# 1982 Land Development Ordinance

**Effective 11-10-82 Thru 2-12-89**

## Amendments

<table>
<thead>
<tr>
<th>Effective</th>
<th>Expires</th>
<th>Ord. #</th>
<th>LDO Section(s) Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-10-82</td>
<td>3-10-93</td>
<td>82-32</td>
<td>Adopted a consolidated land development ordinance.</td>
</tr>
<tr>
<td>12-19-82</td>
<td>NA</td>
<td>82-27</td>
<td>Adopted a consolidated land development ordinance, replaces Ordinance 82-32.</td>
</tr>
<tr>
<td>2-15-83</td>
<td>NA</td>
<td>82-33</td>
<td>Minor amendments to Sections 15.070; 210.030(8); 212.030(8); 214.030(8); 214.035(4); 220.020(8); 222.020(5); 238.020(23); 238.030(9); 242.030(7); 244.030(1); 254.020(2); 268.010(4); 268.030; 280.100(1) &amp; (B) &amp; (C) &amp; new (D); 280.100(2)(A); 238.030 new (10)</td>
</tr>
<tr>
<td>4-20-83</td>
<td>8-18-83</td>
<td>83-8</td>
<td>Minor amendments to Sections 00.040 definitions; 210.020(16) &amp; (17); 210.030(2)(B); 212.030(2)(B); 210.065 &amp; (1)(D) &amp; (2)(C); 277.080(1)</td>
</tr>
<tr>
<td>7-4-83</td>
<td>NA</td>
<td>83-9</td>
<td>Minor amendments to Sections 00.040 definitions; 210.020(16) &amp; (17); 210.030(2)(B); 212.030(2)(B); 210.065 &amp; (1)(D) &amp; (2)(C); 277.080(1), replaces Ordinance 83-8</td>
</tr>
<tr>
<td>3-5-84</td>
<td>7-3-84</td>
<td>84-11</td>
<td>Amend LDO deleting cottage industries and adding Rural Limited Industrial provisions in Sections 00.040 definitions; 200.030(5); revised Ch. 232; new Ch. 237; Section 258.050(1); Section 282.020(3) &amp; (B); 280.010; 280.050 (4) &amp; (5)(C)(i); 280.080(2) &amp; (3) &amp; (4); 280.130; 285.020(1); 285.025(1) &amp; (2); 290.030(2)(B)</td>
</tr>
<tr>
<td>5-4-84</td>
<td>NA</td>
<td>84-4</td>
<td>Amend LDO delete cottage industries, add Rural Limited industrial provisions in Sections 00.040 definitions; 200.030(5); revised Ch. 232; new Ch. 237; Section 258.050(1); Section 262.020(3) &amp; (B); 280.010; 280.050 (4) &amp; (5)(C)(i); 280.080(2) &amp; (3) &amp; (4); 280.130; 285.020(1); 285.025(1) &amp; (2); 290.030(2)(B), replaces Ordinance 84-11</td>
</tr>
<tr>
<td>5-9-84</td>
<td>9-6-84</td>
<td>84-14</td>
<td>Amend Section 218.050(4) buildings and uses of public works/public service/public utility/public safety nature (fire stations)</td>
</tr>
<tr>
<td>8-22-84</td>
<td>12-20-84</td>
<td>84-22</td>
<td>Amend Chapter 285</td>
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<tr>
<td>12-19-84</td>
<td>4-16-85</td>
<td>84-41</td>
<td>1984 &quot;Housekeeping Ordinance&quot; minor amendments throughout LDO.</td>
</tr>
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<tr>
<td>2-17-85</td>
<td>NA</td>
<td>84-42</td>
<td>1984 &quot;Housekeeping Ordinance&quot; minor amendments throughout LDO, replaces Ordinance 84-41.</td>
</tr>
<tr>
<td>12-22-86</td>
<td>NA</td>
<td>86-26</td>
<td>Amends LDO Section 258.020, new (6) &quot;innocent third party&quot; provisions</td>
</tr>
<tr>
<td>2-15-87</td>
<td>NA</td>
<td>86-29</td>
<td>Amend LDO Ch. 246 Destination Resort Overlay</td>
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<tr>
<td>6-17-87</td>
<td>10-15-87</td>
<td>87-9</td>
<td>Amend Sec. 00.040 and ch. 254 floodplain regulations.</td>
</tr>
<tr>
<td>6-21-87</td>
<td>NA</td>
<td>87-3</td>
<td>Amend Sec. 05.150(3), (4), and (5) concerning public land acquisition not resulting in lot creations.</td>
</tr>
<tr>
<td>12-23-87</td>
<td>4-21-88</td>
<td>87-23</td>
<td>Add new Ch. 248 Limited Use District to LDO.</td>
</tr>
<tr>
<td>12-30-87</td>
<td>4-28-88</td>
<td>87-25</td>
<td>Amend LDO Sections 15.060 (8) and 20.060 (4) &quot;Statement of Water Rights&quot;.</td>
</tr>
<tr>
<td>2-21-88</td>
<td>NA</td>
<td>87-22</td>
<td>Add new Ch. 248 Limited Use District to LDO, replaces Ordinance 87-23</td>
</tr>
<tr>
<td>3-13-88</td>
<td>NA</td>
<td>87-26</td>
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<tr>
<td>5-1-88</td>
<td>NA</td>
<td>88-6</td>
<td>Amend LDO Chapter 246 Destination Resort Overlay</td>
</tr>
<tr>
<td>5-25-88</td>
<td>9-22-88</td>
<td>88-12</td>
<td>Amend Sec. 00.040 and Ch. 254 floodplain regulations.</td>
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<tr>
<td>8-7-88</td>
<td>NA</td>
<td>88-11</td>
<td>Amend Sec. 00.040 and Ch. 254 floodplain regulations, replaces Ordinance 88-12</td>
</tr>
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</table>
1988
BEFORE THE BOARD OF COMMISSIONERS
COUNTY OF JACKSON, STATE OF OREGON

