Lot Area.** The total area of a lot within the lot boundary lines, measured in a horizontal plane.

24) **Lot, Corner.** A lot or portion thereof situated at the intersection of two or more streets.

25) **Lot Depth.** The average horizontal distance between the front lot line and the rear lot line.

26) **Lot Line.** The property line bounding a lot.

27) **Lot Line, Front.** The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.
28) **Lot Line, 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, a line ten feet in length within the lot, parallel to and at a maximum distance from the front lot line.

29) **Lot Line, Side.** Any property line not a front or rear lot line.

30) **Lot Width.** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

31) **Mobile Home Park.** Any place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or mobile homes for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

32) **Owner.** The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property under written contract.

33) **Private School.** A school not owned, run or maintained by a public agency which teaches any grade, kindergarten through grade 12, for an attendance period equivalent to that required of children attending public school; a private college or extension thereof, offering college accredited courses; a private vocational school.

34) **Processing.** The crushing, washing, screening, weighing, sorting, stockpiling, and blending of sands, gravels, and other earth or natural material.

35) **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.

36) **Structure.** Anything constructed or erected, and having a fixed base on or fixed connection to the ground or another structure.

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

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33) Amended by Ordinance February 11, 1976
38) **Wrecking Yard.** Premises used for the storage or sale of new or used automobile parts, or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, and parts thereof.

39) **Yard.** Open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

40) **Yard, Front.** A yard between side lot lines measured horizontally at right angles from the front lot line to the nearest point of a building or other structure.

41) **Yard, Rear.** A yard between side lot lines measured horizontally at right angles from the rear lot line to the nearest point of a main building.

42) **Yard, 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 structures.
ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

Section 1. Classification of Zoning Districts. For the purposes of this ordinance the following zoning districts are established:

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Section 2. Application of Zoning Districts. This Ordinance establishes zoning districts in the County at such time that official zoning maps are adopted by amendment under provisions of Article VIII.

Section 3. Official Zoning Maps. The designations, locations, and boundaries of the zoning and overlay districts established by this Ordinance shall be shown on official zoning maps of Jackson County. The official zoning maps will be numbered, dated, and signed by the Board of Commissioners and County Clerk. The adopted zoning maps shall be filed with the County Clerk.

Section 4. Recording Procedure for Zoning Map Amendments. When the Board of Commissioners changes an official zoning map as provided in Article VIII, the planning director shall file with the County Clerk a certified copy of the amended map indicating the date the change was made.

Section 5. District Boundaries. Unless otherwise specified, zoning district boundaries are section lines, subdivision lines, and lot lines, or center lines of streets, railroad rights-of-way, and streams, or such lines extended.

Section 4. Amended by Ordinance March 16, 1977
ARTICLE III. ZONING DISTRICTS

Section 1. Forest Resource FR

1.1 Purpose. To provide areas for and to encourage continued production of forest products and harvesting, and provide for other uses compatible with forestry activities.

1.2 Permitted Uses.

1) Managing, growing, and harvesting of timber and other forest products.
2) Barkers, chippers, and other accessory equipment used in managing, growing, and harvesting forest products.
3) Agriculture.
4) Single-family dwelling.
5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt or other earth or natural materials, when accessory to another permitted use in this district.
6) Buildings and uses of a public works, public service or public utility nature.
7) Parks, scenic, historical or botanical areas.
8) Maintenance and storage yards when used in conjunction with another permitted use.
9) Fish hatchery, fish culture, game management, or refuge area.
10) Mining exploration and mining claims.
11) Log scaling and weighing stations.
12) Water impoundments and irrigation facilities necessary for or incidental to another permitted use.
13) Fire prevention, detection, and suppression facilities.
14) Landing strip or heliport, when used in conjunction with a permitted use.
15) Facilities for the transmission or reception of communication frequencies.

16) Home occupation.

17) Additional dwellings on a parcel when a density requirement of 160 acres per dwelling unit is maintained.

1.3 Conditional Uses.

1) Kennel.

2) Recreation or resort type use, including but not limited to:
   a) Campground.
   b) Marina.
   c) Dude ranch.
   d) Riding stable.
   e) Eating and sleeping accommodation.
   f) Gasoline service station.
   g) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.

3) Excavation, removal, and processing of sand, gravel, stone, loam, dirt or other earth or natural materials, when not accessory to a permitted use.

4) Solid waste disposal.

5) Water impoundments for other than permitted uses.

6) Landing strip or heliport for other than permitted uses.

7) Church.

8) Elementary, junior high, or high school.

9) Private schools.

1.4 Parcel Area Requirements.

1) In the FR district the minimum parcel shall be 160 acres for lands producing forest products, except that land exchange of less than 160 acres is permitted to consolidate existing private and public timber holdings or to accomplish minor land ownership adjustments, when the use of the land for managing, growing, and harvesting of timber and other forest products is not changed.

1.2 (17) Amended by Ordinance February 11, 1976

1.3 (9) Amended by Ordinance February 11, 1976
2) Reduced minimum parcels for all other uses in the FR district may be granted by the planning commission. In granting a reduction in parcel size, the planning commission shall find:

a) That the proposed use of a smaller parcel would not be hazardous or detrimental to forestry practices in the vicinity of the request.

b) That the request is consistent with the adopted comprehensive plan of land use.

c) That the property in question is suitable for reduction of area considering terrain, soil conditions, drainage, vegetation, fire hazard, and other similar factors.
Section 2. Open Space Reserve OSR-20

2.1 Purpose. To encourage desirable and appropriate land uses in areas of the county which by reason of location, soil, topographic or flooding characteristics, existing usage, public ownership or values to the community for scenic, recreation, forest, wildlife or open space are not suited to intensive land development patterns. (Use of these districts may also allow for special assessment under provisions of Oregon Revised Statute 493. Application of these districts shall not, however, be construed as providing automatic open space land valuation. To secure such assessment, application shall be made to the county assessor as set forth in Oregon law.)

2.2 Permitted Uses.

1) A permitted use listed in the FR district under Article III, Section 1.2.

2) Golf course or country club.

2.3 Conditional Uses.

1) Any conditional use listed in the FR district under Article III, Section 1.3.

2) Planned unit development.

3) Mobile home park, subject to standards of the Jackson County Mobile Home Park Ordinance.

4) Additional dwellings.

2.4 Parcel Area Requirements.

1) The minimum parcel shall be 20 acres in the Open Space Reserve District.

2.5 Parcel Area Reductions. The Planning Commission may permit the development of permitted and conditional uses listed in Sections 2.2 and 2.3 on smaller parcels. Smaller parcels may be allowed when the Planning Commission finds that the proposed use on a smaller parcel:

1) Does not interfere seriously with accepted farming or forestry practices on adjacent lands,

2) Does not materially alter the stability of the overall land use pattern of the area, and

3) Is situated upon land generally unsuitable for the production of farm and forest products; considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

Section 2. Amended by Ordinance February 11, 1976
2.6 **Density.** All dwellings, including mobile homes in mobile home parks, dwellings in planned unit developments, and additional dwellings allowed as a conditional use, shall not exceed a density of .05 dwelling units per acre (one dwelling unit per each 20 acres.).

2.6 Amended by Ordinance February 22, 1979
Section 2 A. Open Space Development (OSD-5)

2.A.1 Purpose. To encourage desirable and appropriate land uses in areas of the county which by reason of location, soil, topography or flooding characteristics require special management or development techniques. Use of this district may also allow for special assessment under provisions of Oregon Revised Statute 493. Application of these districts shall not, however, be construed as providing automatic Open Space land valuation. To secure such assessment, application shall be made to the County Assessor as set forth in Oregon Law.

2.A.2 Permitted Uses:
1) Single family dwelling.
2) Agriculture.
3) Managing, growing and harvesting of timber and forest products including the operation of accessory equipment used in managing, growing and harvesting forest products.
4) Home occupation.

2.A.3 Conditional Uses:
1) Elementary, junior high or high school.
2) Private school.
3) Excavation, removal and processing of sand, gravel, stone, loam, dirt or other earth or natural materials.
4) Solid waste disposal.
5) Buildings and uses of a public works, public service or public utility nature; but not including equipment storage or repair yards, warehouses, or related activities.
6) Fairground, rodeo ground, or riding stable.
7) Golf course, country club, gun club.
8) Church.
9) Park, playground or community center owned and operated by governmental agency or nonprofit community organization.
10) Recreation or resort use limited to:
    a) campground
    b) marina
    c) picnic and swimming area
    d) wildlife park
    e) fishing, hunting, boating, or packtrip outfitter, or guide headquarters

2 A. Amended by Ordinance February 11, 1976
f) historical, botanical, or geologic areas, parks or recreation sites or museums.

g) store for sale of gifts, sporting goods, recreation supplies or groceries, eating and sleeping accommodations, laundromat and automobile service station when accessory to any of the above.

11) Kennel.

12) Mobile home park subject to the standards of the Jackson County Mobile Home Park Ordinance.

13) Planned unit development.

14) Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home or retirement home.

15) Airport or heliport.

16) Cemetery.

17) Additional dwellings.

18) Facilities for the transmission or reception of communication frequencies.

2.A.4 Parcel Area Requirements. The minimum parcel shall be five acres in the Open Space Development district.

2.A.5 Parcel Area Reductions. The Planning Commission may permit development of churches, building and uses of a public service or public utility nature and community buildings operated by a nonprofit organization on reduced parcel areas.

2.A.6 Density. All dwellings, including mobile homes in mobile home parks, dwellings in planned unit developments, and additional dwellings allowed as a conditional use, shall not exceed a density of .20 dwelling units per acre (one dwelling unit per each 5 acres).
Section 3. **Exclusive Farm EF**

3.1 **Purpose.** To encourage the continued practice of farming on lands best suited for agriculture and provide farm use valuation for farms qualifying under provisions of Oregon Revised Statutes 308.

3.2 **Permitted Uses.**

1) Farm use.
2) Dwellings and other buildings customarily provided in conjunction with a farm use.

3.3 **Conditional Uses.**

1) Public or private school.
2) Church.
3) Golf course.
4) Park, playground, or community center owned and operated by a governmental agency or a non-profit community organization.
5) Utility facilities necessary for public service.
6) Commercial winery.

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3.3, 6) Amended by Ordinance February 15, 1978
Section 4. Farm Residential F-5

4.1 Purpose. The farm residential district is established to provide an alternative to the exclusive farm zone, where agriculture can continue to operate as free as possible from conflicting urban uses and influences. (Although not intended as a farm use zone under ORS 215, application of this district shall not restrict in any manner the granting of tax deferment under provisions of ORS 308.375.)

4.2 Permitted Uses.

1) Agriculture.
2) Single-family dwelling.
3) Agricultural produce stands.
4) Grange hall or community center.
5) Home occupation.
6) Dwellings and other buildings customarily provided in conjunction with agriculture.

4.3 Conditional Uses.

1) Farm labor camp.
2) Fairground, rodeo ground, or riding stable.
3) Gun club, picnic area, or dude ranch.
4) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials not accessory to a permitted use.
5) Kennel.
6) Heliport or landing strip.
7) Solid waste disposal.
8) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
9) Kindergarten or day nursery.

10) Facilities for the transmission or reception of communication frequencies.

11) Elementary, junior high, or high school.

12) Church.

13) Cemetery.

14) Private school.

15) Additional dwellings.

16) Park, playground or community center owned and operated by a governmental agency or a nonprofit community organization.

17) Commercial winery.

4.4 Parcel Area Requirements. The minimum parcel area in the F-5 District shall be five acres.

4.5 Parcel Area Reductions. The Planning Commission may permit the development of conditional uses listed in Section 4.3 or agricultural produce stands, grange halls, or community buildings on smaller parcels. Smaller parcels may be allowed when the Planning Commission finds that the proposed use on a smaller parcel:

1) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use, and

2) Does not materially alter the stability of the overall land use pattern of the area, and

3) Is situated upon land generally unsuitable for the production of farm crops, considering the terrain, adverse soil or land condition, drainage and flooding, vegetation, location, and size of the tract.

4.6 Density. All dwellings including additional dwellings allowed as a conditional use, shall not exceed a density of .20 dwelling units per acre (one dwelling unit per each 5 acres).

4.3, 14, 15 Amended by Ordinance February 11, 1976
4.3, 16 Amended by Ordinance August 10, 1977
4.4 Amended by Ordinance February 11, 1976
4.5 Amended by Ordinance February 11, 1976
4.3, 17 Amended by Ordinance February 15, 1978
17) and 4.6 Amended by Ordinance February 22, 1979
Section 5. **Rural Residential Districts RR-5, RR-2.5, RR-1**

5.1 **Purpose.** To provide for large-lot residential environments at housing densities consistent with the physical characteristics of the areas in which these development patterns occur.

5.2 **Permitted Uses.**

1) Single family dwelling.

2) Agriculture, but not including intensive livestock, poultry, or fur-bearing animal production.

3) Home occupation.

5.3 **Conditional Uses.**

1) Agricultural produce stand.

2) Elementary, junior high, or high school.

3) Kindergarten or day nursery.

4) Golf course, country club, swimming club, tennis club and similar uses.

5) Community center, fraternal, or lodge building.

6) Cemetery.

7) Buildings and uses of a public works, public service or public utility nature, but not including equipment storage or repair yards, warehouses, or related activities.

8) Church.

9) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials not accessory to a permitted use.

10) Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, or retirement home.

11) Solid waste disposal.

5.3 (4) Amended August 10, 1977
12) Temporary sales or development office for subdivisions, planned unit developments, or mobile home parks.

13) Planned unit development.

14) Mobile home park, subject to standards of the Jackson County Mobile Home Park Ordinance.

15) Kennel.

16) Additional dwellings.

17) Private school.

18) Park, playground or community center owned and operated by a governmental agency or a nonprofit community organization.

5.4 Lot Area. The following lot requirements shall be observed:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR-5</td>
<td>5 Acres</td>
</tr>
<tr>
<td>RR-2.5</td>
<td>2.5 Acres</td>
</tr>
<tr>
<td>RR-1</td>
<td>1 Acre</td>
</tr>
</tbody>
</table>

5.5 Parcel Area Reduction. The Planning Commission may permit the development of churches, community buildings, and buildings and uses of public work, public service or public utility nature on reduced parcel areas.

5.6 Density. All dwellings, including mobile homes in mobile home parks, dwellings in planned unit developments, and additional dwellings allowed as a conditional use, shall not exceed the density as noted below in the zone in which the dwellings are to be located.

<table>
<thead>
<tr>
<th>Designation</th>
<th>Density (units per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR-5</td>
<td>.20 or one dwelling unit per each 5 acres.</td>
</tr>
<tr>
<td>RR-2.5</td>
<td>.40 or one dwelling unit per each 2.5 acres.</td>
</tr>
<tr>
<td>RR-1</td>
<td>1 or one dwelling unit per each acre.</td>
</tr>
</tbody>
</table>

5.3 (17) Amended by Ordinance February 11, 1976
5.3 (18) Amended by Ordinance August 10, 1977
5.5 Amended by Ordinance February 11, 1976
16) and 5.6 Amended by Ordinance February 22, 1979
Section 6. Urban Residential Districts UR-10, UR-8, UR-6

6.1 Purpose. To encourage, provide and protect suitable environments for single family residences in areas of the county where public services and facilities will be available.

6.2 Permitted Use.
1) Single family dwelling.

6.3 Conditional Uses.
1) Home occupation.
2) Church.
3) Cemetery.
4) Elementary, junior high or high school.
5) Buildings and uses of a public works, public service or public utility nature, but not including equipment storage or repair yards, warehouses or related activities.
6) Planned unit development.
7) Golf course, country club, swimming club, tennis club and similar uses.
8) Two-family dwelling on a corner lot in the UR-6 district when the lot area totals 7,000 square feet or more.
9) Private school.
10) Park, playground or community center owned and operated by a governmental agency or a nonprofit organization.
11) Mobile home park, subject to standards of the Jackson County Mobile Home Park Ordinance.

6.4 Lot Area. The following lot requirements shall be observed:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>UR-8</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>UR-6</td>
<td>6,000 sq. ft.</td>
</tr>
</tbody>
</table>

6.5 Density. All dwellings, including mobile homes in mobile home parks and planned unit developments, shall not exceed the density as noted below in the zone in which the dwellings are to be located.

<table>
<thead>
<tr>
<th>Designation</th>
<th>Density (units per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>4 dwelling units per each acre</td>
</tr>
<tr>
<td>UR-8</td>
<td>5 dwelling units per each acre</td>
</tr>
<tr>
<td>UR-6</td>
<td>7 dwelling units per each acre</td>
</tr>
</tbody>
</table>

6.3 (9) Amended by Ordinance February 11, 1976
6.3 (7), (10) Amended by Ordinance August 10, 1977
6.3 (11), 6.5 Amended by Ordinance February 22, 1979
Section 7. Urban High Density Residential District UR-H

7.1 Purpose. This district establishes high density residential development areas in urban locations where public services and facilities are available.

7.2 Permitted Uses.
1) Single family dwelling.
2) Duplex.
3) Multiple-family dwelling or dwelling group.

7.3 Conditional Uses.
1) Boarding or rooming house.
2) Mobile home park, subject to standards of the Jackson County Mobile Home Park Ordinance.
3) Planned unit development.
4) Hospital, sanitarium, rest home, home for the aged, nursing home, convalescent home, or retirement home.
5) Home occupation in a single family dwelling or duplex.
6) Kindergarten or day nursery.
7) School, including business, technical or music school.
8) Church.
9) Community center, fraternal, or lodge building.
10) Buildings and uses of a public works, public service or public utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
11) Park, playground or community center owned and operated by a governmental agency or a nonprofit organization.
12) Golf courses, country club, swimming club, tennis club and similar uses.

7.4 Lot Area. The minimum lot area in the UR-H district shall be 6,000 square feet. For each additional dwelling unit on the same lot, the area shall be increased by 1,000 square feet.

7.5 Density. All dwellings including mobile homes in mobile home parks, and dwellings in a planned unit development, shall not exceed the density of 38 dwelling units per acre.

7.3 (11) Amended by Ordinance August 10, 1977
7.3 (12) Amended by Ordinance August 10, 1977
7.5 Amended by Ordinance February 22, 1979
Section 8. Interchange Commercial IC

8.1 Purpose. This district provides for the location of tourist commercial uses which serve the traveling public. Interchange developments are generally located at freeway interchanges and at major arterial intersections.

8.2 Permitted Uses.

1) Automobile service station.
2) Gift or antique shop.
3) Barber or beauty shop.
4) Hotel or motel.
5) Eating or drinking establishment.
6) Grocery store.
7) Agriculture.

8.3 Conditional Uses.

1) Building or structure over 45 feet in height.
2) Truck stop facility.
3) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
Section 9. Rural Service Commercial District RS

9.1 Purpose. This district provides for the location of small businesses and commercial services in rural areas for the convenience of county residents. The uses are intended to fit into farm and rural patterns of development without creating land use or traffic conflicts.

9.2 Permitted Uses.

1) A permitted use listed in an IC district under Article III, Section 8.2.
2) Business or professional office.
3) Cabinet or carpenter shop conducted within an enclosed building.
4) Church.
5) Feed and seed store.
6) Florist, garden shop, or nursery.
7) Grocery store, fruit store, vegetable market, or bakery.
8) Auto or equipment repair conducted within an enclosed building or within a yard screened from public view.
9) General store.
10) Gun repair.
11) Laundry or dry cleaning.
12) Community center, fraternal or lodge building, or neighborhood club.
13) Pawn shop or second hand store conducted within an enclosed building.
14) Buildings and uses of a public works, public service or utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
15) Bank.

9.2 (16) Amended by Ordinance February 11, 1976
9.3 **Conditional Uses.**

1) Veterinary clinic or animal hospital.
2) Planned unit development.
3) Building or structure over 45 feet in height.
4) Single family dwelling as an accessory to a permitted use.

9.3 (4) Amended by Ordinance February 11, 1976
Section 10. General Commercial District GC

10.1 Purpose. This district provides for larger retail and service commercial centers for convenience shopping along major state and county highways.

10.2 Permitted Uses.

1) A permitted use listed in the IC and RS districts under Article III, Sections 8.2 and 9.2.
2) Automobile washing and polishing.
3) Auction house, but not including animal sales.
4) Farm equipment sale and service.
5) New and used car, boat, motorcycle, snowmobiles, truck and trailer sales, service, repair, rental, or storage, but not including salvage or wrecking yards.
6) Lumber yard or building material shop.
7) Rent-all.
8) Veterinary clinic or animal hospital fully conducted within an enclosed building.
9) Wholesale business, but not including animal slaughtering or processing facility.
10) Bus storage and maintenance facility including terminal and freight forwarding facility.
11) Parking lot.
12) Mortuary.
13) Printing, publishing, and book binding.
14) Eating and drinking establishment.
15) Upholstery shop.
16) Other retail trade or service commercial establishment.
17) Body and fender shop but not including salvage or wrecking yards.
18) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles.

10.3 Conditional Uses.

1) Amusement or recreation facility.

10.2 (17), (18) Amended by Ordinance February 11, 1976
2) Single family dwelling as an accessory to a permitted use.
3) Building or structure over 60 feet in height.
4) Kennel.
5) Planned unit development.
6) Light manufacturing conducted within an enclosed building.
7) Heavy equipment sales and service.

10.3 (2) Amended by Ordinance February 11, 1976
10.3 (7) Amended by Ordinance February 11, 1976
Section 11. Light Industrial District LI

11.1 Purpose. This district provides for lighter industrial and heavier commercial uses in existing built-up areas of the County. These industries are intended to fit into the pattern of development in recognition of their significance to the County’s economy.

11.2 Permitted Uses.

1) A permitted use listed in the IC, RS, or GC districts under Article III, Sections 8.2, 9.2, and 10.2.

2) Body and fender shop.

3) Sheet metal shop.

4) Welding shop.

5) Well driller or sanitary service.

6) Machine shop.

7) Bottling plant.

8) Storage or sale yard for building material, contractor's equipment, house mover, delivery vehicles, and truck terminal.

9) Electric motor shop.

10) Manufacture of electric, electronic, or optical instruments or devices.

11) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

12) Cold storage plant.

13) Fuel oil distributors.

14) Assembly, manufacture, or preparation of articles and merchandise from the following previously prepared types of material: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, precious or semi-precious metal or stone, shell, textiles, tobacco, wax, wire, yarn, plastic, paper, leather, wood and rubber, but not including pulp mills, sawmills, lumber mills, planing mills, and molding plants.

15) Scientific and laboratory research and experimental development of material.

16) Manufacture, processing and packing of food products, cosmetics, and pharmaceuticals, excluding slaughtering and rendering plants.

17) Manufacture of concrete products within enclosed buildings, using previously prepared material.

11.3 **Conditional Uses.**

1) Building or structure exceeding 60 feet in height.
2) Solid waste disposal.
3) Kennel.
4) Single family dwelling as an accessory to a permitted use.

11.3, 4) Amended by Ordinance February 11, 1976
Section 12. **General Industrial District GI**

12.1 **Purpose.** This district provides for the establishment of heavier industrial uses essential to a balanced economic base in the county, with a minimum of conflict between industry and other land uses.

12.2 **Permitted Uses.**

1) A permitted use listed in the LC, RS, GC, or LI districts, under Article III, Sections 8.2, 9.2, 10.2, and 11.2.

2) Lumber, plywood, hardboard manufacturing, or wood processing.

3) Paper or allied products manufacturing.

4) Rolling, drawing, or extruding of metals.

5) Dwelling for a caretaker or watchman employed on the premises.

6) Asphalt paving mix plant.

7) Cement concrete batching plant.

8) Concrete products fabrication.

9) Kennel.

12.3 **Conditional Uses.**

1) Solid waste disposal.

2) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials not accessory to a permitted use.

3) Building or structure exceeding 60 feet in height.

4) Petroleum by-product manufacturing.

5) Rendering plant, tannery, stock auction yard, or slaughter house.

6) Junk yard or wrecking yard.
Section 13. Aggregate Resource AR

13.1 Purpose.

1) To provide for development and utilization of deposits of aggregate and mineral resource materials;
2) To provide for the preservation of these resources in a manner which does not conflict with other land uses;
3) To provide standards for the protection of properties surrounding an AR district
4) To enable sand and gravel operators and resource-related industries to enjoy the economy of savings in handling and transportation costs by locating removal, processing, and storage activities in concentrated areas near urban centers.

13.2 Permitted Uses.

1) Extractions from deposits of sand, gravel, rock, earth, or minerals, except that no material may be removed within 100 feet of a stream's normal water level without planning commission approval.
2) Processing.
3) Residence for caretaker, owner, or operator.
4) Stockpiling.
5) Asphalt paving mix plant.
6) Cement concrete batching plant.
7) Concrete products fabrication.
8) Accessory building, structure or use.
9) Agriculture.

13.3 Conditional Uses.

1) Landfill.
2) Other uses which the planning commission finds compatible with the purpose of the AR district.
13.4 Operation Standards.

1) Extraction and sedimentation ponds shall not be allowed within 50 feet of a public road, rail or utility right-of-way, or within 200 feet of property in another zoning district.

2) Processing equipment shall not be operated closer than 200 feet to a public road right-of-way or property in another zoning district.

3) All other applicable rules and regulations of the State Department of Environmental Quality, State Department of Geology and Mineral Industries, State Engineer, State Game Commission, State Water Resources Board, Division of State Lands, and Bureau of Mines shall be complied with.

4) All access facilities shall be arranged in such a manner as to minimize traffic danger nuisance to surrounding properties.

5) The operation sites shall be screened from adjoining residential districts and public roads by placement of fences, walls, hedges or landscaped berms.
Section 14. Airport Development-Mixed Use District (AO-MU)

14.1 Purpose: To encourage desirable and appropriate land uses for areas located in proximity to major airports in the county. Further, this district is intended to prevent the establishment of air space obstructions near airports and to establish other land use controls necessary to protect the health, safety, and welfare of the people of the county.

14.2 Permitted Uses:

1) Automobile service station.
2) Feed and seed store.
3) Cabinet or carpenter shop.
4) Auto or equipment repair conducted within an enclosed building or within a yard screened from public view.
5) Gun repair.
6) Laundry or dry cleaning.
7) Pawn or second-hand store conducted within an enclosed building or yard.
8) Automobile washing and polishing.
9) Farm equipment sales and service.
10) Lumber yard or building material shop.
12) Upholstery shop.
13) Rent-all.
14) Wholesale business; but not including animal slaughtering or processing facility.
15) Body and fender shop.
16) Sheet metal shop.
17) Welding shop.
18) Well driller or sanitary service.
19) Machine Shop.
20) Bottling plant.
21) Electric motor shop.
22) Manufacture of electric, electronic or optical instruments or devices.
23) Tire sales and service.
24) Cold storage plant.

Amended by Ordinance April 21, 1976
25) Alterations, replacement, improvement of existing residential structures and accessory buildings.