ORDINANCE NO. 88-11

AN ORDINANCE AMENDING SECTIONS 00.040 AND CHAPTER 254 OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE IN ORDER TO COMPLY WITH NEW FEDERAL REGULATIONS PERTAINING TO COMMUNITIES PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM; FILE #87-1-0A.

RECITALS:

1) Jackson County is a participant in the National Flood Insurance Program (NFIP) established by the federal government in 1969. In order to qualify for flood insurance for residents within a community, each jurisdiction must adopt regulations implementing the minimum requirements of the Code of Federal Regulations for the NFIP.

2) Jackson County adopted floodplain zoning and ordinance regulations governing land use and divisions with Statewide Planning Goal 7 (Natural Hazards and Disasters), Oregon Revised Statutes Chapter 215, and NFIP regulations effective October 28, 1980.

3) The Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) has enacted revised regulations for the NFIP which Jackson County must incorporate in order to maintain its eligibility for flood insurance.

4) The Planning Commission and Board of Commissioners, having held properly advertised public hearings on proposed amendments to the Jackson County Land Development Ordinance which will implement NFIP regulations as revised by FEMA.

5) It is the desire of the Planning Commission and Board of Commissioners, to continue to protect health, safety and general welfare of the public and reduce insurance loss through maintenance of floodplain regulations and to maintain NFIP eligibility.

NOW, Therefore,

The Jackson County Board of Commissioners ORDAINS as follows:

SECTION 1. FINDINGS

1.1 The Board of Commissioners hereby finds that participation in the National Flood Insurance Program is an essential part of the government's role in protecting health safety and welfare of the County.

Date Typed: February 3, 1988
1.2 The amendments proposed herein maintain the County's eligibility for subsidized flood insurance under the NFIP. Furthermore, enactment of the amendments in this ordinance maintains the County's commitment to comply with the goal and policies of the National Hazards Element of the Jackson County Comprehensive Plan.

1.3 The Board of Commissioners finds that no substantive Comprehensive Plan or Statewide Planning Goal issues are raised by amendment of this ordinance. As such, the Board of Commissioners finds prior notification of the Oregon Department of Land Conservation and Development to be unnecessary according to Oregon Administrative Rules, Chapter 660, 660-18-022.