26) Assembly, manufacture or preparation of articles and merchandise from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, precious or semi-precious metal or stone, shell, textiles, tobacco, wax, wire, yarn, plastic, paper, leather, wood, and rubber, but not including pulp mills, sawmills, lumber mills, planing mills, and molding plants.

27) Scientific and laboratory research and experimental development of material.

28) Manufacture, processing and packing of food products, cosmetics and pharmaceuticals, excluding slaughtering and rendering plants.

29) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings, and other devices employed by the medical and dental professions.

30) Storage or sale yard for building material, contractor's equipment or house mover.

31) Mini-warehouse.

32) Agriculture, excluding dwellings customarily provided in conjunction with a farm use.

33) Any other use similar to those listed in this subsection.

34) Buildings and uses of a public works, public service, or public utility nature.

14.3 Conditional Uses:

1) Stock auction yard.

2) Scrap metal or wrecking yard.

3) Manufacturing, processing and packing of food products, including slaughtering and rendering plants.

4) Planned unit industrial development subject to Article VI, Section 2.

14.4 Standards, etc.: All structures and uses shall observe the following standards and limitations:

1) The maximum height of any structure shall be 35 feet, except:
   A) Utility structures shall observe F.A.A. height regulations.
   B) All structures are subject to F.A.A. height regulations, and if a conflict exists with the maximum height set out in this Ordinance, the lowest height limitation fixed shall govern.

2) No glare-producing materials shall be used on the exterior of any structure which are hazardous to aviation.

Amended by Ordinance April 21, 1976
14.2, 34) Amended by Ordinance November 8, 1978, Effective February 8, 1979
3) There shall be no display of signs which produce a flashing or blinking effect, nor shall any lighting project upward in a manner that would interfere with aircraft.

4) No structures or uses shall provide for space or allow areas to be used as a place of public assembly not associated with or accessory to the primary purpose of the structure or use.

14.5 Setback and Off-Street Parking Requirements:

1) All structures and uses shall observe the setback requirements of the Light Industrial Zoning District in Article IX, Section 8.

2) Off-street parking requirements for commercial and industrial uses found in Article IX, Section 9 shall be observed.

Amended by Ordinance April 21, 1976
Section 15. Airport Development - Special Use District (AD-SU)

15.1 **Purpose:** To encourage desirable and appropriate land uses in approach patterns to major airports in the county; to prevent establishment of airspace obstruction, and to obtain land use compatibility for lands in proximity to airports, as necessary to protect the health, safety and welfare of the people in the county.

15.2 **Permitted Uses:**
1) Agriculture, excluding dwellings customarily provided in conjunction with a farm use.
2) Landscape nursery.
3) Mini-warehouse.
4) Storage yard for building materials, contractor's equipment or house mover within an enclosed area screened from public view.
5) Wholesale business, but not including animal slaughtering or processing facility.
6) Sheet metal shop.
7) Cabinet or carpenter shop.
8) Body and fender shop.
9) Welding shop.
10) Machine shop.
11) Electric motor shop.
12) Alteration, replacement or improvement of existing residential structures and accessory buildings.
13) Any other use similar to those listed in this subsection.
14) Buildings and uses of a public works, public service, or public utility nature.

15.3 **Conditional Uses:**
1) Auto or equipment repair conducted within an enclosed building or yard screened from public view.
2) Farm equipment sales and service.
3) Lumber yard or building material shop.
4) Scrap metal yard or wrecking yard.
5) Planned unit industrial development subject to Article VI, Section 2.
6) Log decking, storage, ponding, including facilities and operation of equipment necessary to the above, but not including manufacturing or processing of wood products.

Amended by Ordinance April 21, 1976
15.2, 14) Amended by Ordinance November 8, 1978, Effective February 8, 1979
15.4 Standards, etc.: All structures and uses shall observe the following standards and limitations:

1) The maximum height of any structure shall be 35 feet, except:
   A) Utility structures shall observe F.A.A. height regulations.
   B) All structures are subject to F.A.A. height regulation and, if a conflict exists with the maximum height set out in this Ordinance, the lowest height limitation fixed shall govern.

2) No glare-producing materials shall be used on the exterior of any structure which are hazardous to aviation.

3) There shall be no display of signs which produce a flashing or blinking effect, nor shall any lighting project upward in a manner that would interfere with aircraft.

4) No structures or uses shall provide for space or allow areas to be used as a place of public assembly not associated with or accessory to the primary purpose of the structure or use.

15.5 Setback and Off-Street Parking Requirements:

1) All structures and uses shall observe the setback requirements of the Light Industrial Zoning District in Article IX, Section 8.

2) Off-street parking requirements for commercial and industrial uses found in Article IX, Section 9 shall be observed.

Amended by Ordinance April 21, 1976
ARTICLE IV. OVERLAY DISTRICTS

Section 1. Airport Approach (AA)

1.1 Purpose. This district is intended to be applied to properties which lie within the air approaches to airports.

Further, this district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of Jackson County.

1.2 Special Definitions.

1) "Airport Approach" means a fan-shaped area beyond the end of a runway where special land use and height regulations are established.

2) "Airport Hazard" means any structure, tree, or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.

3) "Airport Hazard Area" means any area of land upon which an airport hazard might be established if not prevented.

4) "Place of Public Assembly" means a structure which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.

1.3 Application of Airport Approach Provisions.

1) In any zoning district where an AA designation is combined with a primary district, the following regulations shall apply. If any conflict in regulation or procedure occurs with zoning districts hereinbefore specified, the provisions of the Airport Approach Overlay District shall govern.

2) The Planning Commission shall designate airport approach hazard areas on the County Comprehensive Plan of land use. When hazard areas are established by the Commission, compliance with the provisions of this district shall be a condition to a use permit as provided by Article IV, Sections 1.5 and 1.6.

3) The following documents, together with all explanatory matter therein, are hereby adopted by reference and made a part of this Ordinance:


1.4 Permitted Uses.

1) Agriculture, excluding the commercial raising of animals which would be adversely affected by aircraft passing overhead.

2) Landscape nursery, cemetery, or recreation areas, which do not include buildings or structures.
3) Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the land approach.

4) Water impoundment.

5) Game preserve or reservation.

6) Pipeline.

7) Underground utility wire.

8) Airports and heliports, subject to the approval of a master plan by the Board of County Commissioners.

1.5 Conditional Uses.

1) A structure or building accessory to a permitted use.

2) A single family dwelling, or commercial or industrial use if permitted in the primary zoning district.

3) Buildings and uses of a public works, public service or public utility nature.

1.6 Procedure. An applicant seeking a conditional use permit shall follow procedures set forth in Articles VI and X. Information accompanying the application shall include:

- Property boundary lines as they relate to the airport approach and the end of the runway;
- Location and height of all existing and proposed buildings, structures, utility lines, and roads; and
- A statement from the Federal Aviation Administration indicating that the proposed use will not interfere with the operation of the landing facility.

1.7 Limitations.

1) No place of public assembly shall be permitted in an airport approach district.

2) The height of any structure shall be limited to requirements prescribed by the Planning Commission or by any other local ordinance or regulation.

3) Whenever there is a conflict in height limitations prescribed by this ordinance or another pertinent ordinance, the lowest height limitation fixed shall govern. Provided however that the height or other limitations and restrictions here imposed shall not apply to such structures or uses customarily employed for aeronautical purposes.

4) No glare producing materials shall be used on the exterior of any structure located within the airport approach district.

1.8 Special Provisions for New Airports, Heliports and Landing Fields. All new airports, heliports or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust or bright lights.

1.4,8) Amended by Ordinance February 14, 1979
Section 2. Flood Plain (FP)

2.1 Purpose. The district is intended to be applied to properties which lie within areas inundated by overflow waters during the historical flood of 1964 of the Rogue River, Applegate River, and their tributaries.

Further, it is the intent of this district to provide minimum regulations and standards for the protection of such properties and their improvements from damage and hazards which may result from flood waters.

2.2 Special Definitions.

1) "Flood Plain" means the area adjoining a river or stream which has been in the past or can reasonably be expected in the future to be covered temporarily by flood water. For the purposes of this definition, the maximum area of the flood plain along Rogue River, Applegate River, and Bear Creek is the area which was inundated by the historical flood of 1964.

2) "Period of Annual Flood Risk" means November through March.

3) "Adjusted 1964 Flood" means the level a flood of this magnitude could be expected to achieve after completion of Lost Creek Dam and Applegate Dam.

2.3 Application of Flood Plain Provisions.

1) In any zoning district where an FP designation is combined with a primary district, the following regulations shall apply. If any conflict in regulation or procedure occurs with zoning districts hereinbefore specified, the provisions of the flood plain overlay district shall govern.

2) The following documents, together with all explanatory matter therein, are hereby adopted by reference and made a part of this Ordinance:

   A) Flood Plain Information Interim Report, Jackson County, Oregon, United States Army Corps of Engineers, December, 1965.


3) Upon documentation by the United States Army Corps of Engineers indicating that flood control benefits are in effect from a project influencing a river flow, the maximum floodplain designation shall be the "adjusted 1964 flood".

2.4 Permitted Uses.

1) Agriculture, grazing, or managing, growing, and harvesting of timber and other forest products.

2.3, 3) Amended by Ordinance March 16, 1977
2) Picnic tables and fireplaces designed and anchored to prevent flotation, collapse, or lateral movement.

3) Boat launching ramp, landing, or dock.

4) Wildlife preserve, game farm, or fish hatchery, which do not include buildings.

5) Parking areas and roadways.

6) Fences.

7) Temporary accessory structures, buildings, and equipment that will be removed from the zoning district during the period of annual flood risk.

8) Fishing platform.

9) Incidental storage of material or equipment that is mobile and readily removable from the floodplain area after flood warning. Incidental material or equipment shall include only items which will not create a hazard to the health or safety of persons and property should the storage area be inundated by flood water.

10) Diversion points for irrigation purposes.

11) Water gauging station.

12) Water pump and accessory structure.

13) Temporary emergency alteration of stream beds or banks as flood control measures immediately preceding or following periods of high water.

14) Utility wire and pipeline necessary for public service.

2.5 Conditional Uses.

1) Single family dwelling or mobile home.

2) Home Occupation.

3) Golf course, park, playground, picnic grounds, or other recreational uses with related buildings and structures, when permitted in the primary district.

4) Campground, when permitted in the primary district.

5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials.

6) Landing field or heliport.

7) Marina.

8) Flood water storage impoundment.

9) Public utility building or structure.

10) Bridge.

11) Commercial use when permitted in the primary district.
12) Construction of a dike, revetment, rip rap, berm, jetty or landfill when 50 cubic yards or more of material are involved in any calendar year.

2.6 Procedure. An applicant seeking a conditional use permit shall follow procedures set forth in Articles VI and X. Plans and specifications accompanying the application shall include:

- Location of the property with reference to river and stream channel and flood profile elevations;
- Existing topography, vegetation, and uses, including location of dikes, revetments, and other flood control works;
- Location of proposed uses, structures, roads, or other improvements; and
- A proposed grading plan for the property.

2.7 Minimum Standards. A flood plain building permit shall be obtained from the Jackson County Planning Department prior to construction of any building or structure in the flood plain. Construction shall be regulated in accordance with the following minimum standards:

1) A residential structure shall have the lowest floor elevated to or above the level of the adjusted 1964 flood.

2) A commercial or industrial structure shall have the lowest floor elevated to or above the level of the adjusted 1964 flood, or be flood proofed up to the level of the adjusted 1964 flood.

3) Any subsurface sewage disposal or individual water system for a proposed structure shall be designed and installed in accordance with the standards set forth in State and County sewage disposal regulations.

4) Prefabricated and mobile homes shall be anchored to prevent flotation or lateral movement of the structure.

5) All buildings and structures shall be constructed with materials that resist flood damage or are adequately protected from flood damage.

6) Fill material may be used for roadway construction, provided that drainage openings are designed so as that the flow of water will not be restricted and thereby increase upstream water elevations.

Section 3. (Reserved for future use)
Section 4. Site Plan Review (SPR)

4.1 Purpose. This district is intended to be applied to properties where special review of development proposals is warranted because of the nature of surrounding uses, safety factors, or unique conditions of the site.

4.2 Site Plan Approval Required. No building permit shall be issued for new construction or remodeling (where such remodeling will increase the intensity of operation or increase the floor area) of any public, semi-public, commercial or industrial use or multiple-family dwelling prior to the issuance of a site plan review permit in conformance with these regulations, except that if a conditional use permit or mobile home park permit will be required for the new construction or remodeling, such permit shall satisfy the requirements for a site plan review permit. In reviewing such conditional use permits or mobile home park permits the Hearings Council shall utilize the criteria for landscaping and other requirements of this section in setting appropriate conditions of approval.

4.3 Plans Required, Information to be Submitted with Application.

1) An application for Site Plan Review shall be submitted to the Department of Planning and Development on forms prescribed by the Department.

2) Each such application shall include:

   A) A scale drawing showing existing structures, general topography, natural features, all easements, survey monuments, and all trees over 12 feet high. If the average slope is more than 10 percent, or if the property has running or standing surface waters, an accurate topographical contour map must also be submitted with contours at five foot intervals.

   B) A site plan drawn to scale, showing the proposed layout of all structures, including their elevations, square footage and number of units, as well as all other improvements including driveways, pedestrian walks, recreation or common areas, type and size of landscaping, fences, walls, off-street parking, loading areas and railroad tracks. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service, irrigation for landscaping, and drainage are to be provided.

4.4 General Standards.

1) When parking areas are proposed within required yards, adequate landscaping of such parking areas shall be provided. Such landscaping shall be provided in a manner which generally screens vehicles from view, but provides adequate traffic visibility at all intersections and ingress/egress points.

2) Special consideration may be given to developments where little, if any, landscaping is possible, as well as other developments where the nature of the development makes landscaping difficult or inappropriate. Special consideration can also be given to sites with existing vegetation in determining areas of landscaping.

Added by Ordinance July 5, 1978
3) The following minimum area of each lot subject to site plan review shall be landscaped:

<table>
<thead>
<tr>
<th>USE</th>
<th>MINIMUM % OF LOT AREA TO BE LANDSCAPED</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Multi-family dwellings or mobile home parks of 5 or more units</td>
<td>25%</td>
</tr>
<tr>
<td>B) Multi-family dwellings, duplexes or mobile home parks of 2 through 5 units</td>
<td>20%</td>
</tr>
<tr>
<td>C) Uses allowed in LI, GI, GC, IC, RS, AD-MU, AD-SU zones</td>
<td>15%</td>
</tr>
</tbody>
</table>

4) There shall be specified minimum areas of open space for usable recreation areas within multiple-family residential developments, which shall be considered a part of the required landscaping.

5) A landscape plan shall be prepared showing types, placement and sizes of plantings and all irrigation facilities. Such plan must meet minimum requirements as presented in this section, as well as comply with requirements determined in the Plan Review section.

6) All required setback areas abutting public streets shall be landscaped (including allowed parking facilities); such areas will be included in area computations.

7) All open areas between the property line and the public street shall be landscaped and shall be included in the maintenance requirements.

8) All trash receptacles shall be fully screened from public view.

4.5 Review by Staff of the Department of Planning and Development. The Board of Commissioners hereby appoints the Planning Director, or his designee, to be empowered to issue permits which comply with this Ordinance and, when necessary, to stipulate that any or all of the following must be submitted as a part of an application or must be completed as a condition of approval of a site plan review permit.

1) Require submittal of a landscape plan which has been prepared by a licensed landscape architect, incorporating general standards and conditions.

2) Require 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.

3) Require the retention of and clearances from specified trees, rocks, water ponds or courses and other natural features, such retained features to be considered as landscaped area pursuant to Section 4.4.

4) Require a licensed civil engineer's or landscape architect's approval of a grading plan and/or drainage plan for the collection and transmission of drainage.

5) Require specified size, placements, and grades for pedestrian and vehicle access.

Added by Ordinance July 5, 1978
6) Require sidewalks, dedication rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes.

7) Require the applicant to make an irrevocable offer of dedication of any right-of-way area needed for public use.

8) Restrict heights over 35 feet and increase setbacks up to an additional 20 feet.

9) Require on-site fire hydrants, with protective barricades if specified.

10) Require a certain type and placement of lights for outdoor circulation and parking facilities.

4.6 Time Limits. The staff of the Department of Planning and Development shall render a decision on each properly filed application for a Site Plan Review permit within thirty (30) days of receiving the application. This time limit may be extended by the mutual consent of the applicant and the staff.

4.7 Compliance. Any development subject to this Article shall be carried out in accordance with approved plans and conditions imposed by the staff of the Department of Planning and Development, and shall be maintained as a continuous condition of use and occupancy. The Building Official shall not grant a certificate of occupancy, or release utilities, unless and until satisfied of compliance. However, the Building Official may, unless otherwise directed by the Planning Director, release a temporary certificate of occupancy and a temporary release of utilities provided:

1) There is proof that the owner has entered into a contract with a licensed landscape contractor for the completion of the landscaping and other design requirements within a specified time and that nothing remains for the owner to do prior to installation; and

2) The owner has posted a performance bond satisfactory to the Planning Director to insure the installation of said landscaping and design requirements within a specified time.

A Site Plan Review permit shall be valid for one year after issuance. If it is not used within one year of issuance, such permit shall become null and void. It shall be the responsibility of the applicant to contact the Department of Planning and Development within one year of issuance for a permit renewal. Such renewal shall be based upon compliance with the conditions imposed by the staff and with continued maintenance of landscaping. No fee shall be charged for permit renewal. Permit renewal is required only after the first year of operation and shall thereafter be unnecessary. Where the renewal is not granted because of non-compliance or failure to maintain landscaping, the permit shall be revoked and that use of the land shall be deemed to constitute a public nuisance and be subject to ORS 215.185. Performance bonds posted in fulfillment of the requirements of this section shall not be released until permit renewal is granted, based upon the fact that the required landscaping has been adequately maintained.

Added by Ordinance July 5, 1978
4.8 Appeals.

Appeals from the action of the staff shall follow the procedures specified in Article X of the Ordinance for appealing a decision of the Planning Director.

Added by Ordinance July 5, 1978
ARTICLE V. NONCONFORMING USES, STRUCTURES, AND LOTS

Section 1. Special Definitions.

1) "Nonconforming lot" means a lot, parcel or other unit of land which lawfully existed prior to adoption of a zoning regulation with which the lot does not conform.

2) "Nonconforming use" means a use lawfully made of land prior to adoption of a zoning regulation with which the use does not conform.

3) "Nonconforming structure" means a building, structure or portion thereof which lawfully existed prior to adoption of a zoning regulation with which the structure does not conform. Such structures may be nonconforming as to height, setback, lot coverage or similar requirements of the zone.

4) The pre-existing status of a lot must be clearly established by one of the following:
   A) Records of the Jackson County Assessor, Clerk or Surveyor.
   B) Unrecorded property deed or contract of land sale.

Section 2. General Provisions.

1) The following provisions shall apply to nonconforming lots:
   A) A lot which does not conform to the area, dimension or access requirements of the zoning district in which it is located may be utilized, notwithstanding such nonconformity, subject to all other requirements of the zoning district.
   B) Pre-existing lots may be rendered nonconforming as a result of a change in zoning, but nonconforming lots shall not be created through the grant of a variance or other special permit.

2) The following provisions shall apply to nonconforming structures:
   A) A nonconforming structure may be remodeled, repaired or enlarged where such work will not render the structure to be less in compliance with the requirements of the zoning district.
   B) If a nonconforming structure is damaged by fire or other casualty or natural disaster, the structure may be repaired or reconstructed to its original dimensions if such work is begun within one year of the damage. Repair or reconstruction of a damaged nonconforming structure after such one year limitation shall be subject to all requirements of zoning.

3) The following provisions shall apply to nonconforming uses:
   A) When a nonconforming use is interrupted for a period of one year or abandoned, the use shall not be permitted to resume. After any such interruption or abandonment, the use of the site must conform to all applicable zoning requirements. "Abandonment", as used in this section, refers to a cessation with no intent to resume operations.
   B) If a structure housing a nonconforming use is damaged by fire, other casualty or natural disaster, the structure may be replaced or restored to its original dimensions only if a building permit for such work is issued within one year of the damage.

Complete revision by Ordinance September 27, 1978
C) No nonconforming use shall be allowed to increase in nonconformity. An "increase in nonconformity" is defined as a change which results in an increase in traffic, an increase in the number of employees, physical enlargement of a structure housing a nonconforming use or of the amount of the subject property being utilized by the nonconforming use, or any other change which is likely to result in a use which is any less in compliance with applicable zoning requirements.

D) A pre-existing use which is a conditional use in the zone shall be subject to the requirements of Article VI of this ordinance.

E) Routine maintenance and repairs which do not constitute an increase in nonconformity may be undertaken. An owner of a nonconforming use shall be required to sign an affidavit, prior to receipt of a building permit or sanitation permit for such maintenance or repairs, stating that no increase in nonconformity will result. Any maintenance or repairs legally required by a government agency shall be permitted, within the intent of this ordinance.

F) The Planning Director, or his designee, is hereby empowered to sit as hearings officer for hearings to consider requests for alterations of nonconforming uses. Hearings shall be scheduled as necessary to provide expeditious review of such requests and shall follow procedures similar to those utilized for other land use hearings. Public testimony shall be encouraged regarding such requests and their conformance with the intent of this ordinance. The term "alteration of a nonconforming use" as it is used in this section refers to a change from one nonconforming use to a nonconforming use of the same or a more restrictive nature.

i) Requests for permission to alter a nonconforming use shall be accompanied by a signed affidavit from the property owner stating that he/she understands the contents of this section of the ordinance and that the proposed alteration will conform with all applicable requirements, including the requirement that no increase in nonconformity will result from the alteration.

ii) The hearings officer shall review all requests made pursuant to this section for compliance with all applicable requirements of this ordinance. Upon finding that the request complies with the requirements, the request shall be approved.

Complete revision by Ordinance September 27, 1978
ARTICLE VI. CONDITIONAL USE PERMIT

Section 1. Application of Regulations Generally

1.1 Authorization. The purpose of the conditional use permit is to allow the proper integration of uses which may be suitable only in specific locations or if the site is regulated in a particular manner. Conditional uses listed in this Ordinance may be permitted, enlarged, or altered upon authorization of the Hearings Council in accordance with the standards and procedures set forth herein.

1.2 Findings. (Deleted by Ordinance July 5, 1978)

1.3 Effect. (Deleted by Ordinance July 5, 1978)

1.4 Pre-existing Use. A use which lawfully existed prior to this Ordinance but which is classified as a conditional use in the zoning district in which the use is located, shall not be allowed to undergo a substantial alteration prior to receiving a conditional use permit for such substantial alteration. For purposes of this section, a "substantial alteration" is defined as being any modification to the structure, use, or premises which is likely to increase noise, odors, traffic, dust, or to otherwise have a significant impact upon abutting properties or their occupants.

1.5 Procedure.

1) A property owner or authorized agent, may initiate a request for a conditional use permit by filing an application as provided in Article X, Section 5.

2) The Hearings Council shall render a decision within 30 days after termination of the public hearing, however, such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings.

3) Within five days after a decision has been rendered, the Hearings Council shall provide the applicant with written notice of its decision.

4) In a case where an application for a conditional use permit for that property has been denied, no similar application shall be eligible for consideration within six months from the date of denial.

5) The Hearings Council may require an applicant to submit whatever additional information is deemed necessary to enable it to take action on the application in accordance with this Ordinance and applicable State laws.

6) In approving an application for a conditional use permit, the Hearings Council may establish time limits within which the use must commence, and may establish permit renewal procedures if necessary to assure continued compliance with the requirements of the permit.

1.6 Standards and Criteria for action on Application. In order to grant a conditional use permit, the Hearings Council must find:

1) That the permit would be in conformance with the Comprehensive Plan for the area, and the standards of the district of the Zoning Ordinance in which the proposed development would occur, and the Comprehensive Plan for the County as a whole, and

Amended by Ordinance July 5, 1978
1.5, l) Amended by Ordinance November 8, 1978, effective February 8, 1979
2) That the location, size, design and operating characteristics of the proposed development are such that, under the conditions imposed, it will be reasonably compatible with and will have minimal impact upon the livability and appropriate development of abutting properties in the surrounding neighborhood, when compared to the types of development which are listed as permitted uses in the district.

1.7 Conditions of Approval. The Hearings Council shall prescribe such conditions as it deems necessary in order that the development will be in compliance with Section 1.6. In prescribing such conditions, the Hearings Council shall consider any factors relevant to the proposed development, which may include: topography; geology; hydrology; soil characteristics; climate; vegetation; wildlife; air quality; water quality; historical or archaeological resources; scenic resources; noise; open space; existing site grading; drainage; overall long-range community effects; and any other factors deemed to be relevant to the application.

Amended by Ordinance July 5, 1978
Section 2. Planned Unit Development Permit

2.1 Special Definition. "Planned Unit Development" means the application of comprehensive site planning, which provides variety and diversification in the relationship between buildings and open spaces in planned groups and clusters.

2.2 General Concept. Acknowledging that land may be more efficiently developed in planned building groups for residential, commercial, and industrial uses by application of imaginative site design technique, and recognizing the applicability of the objectives set forth in this section, the Hearings Council intends:

1) To consider planned development proposals within a framework of defined land use policies and objectives;

2) To provide flexibility in the application of the general zoning provisions;

3) To encourage developments which provide flexibility of design in the placement of buildings and open spaces, circulation facilities, and off-street parking areas;

4) To promote the economy of shared community services and facilities; and

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

2.3 Authorization. The Hearings Council may authorize planned unit developments as conditional uses. The development as authorized shall be subject to all conditions imposed by the Hearings Council and shall be excepted from other provisions of this Ordinance only to the extent specified in the authorization. An application requiring a zoning amendment shall be subject to the procedures of Article VIII.

2.4 Application.

1) Before submitting development plans or surveys for approval, an applicant proposing a planned unit development should confer with the Planning Department to obtain general information, guidelines, procedural requirements and advisory opinions on the project concept.

2) Following this consultation, an applicant may prepare a preliminary plan and program, and submit the application to the Hearings Council for consideration. The plan and written program shall contain the following:

   A) Graphic elements (drawn to an indicated scale)

      1) Proposed land uses, building locations, housing densities.

      2) Vehicular and pedestrian circulation pattern.

      3) Parks, open spaces, and landscaping.

      4) Predominant natural features.
B) Written Elements

1) Method, operation and maintenance proposals of water supply, sewage disposal, fire protection, drainage and solid waste disposal.

2) Timetable of development.

3) In addition, the Hearings Council may require environmental and economic impact studies. The models for these studies will be provided by the Hearings Council.

2.5 Standards and Criteria for Action on Application. The standards and criteria for action on the application shall be those listed in Section 1.6 of this Article, except as otherwise provided by this subsection, and that the development will accrue benefits to the general public sufficient to justify necessary exceptions to the specific requirements of the zoning district within which the proposed development is to be located.