Section 2. Amendments

2.1 Amendments to the Land Development Ordinance #82-27 are indicated in the text by brackets "[ ]" to show additions to the text (Example: [Commission]); or by "line" through to show deletions of previously adopted language (Example: =Commission). Once adopted the text of this ordinance shall be incorporated into the body of the text without brackets or stricken language.

2.2 Only those portions of the existing Land Development Ordinance (LDO) which have been lined through or bracketed in Sections 2.3 and 2.5 (the attached Exhibit 1) are amended by this ordinance. All other LDO text shall remain intact.

2.3 Section 00.040 (Definitions) is amended as follows:

A) The first paragraph of 00.040 is revised as follows:

00.040 DEFINITION OF TERMS:

As used in the Land Division Regulations and Zoning Regulations of the Land Development Ordinance the masculine includes the feminine, and the singular includes the plural, unless the context otherwise requires. No preference or prejudice is intended through this choice of words. "May" is permissive, and "shall" is mandatory. [Unless specifically defined below, or by other ordinance, administrative rule or statute, words or phrases used in this ordinance shall be interpreted so as to give the meaning they have in common usage and to give this ordinance its most reasonable application.] The following definitions shall also apply:

B) The following new definitions are added:

["AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year (See Section 254.020 of the zoning regulations).]
DEVELOPMENT PERMIT: Authorization from the Planning Director or designee to proceed with development or to secure building or sanitation permits. A development permit may take the form of a zoning clearance sheet, a staff report from which no appeal is taken and therefore is considered to be a final decision, or a written decision by a hearings body, or a combination thereof.

C) The definition of "Floodway-Regulatory" is amended as follows:

FLOODWAY - REGULATORY: The sum of all areas depicted as lying within a "floodway" on the Flood Boundary and Floodway Map, as defined in this section, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in Chapter 254.050(3) and 254.060(3) of the Jackson County Zoning Regulations.

D) The definition of "Habitable Floor" is modified as follows:

HABITABLE FLOOR: Any floor which is or can be made suitable for living purposes[,] which includes [These areas may be walled and are suitable for use as a place of] working, sleeping, eating, cooking, recreation, or [the like:] a combination thereof. A floor used only for storage purposes is not a "habitable floor." [As used in this ordinance, the area beneath the lowest habitable floor may only be crawl space or unenclosed carport. See Section 254.070, "Specific Standards for Flood Hazard Reduction" for areas below the lowest floor [. The term "Lowest Floor" is defined in this Section.]

E) The following new definition is added:

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Sections 254.060 and 254.070 of the zoning regulations.

F) The definition of "Mobile Home" is revised as follows:

MOBILE HOME: A structure or vehicle built [fabricated] on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes. [Although Oregon Administrative Rules (OAR) Chapter 814, Division 23 separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" shall be considered a "mobile home" for land development regulatory]
purposes under this ordinance. The term "mobile home" shall not include "camping vehicle," "travel trailer," "park trailer," "tip-out" and any other "similar vehicle" which is not intended, designed, constructed or used for residential purposes for use as a single family dwelling and is not otherwise labeled as manufactured or mobile home under any federal or state law provided, however, for floodplain management purposes under Chapter 254 of this ordinance, park trailers, camping vehicles, travel trailers, "tip-out," and other similar vehicles shall be considered mobile homes subject to the requirements of Chapter 254, although such vehicles are otherwise included within the term "mobile home".

G) The definition of "Mobile Home Park" is amended as follows:

[MOBILE HOME PARK: Any place where four or more mobile [such] homes are located within 500 feet of one on [each] other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is:

[1] To rent or lease space for mobile homes for a charge or fee paid; or

[2] To be paid for the rental, lease, or use of facilities; [for mobile homes]; or

[3] To offer space free [for location of mobile homes] in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

[For floodplain management purposes, any parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale will be subject to the requirements of Chapter 254 of this ordinance.]

H) The definition "Start of Construction" is amended to read as follows:

START OF CONSTRUCTION: [Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, reconstruction or placement of other improvement was within 180 days of the permit date.] The actual start of construction is either the first placement or permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, [the installation of piles, the installation of columns] or any work beyond the stage of excavation; [or the placement of a mobile home on a temporary or permanent foundation.] Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations,
or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units [for residential purposes and] or not part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure, or any part thereof, on its piling(s) or foundation(s). For mobile homes not within a mobile home park, "start of construction" means the placement of the mobile home on a tract of land. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site, on which the mobile home is to be placed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

I) The definition of "Structure" is amended to read as follows:

**STRUCTURE:** Anything constructed or erected, and having a fixed base on or fixed [that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks [but shall] exclude fences to the ground or another structure, excluding fences less than six feet in height and uncovered patios.

J) The definition "Substantial Improvement" is amended as follows:

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) Before the improvement[, reconstruction] or repair is started; or,

2) If the structure has been damaged and is being restored[, repaired, reconstructed or improved] before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

[The term does not, however, include either:

1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.]
[For purposes of determining percentage of market value of the structure, the most current value as shown in the Assessor's records or an independent M.A.I. certified appraisal shall be utilized. If repair, reconstruction, alteration or improvement of a structure has commenced without permits or authorization prior to a determination of a substantial improvement, the value of such unauthorized improvements shall be deducted from the market value of the structure.]

2.4 Except for the purposes of Chapter 254 of this ordinance a "mobile home" as defined herein is completely distinct by use and by construction standards from the terms "camping vehicle," "recreational vehicle," "travel trailer," "tip out," or other temporary structure not intended or used for residential purposes.

2.5 Chapter 254 of the Land Development Ordinance, Flood Plain Overlay is amended as follows in Exhibit 1, which is attached hereto and adopted by reference.

SECTION 3. REPEAL, SAVINGS, AND SEVERABILITY CLAUSES

3.1 The amendment of the Land Development Ordinance by adoption of this ordinance shall not be construed as abating any actions or legal proceedings now pending under, or by virtue of, such ordinance so repealed, nor as discontinuing, abating or modifying any penalty accruing or to accrue, nor as affecting the liability of any person, firm or corporation, nor as waiving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

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

Adopted this 8th day of June, 1988 at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Jeff Golden, Chairman

APPROVED AS TO FORM:

Wendie S. Bolling
County Counsel

ATTEST:

Donna Blader
By: Recording Secretary

6-ORDINANCE
CHAPTER 254

FLOODPLAIN (FP) OVERLAY

254.010 PURPOSE:

In order to implement (Statewide Planning Goal B, Natural Hazards, Oregon Revised Statutes Chapter 215.515 and) the goals and policies of the Jackson County Comprehensive Plan, this district is intended to be applied to properties which engineering or historical information indicates are likely to be inundated by flood waters at some time in the future. It is the purpose of this district to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1) To protect human life and health.

2) To minimize expenditure of public money for costly flood control projects.

3) To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public.

4) To minimize prolonged business interruptions.

5) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in the 100-year floodplain; also known as the area of special flood hazard.

6) To attempt to ensure that potential buyers are notified that property is in a designated floodplain.

7) To ensure that those who occupy the 100-year floodplain assume the responsibility for their actions.

8) 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.

254.015 METHODS OF REDUCING FLOOD LOSSES:

Development permits required pursuant to Section 254.025 of this Chapter may be denied, or the County may impose restrictions upon the use of property for the following purposes and upon the following findings:

1) Restricting or prohibiting uses which are found to be dangerous to health, safety, and property due to water or erosion hazards, or which are found likely to result in damaging increases in erosion or in flood heights or velocities;
2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which are found necessary to help accommodate or channel flood waters;

4) Controlling filling, grading, dredging, and other development for which it is found that such development may increase flood damage; and

5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

254.020 APPLICATION OF PROVISIONS:

1) This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Jackson County.

2) This ordinance shall apply in any zoning district where a floodplain designation is combined with a primary district, and any conflict in regulation or procedure occurs with such zoning districts, the provisions of the [Floodplain Overlay district shall govern.