2.6 Conditions of Approval. The conditions of approval for a planned unit development permit shall be those listed in Section 1.7 of this Article and shall include a condition that the construction of the project will commence within one year from final action on the application by the County.

2.7 Minimum Site Size. A planned unit development may not be established on less than five acres of contiguous land unless the Hearings Council finds that property less than five acres is suitable by virtue of unique location, character, topography, or other natural features, and of sufficient size to be planned and developed in a manner consistent with the concept of planned unit development.

2.8 Residential Densities. Residential density shall be computed by dividing the total acreage by the number of dwelling units proposed. Density for planned unit residential developments shall be by the underlying district in which development is to be:

- Residential unit
- One residential acres.
- Four residential gross acre.
- Seven residential per gross acre.

2.9 Permitted Uses.

1) The following uses are permitted in a planned unit residential development:

A) A permitted or conditional use in the primary district.

B) Varied use of housing types including single family dwellings, duplexes, townhouses, and dwelling groups.

C) Temporary office for real estate sales and development.

D) Commercial and/or industrial use incorporated into the overall development, when a zone change is approved under terms specified in Article VIII.

Amended by Ordinance July 5, 1978
2.8 Amended by Ordinance February 22, 1979
2) The following uses are permitted in planned unit commercial or industrial developments:

A) A use permitted outright or conditionally in any commercial or industrial district.

B) Varied arrangement and location of commercial or industrial building types and designs.
Section 3. Solid Waste Disposal Permit.

3.1 General Concept. This section provides for a coordinated program of solid waste disposal to protect the health, safety and general welfare of the people of Jackson County. In administering these provisions, the Hearings Council intends:

1) To provide for the collection, storage, transfer, treatment, utilization and processing of solid wastes in appropriate locations;

2) To provide minimum standards and procedures for the operation and maintenance of solid waste disposal sites;

3) To provide for the ultimate rehabilitation and restoration of solid waste disposal sites; and

4) To provide a means for planning coordination between the Hearings Council and the County Solid Waste Committee, and other Federal, State, local and private agencies.

3.2 Special Definition. "Solid Waste Disposal Site" means an area used for the collection, storage, transfer, treatment, utilization, or processing of waste material. A solid waste disposal site includes, but is not limited to, dumps, landfills, sanitary landfills, incinerators, transfer stations and composting and recycling plants.

3.3 Reference. The following document is hereby adopted by reference and made a part of this Ordinance:

Solid Waste Franchising and Nuisance Abatement Ordinance, County of Jackson, December, 1969.

3.4 Conditional Uses. The Hearings Council may permit any one or a combination of the following uses:

1) Sanitary Landfill.

2) Landfill.

3) Solid waste transfer station.

4) Special site for the disposal of toxic or hazardous waste (subject to the receipt of all appropriate permits or licenses required by the State of Oregon).

5) Composting or recycling plant.

6) Incinerator.

7) Storage area for appurtenant equipment and collection vehicles.

8) Residence for caretaker.

9) Animal tallow or rendering plant.

Amended by Ordinance July 5, 1978
3.5 Application. An application for a Solid Waste Disposal Permit shall include the following:

1) A plan drawn to an indicated scale showing:
   A) The exterior boundaries of the property on which the use is to be located;
   B) Location of roadways, water courses or bodies, drainage ways, topography and vegetation;
   C) Location of disposal sites and other improvements proposed.

2) Statement of provisions for protecting ground and surface water quality, and for controlling dust, noise, fire and vermin.

3) Copy of the operation franchise, if applicable.

4) Statement from the State Department of Environmental Quality outlining their investigation and findings on the proposal.

5) Plan for site rehabilitation.

3.6 Standards and Criteria for Action on Application. The standards and criteria for action on the application shall be those listed in Section 1.6 of this Article. Special emphasis shall be placed upon the environmental factors listed, due to the potential for nuisance which may result from improper siting or development of solid waste disposal sites.

3.7 Conditions of Approval. The conditions of approval for a Solid Waste Disposal Permit shall be those listed in Section 1.7 of this Article.
ARTICLE VII. VARIANCES

Section 1. Authorization. The Hearings Council may vary or modify requirements of this Ordinance where strict application would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. Variances will, under most circumstances, be limited to requirements governing yards, lot dimensions and coverage, heights, and parking areas. In granting a variance, the Hearings Council may attach conditions which it finds necessary to protect the interests of the surrounding property or vicinity, and otherwise achieve the purposes of this Ordinance.

Section 2. Findings. A variance shall be granted if the Hearings Council finds:

1) That exceptional or extraordinary circumstances apply to the property which 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.

2) That 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.

3) That the variance would not be materially detrimental to the intent of this Ordinance, or 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.

4) That the variance requested is the minimum variance which would alleviate the hardship.

5) That 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.

Section 3. Procedure.

1) An applicant seeking a variance shall follow procedures set forth in Article X.

2) The Hearings Council shall render a decision within 30 days after termination of the hearing; however, such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings.

3) Within five business days after the decision has been rendered on a variance application, the Hearings Council shall provide the applicant with a written notice of its decision.

4) In a case where an application for a variance has been denied, no similar application shall be eligible for consideration within six months from the date of denial.

5) In approving an application for a variance, the Hearings Council may establish time limits within which the use must commence or may set any other conditions of approval which it deems appropriate. The Hearings Council shall utilize Article VI, Section 1.7 of this Ordinance to determine the appropriate conditions of approval for the application.

6) In establishing such conditions of approval, the Hearings Council shall utilize the standards and criteria listed in Article VI, Section 1.6 of this Ordinance, except the requirements of conformance with the Zoning Ordinance.

Amended by Ordinance July 5, 1978 - 50 -
ARTICLE VIII. AMENDMENTS

Section 1. Incorporation of Official Zoning Maps by Governing Body. The official zoning maps of Jackson County referred to in Article II, Section 2 and 3 shall be adopted by the Board of County Commissioners as an amendment to this Ordinance. The Hearings Council shall set a date for public hearing on the official zoning maps and shall cause notice to be given as provided in Article X, Section 5.

Section 2. Zone Change or Ordinance Amendment. An amendment to the text of this Ordinance or to a zoning district boundary may be initiated by the Board of County Commissioners, Planning Commission, Hearings Council, or by application of a property owner or authorized agent. All applications shall be filed as provided in Article X.

Section 3. Action by Planning Commission or Hearings Council. Within 60 days after receiving the application at a public hearing the Planning Commission or Hearings Council shall recommend to the Board of County Commissioners approval, disapproval or modification of the proposed amendment or zone change. However, such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. The Planning Commission or Hearings Council may recommend that the area under consideration for a zone change be enlarged or diminished.

Section 4. Consideration by Board of Commissioners. The Board of Commissioners may hold a public hearing on a proposed amendment or zone change on its own motion or upon request and shall hold a public hearing on each properly filed application. The Board shall schedule a public hearing on the proposed amendment or zone change within 30 days after receipt of the recommendation of the Hearings Council or Planning Commission. However, such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. In a case where the Board denies a request for an amendment or a zone change, no similar application may be submitted for a period of six months from the date of denial.

Section 5. Intent to Rezone Procedure. If the Board of Commissioners determines that the public interest would be served by the zone change recommended by the Planning Commission or Hearings Council, it may adopt a "Resolution of Intent to Rezone" the properties involved. This resolution shall include stipulations which the Board feels necessary to require as a prerequisite to final action on the application. Fulfillment by the applicant of the stipulations contained in the resolution shall make such resolution a binding commitment on the Board of Commissioners. Upon compliance by the applicant, the Board of Commissioners shall effect the zone change in accordance with the resolution. Failure of the applicant to meet any or all of the stipulations contained in the resolution, shall render the resolution null and void.


1) Until such time as the County has adopted a comprehensive plan which has been certified to be in compliance with the Statewide Planning Goals, applications for zone changes shall be evaluated to determine goal compliance.

2) The rezoning of specific properties shall be based upon the following findings:

A) That the rezoning conforms with the Comprehensive Plan for the area in which the proposed rezoning could occur, and with the Comprehensive Plan for the County as a whole;

B) That there exists a public need for the rezoning; and

C) That the public need is best met through the proposed zone change.

Amended by Ordinance July 5, 1978
Section 3 amended by Ordinance November 8, 1978, effective February 8, 1979
3) In determining the appropriateness of the proposed rezoning, the Planning Commission, Hearings Council, and Board of Commissioners shall consider any factors relevant to the proposal, which may include: topography; geology; hydrology; soil characteristics; climate; vegetation; wildlife; air quality; water quality; historical or archaeological resources; scenic resources; noise; open space; existing site grading; drainage; overall long-range community effects; and any other factors deemed to be relevant to the application.
ARTICLE IX. SUPPLEMENTAL PROVISIONS

Section 1. Similar Uses. The planning commission may permit in any zoning district other uses not specified in the district if the commission finds them similar to the uses listed. The administrative procedure for similar uses shall be the same as for conditional uses set forth in Article VI, Section 1.5.

Section 2. Temporary Mobile Home Permit. A permit may be issued in accordance with the procedure set forth in this Section for the temporary placement and use of a mobile home or travel trailer for occupancy by an infirm person, or by one or more individuals engaged in caring for the infirm person, whose infirmity renders that person incapable of maintaining a residence on separate property.

2.1 Application. Application shall be made on forms supplied by the Department of Planning and Development and shall be filed with the Department.

2.2 Conditions for Issuance. The Department shall issue a permit when the following conditions are met:

1) The nature of the infirmity has been verified by a written statement from a medical doctor or other responsible individual or agency and indicates that the infirm person is not capable of maintaining a residence on separate property.

2) The infirmity must be due to physical or mental impairment. Financial hardship conditions, child care and other convenience arrangements not relating to physical and mental impairment are not considered an infirm condition for which a permit can be issued.

3) A sewage disposal system for the mobile home or travel trailer has been approved by the appropriate public agency by one of the following:

   A) By connection to the existing subsurface sewage disposal system or sanitary sewer outlet already located on the property; or,

   B) By installation of an individual subsurface sewage disposal system which the applicant agrees will be abandoned when no longer used for purposes for which the permit is issued; except that the disposal unit would not have to be abandoned if put to another use lawfully allowed under provisions of this Ordinance.

4) The location of the mobile home or travel trailer must conform with setback requirements of this Ordinance.

5) No permit may be issued for a mobile home or travel trailer to be located within an identified floodplain.

Section 2 Amended by Ordinance September 28, 1977
6) The applicant shall certify that the placement of a mobile home or travel trailer does not violate the provisions of any deed restriction or subdivision covenant for the property.

7) The applicant has agreed to remove the mobile home or travel trailer within 45 days after the unit has ceased to be used for the purpose for which the permit was issued. In any event, the unit shall be removed from the premises by the day of the expiration of the permit unless the permit has been renewed in conformance with Section 2.5 or the unit has been put to some other lawfully permitted use.

8) No request for hearing has been received.

2.3 Notice; Request for Hearing.

1) Upon verification of the completeness of the application, the Department shall send written notice to all record property owners within 1,000 feet of the applicant's property. The notice shall state the applicant's name, the location in general terms of the property on which the mobile home or travel trailer is to be located, and the general nature of the application. If no request for a hearing is made to the Department of Planning and Development within 30 days of mailing of notice, the permit will be issued upon determination of the Department that the application complies with the requirements of this Section.

2) When a request for a hearing has been filed within the 30 day time limit, the Department shall not issue the permit. The Department shall forward the application to the Jackson County Hearings Council for determination.

   A) The Department shall send written notice to all property owners within 1,000 feet of the applicant's property at least ten (10) days prior to the date of the hearing. Said notice shall give the time and place of the hearing.

   B) The Department shall use the records of the County Assessor to determine property ownership for purposes of providing written notice.

   C) Failure to receive such notice shall not invalidate the proceedings.

2.4 Hearing Procedure.

1) The Hearings Council may impose whatever conditions of approval it deems necessary to insure the protection of the public health, safety or general welfare.

2) The Hearings Council shall render a decision on the application within 60 days of the meeting at which it first receives the application. Failure to render a decision within this time limit shall constitute an automatic approval of the application. However, this time limit may be extended on the mutual agreement of the applicant and the Hearings Council.

Section 2. Amended by Ordinance September 28, 1977
3) Within five (5) days after a decision has been rendered, the Hearings Council shall provide the applicant with written notice of its decision.

4) In a case where a temporary mobile home permit has been denied, no similar application shall be eligible for consideration within six months of the date of denial.

2.5 Expiration of Permit; Renewal.

1) A temporary mobile home permit is valid for one year from the date of issuance and must be renewed on an annual basis.

2) The County Planning and Development Department shall give permittees not less than 60 days written notice of the pending expiration of their permits, advising that a renewal will be required.

3) Failure to receive notification of pending expiration does not constitute an extension of time for the permit.

Section 3. Accessory Building, Structure, or Use. A building, structure or use which is considered necessary to the operation or enjoyment of a lawful permitted use or conditional use, and is appropriate, incidental, and subordinate to any such building, structure or use, shall be considered accessory when located on the same lot. A use which involves an increase in the number of dwelling units in a building or on a lot beyond that which is permitted outright in the district, or which constitutes, in effect, the conversion of a use to one not permitted in the district, shall not be considered accessory use. This provision shall not apply to guest houses or quarters for domestic service workers employed on the premises.

Section 4. Sanitary Facilities. (Deleted by Ordinance March 16, 1977)
Section 5. **Access.** All lots used for residential purposes shall abut a public road or approved way for a distance of at least 25 feet.

Section 6. **Vision Clearance.** The planning commission may order the removal or modification of sight obstructions which constitute a traffic hazard to operators of motor vehicles on public roads.

Section 7. **Height Requirements.**

1) Unless otherwise specified in the airport approach, commercial, or industrial zoning districts, or as provided in item (2) below the following height limits shall be observed:

<table>
<thead>
<tr>
<th>Zoning Designation</th>
<th>Basic Height Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR</td>
<td>35 feet</td>
</tr>
<tr>
<td>UR</td>
<td>35 feet</td>
</tr>
<tr>
<td>UR-H</td>
<td>85 feet</td>
</tr>
<tr>
<td>IC</td>
<td>45 feet</td>
</tr>
<tr>
<td>RS</td>
<td>45 feet</td>
</tr>
<tr>
<td>GC</td>
<td>60 feet</td>
</tr>
<tr>
<td>LI</td>
<td>60 feet</td>
</tr>
<tr>
<td>GI</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

2) Height limitations shall not apply to barns, silos, water towers or other farm buildings and structures. Projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are likewise not subject to height limitations of this ordinance.

3) Architectural features such as cornices, sills, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 18 inches into a required yard.
Section B. Lot Width, Coverage, and Setback Requirements. The following minimum requirements shall be observed:

<table>
<thead>
<tr>
<th>MAP DESIGNATION</th>
<th>LOT WIDTH</th>
<th>FRONT YARD</th>
<th>SIDE YARD</th>
<th>REAR YARD</th>
<th>MAXIMUM LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR</td>
<td>1,200 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>None</td>
<td>---</td>
</tr>
<tr>
<td>OSR-20</td>
<td>600 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>None</td>
<td>---</td>
</tr>
<tr>
<td>OSD-5</td>
<td>300 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>---</td>
</tr>
<tr>
<td>F-5, RR-5</td>
<td>300 feet</td>
<td>30 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>---</td>
</tr>
<tr>
<td>RR-2.5</td>
<td>175 feet</td>
<td>30 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>---</td>
</tr>
<tr>
<td>RR-1</td>
<td>100 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>---</td>
</tr>
<tr>
<td>UR-10</td>
<td>80 feet</td>
<td>25 feet</td>
<td>6 feet$^1$</td>
<td>10 feet$^1$</td>
<td>40%</td>
</tr>
<tr>
<td>UR-8</td>
<td>70 feet</td>
<td>25 feet</td>
<td>6 feet$^1$</td>
<td>10 feet$^1$</td>
<td>40%</td>
</tr>
<tr>
<td>UR-6</td>
<td>60 feet</td>
<td>25 feet</td>
<td>6 feet$^1$</td>
<td>10 feet$^1$</td>
<td>40%</td>
</tr>
<tr>
<td>UR-H</td>
<td>50 feet</td>
<td>10 feet</td>
<td>6 feet$^2$</td>
<td>10 feet$^1$</td>
<td>50%</td>
</tr>
<tr>
<td>IC</td>
<td>-</td>
<td>20 feet</td>
<td>None$^3$</td>
<td>None$^4$</td>
<td>---</td>
</tr>
<tr>
<td>RS</td>
<td>-</td>
<td>20 feet</td>
<td>None$^3$</td>
<td>None$^4$</td>
<td>---</td>
</tr>
<tr>
<td>GC</td>
<td>-</td>
<td>20 feet</td>
<td>None$^3$</td>
<td>None$^4$</td>
<td>---</td>
</tr>
<tr>
<td>LI</td>
<td>-</td>
<td>20 feet</td>
<td>None$^3$</td>
<td>None$^4$</td>
<td>---</td>
</tr>
<tr>
<td>GI</td>
<td>-</td>
<td>20 feet</td>
<td>None$^3$</td>
<td>None$^4$</td>
<td>---</td>
</tr>
</tbody>
</table>

1. Except the side and rear yards shall be increased by one-half foot for each foot by which the building height exceeds 25 feet.

2. Except the side yard shall be a minimum of six feet, except this distance shall be increased by one-half foot for each foot the building height exceeds 25 feet.

3. Except the side yard shall be a minimum of 20 feet when abutting a residential district.

4. Except the rear yard shall be a minimum of 20 feet when abutting a residential district.

Amended by Ordinance April 21, 1976
Amended by Ordinance March 16, 1977
Signs, as defined in this Ordinance, shall comply with these setback requirements unless a variance is granted as provided in the Ordinance.

8.1 Nonconforming Lots: Lots created prior to the effective date of this Ordinance, which do not meet the minimum lot area or width requirements of the zoning district in which the lot is located, shall meet the setback requirements of the zoning district, which establishes the minimum lot area or width requirements with which the lot does comply. If the lot is non-conforming in both area and dimension, it shall meet whichever requirement is more restrictive.
Section 9. **Off-Street Parking Requirements.** At the time a new structure is erected or enlarged, or the use of the existing structure is changed, off-street parking spaces shall be provided as set forth in this section, unless greater requirements are otherwise established by the planning commission. Parking facilities provided in connection with an existing use prior to the adoption date of this ordinance shall not be reduced below the requirements of this section.

1) **Residential use:**
   - One space per dwelling unit.

2) **Commercial accommodation:**
   - One space per guest room.
   - One space per bed.

3) **Institutional use:**
   - One space per four seats or eight feet of bench length in the main auditorium. If no permanent seats are provided, one space per 35 square feet of floor area used for meeting rooms.

4) **Place of assembly:**
   - Ten spaces per alley.
   - One space per 100 square feet of floor area.

5) **Commercial amusement use:**
   - One space per 200 square feet of floor area.
   - One space per 400 square feet of floor area.
   - One space per 600 square feet of floor area.
   - One space per 100 square feet of floor area.

6) **Commercial use:**
   - Five spaces for each room used as a parlor or chapel.
7) Industrial use:
   a) Manufacturing establishment: One space per 1,000 square feet of floor area.
   b) Wholesale establishment: One space per 2,000 square feet of floor area.
Section 10. Sign Requirements

10.1 Special Definitions.

1) "Sign" means any device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, person, institution or business, and which is affixed to a building, structure or the land. Each display surface of a sign shall be considered a separate sign.

2) "Off-Premise Sign" means a sign which directs attention 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.

3) "On-Premise Sign" means a sign which 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.

10.2 General Requirements for Signs in all Zoning Districts.

1) Light from signs shall be directed away from and not be reflected upon adjacent premises.

2) No sign shall be erected or placed in such a manner so that by reason of its position, shape or color it may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device.

3) Signs shall be maintained in a neat, clean, and attractive condition.

4) Signs shall be removed by the property owner within 30 days after the advertised business, product, or service is abandoned or no longer in use.

5) Off-premise signs erected in any zoning district shall be, subject to a conditional use permit.
6) Along the following designated highways, signs shall be subject to existing laws, rules, and regulations of the state of Oregon:

   Interstate 5
   Oregon Highway 140
   Oregon Highway 227
   Oregon Highway 66
   Oregon Highway 62

7) Along the following designated roads and highways, off-premise signs shall not be permitted within a distance of 660 feet of the road or highway right-of-way:

   Oregon Highway 238 -- Jacksonville city limits to county line.
   Oregon Highway 140 -- Oregon Highway 62 to Lake Creek.
   Oregon Highway 62 -- Antelope Creek to county line.
   Oregon Highway 234 -- Gold Hill city limits to Oregon Highway 62.
   Applegate Road -- Oregon Highway 238 to county line.
   Little Applegate Road -- Applegate Road to Anderson Creek Road.
   Anderson Creek Road -- Little Applegate Road to Wagner Creek Road.
   Wagner Creek Road -- Anderson Creek Road to Talent city limits.
   Old Stage Road -- Gold Hill Interchange to Jacksonville city limits.
   Stage Road South -- Jacksonville city limits to U. S. 99.
   Dead Indian Road -- Oregon Highway 66 to county line.
   U. S. 99 -- Rock Point Bridge to county line.
   Rogue River Drive -- Oregon Highway 234 to Shady Cove city limits.

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Butte Falls Highway -- Oregon Highway 62 to Butte Falls city limits.

Butte Falls-Prospect Road -- Butte Falls city limits to Red Blanket Road.

Butte Falls-Fish Lake Road -- Butte Falls city limits to forest service boundary.

10.3 Specific Requirements for Signs in Forest Resource, Open Space, Exclusive Farm and Farm Residential Zoning Districts.

1) Temporary signs advertising the sale, lease, or rental of the property on which the sign is located, but not exceeding 32 square feet of total sign area.

2) One double-faced sign or two separate signs identifying the use or occupancy of the property on which the sign is located; maximum sign area shall not exceed 64 square feet in area.

3) One double-faced sign or two separate signs advertising the sale of forest products; maximum sign area shall not exceed 64 square feet in area.

10.4 Specific Requirements for Signs in all Residential Zoning Districts.

1) No roof sign or general advertising sign shall be permitted in a residential district which directs attention to a business, commodity or activity which is sold, offered or conducted elsewhere than on the premises upon which the sign is located.

2) No signs shall have or consist of any moving, rotating, or animated part, or any flashing, blinking, fluctuating, or animated light.

Size and Height Limitations:

3) One name plate or sign limited as follows:

   a) For a single-family dwelling or mobile home, not to exceed three square feet in area.

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b) For two-family and multi-family dwellings, not to exceed three square feet per dwelling unit, but not exceeding 18 square feet of total sign area.

4) Signs for conditional uses not exceeding 18 square feet in area.

5) One temporary sign advertising the sale, lease, or rental of the property on which the sign is located, but not exceeding 32 square feet of total sign area.

6) Signs identifying a subdivision and erected as an integral part of a gate or entrance structure, provided there are not more than two signs, each one of which does not exceed 32 square feet in area. The design and location of these signs shall be approved by the planning commission.

7) No sign shall exceed 15 feet in height.

10.5 Exempt Signs in all Zoning Districts.

1) Traffic signs, signals, and notices erected by public authority.

2) Building plaques, corner stones, name plates, and similar building identifications.

3) House and building numbers.

4) Temporary sign in connection with political and civic campaigns, provided that such signs are removed within 15 days following the conclusion of the campaign.

5) Signs within sports parks, stadiums, arenas or open theaters, designed for view by patrons within such facilities.

6) Signs or notices erected by public officers pursuant to law, administrative order, or court order.

7) Informational signs erected by the forest industry to indicate forestry activities such as Christmas tree cutting, wood cutting, tree farm, road closures, road identification, fire directionals, junction markers, recreation areas, and logging operations.
8) Signs indicating membership in farm organizations.

9) Signs located within a building.

10) On-premise directional signs.

11) Temporary signs identifying proposed or existing construction.

12) Signs posted by property owners indicating prohibited uses like "no trespassing", "no hunting", "no fishing".

Section 11. Determining Lot Area, Parcel Size, and Other Requirements When Streets, Roads, or Easements are Involved.

11.1 Private Road or Easement. The area of a private road or easement which lies within the boundaries of a lot or parcel shall be included for the purpose of determining the area contained in the lot or parcel.

11.2 County Roads or Streets and Dedicated Public Ways.

1) Proposed Land Divisions - When a lot or parcel is proposed to be created by an act of partitioning or subdividing and will be crossed by a county road, street or dedicated public way, the area and width of each portion of said lot or parcel must equal or exceed all applicable requirements of the zoning district in which it is located.

2) Existing Lots or Parcels - If a lot or parcel which was created prior to September 1, 1977 is crossed by a county road, street, or dedicated public way, the portion of said lot or parcel on either side of the road shall be recognized as a partitioned parcel; provided that each such portion meets all legal requirements to stand as a separate parcel with the exception of the minimum parcel area requirements of the zoning district.

3) Lot or parcel descriptions - When the legal description of a lot or parcel includes the area within the right-of-way of a county road, street or dedicated public way, the area of such right-of-way may be considered as a portion of the lot or parcel for determining minimum lot or parcel area only if the lot or parcel was so described prior to September 1, 1977. For purposes of determining lot or parcel coverage or setback requirements, the right-of-way line of the road shall be used.
ARTICLE X. ADMINISTRATIVE PROVISIONS

Section 1. Administration. The Planning Director shall administer the provisions of this ordinance.

Section 2. Appeals.

1) Appeal from a ruling of the Planning Director regarding a requirement of this ordinance may be made to the Hearings Council; such appeals to be filed within twenty (20) days of the action by the Director.

2) An action or ruling of the Planning Commission or Hearings Council pursuant to this ordinance may be appealed to the Board of County Commissioners within thirty (30) days after the Planning Commission or Hearings Council has rendered its decision. If the appeal is not filed within the thirty-day period, the decision of the Planning Commission or Hearings Council shall be final. If an appeal is filed, the Board of County Commissioners shall receive a report and recommendation from the Planning Commission or Hearings Council and may hold a public hearing on the appeal. The Board of County Commissioners may overrule and modify conditions of or affirm action of the Planning Commission or Hearings Council.

Section 3. Application Forms. Applications provided for in this ordinance shall be made on forms prescribed by the County. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be used; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this ordinance.

Section 4. Filing Fees. The following fees shall be required upon filing of an application by the property owner, agent or appellant:

1) Zone Change ................................................................. $150.00

2) Conditional Use Permit
   Additional dwelling on a lot ............................................ 50.00
   Single family dwelling where accessory to a permitted use ........ 50.00
   Other ............................................................................. 100.00

3) Alteration of Nonconforming Use ......................................... 25.00

4) Variance ........................................................................ 50.00

5) Reduction in parcel size when not part of a Conditional Use Permit application ............................................................... 50.00

6) Appeals from decision of Hearings Council or Planning Commission .... 50.00

7) Temporary Mobile Home Permit ........................................... 25.00
   Renewal of Temporary Mobile Home Permit ........................... 5.00

8) Site Plan Review Permit .................................................... 25.00
   Renewal of Site Plan Review Permit ....................................... NONE

Section 2. Amended by Ordinance September 27, 1978
Section 4. Amended by Ordinance January 6, 1974; April 7, 1976; September 28, 1977; July 5, 1978; September 27, 1978
5. Public Hearings.

1) Each notice of hearing required by this ordinance shall be published in a newspaper of general circulation in the County at least 10 days prior to the date of hearing.

2) A notice of hearing shall be mailed by the Department of Planning and Development to all owners of property within 1,000 feet of the property for which the application has been filed. The Planning Director may extend the notice distance under conditions where adequate notice to nearby properties would not be accomplished by strict adherence to the 1,000 foot distance. The notice of hearing shall be mailed at least 10 days prior to the date of hearing. For this purpose, the last known names and address of the owners as shown on the records of the County Assessor may be used.

3) Failure of a person to receive notice prescribed in this section shall not impair the validity of the hearing.

4) The Planning Commission or Hearings Council may recess a hearing in order to obtain additional information or to serve notice to other persons who may be interested in the proposal being considered. Upon recessing, the date and time for continuation of the hearing shall be announced.

5) Notice of hearing shall also be given by posting notification on the subject property. A placard with the notice information shall be provided by the Department of Planning and Development. It shall be the responsibility of the applicant to place the notice on the subject property in such a manner as to be clearly visible by the public. Within five days after final action on the request the applicant shall have the notice removed from the posted site.
ARTICLE XI. MISCELLANEOUS PROVISIONS

Section 1. Interpretation. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Section 2. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Penalties.

1) Violation of any provision of this ordinance shall be punishable by a fine of not more than $500 for a non-continuing offense and a fine of not more than $200 per day for a continuing offense, not to exceed $10,000.

2) Any building or other structure which is, or is proposed to be, located, constructed, maintained, altered or used, or any land which is, or is proposed to be, used in violation of this ordinance shall be deemed to be a nuisance and the county may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent temporarily or permanently enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

3) Justices' courts, district courts and circuit courts have concurrent jurisdiction over prosecutions under subsection (1) of this section.

Amended September 19, 1973
Section 3. Amended by Ordinance September 26, 1979
IN THE MATTER OF ESTABLISHING PROCEDURES FOR DETERMINING APPLICABILITY OF STATE PLANNING GOALS TO LAND USE ACTIONS, AND PROCESSING EXCEPTIONS TO GOALS 3 AND 4.

Section 1. The Board of Commissioners of Jackson County, Oregon finds it necessary to establish written procedures for determining the applicability of State Planning Goals to land use actions in the interim period until such time as the Comprehensive Plan is found in compliance with those Goals by action of the Land Conservation and Development Commission of Oregon. These procedures are complementary to the procedural rules for conduct of Land Use Ordinance Administrative Hearings Order 288-78, 8/3/78, and Procedures for Amending the Comprehensive Plan, Order 252-78, dated July 12, 1978.

Section 2. Applicability of Order to Urban Growth Boundaries: This order does not apply inside any adopted Urban Growth Boundaries, which are presumed to be in compliance with Goals unless ruled otherwise by administrative or court action.

Section 3. Land Use actions subject to this Order: Procedures established shall apply to the following land use actions pending certification of the Comprehensive Plan for compliance with State Goals: ZONE CHANGES, MINOR PARTITIONS at such time as the County establishes a minor partitioning ordinance, MAJOR PARTITIONS, SUBDIVISION PRELIMINARY PLAT APPLICATIONS, CONDITIONAL USE PERMITS, and MOBILE HOME PARK APPLICATIONS. The Board determines that State Goal 3 (Agriculture) and State Goal 4 (Forestry) are applicable on a site specific basis outside urban growth boundaries in much of Jackson County and that the above listed actions shall be reviewed to establish compliance with these Goals where applicable.
Section 4. Jurisdiction and burden of proof. The Hearings Council, which has initial jurisdiction of all land use actions subject to this review, shall determine applicability of the relevant Goal as part of the initial hearing. In all cases where the Hearings Council has authority for final approval of an action, its determination on applicability of a Goal shall be final, subject only to the appeal process set out in the ordinance under which the request for an action was brought. In rezoning matters, the Hearings Council shall make a recommendation on applicability of a Goal as part of its report to the Board of Commissioners, which has final approval of rezoning actions. The burden of proof regarding applicability of a Goal and compliance of the action with that Goal is on the applicant. A finding of non-compliance with a Goal is basis for denial of a requested land use action.

Section 5. Procedure and Standards.

A. The Hearings Council shall require applicants to present appropriate evidence so it may rule on two questions: (1) Which Goal, if either, is applicable to the area for which the land use action is sought. If neither Goal is applicable, a finding is still required as indication that the applicant and Hearings Council considered the Goals. (2) If either Goal applies, a finding that the application is or is not in compliance with the Goal, including a summation of the evidence which led to that conclusion.

B. The determination of applicability of Goals shall be based upon the definitions of "Agricultural land" and "Forest lands" contained in the State Goals and the uses designated on the 1972 Comprehensive Plan map. The Comprehensive Plan map designation "Agriculture" shall create a rebuttable presumption that Goal 3 is applicable to areas so designated and the Comprehensive Plan map designation "Forest Reserve" shall create a rebuttable presumption that Goal 4 is applicable to areas so designated.
designated. The Hearings Council shall consider the following factors to determine applicability of either Goal in areas within Comprehensive Plan map designations "Agriculture", "Forest Reserve", "Open Space" and "Rural Residential":

1. predominant use of land in the area;
2. present use of this specific property;
3. compatibility of proposed use of the property to existing uses in the area, including parcel size and access;
4. character of the land, including vegetation, agriculture soil capability and forestry site index, topography;
5. assessor's classification of the property and adjoining properties.

To rebut or contradict a mapping designation, applicants may present evidence based upon the above standards to show that the Comprehensive Plan designation is inappropriate to the specific property.

C. Determination of compliance with the Goals shall be based upon a comparison of the proposed action with the State Goal.

1. An action is in compliance with Goal 3 if:
   a. it is a farm use enumerated in ORS 215.203 or non-farm use enumerated in ORS 215.213, or
   b. the Hearings Council determines it is a similar use which does not interfere with existing commercial agricultural enterprises in the area.

2. An action is in compliance with Goal 4 if:
   a. it is a forest use listed in State Planning Goal 4, or
   b. the Hearings Council determines it is a similar use which does not substantially interfere with existing forest uses in the area.
Section 6. Disposition of Goal Considerations.

A. When the Hearings Council finds a Goal is applicable and the action is compatible with the Goal, it shall make a finding and judge the application against ordinance standards for the action requested. Similarly, if it finds a Goal is not applicable, it shall make a finding and judge the application against ordinance standards for the action requested.

B. When the Hearings Council finds a Goal is applicable to a proposed action, and that action is not compatible with the Goal, it shall enter an order denying the application based upon the conflict with a State Goal.

C. In the case of rezoning actions, the Hearings Council shall recommend approval or denial and include its findings on applicability of and any conflict with a State Goal.

D. Applicants denied approval because of a Goal conflict may either petition the Board of Commissioners for exception to the Statewide Goal as set out below, or take appeal of the denial due to Goal conflict as provided in the ordinance authorizing the action sought.

E. Regardless of the determination on State Goals, the Hearings Council shall also determine and rule on all other matters related to the application as required by the ordinance under which the application is made.

Section 7. Exceptions to Goals 3 or 4. Exceptions, upon approval, are amendments to the Comprehensive Plan map which shall be adopted by the Board of Commissioners in ordinance form. Applicants receiving a denial of an action based upon non-compliance with a Goal may petition the Board of Commissioners for an exception to that Goal without additional fee. The matter will be docketed for hearing every six months at the same time map amendments are recommended for hearing by the Planning Commission, and included in the ordinance which covers plan amendments considered at that time.
Section 8. Standards for Exceptions. Any petition for exception to a Goal shall become an attachment to the full record of matters before the Hearings Council which shall be received under the rules of "review on the record" set by the Board of Commissioners. Pertinent evidence on the Goal applicability and conflict will be reviewed on the record without a duplicate presentation. In addition, the Board shall conduct an evidentiary hearing, with the burden on the applicant, to judge whether a petition for exception shall be granted. The Board shall approve exceptions in compliance with the Exceptions procedure of Goal 2.

DATED at Medford, Oregon, this 20th day of September, 1978.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signatures]

Chairman

[Signatures]

Commissioner

[Signatures]

Commissioner
AN ORDINANCE AMENDING THE PROVISIONS OF THE PRIVATE ROAD ORDINANCE RELATING TO A CHANGE IN TITLE, MAXIMUM NUMBER OF PARCELS WHICH CAN BE SERVED BY A PRIVATE ROAD, FACTORS RELEVANT TO PRESCRIBING CONDITIONS, ADMINISTRATIVE PROCEDURES, AND DECLARING AN EMERGENCY TO EXIST.

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

The Creation of a Private Road Ordinance, dated September 24, 1975, is hereby amended by deletions and insertions as follows: (Deleted material is bracketed and stricken through and new material is in script.)

Title: Creation-of-a-Private-Read/ Major Land Partition/Private Road Ordinance.

Section I. PURPOSE OF ORDINANCE

1.1 The Ordinance is enacted to allow for the creation of private roads in connection with major partitions in the County of Jackson, State of Oregon, and is intended to achieve the following purposes:

A) To provide a method of access for the purpose of partitioning land under ORS 92.014.

B) To provide for a method of recordation and proper public notice of access to tracts affected by a Major Partition pursuant to ORS 92.044.

C) To ensure that land is partitioned or otherwise divided by methods that will promote the public health, safety, convenience, and general welfare of the people of Jackson County, and in conformity with the Comprehensive Plan and Zoning Ordinance of Jackson County.

D) To provide for a means of limited access to rural lots and parcels larger than 2.5 acres in size.

E) To ensure that land development is conducted with regard for the welfare of future residents and rights of surrounding landowners.

1.2 Scope of Ordinance: Private roads created for the purpose of partitioning shall be approved by the Planning Commission, Hearings Council, or Jackson County Planning Department.

A person desiring to create a private road shall comply with the requirements of this Ordinance, State Law, and the Comprehensive Plan and Zoning Ordinance of Jackson County.

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It shall be unlawful to create a private road or street for the purpose of partitioning an area or tract of land other than in accordance with the provisions of this Ordinance and with the approval of the Jackson County Planning Commission, Hearings Council, or Jackson County Planning Department.

SECTION 2. DEFINITIONS

2.1 County: Jackson County, Oregon.

2.2 County Road: A street or road accepted by the Board of Commissioners as part of the general road system of the County.

2.3 Department: Jackson County Department of Planning and Development.

2.4 Driveway: A way of motor vehicle access which is owned and controlled by a single property owner and which serves only the tax lot in which it is located.

2.5 Lot: A unit of land that is created by the subdivision of land.

2.6 Major Partition: A partition which includes the creation of a road.

2.7 Parcel: A unit of land that is created by the partitioning of land.

2.8/9 Partition Land: An act of dividing an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

2.8/9 Private Road: A road constructed within an access easement which is not open to unrestricted use by the public, is not considered part of the county road maintenance system, and is reviewed and approved subject to the requirements of this ordinance.

2.8/10 Public Roads Suitable for Development: A road open to unrestricted use by the public which is accepted as a public road in the records of the Jackson County Public Works Department; State roads; county roads; and public roads, whether judicially-decreed or dedicated to and accepted by the county, which have been improved to county road standards. This term does not include roads included within the United States Forest Service, nor Bureau of Land Management road systems.
2.9/11 Residential Purpose: To occupy a parcel of land or create a parcel with the intention of occupancy as a resident through the establishment or intended establishment of housing or dwellings. Also includes the intention to market a parcel of land for the purpose of occupancy by a resident.

2.9/12 Shall: Mandatory.

2.9/13 Street or Road: A public or private access that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land; but excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

2.14 Subgrade: That portion of the graded roadbed on which base, surfacing or pavement is to be placed.

SECTION 3. PRE-APPLICATION PROCEDURE

3.1 The Department shall provide an applicant, upon request, with information regarding procedures and other information at the disposal of the Department which is pertinent to the application.

SECTION 4. APPLICATION PROCEDURE

4.1 An application for creation of a private road shall include:

A) A map in such number of copies as may be required by the Department, conforming to the following requirements:

1) Size - 1/16 inches by 8 1/2 inches or even multiples thereof, unless otherwise authorized by the Department.

2) Date, northpoint, section, township, range, and, where applicable, tax lot designation from records of the Jackson County Assessor shall appear.

3) Scale shall be 1"=100' or other appropriate scale as required by the Department.

4) Vicinity map to indicate general location of the proposed private road.

5) Name and address of record owner, or person creating the private road, if other than the record owner, and if the map has been prepared by someone other than the owner or developer, the name of that person.

6) Location of proposed private road, width, length, and maximum grade.

7) Each proposed parcel to be served by the private road to be numbered consecutively and approximate acreage of each parcel.
8) Existing road with which the proposed private road will connect.
9) Location and use of structures, location of drainages, creeks, and rivers, within 100 feet of any proposed property lines.
10) Location of any existing or proposed easements which the private road will cross.
11) Indication of natural or induced vegetative cover in the vicinity of the private road, such as pasture, cultivated, timbered, open.
12) Names of record owners of lands contiguous to the private road.
13) Location of drainages, creeks and rivers.

B) A written statement containing:

1) Names of agents who are authorized to represent the applicant during the application proceeding.
2) Statement of purpose of the private road.
3) Number of parcels to be served.
4) Names of owners other than the applicant upon whose land any portion of the private road will be located, accompanied by:
   a) An instrument from each such owner effectively conveying to the applicant the right to construct and maintain a private road on the owner's land, or written acknowledgement by each such owner of his willingness to execute such an instrument.
   b) Written acknowledgement by each such owner of his knowledge that the private road described in the application may not be used for legal access to any parcel of land not described in the application.
5) Proposed road construction specifications, including:
   a) Depth and size of base material and percentage of compaction, if such is proposed.
   b) Depth and size of top course and percentage of compaction, if such is proposed.
   c) Percentage of compaction of subgrade.
4.2 The Department may refuse to accept any application which does not conform to this Ordinance. Refusal by the Department to accept an application may be appealed as provided in Section 14.

4.3 The Department shall determine which city, county, state or federal agencies or special districts will be affected, and inform the applicant, who shall submit his application for review by the agencies or districts so designated by the Department. The maximum number of parcels that can be created by partitioning in any application is limited to three (3) parcels. Should parcels other than those proposed for partitioning within the application utilize the subject private road for legal access, it shall be established that such parcels are legal parcels and uses under the provisions of the Jackson County Zoning Ordinance. When the proposed application will serve illegal parcels or uses the application shall be denied.

SECTION 5. PRE-MEETING PROCEDURE

5.1 Applications submitted for processing under this ordinance shall be subject to one of two procedures. The Department shall determine the appropriate method of processing based upon an evaluation of the following:

A) Statewide goals;

B) Conformance with the Jackson County Zoning Ordinance and Comprehensive Plan;

C) Physical conditions of the area;

D) Number of parcels served by the proposed private road; and

E) Section 8 of this ordinance.

5.2 The Department shall notify the applicant of the initial method of processing. The notice shall also include the date of either the:
A) Final action, if the application will be processed by staff; or
B) Initial hearing, if the application will be heard by the Hearings Council.

5.3 The Department shall notify affected agencies, affected special districts and landowners contiguous to the parcels proposed for partitioning and the private road. Additionally, when the application will be heard by the Hearings Council, the Department shall also provide for notice of the hearing; to be published in a newspaper of general circulation at least ten (10) days prior to the time of the hearing; and to be mailed to the citizen advisory group board members in the applicable planning area.

5.4 When applications will be processed by the Department the parties notified pursuant to Section 5.3 shall have ten (10) days from the date postmarked on the notice to submit comments or requests for a hearing to the Department.

SECTION 6.--STANDARDS/

6.1 A private road shall directly connect to a public road, county road, state highway, or with approval of the appropriate agency having jurisdiction, a United States Forest Service road or Bureau of Land Management road.

6.2 The minimum width of easement for a private road shall be 25 feet.

6.3 A private road shall provide for a minimum 20-foot radius curb-de-sac at its terminus, or an adequate turnaround within 200 feet of its terminus.

6.4 The maximum grade of a private road shall not exceed 15%.

6.5 No private road shall be created which is generally parallel to another private road, unless it is separated from the other road by not less than 600 feet at any point; except that if the Planning Commission finds that unique topographic conditions exist in the area of the proposed private road, the Planning Commission may consider adjustment of this standard.

6.6 No private road shall be created which is generally parallel to a public road for a distance of more than 300 feet, unless it is separated from the public road by a distance of not less than 600 feet; except that if unique topographic conditions exist in the area of the proposed private road, the Planning Commission may consider adjustment of this standard.

6.7 A private road shall not be extended off another private road or easement without the consent of persons holding an existing interest in such private road.

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6.8 It is the intent of this Ordinance that private roads created hereby shall provide access to a limited number of parcels and if the applicant is requesting access for more than three parcels, the burden of showing conformance with this Ordinance shall be on the applicant.

6.9 The Planning Commission shall review each private road for its potential as a future County road and shall require a 60-foot width if the private road forms a logical extension of the County road system, or a lesser width would prevent orderly development of the area and cause future hardship.

SECTION 6. DEPARTMENT REVIEW (Major Partition - Tentative)

6.1 The Department shall process all applications where:

A) The applicant proposes to create a major partition served by a private road;

B) The private road will serve no more than three parcels.

C) The private road will be constructed to the requirements set forth in Section 8.1, and

D) The Planning Director or his designated representative determines that:
   1) The application conforms to the statewide planning goals.
   2) The application and the circumstances associated therewith do not involve any special or unusual conditions.
   3) The application conforms to the Jackson County Zoning Ordinance and Comprehensive Plan.

6.2 The Department shall determine all public agencies, special districts and adjoining landowners to be notified regarding the application. Failure of any person, group or agency to receive notice shall not impair the validity of the staff decision.

6.3 The Department shall not make a determination and will forward to the Hearings Council any application where a public hearing request has been made in writing within ten (10) calendar days of the postmark date of the notice by an adjoining landowner, affected agency or the applicant.

6.4 The Department shall approve these applications which are found to conform with the requirements of 6.1 and attach the following conditions, provided a request for a hearing has not been filed:

A) The applicant shall comply with the requirements of all affected agencies and special districts; and shall be...
appraised of all agency's and special district's recommendations.

2) The applicant shall utilise erosion control provisions acceptable to the staff soil scientist.

6.5 Department review, including notification as set forth in Section 5.3 shall not exceed fifteen (15) calendar days, which may be extended upon mutual written consent by the applicant and the Planning Director or his designated representative. Failure of the Department to render a decision within the period, herein provided, without mutual written consent, shall be deemed to constitute approval of the application.

SECTION 7. HEARINGS COUNCIL REVIEW (Major Partition - Tentative)

7.1 The Hearings Council shall hear all applications which cannot be processed by staff due to conflict with the requirements of Section 6.1 and those applications for three (3) or fewer parcels where a request for a public hearing has been filed.

7.2 The Department shall review the application and provide the Hearings Council with a written report. A copy of the report shall be mailed to the applicant not less than five (5) working days prior to the meeting in which the Hearings Council will consider the application.

7.3 Hearings Council review, including notification, as set forth in Section 5.3, shall not exceed 90 calendar days from the date of acceptance of the application by the Department, which may be extended upon mutual written consent by the applicant and the Planning Director or his designated representative, or the Hearings Council. Failure of the Hearings Council to render a decision within the period herein provided, without written mutual consent, shall be deemed to constitute approval of the application.

SECTION 8. STANDARDS

8.1 Private roads shall be constructed to the following standards. However, those private roads serving four or more parcels, and those roads serving three or fewer parcels, where unusual or special conditions exist, shall also be subject to the items set forth in Section 8.2.

A) The easement width shall be 25 feet where the natural slope of the land within the easement (cross-slope) is 20 percent or less, and shall be 50 feet where the cross-slope is 21 percent to 30 percent.

B) Ten (10) foot wide improved travel surface, with two (2) foot shoulders on each side;

C) Turnouts shall be required at 800 feet maximum spacing, or at distances which insure continuous visual contact between
turnouts, and constructed to the following dimensional standards: Fifty (50) feet in length and seven (7) feet in width, with an additional twenty-five (25) feet on each end tapering to the required road width.

D) Cut and fill slope requirements and erosion control provisions acceptable to the staff soil scientist.

E) The slope of the undisturbed land within the road right-of-way (cross-slope) shall not exceed thirty (30) percent.

F) The width of the road approach at its intersection with the county road or other public road suitable for development shall equal eighteen (18) feet, and taper over a distance of fifty (50) feet to the travel surface width.

G) Maximum finished grade of fifteen (15) percent.

H) Thirty (30) foot radius cul-de-sac, or suitable turn-around acceptable to the Department, at the terminus of the private road or within 300 feet of its terminus.

I) No private road shall be created which is generally parallel to another private road, unless it is separated from the other road by not less than two hundred seventy five (275) feet at any point; except that if the Hearings Council finds that unique topographic conditions exist in the area of the proposed private road, the Hearings Council may consider adjustment of this standard.

J) No private road shall be created which is generally parallel to a public road for a distance of more than three hundred (300) feet, unless it is separated from the public road by a distance of not less than three hundred (300) feet; except that if unique topographic conditions exist in the area of the proposed private road, the Hearings Council may consider adjustment of this standard.

K) A private road shall directly connect to a public road suitable for development as defined in this Ordinance.

L) A private road shall not be extended off another private road or easement without the consent of persons holding an existing interest in such private road.

8.2 Private roads which are proposed to serve four (4) to eight (8) parcels shall be constructed in compliance with Section 8.1 except when this section specifies otherwise, or where modified by the Hearings Council. In prescribing such modifications the Hearings Council shall consider any relevant factors, including but not limited to the following:

Road width, easement width, vehicle access and turn-arounds, culverts

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irrigation district standards, erosion control, length, bridges, soil type, pre-existing parcels and dwellings, and composition of travel surface.

A) If the proposed private road has the potential of becoming a future county road, the required easement width shall be fifty (50) feet.

B) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions. In evaluating the adequacy of a proposal to meet this requirement the Hearings Council shall compare the applicant's proposed road construction specifications to the following standard, which the Hearings Council may require, based upon the finding that the applicant's proposed specifications are inadequate:

1) Three (3) inches 3/4-0 compacted, crushed rock or equivalent top course; with

2) Three (3) inches 1½-0 compacted crushed rock or equivalent base course.

3) The sub-grade compacted to 90 percent of maximum compaction, verified at the expense of the applicant by a minimum of three (3) compaction tests per road or once every 500 feet, whichever results in the greatest number of tests, and certified by a registered engineer or professional soil scientist.

C) An application proposing to create a private road which, by itself, or in combination with intersecting private roads, will serve nine (9) or more parcels, shall be denied.

D) The maximum road grade shall be fifteen (15) percent except that it may exceed fifteen percent for a maximum distance of one hundred (100) feet, but under no circumstances shall the road grade exceed eighteen (18) percent.

E) The slope of the undisturbed land within the road right-of-way (cross-slope) may exceed thirty (30) percent.

F) The Hearings Council shall require that a maintenance agreement be recorded in the records of Jackson County in the form of a deed declaration prior to any change in ownership or construction, or placement of any new dwelling on the affected parcels, whichever occurs first, and include the following terms:

1) That the agreements for maintenance shall be enforceable by the record owners of parcels served by the road or by their contract buyers or lessees; and
3) That such persons shall maintain the road, either equally or in accordance with a specific formula.

SECTION-7. FINDINGS-AND-CONDITIONS

/7.1/ A private road may be approved by the Planning Commission when it finds that:

A) The private road will not be injurious to, or prevent orderly development of, other property in the immediate area.

B) The private road conforms to the purpose of this Ordinance, its standards, state law, and any other applicable ordinances.

/7.2/ The Planning Commission may make its approval of a private road conditional on the compliance by the applicant with such requirements as the Planning Commission considers necessary to maintain the standards of this Ordinance and to protect the best interests of the surrounding area.

Section 9. Findings and Conditions

/9.1/ Approval of a private road by Jackson County shall not be construed as assumption by the County of responsibility for construction, maintenance, or improvement.

/9.2/ Upon approval of a final major land partition map and document for a private road no further land partitioning shall occur off of the private road and the private road may not be extended without a new application being filed subject to the provisions of this Ordinance.

/9.3/ The private road shall be constructed prior to construction or placement of any dwelling on the parcels; prior to further extension of the proposed private road; or prior to further partitioning off of the private road.

/9.4/ If any parcel contained within the application will be transferred or conveyed prior to the construction of the private road serving such parcel, the deed of the affected parcel shall disclose the following restriction:

"No development permits will be issued, nor will an application for partitioning be accepted by the Jackson County Department of Planning and Development prior to construction of the approved private road (further described in recorded map number ___), and a certificate of location has been filed with the Department."

/9.5/ The applicant shall submit a certificate of a registered surveyor that the travel surface of the private road is within the easement shown on the final map.
9.6 The road construction standards applicable at the time of final map approval shall be valid for a period of eighteen months following the date of final map approval. Following this expiration date the road will be built according to standards in effect at the time of construction.

SECTION 19/10. COMPLIANCE/ NOTIFICATION

/9.1 The Planning Commission shall render a decision on an application to create a private road within sixty-(60)-days of the public meeting; which time limit may be extended upon the consent of the applicant. Failure of the Planning Commission to render a decision within the period herein provided, without the applicant's consent, shall be deemed to be approval of the application./

10.1 Approval or denial of an application shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision; states the facts relied upon in rendering the decision; and explains the justification for the decision based on the criteria, standards and facts set forth.

/9.2 The Department shall give written notice of the Planning Commission's decision to the applicant./

10.2 Written notice of the approval or denial shall be given to all parties to the proceeding.

SECTION 11. FINAL MAP

/9.4/ 11.1 Upon approval by the Hearings Council or Department of a creation of a major land partition, the applicant shall comply with the standards set forth by this ordinance, the applicable laws of the State of Oregon, and any conditions imposed by the Hearings Council or Department and shall have performed the necessary field surveys and have prepared a final map by a registered professional land surveyor within six (6) months after tentative approval. The Department may allow a six-month extension, provided in the Department's opinion there exists good cause for such an extension. The final map shall be prepared to the following specifications:

A) Size - 18" x 24"/with-additional-3"-margin-for-binding; /
B) Material - Polyester film at least .003" thickness.
C) The map shall be based on an accurate survey prepared by a registered surveyor showing the centerline of the private road easement, which shall be designated "private road" on the map, and all new boundary lines. The map shall include the following.
1) Title block containing the words "major partition" or other appropriate title; name of the record owner and developer; location showing one quarter section or Donation Land Claim (D.L.C.), township, range, and county.

2) Number each parcel served by the private road, and indicate the approximate acreage of each.

3) Recording number of any official record which may be pertinent to the private-road partition.

4) Date, scale, northpoint, area (in acres to nearest 0.1), basis of bearing.

5) True boundary lines shall be differentiated from approximate boundary lines.

6) All points of intersection, length of arcs, radii, and central angle of curves of the easement.

7) Description of monuments found, also monuments set right-of-way-and-parcels-surveyed and corners established relating to the newly created boundary lines or easements.

8) Width and location of:
   a) private road easement.
   b) existing street or road which adjoins private road.
   c) existing easements affecting private road or parcels served thereby and denoted by fine dotted lines, and if already of record, their recorded reference.

9) Signature lines for Planning Commission's or Department's approval, recorder's certification, surveyor's certification, and approval of other agencies and districts designated by the Department.

10) A declaration by the applicant in substantially the following form:

    I, ___________________, declare that I am the owner in fee simple of the land shown hereon as partitioned, and that I have caused said land to be surveyed and mapped for the purpose of creating a private road to provide access to parcels numbered (list parcel numbers) shown hereon.

    (signature)

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STATE OF OREGON  
)  
County of Jackson  
) ss.  

Before me this ____ day of _____, 19__, personally appeared the above-named ____________, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My commission expires: __________

/9.5/

11.3 The final map shall carry approving signatures demonstrating coordination and review by all agencies and districts determined by the Department to be affected.

/9.6/

11.4 Any map prepared by the County Surveyor or his deputy, in his private capacity, shall be reviewed by any other surveyor or engineer registered to practice in Oregon.

/9.7/ The-final-map-and-related-documents-shall-be-reviewed-by-the-Planning Director-for-compliance-with-all-requirements-of-this-Ordinance; /

11.5 The final map and related documents shall be reviewed by the Planning Director or his designated representative for compliance with all requirements of this ordinance, and any conditions imposed. The Director or his designated representative shall also sign and date the final map following determination of compliance.

/9.8/

11.6 The final map and related documents shall be recorded by the applicant in the Official Records of Jackson County, Oregon, within ten (10) days after approval by the Planning Director, or his designated representative. An exact reproducible copy shall be filed with the County Surveyor.

SECTION /12/ FEES

12.1 A fee of $50 shall accompany the application for a major partition or a private road, no part of which shall be returnable.

SECTION /13/ VARIATIONS AND EXCEPTIONS

13.1 Where the Planning Commission/ Hearings Council finds that hardship may result from strict compliance with this Ordinance, it may vary the requirements of this Ordinance so that substantial justice may
be done, provided that such variation or exception will not be
detrimental to the public health and welfare and further provided
that such variation will not have the effect of nullifying the
intent and purpose of the Comprehensive Plan, State law, or other
applicable ordinance.

SECTION /13/ APPEAL

13.1 Appeal to Planning Commission: Appeal may be made to the Planning
Commission from any decision, requirement, or determination of the
Department or Hearings Council by filing notice thereof in writing with the Board within
thirty (30) days after such decision or requirement is made. Such
notice shall set forth in detail the action and the grounds by
which the persons deem themselves aggrieved.

SECTION /14/ REAPPLICATION

14.1 When approval of creation of a private road has been denied, no
similar application shall be accepted by the Department for a
period of six (6) months from the date of denial.

SECTION /15/ VALIDITY

15.1 If any portion of this Ordinance shall be judicially determined to
be invalid, such determination shall not extend to any other portion
of this Ordinance; but shall be limited to the portion to which
such determination applies.

SECTION /16/ PENALTIES

16.1 Any person, firm, corporation, partnership, or co-partnership who
wilfully violates any of the provisions, or fails to comply with
any of the mandatory requirements of this Ordinance, is in violation of
Oregon Revised Statutes, Chapter 92, and is subject to the penalties
contained in ORS 92.990. Nothing herein contained shall be deemed
to bar any legal, equitable, or summary remedy to which the County
of Jackson, or other political subdivision, or any person, firm,
corporation, partnership, or co-partnership who may file suit to
restrain or enjoin any attempted or proposed land partition or sale
in violation of this Ordinance, may be entitled. /Reference to
ORS 215 deleted/
SECTION /15/ 28 EFFECTIVE DATE

/15-1/
18.1 An emergency is deemed to exist and this ordinance shall become effective upon its adoption and filing with the Recording Officer of Jackson County, Oregon.

DATED this 3rd day of June, 1980, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Jon Deason, Chairman

Don Schofield, Commissioner

John Reede, Commissioner

ATTEST:

Nancy Mitchell
Recording Secretary
CREATION OF PRIVATE ROADS

September 24, 1975
AN ORDINANCE AUTHORIZING CREATION OF PRIVATE ROADS

THIS ORDINANCE MAY BE CITED AS THE "PRIVATE ROAD ORDINANCE OF 1975" AND PROVIDES FOR CREATION OF PRIVATE ROADS IN CONNECTION WITH MAJOR PARTITIONS OF LAND AS DEFINED IN CHAPTER 92, OREGON REVISED STATUTES.

THE BOARD OF COMMISSIONERS OF JACKSON COUNTY, OREGON ORDAINS AS FOLLOWS:

PRIVATE ROAD ORDINANCE OF 1975

SECTION
Purpose 1
Definitions 1 & 2
Pre-Application and Application Procedure 2
Pre-Meeting Procedure 3
Standards 3 & 4
Findings and Conditions 4
Fees and Compliance 4 & 5
Variances, Appeals, Reapplications 6 & 7
Penalties, Effective Date and Adoption 7
Annex "A", Sample Final Map 8
SECTION 1. PURPOSE OF THE ORDINANCE

1.1 The Ordinance is enacted to allow for the Creation of Private Roads in the County of Jackson, State of Oregon, and is intended to achieve the following purposes:

A) To provide a method of access for the purpose of partitioning land under ORS 92.014.

B) To provide for a method of recordation and proper public notice of access to tracts affected by a Major Partition pursuant to ORS 92.044.

C) To ensure that land is partitioned or otherwise divided by methods that will promote the public health, safety, convenience, and general welfare of the people of Jackson County, and in conformity with the Comprehensive Plan and Zoning Ordinance of Jackson County.

D) To provide for a means of limited access to rural lots and parcels where full standard County roads may not be needed.

E) To ensure that land development is conducted with regard for the welfare of future residents and rights of surrounding landowners.

1.2 Scope of Ordinance: Private roads created for the purpose of partitioning shall be approved by the Planning Commission.

A person desiring to create a private road shall comply with the requirements of this Ordinance, State Law, and the Comprehensive Plan and Zoning Ordinance of Jackson County.

1.3 It shall be unlawful to create a private road or street for the purpose of partitioning an area or tract of land other than in accordance with the provisions of this Ordinance and with the approval of the Jackson County Planning Commission.

SECTION 2. DEFINITIONS

2.1 County: Jackson County, Oregon

2.2 County Road: A street or road accepted by the Board of Commissioners as part of the general road system of the County.

2.3 Department: Jackson County Department of Planning and Development.

2.4 Lot: A unit of land that is created by the subdivision of land.

2.5 Parcel: A unit of land that is created by the partitioning of land.

2.6 Partition: An act of dividing an area or a tract of land.

2.7 Private Road: A road which is not open to unrestricted use by the public.

2.8 Public Road: A road open to unrestricted use by the public which is accepted as a public road in the records of the Jackson County Public Works Department.

2.9 Residential Purpose: To occupy a parcel of land or create a parcel with the intention of occupancy as a resident through the establishment or intended establishment of housing or dwellings. Also includes the intention to market a parcel of land for the purpose of occupancy by a resident.
2.10 Shall: Mandatory

2.11 Street or Road: A public or private access that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land; but excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

SECTION 3. PRE-APPLICATION PROCEDURE

3.1 The Department shall provide an applicant, upon request, with information regarding procedures and other information at the disposal of the Department which is pertinent to the application.

SECTION 4. APPLICATION PROCEDURE

4.1 An application for creation of a private road shall include:

A) A map in such number of copies as may be required by the Department, conforming to the following requirements:

1) Size - 13 inches x 8½ inches or even multiples thereof, unless otherwise authorized by the Department.

2) Date, northpoint, section, township, range, and, where applicable, tax lot designation from records of the Jackson County Assessor shall appear.

3) Scale shall be 1"=100' or other appropriate scale as required by the Department.

4) Vicinity map to indicate general location of the proposed private road.

5) Name and address of record owner, or person creating the private road, if other than the record owner, and if the map has been prepared by someone other than the owner or developer, the name of that person.

6) Location of proposed private road, width, length, and maximum grade.

7) Each proposed parcel to be served by the private road to be numbered consecutively and acreage of each parcel.

8) Existing road with which the proposed private road will connect.

9) Location and use of structures, location of drainages, creeks, and rivers.

10) Location of any existing or proposed easements which the private road will cross.

11) Indication of natural or induced vegetative cover in the vicinity of the private road, such as pasture, cultivated, timbered, open.

12) Names of record owners of lands contiguous to the private road.
B) A written statement containing:

1) Names of agents who are authorized to represent the applicant during the application proceeding.

2) Statement of purpose of the private road.

3) Number of parcels to be served.

4) Names of owners other than the applicant upon whose land any portion of the private road will be located, accompanied by:

   a) An instrument from each such owner effectively conveying to the applicant the right to construct and maintain a private road on the owner's land, or written acknowledgement by each such owner of his willingness to execute such an instrument.

   b) Written acknowledgement by each such owner of his knowledge that the private road described in the application may not be used for access to any parcel of land not described in the application.

4.2 The Department may refuse to accept any application which does not conform to this Ordinance. Refusal by the Department to accept an application may be appealed as provided in Section 11.

4.3 Upon receipt of the application, the Department shall determine which city, county, state or federal agencies or special districts will be affected, and inform the applicant; who shall submit his application for review by the agencies or districts so designated by the Department.

SECTION 5. PRE-MEETING PROCEDURE

5.1 The Department shall review the application and provide the Planning Commission with a written report. A copy of the report shall be mailed to the applicant not less than five (5) days prior to the meeting in which the Planning Commission will consider the application.

5.2 The applicant and owners of land contiguous to the proposed road shall be given not less than ten (10) days notice by mail of the time and place of the meeting at which the application will be considered.

5.3 Notice of the meeting shall be given by one publication in a newspaper of general circulation, at least ten (10) days prior to the time of the meeting.

SECTION 6. STANDARDS

6.1 A private road shall directly connect to a public road, County road, State highway, or with approval of the appropriate agency having jurisdiction, a United States Forest Service road or Bureau of Land Management road.

6.2 The minimum width of easement for a private road shall be 25 feet.

6.3 A private road shall provide for a minimum 30-foot radius cul-de-sac at its terminus, or an adequate turnaround within 200 feet of its terminus.

6.4 The maximum grade of a private road shall not exceed 15%.
6.5 No private road shall be created which is generally parallel to another private road, unless it is separated from the other road by not less than 600 feet at any point; except that if the Planning Commission finds that unique topographic conditions exist in the area of the proposed private road, the Planning Commission may consider adjustment of this standard.

6.6 No private road shall be created which is generally parallel to a public road for a distance of more than 300 feet, unless it is separated from the public road by a distance of not less than 600 feet; except that if unique topographic conditions exist in the area of the proposed private road, the Planning Commission may consider adjustment of this standard.

6.7 A private road shall not be extended off another private road or easement without the consent of persons holding an existing interest in such private road.

6.8 It is the intent of this Ordinance that private roads created hereby shall provide access to a limited number of parcels and if the applicant is requesting access for more than three parcels, the burden of showing conformance with this Ordinance shall be on the applicant.

6.9 The Planning Commission shall review each private road for its potential as a future County road, and shall require a 60-foot width if the private road forms a logical extension of the County road system, or a lesser width would prevent orderly development of the area and cause future hardship.

SECTION 7. FINDINGS AND CONDITIONS

7.1 A private road may be approved by the Planning Commission when it finds that:

A) The private road will not be injurious to, or prevent orderly development of other property in the immediate area.

B) The private road conforms to the purpose of this Ordinance, its standards, State Law, and any other applicable ordinances.

7.2 The Planning Commission may make its approval of a private road conditional on the compliance by the applicant with such requirements as the Planning Commission considers necessary to maintain the standards of this Ordinance, and to protect the best interests of the surrounding area.

7.3 Approval of a private road by the Planning Commission shall not be construed as assumption by the County of responsibility for construction, maintenance, or improvement.

SECTION 8. FEES

8.1 A fee of $50 shall accompany the application for creation of a private road, no part of which shall be returnable.
SECTION 9. COMPLIANCE*

9.1 The Planning Commission shall render a decision on an application to create a private road within sixty (60) days of the public meeting; which time limit may be extended upon the consent of the applicant. Failure of the Planning Commission to render a decision within the period herein provided, without the applicant's consent, shall be deemed to be approval of the application.

9.2 The Department shall give written notice of the Planning Commission's decision to the applicant.

9.3 Upon approval by the Planning Commission of a creation of a private road, the applicant shall comply with the standards and conditions set forth by this Ordinance and the Planning Commission, and shall prepare a final map within six (6) months after approval of the road creation by the Planning Commission.

9.4 The final map shall conform to the following requirements:

A) Size - 18" x 24" with additional 3" margin on left for binding.
B) Material - Polyester film at least .003" thickness.
C) The map shall be based on an accurate survey of the private road, which shall be designated "private road" on the map, and the affected parcels, showing the following:

1) Title block containing the words "major partition" or other appropriate title; name of the record owner and developer; location showing one-quarter section or Donation Land Claim (D.L.C.), township, range, and County.

2) Number each parcel served by the private road.

3) Recording number of any official record which may be pertinent to the private road.

4) Date, scale, northpoint, area (in acres to nearest .01), basis of bearing.

5) True boundary lines shall be differentiated from approximate boundary lines.

6) All lengths of arcs, radii, and central angle of curves.

7) Description of monuments found, also monuments set on right-of-way and parcels surveyed.

8) Width and location of:
   a) private road,
   b) existing street or road which adjoins private road,
   c) existing easements affecting private road or parcels served thereby.

* This section amended November 5, 1975.
9) Signature lines for Planning Commission approval, recorder's certification, surveyor's certification, and approval of other agencies and districts designated by the Department.

10) A declaration by the applicant in substantially the following form:

I ______ (applicant's name) ______ declare that I am the owner in fee simple of the land shown hereon and that I have caused said land to be surveyed and mapped for the purpose of creating a private road to provide access to parcels numbered _______ (list parcel numbers) as shown hereon.

STATE OF OREGON ) ss.
County of Jackson )

Before me this ___ day of ____________, 19___, personally appeared the above named ________________________, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My commission expires: ________

9.5 The final map shall carry approving signatures demonstrating coordination and review by all agencies and districts determined by the Department to be affected.

9.6 Any map prepared by the County Surveyor or his deputy, in his private capacity, shall be reviewed by any other surveyor or engineer registered to practice in Oregon.

9.7 The final map and related documents shall be reviewed by the Planning Director for compliance with all requirements of this Ordinance.

9.8 The final map and related documents shall be recorded by the applicant in the Official Records of Jackson County, Oregon, within ten (10) days after approval by the Planning Director. An exact reproducible copy shall be filed with the County Surveyor.

SECTION 10. VARIATIONS AND EXCEPTIONS

10.1 Where the Planning Commission finds that hardship may result from strict compliance with this Ordinance, it may vary the requirements of this Ordinance so that substantial justice may be done, provided that such variation or exception will not be detrimental to the public health and welfare and further provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Zoning Ordinance, State Law, or other applicable ordinance.
10.2 A legal private road created prior to the adoption of this Ordinance is not subject to the standards of this Ordinance. Pre-existing private roads approved by the Planning Commission prior to this Ordinance will remain subject to the conditions set forth by the Planning Commission at the time of approval. Any change or alteration of those conditions shall be subject to the standards set forth in this Ordinance.

SECTION 11. APPEAL

11.1 Appeal to Planning Commission: Appeal may be made to the Planning Commission from any decision, or requirement made by the Department. Such appeal shall set forth in detail the action of the Department by which the persons deem themselves aggrieved. Notice shall be filed with the Department not less than 15 days prior to the meeting of the Planning Commission at which the appeal is to be considered.

11.2 Appeal to Board of County Commissioners: Appeal may be made to the Board of County Commissioners from any decision, requirement, or determination of the Planning Commission by filing notice thereof in writing with the Board within thirty (30) days after such decision or requirement is made. Such notice shall set forth in detail the action and the grounds by which the persons deem themselves aggrieved.

SECTION 12. REAPPLICATION

12.1 When approval of creation of a private road has been denied, no similar application shall be accepted by the Department for a period of six (6) months from the date of denial.

SECTION 13. VALIDITY

13.1 If any portion of this Ordinance shall be judicially determined to be invalid, such determination shall not extend to any other portion of this Ordinance; but shall be limited to the portion to which such determination applies.

SECTION 14. PENALTIES

14.1 Any person, firm, corporation, partnership, or co-partnership who willfully violates any of the provisions, or fails to comply with any of the mandatory requirements of this Ordinance, is in violation of Oregon Revised Statutes, Chapters 92 and 215, and is subject to the penalties contained in ORS 92.990, and ORS 215.990. Nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the County of Jackson, or other political subdivision, or any person, firm, corporation, partnership, or co-partnership who may file suit to restrain or enjoin any attempted or proposed land partition or sale in violation of this Ordinance, may be entitled.

SECTION 15. EFFECTIVE DATE

15.1 This Ordinance shall become effective upon being filed with the recording officer of Jackson County, Oregon. Dated this 24th day of September, 1975 at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS:

s/s Tam Moore, Commissioner
s/s Jon Deason, Commissioner
s/s Isabel H. Sickels, Commissioner
This final map shall be placed on 18" by 27" format material as specified by the County Surveyor in rules for plats and subdivision mapping, current edition.

MAJOR LAND PARTITION
LOCATED IN THE NE 1/4 OF SECTION 22, T40S R3E, JACKSON COUNTY, OREGON

SEPTEMBER 8, 1975
SCALE: 1" = 50'
SURVEYED FOR: BILL BOYD
SURVEYED BY: ANGIE TUCKER
1313 WASH WAY
FREDON, OR 97501
APPROVED BY THE JACKSON COUNTY PLANNING COMMISSION

RECORDING'S CERTIFICATE
FIELD FOR RECORD THIS DAY OF , 1975, AT O'CLOCK A.M., IN VOLUME , PAGE , of "MAJOR LAND PARTITIONS" IN JACKSON COUNTY, OREGON

COUNTY CLERK

RECORDING'S CERTIFICATE
THE ABOVE REFERENCED DUTY REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFIES THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND COMPLIES WITH THE REGULATIONS FOR MAJOR PARTITIONS.

SURVEYOR'S CERTIFICATE

DECLARATION
KNOW ALL MEN BY THESE PRESENTS, THAT BILL BOYD IS THE OWNER FOR ENTIRE OF THE LAND SHOWN HEREIN AND HAS CAUSED SAID LAND TO BE SURVEYED AND LOCATED AND IN CONSIDERATION OF SUMMERS RENDERED FROM APPROVAL BY THE JACKSON COUNTY PLANNING COMMISSION, OF THE CLOSING OF AN EXISTING PUBLIC USE OUT OF TRESSES AND EXCISED TO BE APPEARENT TO PARCELS NO. 1, 2, AND 3, ONLY AS SHOWN HERETO

STATE OF OREGON
COUNTY OF JACKSON
APPROVED FOR COORDINATION

XYZ Irrigation District

(Approved for Coordination as specified by Planning Director)

(annex "A" to Creation of Private Roads Ordinance
Sept 10, 1975)
BEFORE THE BOARD OF COMMISSIONERS  
STATE OF OREGON, COUNTY OF JACKSON  

AN ORDINANCE ESTABLISHING REVIEW PROCEDURES FOR MINOR PARTITIONS AND REQUIRING THAT PARTITIONS OF AGRICULTURAL LANDS BE MADE IN COMPLIANCE WITH STATE PLANNING GOAL 3.

(Matter /bracketed-and-stricken-through/ is deleted; matter underlined is new.)

The Board of Commissioners of Jackson County ordains as follows:

Section 1. Purpose of Ordinance

1.1 This section is enacted as provided by ORS 92.046 to establish a procedure for the review of minor partitions and to assure that the minor partitioning of land complies with the state planning agricultural goal, ORS 215.203 through 215.263 and the Jackson County Comprehensive Plan and Zoning Ordinance.

Section 2. Definitions.

2.1 Assessor: The County Assessor of Jackson County or designee.

2.2 Department: Jackson County Department of Planning and Development.

2.3 Director: The Planning Director of Jackson County or designee.

2.4 Clerk: The County Clerk of Jackson County or designee.

2.5 Minor Partition: Means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year and when such division does not include the creation of a road or street.

2.6 Legal Access: Access to proposed partitioned land in a manner required by the Jackson County Zoning Ordinance.

2.7 Sell: Includes every disposition or transfer of land in a partition.
Section 3. Application Procedure

3.1 Applications for minor partitions shall contain the following information:

A) A plan drawn to scale or reproduction of a tax map containing the following information:

1) Date, northpoint, section, township, range, and where applicable, tax lot designation from records of the Jackson County Assessor;
2) Name and address of record owner and of the applicant, if other than the record owner;
3) The acreage of each parcel in the proposed partition;
4) Existing road, if any, providing legal access to each parcel.
5) Location and use of all structures within one hundred (100) feet of any proposed property line;

B) An accurate legal description of the proposed parcels in the minor partition;

C) A written statement containing the following information:

1) Names of agents who are authorized to represent the applicant during the application proceeding;
2) Statement of the intended purpose or use of the minor partition;
3) A statement that the proposed parcels are served with legal access, or if they are not so served, that they will not be used for residential purposes and that the applicant will record an instrument providing notice that the parcel is not served with legal access and cannot be used for residential purposes until legal access is provided;
4) Any additional information which the applicant feels is pertinent to the application, including information relative to the compliance of the proposed minor partition with the state planning agricultural goal.

Section 4. Review Procedure.

4.1 The Director shall determine if the land proposed to be partitioned is either:

A) Predominantly Class I-IV soils as identified in the Soil Capability Classification Systems of the U.S. Soil Conservation Service; or

B) Under current assessment for farm use in the records of the Jackson County Assessor as provided by ORS Chapter 308 or under such assessment any time since January 31, 1979.
If the land is determined to be in either one of these two categories, the Director shall deny the partition due to potential conflict with the statewide planning goal 3, and forward the application to the Board of Commissioners for review subject to the procedures outlined in paragraph 4.4 below.

C) Lands which occur in any of the following situations are hereby determined to be committed to other than agricultural use and are exempted only from the goal review requirements of this ordinance:

1) Lands zoned RR-2.5, RR-1, UR-10, UR-8, UR-5, URH, IC, RS, GC, LI, GI, AR, AD-MU, AD-SU, Forest Resource, or
2) Lands designated Airport Development Area on the Comprehensive Plan map, or
3) Lands within a mutually adopted urban growth boundary.

4.2 If the land is not described by 4.1 (A) or (B), or is exempted from goal review by 4.1 (C), 1, 2, or 3, the Director shall review the proposed partition and approve it if it conforms with this ordinance, the comprehensive plan and the zoning ordinance.

4.3 The Director shall make his decision on the application within ten (10) days after filing. The Department shall give written notice of the Director's decision to the applicant. If the application is denied, the reason shall be stated in the notice.

4.4 Applications denied due to potential goal conflict determined in 4.1 shall be forwarded to the Board of Commissioners for hearing and review as described in Section 6.

Section 5. Exceptions.

5.1 Exception from the requirements of this ordinance may be granted by the Director for parcels intended for use as well sites, subsurface waste disposal sites or similar uses, and access to a single parcel. No such exception shall be effective until an instrument has been recorded restricting the use of such parcel to that approved by the Director.

5.2 The Director shall also accept and certify any partition which results in a parcel or parcels which do not meet the parcel area requirements of the zone in which it is located when said parcel area reduction has been approved by the Hearings Council or Board of Commissioners on appeal in accordance with the provisions of the zoning ordinance.
Section 6. **Appeal. Board Review.**

6.1 **Appeal may be taken from the decision of the Director by filing the appeal in writing with the Department not more than ten (10) days after the Director's decision.** The Board shall hold a hearing after notice to the applicant on all denials by the Director unless the application is withdrawn by the applicant. The applicant may present evidence at the hearing in addition to that submitted with the application and the Board may require the production of evidence.

The Board shall render its decision within thirty (30) days after filing of the appeal application.

6.2 **If the appeal is from the Director's denial under 6.1, the Board** shall consider the following factors to determine whether the application would be in compliance with the state planning agricultural goal:

- A) The predominant use of the land in the area;
- B) Existing and previous zoning;
- C) Present Recent use of the specific property;
- D) Compatibility of proposed use of the property to existing uses in the area, including parcel size and access;
- E) Character of the land, including vegetation, agriculture, soil capability, topography and irrigation;
- F) Assessor's classification of the property and adjoining properties;
- G) Other relevant facts.

6.3 If the application is determined to be an agricultural land use, the Board shall make findings that the provisions of ORS 215.213 (3)(a), (b), and (c), and the agricultural goal have been met and grant the partition. If the Board determines that the proposed partition would not comply with ORS 215.213 (3)(a), (b), and (c) and the agricultural goal, the Board shall enter its order, stating its findings, and denying the application. The Department shall give notice of the Board's decision.

Section 7. **Enforcement.**

7.1 No person shall sell any parcel in a minor partition created after January 31, 1979, until the partition has been approved as provided by this ordinance.

7.2 No permit for building construction or for installation of sanitation facilities shall be issued nor shall any other approval be granted for the development of land which has been divided after January 31, 1979, in violation of this ordinance.

7.3 No deed or contract of sale creating a parcel in a minor partition shall be submitted to the Clerk for recording without the certificate of the Director certifying that the parcel has been created in compliance with this ordinance.
7.4 The Clerk shall provide to the Director the official recording number of all deeds and contracts of sale submitted for recording which do not carry the certification of compliance required by Section 7.3.

Section 8. Area subject to Regulation.

8.1 This ordinance is applicable throughout the county except those areas lying within the boundaries of incorporated cities and mutually approved urban growth boundaries. This ordinance shall be effective upon filing a copy with the County Clerk together with an outline map showing the area subject to this ordinance.

Section 9. Limited Duration of Ordinance.

9.1 This is an interim ordinance and shall be deemed to be automatically repealed upon adoption of the agricultural element of the comprehensive plan and adoption of exclusive farm use zoning pursuant to the plan. /or on October 11, 1979, whichever occurs first./

Adopted this 12th day of December, 1979, Medford, Oregon

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signatures]

Don Beason, Chairman

Donald F. Schofield

Don Schofield, Commissioner

[Signatures]

John Keefe, Commissioner

ATTEST:

[Signatures]

By: Recording Secretary
JACKSON COUNTY, OREGON

EFFECTED AREA OF MINOR PARTITION ORDINANCE
EXCLUDING INCORPORATED AREAS AND MUTUALLY ADOPTED URBAN GROWTH BOUNDARIES

12/12/79
Before the Board of Commissioners
State of Oregon, County of Jackson

An ordinance establishing review procedures for minor partitions and requiring that partitions of agricultural lands be made in compliance with state planning goal 3.

The Board of Commissioners for Jackson County ordains as follows:

Section 1. Purpose of the Ordinance.

1.1 This section is enacted as provided by ORS 92.046 to establish a procedure for the review of minor partitions and to assure that the minor partitioning of land complies with the state planning agricultural goal, ORS 215.203 through 215.263 and the Jackson County Comprehensive Plan and Zoning Ordinance.

Section 2. Definitions.

2.1 Assessor: The County Assessor of Jackson County or designee.

2.2 Department: Jackson County Department of Planning and Development.

2.3 Director: The Planning Director of Jackson County or designee.

2.4 Clerk: The County Clerk of Jackson County or designee.

2.5 Minor Partition: An act of dividing property into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year and when such division does not include the creation of a road or street.

2.6 Legal Access: Access to proposed partitioned land in a manner required by the Jackson County Zoning Ordinance.

2.7 Sell: Includes every disposition or transfer of land in a partition.

Section 3. Application Procedure.

3.1 Applications for minor partitions shall contain the following information:

A) A plan drawn to scale or reproduction of a tax map containing the following information:

1) Date, northpoint, section, township, range and, where applicable, tax lot designation from records of the Jackson County Assessor;

2) Name and address of record owner and of the applicant, if other than the record owner;

3) The acreage of each parcel in the proposed partition;

4) Existing road, if any, providing legal access to each parcel;

5) Location and use of all structures within one hundred (100) feet of any proposed property line;

Filing with Clerk on Oct. 1, 1979/dmg
B) An accurate legal description of the proposed parcels in the minor partition;

C) A written statement containing the following information:

1) Names of agents who are authorized to represent the applicant during the application proceeding;

2) Statement of the intended purpose or use of the minor partition;

3) A statement that the proposed parcels are served with legal access, or if they are not so served, that they will not be used for residential purposes and that the applicant will record an instrument providing notice that the parcel is not served with legal access and cannot be used for residential purposes until legal access is provided;

4) Any additional information which the applicant feels is pertinent to the application, including information relative to the compliance of the proposed minor partition with the state planning agricultural goal.

Section 4. Review Procedure.

4.1 The Director shall determine if the land proposed to be partitioned is either:

A) Predominantly Class I-IV soils as identified in the Soil Capability Classification System of the U.S. Soil Conservation Service; or

B) Under assessment for farm use in the records of the Jackson County Assessor as provided by ORS Chapter 308, but not

C) Zoned RR-2.5, RR-1, UR-10, UR-8, UR-6, URH, IC, RS, GC, LI, GI, AR, AD-MU, AD-SU, Forest Resource, or

D) Designated Airport Development Area on the comprehensive plan map, or

E) Within a mutually adopted urban growth boundary.

4.2 If the land is not described by 4.1, the Director shall review the proposed partition and approve it if it conforms with this ordinance, the comprehensive plan and the zoning ordinance.

4.3 If the land is described by 4.1, the Director shall deny the application on the basis that the proposed partition would not be in compliance with the state planning agricultural goal.

4.4 The Director shall make his decision on the application within ten (10) days after filing. The Department shall give written notice of the Director's decision to the applicant. If the application is denied, the reason shall be stated in the notice.

4.5 Within thirty (30) calendar days after receipt of notice of approval from the Director, the applicant shall submit the land partition to the Assessor for review of the accuracy of the legal description of parcels in the minor partition. The Assessor shall not accept the land partition for review unless the partition has been approved by the Director.
Section 5. Exceptions.

5.1 Exception from the requirements of this ordinance may be granted by the Director for parcels intended for use as well sites, subsurface waste disposal sites or similar uses, and access to a single parcel. No such exception shall be effective until an instrument has been recorded restricting the use of such parcel to that approved by the Director.

5.2 The Director shall also accept and certify any partition which results in a parcel or parcels which do not meet the parcel area requirements of the zone in which it is located when said parcel area reduction has been approved by the Hearings Council or Board of Commissioners on appeal in accordance with the provisions of the zoning ordinance.

Section 6. Appeal.

6.1 Appeal may be taken from the decision of the Director by filing the appeal, in writing, with the Department not more than ten (10) days after the Director's decision. The Board shall hold a hearing after notice to the applicant. The applicant may present evidence at the hearing in addition to that submitted with the application and the Board may require the production of evidence. The Board shall render its decision within thirty (30) days after filing of the appeal.

6.2 If the appeal is from the Director's denial under 4.3, the Board shall consider the following factors to determine whether the application would be in compliance with the state planning agricultural goal.

A) The predominant use of the land in the area;
B) Present use of this specific property;
C) Compatibility of proposed use of the property to existing uses in the area, including parcel size and access;
D) Character of the land, including vegetation, agriculture, soil capability, topography and irrigation;
E) Assessor's classification of the property and adjoining properties;
F) Other relevant facts.

6.3 If the application is determined to be an agricultural land use, the Board shall make findings that the provisions of ORS 215.213 (3) (a) (b) and (c) and the agricultural goal have been met and grant the partition. If the Board determines that the proposed partition would not comply with ORS 215.213 (3) (a) (b) and (c) and the agricultural goal, the Board shall enter its order, stating its findings, and denying the application. The Department shall give notice of the Board's decision.

Section 7. Enforcement.

7.1 No person shall sell any parcel in a minor partition until the partition has been approved as provided by this ordinance.
7.2 No permit for building construction or for installation of sanitation facilities shall issue, nor shall any other approval be granted for the development of land which has been divided in violation of this ordinance.

7.3 No deed or contract of sale creating a parcel in a minor partition shall be submitted to the Clerk for recording without the certificate of the Director certifying that the parcel has been created in compliance with this ordinance.

7.4 The Clerk shall provide to the Director the official recording number of all deeds and contracts of sale submitted for recording which do not carry the certification of compliance required by Section 7.3.

Section 8. Area Subject to Regulation.

8.1 This ordinance is applicable throughout the county except those areas lying within the boundaries of incorporated cities. This ordinance shall be effective upon filing a copy with the County Clerk together with an outline map showing the area subject to this ordinance.

Section 9. Limited Duration of Ordinance

9.1 This is an interim ordinance and shall be deemed to be automatically repealed upon adoption of the agricultural element of the comprehensive plan and adoption of exclusive farm use zoning pursuant to the plan; or upon adoption of a permanent ordinance with an effective period exceeding the effective period of this ordinance; or on January 31, 1980, whichever occurs first.

Section 10. Emergency Declared

10.1 An emergency is declared to exist in the matter of adoption of this ordinance, and the ordinance will become effective upon its adoption.

Adopted this 19th day of September, 1979 at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signatures]

ATTEST

[Signatures]
BOARD OF COMMISSIONERS AGENDA ITEM COMMENTARY

ITEM TITLE: Minor Partition Ordinance

INITIATOR: Planning Department

STAFF INFORMATION SOURCE: Robert Britzman

BACKGROUND: The existing ordinance expires October 1, 1979. LCDC will likely reapply their enforcement order if the ordinance is not extended. The ordinance fulfills LCDC requirement of protecting agricultural lands until such time that our comprehensive plan and EFU zoning is complete.

EXHIBITS: Minor Partition Ordinance

KEY ISSUES: Extension of the current ordinance

BOARD ACTION: Adoption of the emergency ordinance

RECOMMENDATION: Staff supports the extension of the ordinance the additional 120 days allowed by an emergency ordinance. The effective date of the ordinance should be as near as possible to October 1, 1979.
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JACKSON COUNTY, OREGON

AN ORDINANCE ESTABLISHING REVIEW PROCEDURES FOR MINOR PARTITIONS AND REQUIRING THAT PARTITIONS OF AGRICULTURAL LANDS BE MADE IN COMPLIANCE WITH STATE PLANNING GOAL 3.

The Board of Commissioners of Jackson County ordains as follows:

Section 1. Purpose of the Ordinance.

1.1. This section is enacted as provided by ORS 92.046 to establish a procedure for the review of minor partitions and to assure that the minor partitioning of land complies with the state planning agricultural goal, ORS 215.203 through 215.263 and the Jackson County Comprehensive Plan and Zoning Ordinance.

Section 2. Definitions.

2.1 Assessor: The County Assessor of Jackson County or designee.

2.2 Department: Jackson County Department of Planning and Development.

2.3 Director: The Planning Director of Jackson County or designee.

2.4 Clerk: The County Clerk of Jackson County or designee.

2.5 Minor Partition: An act of dividing property into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year and when such division does not include the creation of a road or street.

2.6 Legal Access: Access to proposed partitioned land in a manner required by the Jackson County Zoning Ordinance.

2.7 Sell: Includes every disposition or transfer of land in a partition.
Section 3. Application Procedure.

3.1 Applications for minor partitions shall contain the following information:

(a) a plan drawn to scale or reproduction of a tax map containing the following information:
   (1) date, northpoint, section, township, range and, where applicable, tax lot designation from records of the Jackson County Assessor;
   (2) name and address of record owner and of the applicant, if other than the record owner;
   (3) the acreage of each parcel in the proposed partition;
   (4) existing road, if any, providing legal access to each parcel;
   (5) location and use of all structures within one hundred (100) feet of any proposed property line;

(b) an accurate legal description of the proposed parcels in the minor partition;

(c) a written statement containing the following information:
   (1) names of agents who are authorized to represent the applicant during the application proceeding;
   (2) statement of the intended purpose or use of the minor partition;
   (3) a statement that the proposed parcels are served with legal access, or if they are not so served, that they will not be used for residential purposes and that the applicant will record an instrument providing notice that the parcel is not served with legal access and cannot be used for residential purposes until legal access is provided.
(4) any additional information which the applicant feels is pertinent to the application, including information relative to the compliance of the proposed minor partition with the state planning agricultural goal.

Section 4. Review Procedure.

4.1 The Director shall determine if the land proposed to be partitioned is either

(a) predominantly Class I-IV soils as identified in the Soil Capability Classification System of the U.S. Soil Conservation Service; or

(b) under assessment for farm use in the records of the Jackson County Assessor as provided by ORS Chapter 308, but not

(c) zoned RR-2.5, RR-1, UR-10, UR-8, UR-6, URH, IC, RS, GC, LI, GI, AB, AD-MU, AD-SU, Forest Resource, or

(d) designated Airport Development Area on the Comprehensive Plan map, or

(e) within a mutually adopted urban growth boundary.

4.2 If the land is not described by 4.1, the Director shall review the proposed partition and approve it if it conforms with this ordinance, the Comprehensive Plan and the Zoning Ordinance.

4.3 If the land is described by 4.1, the Director shall deny the application on the basis that the proposed partition would not be in compliance with the state planning agricultural goal.

4.4 The Director shall make his decision on the application within ten (10) days after filing. The Department shall give written notice of the Director's decision to the applicant. If the application is denied, the reason shall be stated in the notice.
4.5 Within thirty (30) calendar days after receipt of notice of approval from the Director, the applicant shall submit the land partition to the Assessor for review of the accuracy of the legal description of parcels in the minor partition. The Assessor shall not accept the land partition for review unless the partition has been approved by the Director.

Section 5. Exceptions.

5.1 Exception from the requirements of this ordinance may be granted by the Director for parcels intended for use as well sites, subsurface waste disposal sites or similar uses, and access to a single parcel. No such exception shall be effective until an instrument has been recorded restricting the use of such parcel to that approved by the Director.

5.2 The Director shall also accept and certify any partition which results in a parcel or parcels which do not meet the parcel area requirements of the zone in which it is located when said parcel area reduction has been approved by the Hearings Council or Board of Commissioners on appeal in accordance with the provisions of the Zoning Ordinance.

Section 6. Appeal.

6.1 Appeal may be taken from the decision of the Director by filing the appeal, in writing, with the Department not more than ten (10) days after the Director's decision. The Board shall hold a hearing after notice to the applicant. The applicant may present evidence at the hearing in addition to that submitted with the application and the Board may require the production of evidence. The Board shall render its decision within thirty (30) days after filing of the appeal.

6.2 If the appeal is from the Director's denial under 4.3, the Board shall consider the following factors to determine whether
the application would be in compliance with the state planning agricultural goal.

(a) the predominant use of the land in the area;
(b) present use of this specific property;
(c) compatibility of proposed use of the property to existing uses in the area, including parcel size and access;
(d) character of the land, including vegetation, agriculture, soil capability, topography and irrigation;
(e) Assessor's classification of the property and adjoining properties;
(f) other relevant facts.

6.3 If the application is determined to be an agricultural land use, the Board shall make findings that the provisions of ORS 215.213 (3) (a) (b) and (c) and the agricultural goal have been met and grant the partition. If the Board determines that the proposed partition would not comply with ORS 215.213 (3) (a) (b) and (c) and the agricultural goal, the Board shall enter its order, stating its findings, and denying the application. The Department shall give notice of the Board's decision.

Section 7. Enforcement.

7.1 No person shall sell any parcel in a minor partition until the partition has been approved as provided by this ordinance.

7.2 No permit for building construction or for installation of sanitation facilities shall issue, nor shall any other approval be granted for the development of land which has been divided in violation of this ordinance.

7.3 No deed or contract of sale creating a parcel in a minor partition shall be submitted to the Clerk for recording without the certificate of the Director certifying that the parcel has been
7.4 The Clerk shall provide to the Director the official recording number of all deeds and contracts of sale submitted for recording which do not carry the certification of compliance required by Section 7.3.

Section 8. Area Subject to Regulation.

8.1 This ordinance is applicable throughout the county except those areas lying within the boundaries of incorporated cities. This ordinance shall be effective upon filing a copy with the County Clerk together with an outline map showing the area subject to this ordinance.

Section 9. Limited Duration of Ordinance.

9.1 This is an interim ordinance and shall be deemed to be automatically repealed upon adoption of the Agricultural Element of the Comprehensive Plan and adoption of Exclusive Farm Use zoning pursuant to the Plan or on October 1, 1979, whichever occurs first.

ADOPTED this 31st day of January, 1979.

JACKSON COUNTY BOARD OF COMMISSIONERS

Chairman

Commissioner

Commissioner
SUBDIVISION ORDINANCE

Jackson County, Oregon
An ordinance adopting regulations for the subdivision of land.

WHEREAS, the Board of County Commissioners of Jackson County, Oregon, pursuant to Oregon Revised Statutes Chapter 92, 92.010 through 92.990 deems it necessary for the orderly development of Jackson County, and to provide for the public health, safety and general welfare of the people of Jackson County, Oregon and;

WHEREAS, prior to the submission hereof to the Board of County Commissioners this Ordinance was referred to the County Planning Commission which Commission, pursuant to Oregon Revised Statutes Chapter 215, 215.010 through 215.990, thereupon considered the same and made and filed with the Board of County Commissioners its report and recommendations thereupon; and the Board of County Commissioners having considered the provisions thereof and the report and recommendations of the Planning Commission thereupon; all as provided by law:

NOW THEREFORE, the Board of County Commissioners of Jackson County, Oregon doth by Resolution and Order:

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SECTION 1. PURPOSE OF ORDINANCE

1.1 This Ordinance is enacted for the purpose of adopting subdivision regulations for the County of Jackson, State of Oregon.

With the adoption of subdivision regulations, the following objectives should be accomplished:

a. Protecting property values.
b. Furthering the health, safety, and general welfare of the people of the community.
c. Provide uniform standards for the subdivision of land in Jackson County as provided in Oregon Revised Statutes 92.010, 92.990, 215.150, and 215.170, and Chapter 756.
d. Land descriptions will be simplified and made more certain.
e. Necessary streets, utilities, and public areas may be extended without expensive land purchases.

1.2 The Planning Commission of the County of Jackson, State of Oregon, hereinafter referred to as the Planning Commission, shall act as an Agency to the Board of County Commissioners with respect to subdivisions as provided in Oregon State Laws, as referred to in Section 1.1 of this Ordinance.

1.2.1 Scope of Regulations. Subdivision plats and streets or ways created for the purpose of partitioning land shall be approved by the Planning Commission in accordance with these regulations. A person desiring to subdivide land, or to partition land by creation of a street or way, shall comply with the requirements of this ordinance, state law and the comprehensive plan for Jackson County under preparation or as adopted.

1.3 It shall be unlawful to subdivide land, other than for agricultural purposes without approval of Planning Commission, as hereinafter setforth.

SECTION 2. DEFINITIONS

2.1 Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

2.2 Easement. A grant of the right to use a strip of land for specific purposes.
2.3 Development Plan or Master Plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the county including adjustments made from time to time to meet changing conditions or unanticipated problems and conditions affecting the public or land owners.

2.4 Lot. A portion of a subdivision intended as a unit for transfer of ownership or for development.

2.5 Lot, Corner. A lot of which at least two adjacent sides abut for their full length upon a street.

2.6 Lot, Reversed Corner. A corner lot, the side street lines of which is substantially a continuation of front lot line of the first lot to its rear.

2.7 Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

2.8 Owner. The individual, firm, association, syndicate, partnership, corporation, having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations, and while used in this ordinance in the masculine gender and singular number it shall be deemed to mean the feminine gender and plural number.

2.9 Plat or Map. Includes a preliminary or final map, diagram, drawing, replat, or other writing containing all the descriptions, location, specifications, dedication provisions, and information concerning a subdivision.

2.10 Shall. Means mandatory.

2.11 Street. A right-of-way which provides vehicular and pedestrian access to adjacent properties. It shall include the term, street, highway, throughfare, parkway, road, avenue, boulevard, place, and other such terms.

2.12 Street, Arterial. A street used primarily for through traffic, and to some extent for access to abutting properties.

2.13 Street, Collector. A street used to some extent for through traffic, and to some extent for access to abutting properties.

2.14 Street, Dead-end or (cul-de-sac). A short street having one open end to traffic and being terminated by a vehicular turn-around.

2.15 Street, Frontage. A minor street parallel to and adjacent to a major street providing access to abutting properties and protection from through traffic.
2.16 Street, Half. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be in another subdivision.

2.17 Street, Minor. A street used exclusively for access to abutting properties.

2.18 of the Ordinance is hereby repealed. (7-26-72)

2.18.1 Subdivide Land. To partition a parcel or contiguous parcels of land under the same ownership into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future.

2.19 Subdivision. An act of subdividing land or a tract of land subdivided as defined in this section. No tract of land shall be subdivided by metes and bounds.

2.20 Subdivider. Any individual, firm or group who undertakes the subdivision of a lot, tract, or parcel of land for the purpose of transfer of ownership or development and including changes in street and lot lines.

Section 2.21 of the Ordinance is hereby repealed. (7-26-72)

2.22 Transfer of Ownership. Includes lease of land for the purpose of building development.

2.23 Way. Any parcel of land or easement not offered for dedication to the public, and which is used or intended to be used for access to a lot or parcel. A private road.

SECTION 3. PRE-APPLICATION PROCEDURE:

3.1 Pre-Application Procedure. When a landowner or subdivider desires to subdivide a parcel of land, it is recommended that he or his agent call at the planning office with a sketch of the proposed development. The Planning Commission office shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed state highways and county roads, and public utilities. On reaching conclusions informally with the Planning Commission Staff regarding the general program and objectives, the subdivider shall cause to be prepared a Preliminary Map together with improvement plans and/or other supplementary material as specified in the Preliminary Map.
SECTION 4. PRELIMINARY MAP:

The preliminary map shall show the following information:

4.1 Vicinity Map at a scale of 1"=400' showing the relationship to the nearest major highway, or county road.

4.2 Name of Subdivision. The name of subdivision shall not duplicate, be similar to, or resemble in pronunciation the name of any other subdivision in Jackson County, neither shall there be a numerical suffix or prefix attached to any name of any subdivision, or to the addition of any subdivision. No plat of a subdivision addition shall be permitted unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. Plat of addition must continue the block numbers of the plat of the same name last filed.

4.3 Location of the subdivision by Section, Township, and Range.

4.4 Size of map shall be 18" x 24".

4.5 Scale shall be 1" = 100', unless otherwise directed by the Planning Commission.

4.6 Date, Northpoint, approximate boundary lines of tract, bearings, distances, and approximate acreage enclosed.

4.7 Streets on abutting subdivision. Location, name, width, and surface condition, alleys and rights-of-way on abutting subdivision.

4.8 Streets in Subdivision. Location, width, and approximate grades of all roads, streets, highways, and ways in the subdivision and along the boundaries thereof shall be approved by the County Surveyor.

4.9 Street names shall be approved by the Planning Commission.

4.10 Lots. Approximate dimensions of lots, minimum lot size, and proposed lot and block numbers.

4.11 Easements. Approximate width, location and purpose of all existing easements on and known easements abutting the tract.

4.12 Utilities on or abutting the subdivision.
4.13 Existing uses of the property including the location and use of all existing structures to remain on the property after platting.

4.14 Proposed use of the property including sites, if any, for multi-family dwellings, shopping center, churches, industry, parks and playgrounds or other public or semi-public uses.

4.15 Ground Elevations. If in the opinion of the Public Works Director or the Planning Commission ground elevations are required due to unusual circumstances such as possible low areas subject to inundation, storm water overflow or other condition; a contour map shall be prepared. The interval of ground slopes shall be as follows.

(a) 1' - 0" contour intervals for ground slopes less than 5%

(b) 2' - 0" contour intervals for ground slopes between 5% and 10%

(c) 5' - 0" contour intervals for ground slopes exceeding 10%

4.16 Sewage Disposal and Water Supply
Refer to Section 8, Design Regulations.

4.17 Water Courses on and abutting the Property. Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the approximate location, width, and direction of flow of all water courses. Areas subject to flood hazard by water courses may be referenced to Federal, State, County, or other public records.

4.18 Wooded Areas. Show in general outline any areas, which are wooded.

4.19 Name and address of the Owners and/or Subdividers.

4.20 Name, address and number of the Registered Engineer, or licensed land surveyor, if any, who prepared the map of said subdivision.

4.21 Improvements. Statement of the subdivision improvements to be made or installed, and the time such improvements are contemplated to be started and/or completed.

4.22 Deed Restrictions. Outline of proposed deed restrictions.
4.23 Written Statement. Such of the foregoing information as may not practicably be shown in the maps may be shown on forms provided, or in separate statements accompanying the preliminary map. Supplemental economic and environmental impact statements may also be required by the Planning Commission.

4.24 Submission. The original tracing and seven (7) copies of the Preliminary Map of the proposed subdivision together with supplementary material shall be filed with the Planning Commission with application for Conditional Approval. The Planning Commission's authorized administrator shall supply one copy of the aforesaid map and material to the following, who shall within 15 days approve or disapprove the Preliminary Map:

a. County Engineer and Surveyor
b. County Health Department
c. Assessor
d. State Highway Department (if necessary)
e. Irrigation District (if necessary)
f. Planning Commission Files
g. One copy will be returned to the owner or subdivider

4.25 Conditional Approval. Approval of a Preliminary Map shall not constitute approval of the Final Map for record. Rather it shall be a guide to the preparation of the Final Map which will be submitted for approval of the Planning Commission and for recording upon fulfillment of the requirements. The Planning Commission shall determine whether the proposed subdivision is in conformity with this Ordinance, whether the proposed lots will have proper and sufficient access to public streets, proper drainage, water facilities, and sewage disposal. Following review of the Preliminary Map and supplemental material, as submitted or modified, the Planning Commission shall within a reasonable time, but not exceeding 15 days, give approval, conditional approval, or disapproval and state the reasons and conditions for such action.

4.26 Notice of Action by Planning Commission. The action of the Planning Commission shall be noted on two copies of the map. One copy will be retained in the files of the Planning Commission, the other will be returned to the subdivider, noted thereon Approval or Disapproval. In the event of disapproval the reason shall be stated in writing. Such action shall be transmitted to the subdivider within 20 days after the filing of the Preliminary Map and supplemental material.
4.27 Dedication of Areas. The Planning Commission may suggest to the subdivider, where deemed necessary, the advisability of dedicating suitable areas for parks, playgrounds and school, and other public sites that will be required for the use of the population which is intended to occupy the subdivision under the plan of proposed property uses therein. The Planning Commission, on advise of a school district, may require the subdivider to set aside suitable areas for school sites for purchase within three years. If such areas are set aside the school district shall be required to pay a substantial sum for purchase option on the property, the amount to be set by an appraisal board.

SECTION 5. FINAL MAP:

5.1 Information Required. In addition to the map and supplemental data for the Preliminary Map, the Final Map shall also show the following:

a. Dimensions. The length of all arcs, radii, tangent, bearings, and lengths.

b. Lot Lines. All lot lines with dimensions in feet and hundredths and with bearings and angles in degrees and minutes.

c. Streets. Name and right-of-way width of each street or other right-of-way.

d. Easements. Location, dimensions, and purpose of any easement.

e. Numbering. Blocks should be numbered consecutively throughout the tract and lots throughout each block. Block number may be enclosed within a circle, but lot numbers shall not be enclosed within any design.

f. Site Purpose. Land reserved for public use shall be indicated on the plat.

g. Set back lines. If required by State or District regulation, code, or by County resolution, or by deed restriction.

h. Monuments. Monuments are to be of a type prescribed by and installed in accordance with Oregon State Law (ORS 92.060).

i. Certification, by a civil engineer or land surveyor registered by the State of Oregon.

j. Legal description of the tract boundaries.

k. Map shall be signed by fee owner or owners.

l. Notarized signatures of the owners dedicating streets rights-of-way, and any other areas for public use without any reservation or restriction whatsoever.
m. Deed Restrictions. A copy of the protective deed restrictions shall be written on the face of the map or shall be recorded with the map.

5.2 Drawings. The final map shall be drawn in black India ink on good quality, white, cold pressed, double mounted drawing paper. The size of the map shall be 18" x 24" with muslin extending 3" at the left end for binding purposes. No part of the drawing shall be nearer to the edge than 1". Space for certificates, notarizations, dedications, easements, recordation, and all other requirements as set forth in this ordinance, and by State Law shall be shown on the Final Map, or may be shown on separate sheet of same material as hereinabove specified. Signatures shall be made in black India ink, as prescribed by Oregon State Law.

5.2.1 Tracing. From this drawing there shall be made an exact tracing of the plat and certificates. Tracing shall be made on linen tracing cloth, shall be made in India ink, and of size as specified above for original drawing.

5.2.2 Scale. Scale of original plat and tracing shall be at 1" = 100', unless otherwise authorized by the Planning Commission.

5.2.3 a. Monuments. In narrative form what monuments or other evidence was found or used to establish proof of ties to determine the boundaries of the subdivision. Corners of adjoining subdivisions shall be identified by lot and block numbers, subdivision's name and place of record, or other proper designation.

b. Bearing and lot length. Data must show the bearing and length of every block line, and boundary line. Where the line of a lot changes from a typical direction the bearing shall be shown. Dimensions of lots shall be given in feet and hundredths of a foot. Distances of the entire perimeter of the subdivision shall also be shown. Bearings and lengths of straight lines, radii and arc length for all curves as may be necessary to determine the location of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.

c. Flood Water. The final map shall show by drawing or reference the line of high water in case the subdivision is adjacent to a stream, channel or any body of water and shall also show any area subject to periodic inundation by water within the subdivision.
d. **Filled Areas.** Show any area which has been or will be filled in the development of the subdivision.

e. **Streets.** Show the side lines of streets, their total width, width of portion being dedicated and width of existing dedications, and the width of any railroad right-of-way.

f. **Easements.** Show easements by dotted lines.

g. **City Boundary Line.** Show city boundary lines crossing, or adjacent to, the subdivision.

h. **Area of Dedications.** Show boundary lines of any parcel offered for dedication.

i. **State Law Data.** Show any and all other data required by Oregon State Law.

5.2.4 **Time Limit.** Final map shall be prepared in conformance with the approved, or conditionally approved preliminary map and shall be filed for approval within six months from date of approval of the preliminary map. An extension of time may be granted by the Board of County Commissioners upon recommendation by the Planning Commission, provided that written request has been made by the subdivider within six months after action on the preliminary map, such request to be made to the Planning Commission.

5.2.5. **Filing.** The original drawing, and tracing, of the final map together with any and all supplementary data shall be filed with the Planning Commission, together with a checking fee of $16.00, made payable to Jackson County. Supplementary data shall include the instrument prohibiting traffic over the side lines of a major highway, freeway or parkway when, and if the same is required under "Design Regulations" in this ordinance, together with estimates of construction costs in the subdivision.

5.2.6 **Certificates.** State Law and this Ordinance require certification of the final map by the following:

1. County Planning Commission
2. County Assessor
3. County Sheriff
4. County Surveyor
5. County Clerk
6. Board of County Commissioners

In addition there shall be the following certificates shown on final map.
a. A certificate signed and notarized by all parties having a record title interest in the land subdivided, except that the signatures of parties owning the following types of interests may be omitted. Rights-of-way easements, none of which can mature into a fee. Land patented by United States or State of Oregon may be recorded without the consent of these entities.

b. Dedication Certificate signed and notarized, offering for dedication parcels of land shown on final map and intended for public use, except those intended for exclusive use of lot owners, licenses, visitors, and tenants.

c. A certification by the City Engineer and/or Planning Commission of an incorporated city when portion of a subdivision is within the boundary of an incorporated city, or wherein there is no city planning commission by the City Council, or other legally constituted entity of the city.

d. A certification by the officers of an Irrigation District where any portion of a subdivision is within such district. All irrigation districts meet once a month on or about the first Tuesday of each month.

e. A certification by the officers of an irrigation district when subdivision, or portion thereof, is on land subject to irrigation rights.

f. Certification by the County Health Officer that he has approved the use of individual wells and sewage disposal facilities within the subdivision. In the event that the approval is based upon community water or sewers, the certificate shall so state.

5.3 Action on Final Map. Upon receipt of the final map and other data the Planning Commission shall transmit the same to the County Surveyor, and other County Departments, who shall examine the same to determine if same substantially represents the approved preliminary map. Each County Department shall within 15 days approve or disapprove the final map. If any County Department shall have cause to disapprove the final map, the same shall notify the Planning Commission for the reasons thereof. The Planning Commission shall notify the subdivider in writing the reasons for disapproval. If the final map is in conformity with the requirements of State Law, this ordinance, and the approved preliminary map, then the certification signatures shall be attached to the final map, and shall be returned to the Planning Commission for signatures of the Chairman and Secretary of the Planning Commission. Upon receiving the approved final map the Planning Commission shall, within 5 days, submit same to the
County Clerk, who shall in turn submit same to Board of County Commissioners. At its first regular meeting, or within 5 days following the filing of the map, the Board of County Commissioners shall approve or disapprove the final map. If the Board shall determine that said map is not in conformity the reasons shall be specified and the County clerk shall notify the subdivider and the Planning Commission. Within 30 days the subdivider may file an amended map altered to meet approval of the Board of Commissioner. Such amended map shall be submitted to the Planning Commission. The Planning Commission shall, within 5 days resubmit said amended map to the County Clerk who in turn shall resubmit same to Board of County Commissioners, following same procedure as herein before stated.

If the Board of County Commissioners shall approve the final map together with any accompanying data, the subdivider shall record the final map with the County Clerk.

5.4 Time Limit for Recording Final Map. Unless the final map is recorded by the first day of the sixth month after the date of final approval by the Commission, it shall be resubmitted to the Commission which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

SECTION 6. IMPROVEMENTS.

6.1 Estimates of Improvement Costs. The subdivider shall supply estimates of costs for all improvement work. Estimates shall be approved by the Public Works Director.

6.2 Sureties

6.2.1 Personal Surety. The final plat shall be approved before installing improvements.

A cash bond or personal surety shall be made to the effect that improvements will be installed in compliance with County requirements. Bond or surety shall be posted with the County Clerk, made payable to Jackson County, on or before ten (10) days prior to offering any property for sale. If personal surety is the method selected by subdivider, the said subdivider shall file an undertaking with two sureties in a sum equal to the amount of the estimated cost of the improvements. With the undertaking the subdivider shall also file the affidavits of the sureties from which affidavits it must appear that such sureties are qualified, and when taken together they are worth double the amount of the sum specified in the undertaking, over and above all debts and liabilities and property exempt from execution.
6.2.2 Corporate Surety. Corporate surety may be furnished in lieu of personal surety, in companies or company licensed by the State of Oregon.

6.2.3 Intent. It is the purpose of Sub-Sections 6.2.1 and 6.2.2 to permit a subdivider to offer the property for sale before the improvements are installed.

6.3 Improvements by Units. Upon approval of the final map, the subdivider may outline that portion of a subdivision which will be developed first. Improvements shall be not less than one block in length. For the purpose of this ordinance a block is assumed as 300 linear feet. Variance of this distance and approval for improvements by units shall be made by the Planning Commission. Subdivider may provide personal surety or corporate surety as provided in 6.2.1 and 6.2.2 for that portion of the improvements which will be developed first. Upon release of personal or corporate surety on that portion first developed, such surety may be transferred to the next portion of such subdivision to be developed, subject to the amount of the estimated costs of the improvements as approved by the Public Works Director. If the next unit for development requires greater surety, such surety must be provided before approval for the improvements is given. It is the intent of this paragraph to provide for orderly development of a tract without requirement that the entire tract be developed at time of approval of the over-all plan. In such a contingency, breakdown of costs shall be in the amount of the estimated costs of the improvements on proportionate basis to the whole. It is the purpose of this section to permit orderly development of subdivisions by local subdividers without financial hardship upon such subdividers.

6.4 Unlawful Sale of Property. It shall be unlawful to sell any lot within a subdivision or unit thereof prior to posting a cash bond or sureties as set forth in Section 6.2.

6.5 Time Limit. If for any reason no improvements have been made in the subdivision, or units thereof, within a period of three (3) years, the subdivider shall notify the Planning Commission before proceeding thereafter with improvements.

6.6 Forfeiture. If at the termination of three (3) years, provided that any portion of the subdivision or unit thereof has been sold, the improvement work has not been completed, the County shall have the right to complete construction of the improvements in the amount of the bond or sureties, at the expense of the subdivider and/or the co-signers of such sureties.
6.7 Standards of Improvements. All streets, roads, or ways dedicated to the public use together with road surfacing, drainage ditches, culverts, and other related structures shall be installed in accordance with county road standards, and as set forth in Section 8, Design Regulations.

6.8 Certification of Improvements. If the work has been completed in conformance with the requirements of this ordinance and County Road Specifications, the Public Works Director shall so certify and the Surety Bond shall be released.

6.9 County Road Specifications. Specifications for installing roads and streets to meet County Road System requirements may be obtained from the office of the Public Works Director.

6.10 Portion of Subdivision within a City. Where any portion of the subdivision is within the incorporate limits of a city, the improvements shall be installed in accordance with the specifications and requirements of said incorporated city, and shall be approved and certified as to acceptance by the City Engineer of that city. The surety shall also apply to the improvements within the portion of said city.

SECTION 7. CREATION OF WAYS:

7.1 The procedure for approval of a way shall be as follows:

a. On or before the 15th day of each month, there shall be submitted to the Plan Director five copies of a map with the following information:

1. The size and approved drawing shall be approved by the Director.

2. Date of record, location of the development, section and tax lot description.

3. The location of the way, its width and grades.

4. Lot lay-out showing approximate size and relationship to the proposed way.

5. Name and address of all record owners and of the person who prepared the map.

Section 7 Amended September 24, 1975 by Private Road Ordinance
b. A way may be approved by the Planning Commission only when all of the following conditions are found to exist.

1. The way will not be injurious to the orderly development of property in the immediate area.

2. The way intersects with a public road.

3. The maximum number of parcels served by a way does not exceed six, regardless of the size of the parcel and the size of the abutting property.

When a way is approved, two copies of the map shall be prepared and recorded, one copy shall be returned to the applicant, and the other retained in the Planning files. Use of the way shall be subject to all conditions and requirements set forth in the Planning Commission at the time of approval.

7.2 No person shall create a street or way for the purpose of partitioning or parceling of land without the approval of the Planning Commission.

SECTION 8. DESIGN REGULATIONS:

8.1 General. The design regulations shall conform to State Law, and this ordinance, and shall include the following:

a. Street and highway design shall conform both in width and alignment to any adopted or proposed master plan, and such design shall conform to any proceeding affecting the subdivision which shall have been initiated by County, State, or City.

b. The layout of subdivisions shall be considered in relation to existing and planned streets, to topographical conditions, to public safety and convenience, and shall have an appropriate relation to the proposed uses of the land to be served by such streets.

c. The term "street" as defined in this ordinance shall be interpreted to include, street, highway, freeway, avenue, road, and way.
8.2 Streets.

8.2.1 Where a subdivision adjoins unsubdivided land, streets which, in the opinion of the Planning Commission, should be continued in the event of the subdivision of the adjoining land, shall be provided to the boundary lines of the tract.

8.2.2 Resubdivision Approval. No existing subdivision shall be resubdivided without approval by the Planning Commission.

8.2.3 Large Land Parcels. Land subdivided into large parcels may require an arrangement of lots and streets to permit a resubdivision into smaller lots in conformity with the street and lot requirements specified in this ordinance.

8.2.4 Intersection of Streets. Streets shall intersect one another at as nearly a right angle as is practicable in each specified case.

8.2.5 Half Streets. Half streets may be approved when essential to reasonable development of the subdivision, and when in conformity with other requirements of this ordinance, and when the Planning Commission finds it practicable to require dedication of the other half when the adjoining property is subdivided.

8.2.6 Subdivision of Adjoining Land. To give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to boundary of property, and such resulting dead-end street may be approved without a turn-around, provided that control of access across such dead-end shall be vested in the County. In all other cases a turn-around of minimum 50' radius shall be required.

8.2.7 Grades, Curves, and Cross Section of Streets.

a. Grades, curves, and cross section of any street together with right-of-way widths shall conform to County road standards.

b. Street improvements shall conform to County road specifications.

c. Engineering and installation of improvements as specified in subsections 8.2.7 a and b, shall be approved by the Public Works Director.
8.2.8 Frontage on Major Highways. Where a subdivision abuts or contains an existing or proposed arterial highway, the Planning Commission may require frontage streets, reverse frontage lots, screen planting contained in non-access reservation along rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

8.2.9 Reserved strips or street plugs controlling access to public way will not be approved unless such strips are necessary for protection of the public welfare, or of substantial property rights, or both. Such lands shall be subject to control of the County and shall be removed from taxation.

8.2.10 Intersecting Corner. Where a major street or highway intersects streets in the subdivision, the property lines at each block corner shall be rounded with a curve of a radius of not less than 20'. All other street corners shall have a radius of not less than 10'.

8.2.11 Street Name. No street name shall be used which shall be the same as existing streets, or confused with names of existing streets, except where such streets are a continuation of an existing street. Street names shall be approved by Planning Commission.

8.2.12 Alleys. Where lots are proposed for commercial or industrial traffic, alleys at least 20' in width shall be required at the rear thereof. Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement.

8.2.13 Street and Highway Widths. Streets and highways not shown on any master street and highway plan, or not affected by proceedings initiated by the Board of County Commissioners, or approved by the Board of County Commissioners upon initiation by other legally constituted bodies shall not be of less width than those set forth hereunder, except where it can be shown by the subdivider to the satisfaction of the Planning Commission, that the topography and future traffic development is such as to unquestionably justify a narrower street. Approval of street or highway classification shall be made by the Planning Commission. Where topographical requirements necessitate either cuts or fills for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
8.2.14 Minimum right-of-way widths, curb to curb widths, surfacing widths, and sidewalk widths shall be determined by the following Table I unless otherwise shown or specified:

**TABLE I**

<table>
<thead>
<tr>
<th>SUBURBAN</th>
<th>Right-of-Way</th>
<th>Surface or Curb to Curb Width</th>
<th>Curb Width (See 8.2.15)</th>
<th>Sidewalk Width (See 8.2.15)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Highway for Multi-family</td>
<td>80 ft.</td>
<td>40 ft.</td>
<td>6 in.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Major Highway for Commercial &amp; Industrial</td>
<td>86 ft.</td>
<td>56 ft.</td>
<td>6 in.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Secondary Streets</td>
<td>60 ft.</td>
<td>36 ft.</td>
<td>6 in.</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Hillside &amp; dead-end Streets</td>
<td>60 ft.</td>
<td>26 ft.</td>
<td>6 in.</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Split level Streets</td>
<td>variable</td>
<td>18 ft.</td>
<td>6 in.</td>
<td>4 ft.</td>
</tr>
<tr>
<td><strong>RURAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>all roads</td>
<td>60 ft.</td>
<td>30 ft.</td>
<td>6 in.</td>
<td>4 ft.</td>
</tr>
</tbody>
</table>

* includes 22 ft. surfacing and 4' shoulder each side.

State Highway minimum width of right-of-way and surfacing shall be in accordance with requirements of State Highway Department.

8.2.15 Sidewalk, Curbs and Gutters. Where the subdivider intends to install sidewalks, curbs and gutters the same shall be installed to grades, layout and location approved by the Public Works Director. Within a ½ mile radius beyond the limits of any incorporated city where sidewalks and/or curbs and gutters may be required by said city the same shall be installed in accordance with the specifications of said incorporated city.
8.2.16 Future Major Highways. The Planning Commission may require up to 80' right-of-way where a street may become a major street or highway at some future date.

8.2.17 Service Roads and Off-Street Parking. When the fronts of any lots for commercial use front on any major street or highway, the subdivider shall be required to dedicate a service road to provide access to and from such lots, or if approved by the Planning Commission dedicate for public use an area adjacent to such lots for off-street parking purposes. When residential lots front on a highway, the subdivider shall dedicate a service road at the front of lots as part of such freeway or highway. In addition to any requirements for a service road, the Planning Commission may require adequate off-street parking areas for lots proposed for commercial use.

8.2.18 Split-level Streets, shall be two 18 feet surfaced sections with sufficient room for proper slope in between.

8.2.19 Hillside Streets. The Planning Commission may require planting on slopes of hillside and split level streets to prevent erosion.

8.3 Easements. Subdivider may be required to grant easements not to exceed five feet in width for public utilities, sanitary sewer, and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips, as may be necessary. Dedication of easements shall be to the County for the purpose of installing utilities, planting strips, and for other purposes as may be deemed necessary by the Planning Commission.

8.4 Lot Lines. Side lines of lots, so far as possible, shall be at right angles to the street which the lot faces or radial if the street is curved. No lot shall be divided by a city boundary. All lots shall have street frontage. Lots shall be a minimum 60' width, 100' length, with minimum area of 6,000 square feet, for residential subdivisions. Lot size for commercial and industrial development shall be in accordance with the proposed uses thereof.

8.5 Walkways. Subdivider may be required to dedicate walkways across long blocks or provide access to school, park or other public areas.

8.6 Water Supply. Subdivisions shall be served with an adequate water supply. Subdivider shall determine and state the method of water supply. Subdivisions within a water district or within an area supplied by a city water system shall have supply approved by, and installed in accordance with the requirements of the governing body having jurisdiction thereof.
8.7 Sewage Disposal. Subdivisions shall be served with adequate sewage disposal. Sewage disposal shall meet with the regulations of the State Board of Health and this ordinance.

8.7.1 Individual Sewage Disposal. In areas not served by a sanitary sewer system it is recommended that the subdivider consult with the Planning Commission staff prior to submission of the preliminary plat, as the soil types, soil structure, soil depth, topography, water table, water wells and drainage will determine the minimum lot area requirements.

8.7.2 County Health Department. A parcel of ground being planned as a subdivision will be surveyed for individual sewage disposal by the County Health Department upon request of the Planning Commission. A report of the Health Department's findings together with recommendations will be made to the Planning Commission.

8.7.3 Subdivision Adjacent to Sanitary Sewer System. A subdivision adjacent to a sanitary sewer system, wherein it shall be permissible to connect thereto, shall have the sewer system in the subdivision and connections to existing sewerage transmission lines installed in accordance with, and approved by, the governing entity of said sewer system.

8.7.4 Alternate Sewage Disposal. Where conditions are such that individual sewage disposal system cannot be used because of adverse soil type, structure, depth, or water table, drainage, or topography for lots up to five (5) acres in area; the subdivider may install sanitary sewerage disposal facilities in order to develop the subdivision. Such sanitary sewerage disposal facilities shall comply with recommendations and requirements of the State Board of Health.

8.8 Drainage. Such grading shall be done and structures provided by subdivider as are deemed essential by the Public Works Director. Subdivider shall show how such requirements may be accomplished.

8.9 Water Courses. A subdivision traversed by a water course, or channel or stream shall be provided with a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such width or construction, or both, as will be adequate for the purposes. Parallel streets may be required therewith.
8.10 Irrigation District Requirements. Where any portion of a subdivision is within bonded acreage of an Irrigation District it shall be unlawful to destroy, alter, abandon, or reconstruct any irrigation canal, ditch, or lateral except by authority and under the direction of the Irrigation District.

8.11 The subdivider, his engineer, and his contractor shall design and complete all improvement work in accordance with this ordinance and to the satisfaction of the Public Works Director.

SECTION 9. VARIATIONS AND EXCEPTIONS:

9.1 Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done, provided that such variation or exception will not be detrimental to the public health and welfare, and further provided that such variation will not have the effect of nullifying the intent and purpose of the master plan, or of this subdivision ordinance.

9.2 Large Scale Development. Planning Commission may modify the standards of this ordinance in the case of a plan and program for a new town, large industrial area development, a complete community, or a large scale shopping center. In granting variance and modification the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of this ordinance or requirements so varied or modified.

SECTION 10. APPEAL:

10.1 Appeal to Planning Commission. Appeal may be made to the Planning Commission from any decision, determination, or requirements made by a County Department. Such appeal shall setfouth in detail the action and the grounds by which the subdivider deems himself aggrieved. Notice shall be received at the Planning Commission Office 15 days prior to the regular meeting of the Commission.

10.2 Report. A written report shall be submitted to the Planning Commission by the department whose decision or requirement is upon appeal.
10.3 Appeal to Board of County Commissioners. Appeal may be made to the Board of County Commissioners from any decision, requirement or determination of the Planning Commission by filing notice thereof in writing with the County Clerk within 10 days after such decision or requirement is made. Such notice shall set forth in detail the action and the ground by which the subdivider deems himself aggrieved.

10.4 Report. County Clerk shall report the filing of such notice to the Planning Commission. A written report shall be submitted to the Board of County Commissioners by the Planning Commission wherein such decision or requirement is upon appeal.

SECTION 11. VALIDITY:

11.1 If any article, section, sub-section, clause or sentence in this ordinance shall for any reason be held invalid by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, sub-section, clause or sentence to which it applies.

SECTION 12. PENALTIES:

12.1 Any person, firm, corporation, partnership, or co-partnership who willfully violates any of the provisions, or fails to comply with any of the mandatory requirements of this Ordinance, is in violation of Oregon Revised Statutes 215.190 and subject to the penalties provided therefrom contained in Oregon Revised Statutes 215.990 and any amendments thereto, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the County of Jackson, or other political subdivision, or any person, firm, corporation, partnership, or co-partnership may file a suit in the court of proper jurisdiction in the State of Oregon in and for the County of Jackson restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.
SECTION 13. ENACTMENT:

13.1 This Ordinance shall be and is hereby declared to be in full force and effect from the date of passage.

13.2 County of Jackson, State of Oregon, on this 1st day of May, 1959.

Earl M. Miller
S/S County Judge

Chester H. Wendt
S/S County Commissioner

R. A. James
S/S County Commissioner

Amended as of July 21, 1959.
Amended as of July 6, 1960.
Amended as of March 4, 1966.
Amended as of July 26, 1972.
Amended as of September 24, 1975.
BEFORE THE BOARD OF COMMISSIONERS
COUNTY OF JACKSON, STATE OF OREGON

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF JACKSON COUNTY
BY PROVIDING THAT SIDEWALKS MAY BE REQUIRED IN SUBDIVISIONS WITHIN
AREAS DESIGNATED URBAN RESIDENTIAL ON THE COMPREHENSIVE PLAN

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

Matter (bracketed-and-stripped-through) is deleted;
new material is in script.

SECTION 1.

Section 8.2.15 of the Subdivision Ordinance is amended to
read:

8.2.15 Sidewalk, Curbs and Gutters. For developments proposed
within Urban Residential areas as shown on the comprehensive plan the
subdivider may be required to construct sidewalks, curbs and gutters
whenever those improvements are determined to be necessary for the public
safety or convenience. (Where the subdivider intends to install side-
walks, curbs-and gutters, the same shall be installed) Such improvements
shall be constructed to grades, layout and location approved by the
Public Works Director. Within one-half mile radius beyond the limits
of any incorporated city, and within all urban growth boundaries, where
sidewalks and/or curbs and gutters may be required by agreement with
said city, the same shall be (installed) constructed in accordance with
specifications of said incorporated city. In all other cases, specifica-
tions shall be as set forth in Table I of Section 8.2.14.

SECTION 2

This ordinance shall be effective throughout Jackson County, except
for the area within incorporated cities.

SECTION 3

This ordinance shall become effective upon filing with the County
Clerk of a copy hereof and a map of the area subject to this ordinance.

DATED this 11th day of October, 1978.

JACKSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Chairsman

Commissioner

Secretary
Diagram of Definitions
A Summary of THE COMPREHENSIVE PLAN FOR JACKSON COUNTY, OREGON JUNE, 1972
A Plan For The Future of Jackson County

...its land resource
...its community capabilities
...the desires of its people

1972 to 1982

Jackson County Planning Commission
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INTRODUCTION

Planning is an organized endeavor on the part of the people to shape future events in a manner resulting in the greatest net community benefit. Planning is concerned with the places where we live, work and play, and with related transportation and utility systems which are required for those activities. Planning is concerned with natural resources, their use, reuse, and impact on our environment. Overall, planning can create and maintain a high quality environment that maximizes the opportunities for all residents to share in the county's physical, economic, and social benefits.

The comprehensive plan provides a basis for coordinated public action by enabling private and public interests to undertake specific projects with a consistent understanding of community goals and objectives. As a public process, planning identifies problems, and points the way toward their resolution before social and economic costs are beyond local capability.

This plan summarizes selective planning data, citizen recommendations and planning commission policy. Recommendations embodied in this plan are intended to move the county from present conditions to future possibilities.

Persons desiring more detailed analysis of background studies, technical reports, maps, and data tabulations not contained in this summary should contact the county planning department.
SUMMARY OF FINDINGS

The current planning program in Jackson County is countywide in scope. Each county area has been carefully considered by the planning commission in a countywide context. By focusing attention on countywide problems, needs, and expectations, the planning program has stimulated discussion and constructive effort towards the resolution of the many land use issues associated with county growth and development.

A number of research findings provided county residents and the planning commission with insight into existing development trends and patterns, and served as an important foundation in reaching consensus on major land use objectives. Some of these findings are summarized below, and in the discussion which follows:

- Jackson County occupies a land area of nearly two million acres, of which 98 per cent is non-urban.
- Federal land agencies own and manage more than 50 per cent of the county's land area.
- Severe soil limitations for subsurface sewage disposal occur in large portions of Jackson County.
- Agricultural lands comprise nearly 40 per cent of the county's total acreage, and account for over 24 million dollars of annual farm income.
- Total county employment will produce an additional 15,500 jobs by 1985.
- The population of Jackson County will increase by approximately 45,000 persons by 1985 to a total of 140,000.
- There is sufficient land within existing urbanizing areas which can accommodate anticipated growth without creating conflicts with county natural resources. Within these areas a wide choice of living and working environments may be provided.
- The citizens of Jackson County favor a growth policy emphasizing orderly and quality development.
EMPLOYMENT CHARACTERISTICS AND FORECAST

During the decade of 1960-70 county employment rose 50 per cent, from 24,600 to 37,000. Research findings reveal that the employment levels will continue to expand in the years ahead.

The fastest growing employment categories have been finance, insurance and real estate, (155%), professional services, (100%), government services, (94%), wholesale and retail trade, (75%).

Based on the analysis of existing trends and future employment prospects, taking into consideration local, state, and national economic indicators, financial and natural resources, and current participation rates, it is projected that Jackson County will have a total employment of 52,500 by 1985.

POPULATION CHARACTERISTICS AND PROJECTION

The population of Jackson County expanded from 32,918 in 1930 to 97,620 in 1971. For the past two decades the county's population increased by 54 per cent. Studies indicate that more than 70 per cent of this increase is attributable to in-migration, mostly from California.

The population forecast procedure was combined with a study of past projections and current supporting rationale. Resulting figures were then compared with existing and projected employment participation rates and anticipated future levels of employment. Based upon these factors, it is estimated that the county's total population will increase to 140,000 by 1985.

THE CITIZEN PLANNING PROGRAM

Citizen participation formed an important cornerstone for the county planning process. The composite goals, objectives, and policies stated in the following sections of this plan are founded upon the work of county citizens.

Eleven citizen advisory committees were established by the planning commission to represent various geographical sections of the county. Committee members from all walks of
life volunteered their services toward achieving, for the first time, a countywide comprehensive plan of land use. Altogether, nearly 500 county residents served on these advisory committees.

After nearly a year of study and deliberation, the eleven committee units forwarded to the planning commission for consideration their land use recommendations. The committees' work was published in brochure form, and is included in the back cover of this plan.
GOALS AND OBJECTIVES

There are several goals and objectives that serve as the foundation for this plan. These goals are general statements that reflect the attitudes and commitments of the people in Jackson County. The goals and objectives combined with the policies and the plan map, constitute the comprehensive plan.

The following is a summary description of goals and objectives which establishes a framework for guiding future county growth and development.

- **To ensure that residential, commercial, and industrial development is prevented from locating in areas subject to serious flooding, earth movements, or extreme forest fire hazards, without adequate safeguards;**

- **To ensure that the subdivision of land to accommodate urban densities of development is prevented in areas having difficult access, topography, or drainage; in areas lacking adequate domestic water supplies; or in areas having severe soil limitations for individual subsurface sewage disposal;**

- **To ensure that the direction, pattern, type and intensity of development has due regard to the promotion of the health, safety, convenience, and general welfare; the value of the land including present and prospective use and occupancy; the conservation of property values; and the character and physical limitations of the land,**

- **To conserve and manage efficiently for the maximum benefit of the general public the basic natural resources of the county; specifically, to ensure a sustained yield of forest products, domestic livestock and wildlife; to provide for the protection of watersheds; to preserve park and open space values; to sustain and enhance the quantity and quality of water flow for domestic, irrigation, and industrial uses, power generation, flood and erosion control, maintenance of fish runs and spawning beds, and improve recreational opportunities.**
- To protect from urban encroachment key sand, gravel and other aggregate and mineral deposits.

- To maintain and improve the agricultural productivity of the land and support the agricultural element of the county’s economic base.

- To maintain and improve the quality of the environment, specifically, to prevent and to seek abatement of air, water, and soil pollution; excessive noise levels; and degradation of the environment.

- To preserve and improve potential recreational open space in urban and rural environments.

- To develop an orderly and efficient arrangement of community services and facilities for urban and rural environments.

- To provide and encourage a safe, convenient and economical transportation system.
As previously indicated, population growth in Jackson County has substantially increased in the past several years. The distribution of people throughout the county has created advanced opportunities for communication and coordination between all communities. A greater degree of interdependence among the county citizenry has occurred.

Remote and isolated geographic areas are becoming more accessible and attractive for use; and rural county settlements are beginning to merge into a single interacting living system to ensure that effective development policies are established and implemented. Urban, agricultural, open space, and forest resources can no longer be planned as independent environments. Each community area and its resources are dependent upon the other for a total planned county environment. Problems of land use, open space, transportation, flood control, sewage disposal, water quality, and general resource protection are issues for which common countywide solutions are being found.

Countywide planning does not imply that the distinctive character and identity of individual areas and communities will not be promoted. Each planning area has its own individual and distinctive character. Because of geographic position, historic influences, economic situations, and local desires, each planning area in the county is unique. It will be the goal of the county to recognize these differences and enhance their own unique qualities within a framework of county planning.

POLICIES

- EACH PLANNING AREA WITHIN THE COUNTY WILL BE RECOGNIZED FOR ITS OWN UNIQUE CHARACTERISTICS AND INDIVIDUALITY INCLUDING GEOGRAPHIC SETTING, HISTORY, AND DISTINCTIVE ARCHITECTURE AND ECONOMY.

- URBAN GROWTH WILL BE GUIDED TO ENSURE CONTINUED PRESERVATION AND PHYSICAL SEPARATION OF EACH OF THE VARIOUS URBAN AND RURAL COMMUNITY CONCENTRATIONS IN THE COUNTY.

- THE COUNTY WILL ENCOURAGE EACH OF THE PLANNING AREAS TO DEVELOP THEIR OWN DISTINCTIVE CENTERS WHICH SERVE THE PEOPLE OF THEIR AREAS.
CONTINUED COMMUNICATION, COORDINATION AND COOPERATION BETWEEN THE COUNTY PLANNING COMMISSION, THE CITIZEN PLANNING COMMITTEES, AND VARIOUS MUNICIPALITIES WILL BE FOSTERED TO ACHIEVE PROBLEM SOLUTIONS WITHIN A COUNTYWIDE FRAMEWORK.

THE ELEVEN CITIZEN PLANNING COMMITTEES WILL BE ENCOURAGED TO CONTINUE WORKING ON PLANNING GOALS AND POLICIES FOR THEIR RESPECTIVE AREAS.

THE POLICY STATEMENTS RECOMMENDED BY THE AREA PLANNING COMMITTEES AS PUBLISHED IN THE ACcompanyING INFORMATIONAL BROCHURES ARE SUPPORTED BY THE PLANNING COMMISSION IN ITS ADOPTION OF THE COMPREHENSIVE PLAN CONTAINED HEREIN.
PLANNING POLICY AND RECOMMENDATIONS

LAND USE

The land use element of this plan proposes several land classifications for specific application to Jackson County. These uses relate principally to existing development patterns, problems of topography, soils and access, probability of community services and facilities, and future estimates of population growth and distribution.

FOREST RESOURCE

Forest resource lands are areas where sustained timber production is considered the most important immediate and future use. These lands are generally not subject to urban development pressures because they are remote and inaccessible.

Because of natural characteristics, these lands should be managed under conservation land treatment programs and practices. Forest resource lands are a valuable asset to the county in terms of timber production, watershed maintenance, fish and wildlife habitat, recreation, and scenic enjoyment. To maintain this resource in large block units, minimum tract sizes in excess of 160 acres are recommended. In some instances land in this classification may be suitable for purposes other than forest resource management. Where these situations exist reduced lot areas may be permitted by the planning commission after review of the individual case.

Most large private forest holdings in the county are managed under programs favoring sustained yield production. The government owned forest lands are managed by the Bureau of Land Management and the U. S. Forest Service under a multiple use concept.

POLICIES

- Activities on forest lands should be carried out under a use concept to the benefit of forest production, domestic livestock grazing, controlled mining, watershed and aquifer recharge maintenance, wildlife, and recreation.

- Jackson County should encourage a land exchange program among public agencies and private interests to consolidate forest ownerships for more efficient management.
- **JACKSON COUNTY SHOULD CONTINUE TO IDENTIFY AND INCORPORATE INTO ITS PARK PROGRAM THOSE FOREST LANDS WHICH HAVE A PARTICULARLY HIGH SCENIC OR RECREATIONAL VALUE.**

- **DOCUMENTED AQUIFER RECHARGE AREAS WITHIN FOREST RESOURCE AREAS SHOULD BE PROTECTED BY APPROPRIATE ZONING MEASURES.**

### OPEN SPACE

Most of the open space lands in Jackson County are now used for recreation, wildlife habitat, livestock grazing, or limited forest product activity. Because of the physical problems inherent with these lands, future subdivision and partitioning will be discouraged. Commenting generally, this classification borders designated forest resource areas, and may be characterized by steep slopes, difficult access, fragile soil conditions, periodic flooding, high seasonal fire danger, and natural self-perpetuating landscape.

The comprehensive plan is designed to reflect two basic patterns of open space - reserve and development. The use of open space reserve lands will be largely restricted to present conditions while open space development lands will be managed for more intensive purposes, such as improved recreational opportunities and orderly rural development. By careful consideration of physical site characteristics and resources, a variety of land activities could occur in open space areas on parcels ranging from #0 to 5 acres (open-space-development) to 40 acres (open-space-reserve). Specified lot area may be modified by the planning commission after review. Exceptions to the open space lot sizes may be granted by the planning commission after review.

### POLICIES

- **AGRICULTURAL USES SHOULD BE ENCOURAGED WITHIN OPEN SPACE AREAS.**

- **INTENSIVE DEVELOPMENT SHOULD BE DISCOURAGED ON OPEN SPACE DESIGNATED LANDS BY APPROPRIATE ZONING REGULATIONS.**

Amended by Order July 7, 1976
- The county should explore all facets of the state open space law to determine probable real property tax benefits.

- Development within the flood plain should be limited from all intensive development except for agriculture, forestry, resort and recreation uses, open space for housing and water quality and treatment plants, buildings and structures situated within the flood plain should be constructed of flood proof material.

- All development in open space areas should conform to the physical character of the land.

Agriculture

Agricultural lands are an irreplaceable natural asset which should be preserved for the future well-being of Jackson County residents. These lands will, however, require special consideration to assure their continued availability.

The agricultural land classification includes areas where ownership patterns are of sufficient size to constitute economical farming units, where small farming operations are devoted to nursery stock, poultry, and specialty animals, and where irrigation systems or water reclamation projects are developed or proposed.

This plan provides a degree of flexibility which may allow conversion of agricultural land to a higher use. As economic and societal change occurs in the county, projected patterns of growth will be reassessed and reevaluated on a continuing basis. With this in mind, the planning commission will exercise care in the redesignation of agricultural lands to another purpose. Periodic reviews will be carried out through joint studies by applicants seeking changes in land use, by the County Review board, and the planning commission. In conducting these studies, the county will consider the impact of proposed changes on adjoining and nearby properties as well as problems related to the specific farming unit.

The planning commission in carrying out this plan, will extend to the farm community a choice of either exclusive farm or farm residential zoning. Both zones will establish a 10-acre area minimum. Exceptions to this farm-size may be granted by the planning commission after review.

The planning commission, in carrying out this plan, will establish both exclusive farm and farm residential zoning districts.

Amended by Order July 7, 1976
Policies

- Urban growth will be guided in a manner which reduces potential conflicts between urban and agricultural uses, and prevents the scattering of subdivision developments over agricultural areas.

- Where soil quality is productive for agriculture, the county will encourage measures which ensure continued farm practices.

- The county, in cooperation with local farmers and state and federal agricultural agencies, will seek to develop a stronger farm economy through continuing agricultural experimentation and other forms of technical extension services.

- Multiple purpose storage reservoirs, and land and water reclamation projects which enhance and benefit agricultural land and its productivity will be encouraged.

- Lands within the urban perimeter bypassed in the process of urban expansion should be utilized and developed before urbanization extends into undisturbed agricultural areas.

- The county will develop an exclusive farm zoning classification which may be selected by agricultural interests to better guarantee the protection of farming areas. Exclusive farm zoning would allow only agricultural uses and non-farm uses allowed by the Oregon laws of 1977 (Chapter 766, Paragraph 8, and Chapter 788, Paragraphs 1 & 2) in an area so classified, and provide tax benefits to farmers as long as their lands remain in farm usage.

- The county will encourage the state legislature to develop improved legislative tools, including new assessment practices, which might better serve the needs of the individual farmer and guarantee future protection of the agricultural community in Jackson County.

- The rural transportation system in the county will be developed to meet the needs of the farming community.

- Agricultural pursuits such as cattle grazing and related ranching operations will be encouraged in outlying areas throughout the county.

Amended by Ordinance February 15, 1978
URBAN AREAS

URBAN GROWTH BOUNDARY

An urban growth boundary is a generalized boundary line imposed on the Comprehensive Plan Map of Jackson County which identifies and encompasses urban and urbanizable lands within Jackson County according to the following definitions:

Urban Land

Areas in the County which are incorporated cities or which contain concentrations of persons who generally reside or work in the areas, including lands adjacent to and outside of incorporated cities and which have supporting public facilities and services.

Urbanizable Land

Areas within an officially adopted urban growth boundary which are needed for expansion of an urban area and which have been determined to be necessary and suitable for development as future urban land and which can be served with supporting public facilities and services.

The delineation and any subsequent revision of urban growth boundaries shall be accomplished through a cooperative process between the County and the affected cities and affected agencies.

Amended by Order September 15, 1976
HOUSING

In accommodating future county growth the comprehensive plan provides for a maximum range of choice in residential locations. These are indicated in terms of density which refers to the number of dwelling units allowed on a designated lot area.

Future housing densities shown on the plan map were selected on the basis of existing land use patterns, trends in land partitioning, limitations due to soils and topography, availability of community sewage, water, and fire service facilities, and general relationship to centers of commerce, employment, and education.

The five housing categories are:

Rural Residential.

This classification encourages large homesite developments in an agricultural or rural environment which minimizes potential conflicts between agricultural and residential uses. Five acre lots in these areas establish housing densities based primarily on soil suitability for subsurface sewage disposal.

This classification encourages homesite development in an agricultural or rural environment which minimizes potential conflicts between agricultural and residential uses. Parcel sizes in rural residential areas are to be based primarily on physical characteristics of the land. Parcels ranging from one to five acres may be suitable for housing development in these areas dependent upon location. The county will establish a rural residential zoning district providing for rural land parcels of one, two and one-half, and five acres.

It is anticipated that community water and sewer systems will not be provided in these rural areas in the near future. In some cases, however, a development alternative is to provide higher residential densities should these services become available.

Suburban Residential.

These areas occur in scattered locations throughout the county. A 2½ acre lot area is recommended where soils, slopes and water tables place moderate limitations on the operation of subsurface sewage disposal systems. Although much of this land area does not have community water or sewer service at the present time, the advent of these services could occur in some county locations during the planning period.

Amended by Order March 3, 1976
Amended by Order July 7, 1976
Urban Low Density.

This category provides the highest density of residential use in the county without provision for community water and sewer systems. Giving due consideration to soil structure and water table characteristics, lot areas of one acre could provide enough room to support individual water and sewage disposal facilities. Low density housing can be developed in these areas without future health problems.

Urban Medium Density

Housing developments en-9,000 within a range of 6,000 to 10,000 minimum square foot lot sizes may be accommodated within this classification. However, this housing density is based on the assumption that community water and sewer services are available. Where-the-development-alternative-symbol-is-shown-on the-plan-urban-medium-housing-densities-are-possible.

Urban High Density

Higher density housing developments shown on the plan map are generally located near municipalities with good access to major streets and commercial services. These-developments-may-average-five-or-more dwelling-units-per-acre. These developments will be permitted on lots having a minimum area of 6,000 square feet for one dwelling unit and 1,000 square feet additional area for each additional dwelling unit. All high density areas designated on the plan are served by community water and sewer facilities.

Within these five housing classifications, it is felt that a variety of living modes is possible to accommodate different needs of the people. In approaching the future, careful planning and programming of public services and staged development of county urban areas will be essential in maximizing community resources.

POLICIES

- Residential development should be guided in a manner to assure varied housing opportunities to meet the needs of all people in the county.

Amended by Order March 3, 1976
Amended by Order July 7, 1976
- **Rural, suburban, and urban low residential developments** should be related to the physical site characteristics on which they are located and coordinated with other land use elements consistent with these housing densities.

- **The locations of additional medium and high density residential areas** should be guided where a full range of community services and facilities can be efficiently and economically provided.

- **The development of vacant lands within the perimeter of urban areas** should be promoted before additional agricultural or rural land is committed to residential development.

- **Residential areas should be protected from incompatible land uses.**

- **The county should adopt planned unit development zoning provisions** which permit new housing types, design concepts and open spaces.

- **Residential development should be discouraged in airport approaches, flood plains, forests, open space and agricultural areas.**

**Commercial**

The plan proposes general locations to guide the development of future commercial areas. The allocation of these lands should make it possible to develop businesses which are compatible with other land uses in the county without limiting commercial opportunity. The three commercial categories are:

*Interchange Commercial.*

Associated with the interchanges along Interstate 5, these lands are reserved for tourist oriented businesses serving the traveling public. Within this designation, motels, restaurants, service stations, and gift shops would be permitted.
Rural Service Commercial

These areas provide limited commercial services to rural county residents. They are designed to fit into the rural life patterns, and may be found in outlying areas throughout the county.

General Commercial.

A wide range of retail and service establishments are provided in these areas. General commercial locations exist near urban centers and flank many of the arterial highways in the county.

POLICIES

- Various commercial activities should be located where they can conveniently provide goods and services to county residents.

- Commercial locations should be strengthened by encouraging adequate off-street parking, improved traffic circulation, landscaping, and sign controls.

- Rural service centers should be encouraged as a convenience to rural residents. These centers should conform to the character of the community in which they are located.

- Strip commercial development along major highways should be discouraged. The grouping of commercial uses into compact, well-organized, and accessible centers will be encouraged.

- Commercial areas should be protected from the intrusion of noncompatible land uses.

- Efforts should be made to rehabilitate deteriorating commercial areas to retain their community values.

Industrial

A review of the county's economic base indicates future potential for industrial growth and employment. Industry is a vital land use which requires good development sites to be efficient for continued prosperity and growth.
The plan shows industrial land in two categories as light and general. General industrial sites are proposed in White City, Tolo, and North and South Medford. Concentrations of light industrial land use are indicated in the vicinity of the county airport and near the Seven Oaks Interchange.

POLICIES

- **High quality industrial lands should be reserved to accommodate future needs and allow ample choice between site locations.**

- **Industrial areas should be located in close proximity to developed county transportation facilities including the Medford-Jackson County Airport, rail service, and major arterial system.**

- **Special effort should be made toward attracting diversified and stable industry.**

- **Industrial lands should be protected from noncompatible land use intrusion by appropriate zoning.**

- **Industrial areas should be made compatible with adjacent uses.** Protective measures may include landscaping, design review procedures and performance standards.
COMMUNITY FACILITIES

A major function of local government is to provide and administer the community services and facilities which accommodate the needs of county residents. As applied here, these include schools, fire stations and other public buildings, cemeteries, solid waste disposal sites, and water and sewer facilities. This plan seeks to guide the location of these various facilities in a manner consistent with anticipated needs.

POLICIES

- Extension of public services and facilities should be coordinated with planned urban expansion.

- Coordination of public services and facilities should be provided by the various governmental agencies to avoid duplication and jurisdictional overlapping. Joint use of sites should be promoted where feasible, and to otherwise improve economy of operation.

- Waste management services and facilities—including sewage, drainage, and refuse disposal should be improved and expanded as necessary to accommodate the needs of the county inhabitants.

- Sewerage systems and solid waste disposal sites should be located, operated, and maintained in a manner that will not degrade environmental quality.

- High quality water supply and distribution systems should be maintained to meet current and future domestic and industrial needs.

- The consolidation of fire protection services be explored and expanded where it can be equitably provided to serve unprotected areas.

- Educational and cultural facilities should be provided in proper locations and in sufficient quantity and quality to assure maximum opportunity for intellectual and cultural achievement of residents of all economic levels.
Educational planning should be coordinated with recreational planning, where feasible educational and recreational sites should be combined.

Proposed water and sewerage facilities shall be in conformance with policies set forth in the land use element of the comprehensive plan for Jackson County.

Provision of water and sewer service to presently unserved areas shall not occur unless there has been a determination that such areas are physically capable of sustaining densities adequate to support such services.

Priority shall be given to construction of water and sewerage facilities which are required by existing conditions or for which there is a future need as identified by the Jackson County comprehensive plan.

Priority shall be given to providing service to vacant land contiguous to land already receiving urban services. An exception to this policy is the restriction of service to land in agricultural usage and other lands identified as open space in the Jackson County comprehensive plan.

The County shall encourage deferral of frontage assessments for land in agricultural usage and other lands identified as open space in the Jackson County comprehensive plan.

Within the constraints of reasonable engineering practices and costs, new water and sewerage lines shall not pass through prime agricultural land.

The County shall encourage the consolidation of domestic water supply districts in order to increase bonding capabilities, realize economies of scale, and facilitate the completion of service loops as opposed to dead-end service lines.

All future water and sewer projects shall be coordinated with other urban services, including but not limited to adequate roads, fire protection, police protection, schools and storm drainage.

The County shall encourage State and Federal funding of water and sewer projects which are consistent with areawide planning.

Proposed water and sewer projects shall undergo economic and environmental impact assessments which include indirect effects on land use and resource capabilities.

Amended by Order dated January 21, 1976.
WATER, CONSERVATION, AND RECREATION

Local natural resources are an essential part and influence upon the economic and social life of Jackson County. These diverse and valuable resources include surface waters and aquifer recharge areas, prime agricultural soils, forests and woodlands, fish and wildlife, an abundance of earth minerals, and places of scenic beauty and historical significance.

In programming for the future, it is essential that the county's natural resources be carefully identified and conserved for the use and enjoyment of present and future generations. Along with this plan, programs should be developed and implemented to assure that natural resources are available to meet future local economic requirements.

FLOODING AND DRAINAGE

Because of recurrent flooding characteristics along major county waterways, this plan discourages intensive development in flood plain areas without proper safeguards. Studies recently conducted by the United States Geological Survey established areas subject to flood conditions, flood elevation profiles, and land use zones within flood plain areas. Uses consonant with the flood plain would include agricultural and forest enterprises, recreation, flood control facilities and open space housing.

SAND AND GRAVEL

In 1970 the State Department of Geology and Mineral Industries completed a technical analysis of sand and gravel reserves along the Rogue River, Applegate River, and Bear Creek. This investigation provides a foundation from which future land management programs for major county waterways can be made.

In their sand and gravel reports, the state geologists recommended that channel and bar gravel should not be utilized. The reasons for this recommendation were listed as follows:

The deposits are small in aerial extent and only a few feet thick.

Removal of channel and bar deposits causes rapid channel changes which might result in damage to property along the river, and can cause erosion of the older gravel deposits.
Floodplain gravel is generally locally available and can be extracted with less adverse effect on the riverbed and stream ecology than can extraction of channel and bar gravel.

The deposits are prime spawning ground for anadromous fish.

After the proposed dams are built, much of the source for gravel will be trapped and the downstream river bars and channel gravels will not be replaced.

In promoting the future use and protection of the important aggregate resource deposits, the planning commission will work with the local sand and gravel industry to identify potential removal areas on the comprehensive plan.

PARK AND RECREATION AREAS

Jackson County is rich in park and recreation spaces ranging from scenic mountains and wilderness to camping and picnicking areas. The plan map singles out and identifies the park and recreation spaces recommended in the county's 1970 "Plan For Parks and Recreation." This plan integrates the county's recreation system with plans of state and federal jurisdictions into a cohesive countywide park and recreation system.

POLICIES

- **Public and private agencies will be encouraged to conserve prime watershed areas and develop programs designed to control flood water, erosion, sedimentation, and in general improve quality of water in the county.**

- **Critical watershed lands should be so designated or classified and appropriate zoning controls should be applied for their protection.**

- **Water resource development and reclamation projects should be encouraged in order to increase, enhance and protect beneficial public uses, including flood control, irrigation, fish and wildlife, water quality control and recreation.**
- Lands within identified flood plains should be excluded from intensive development.

- The county should continue to meet participation requirements for national flood insurance and make county flood hazard areas eligible for the program.

- Aggregate removal should be limited from stream beds and banks unless hydrologic studies ascertain that such removal could occur without creating adverse effects.

- On a case by case basis as appropriate the county will request the Department of Army, Corps of Engineers, to inspect proposed removal areas and offer recommendations as to the advisability of aggregate removal and necessary associated protective measures.

- The county will make use of the Army Corps of Engineers services with respect to river oriented erosion problems, including inspections and recommendations for bank stabilization and for stabilization of any erosion areas aggravated by or critical under controlled flooding conditions.

- The Planning Commission will support the "Plan for Parks and Recreation" as approved in 1970.

- The Planning Commission will support efforts toward continued inventories of high quality recreation land resources.
TRAFFIC CIRCULATION

The circulation element of this plan sets forth a system to handle the movement of people and goods safely and conveniently within the county. While land uses determine the amount and type of traffic which the circulation system must carry, the system at the same time has a direct significant impact on abutting land uses. As a result, the circulation system is a major structural element of the county plan.

Traffic circulation identified on the plan includes local roads as well as major arterial streets and highways, and Interstate 5. For the most part, this plan recognizes the results of the joint efforts between local communities in the county and the Oregon State Highway Division as developed through the Bear Creek Area Transportation Study project.
**Special Planning Districts**

Within Jackson County, there are a number of land areas which cannot be categorized by utilization of the land classification system, as set out in this Plan.

These areas need to be given special recognition in the land use planning process being developed by the County. Included in this special use category might be areas adjacent to airports, floodplains, unique geologic or wildlife habitat areas, and aggregate resource areas.

Currently, only the land area surrounding the Medford-Jackson County Airport is recognized by the Comprehensive Plan as a Special Planning District, and classified on the Comprehensive Plan map as the "Airport Development Area".

**Policies**

- **The Medford-Jackson County Airport is recognized as an area of regional significance.** Its operation, free from conflicting land uses, is in the best interests of the citizens of the County. Non-compatible land uses will be discouraged on the lands adjacent to the airport.

- To assure that growth around the airport has due regard for health, welfare and safety factors involved in the operation of this regional air transportation facility, it will be necessary to develop and implement specialized zoning techniques.

- Any specific use zones developed for special planning districts shall take into account the various characteristics of the area to which they will apply. The zoning district developed to implement the plan category "Airport Development Area" shall recognize these factors and not be limited in application to the area immediately affected by airport-associated noise or hazard.

- The Airport Development Planning District currently is developed with a wide range of land uses. The basic objective of the Special District is to achieve better land use compatibility for the area. This process will most likely occur in several phases over a period of years. Because of that, recognition of the rights of persons residing in the area to improve, alter, remodel or replace existing residences in the area must be maintained.

Amended by Order dated April 21, 1976.
BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
JACKSON COUNTY, OREGON

IN THE MATTER OF ADOPTION OF
A COMPREHENSIVE LAND USE PLAN
FOR JACKSON COUNTY.

WHEREAS, the Jackson County Planning Commission has
prepared and presented for consideration to the people of
Jackson County, a COMPREHENSIVE PLAN FOR JACKSON COUNTY,
and

WHEREAS, the JACKSON COUNTY PLANNING COMMISSION did,
after due deliberation, adopt said COMPREHENSIVE PLAN FOR
JACKSON COUNTY on the 22nd day of June, 1972.

NOW THEREFORE BE IT RESOLVED, that the Jackson County
Board of Commissioners go on record as endorsing the said
COMPREHENSIVE PLAN as being in the best interest of the people
of Jackson County.

Dated this 12th day of July, 1972.

BOARD OF COUNTY COMMISSIONERS
JACKSON COUNTY, OREGON

Chairman

Commissioner

Commissioner

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IMPLEMENTATION

Implementation of the comprehensive plan must be assured if it is to be of maximum value to the county citizenry. Implementation involves formulation and administration of appropriate codes, ordinances, and programs which give direction to land development proposals by both the private and public sector.

Although zoning is the most important legislative tool in implementing the planning objectives, capital improvement programs, subdivision regulations, precise street plans, minimum construction standards, and rehabilitation and redevelopment programs are also important ways to accomplish the goals of this plan.

It is the intention of the planning commission to continually examine and re-evaluate the adopted planning policies and physical, social, and economic conditions of the county. After the first five-year period the planning commission together with the citizen advisory committees will thoroughly restudy the plan and revise it as found necessary.

ADOPTED BY THE JACKSON COUNTY PLANNING COMMISSION THIS
22nd DAY OF June 1972

C. R. Barkhurst
Chairman

Dr. Frank MacGraw
Vice Chairman

ATTEST:

Kerry L. Lay, Secretary