3) The scientific and engineering report prepared by the Federal Emergency Management Agency (FEMA) entitled The Flood Insurance Study for Jackson County, ((draft) dated June, 1980 [and, final report dated April 1, 1982,]) or as hereafter amended, along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), is hereby adopted by reference and declared to be a part of this ordinance. These documents shall be the means for establishing the location of the 100-year floodplain, otherwise known as the area of special flood hazard, for the purposes of this ordinance. [The Flood Insurance Study is on file in the Jackson County Department of Planning and Development.]

4) This ordinance shall apply to other [flood prone] areas, in addition to those which have been specifically shown on Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps, which [are found by] in the opinion of the Planning Director to be situated in close proximity to creeks and streams[.] shall also be reviewed according to the provisions set forth in this chapter.

254.025 ESTABLISHMENT OF DEVELOPMENT PERMIT:

1) A development permit shall be obtained before construction or development begins within any area of special flood hazard established under Section 254.020. Except as provided under in chapter [Section 254.035], no person firm or corporation shall construct or emplace any building or structures, including [manufactured or] mobile homes, or
carry out any mining, dredging, filling, grading, paving, excavation, or drilling operations [or other development activities] in areas designated [found to be flood prone under Section 254.020 as that term is defined in this ordinance (Section 00.040).] flood hazard designation "A" or "AH" through "A30" without the Flood Insurance Rate Map (FIRM) without first having obtained [a permit] approval under this chapter. The Department shall maintain an official file copy of said FIRM.

[2] The Planning Director shall have the authority to administer and implement this chapter by approving (with or without conditions) or denying development permit applications.

(3) The Planning Director shall be responsible for reviewing all applications for building or mobile home setup permits and other development [permits,] for compliance with the requirements of this ordinance, making determinations of the boundaries of the 100-year floodplain where actual field observations are at variance with mapped boundaries.

[a] Prior to the issuance of any development permits, including building or mobile home set-up permits, all applications for such permits shall be reviewed to determine whether such application proposes development in an area to which this ordinance applies. Any development proposed within areas subject to this ordinance is subject to and shall conform with the requirements of this ordinance.

[b] The 100-year floodplain is determined pursuant to Section 254.020 of this ordinance. If an applicant desires to present data for the purpose of demonstrating a different 100-year floodplain boundary than the area of special flood hazard boundary that is shown on FEMA maps, or to other flood prone areas determined by the Planning Director then such applicant shall present data consistent with Section 254.060 (SC). The burden of proof in such determination shall rest with the affected property owner requesting such determination.

[c] In areas where base flood elevation profiles are available ('A1' through 'A30' FIRM zones [established by FEMA]), the closest elevation profile to the proposed use shall prevail over determinations made from the Flood Insurance Rate Map. [The person contesting the location of the boundary shall be given a reasonable opportunity to appeal] Director's determination under Section 285.020 of this ordinance, [but the burden of proof shall be on the person contesting the interpretation.]

254.030 ADMINISTRATION:

1) In [administration of] determining this chapter, the Planning Director shall determine all of the following prior to issuance of an approval of an application under this chapter:
A) that the permit requirements of this Chapter have been satisfied, and

B) that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required by law, including Section 404, of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1344, (Dredging and Filling Navigable Waters), and

C) that the proposed development is immediately adjacent to or located within the floodway. If located within the floodway, the encroachment provisions of 254.080 shall be met.

[2] The Planning Director shall receive from each applicant, and shall permanently file a certification of the actual, as-built elevation (above mean sea level), or elevation as determined by Subsection [4] listed [below] above, of the lowest habitable floor, including basements, for all new or substantially improved structures or flood-proofed structures [and whether or not the structure contains a basement.] Elevations required under this provision [Chapter] shall be determined [and certified] by an Oregon registered professional engineer or Oregon licensed land surveyor.

[3] For all new or substantially improved flood-proofed structures, the Director shall verify and maintain a record of the actual elevation in relation to mean sea level to which the structure is flood proofed based on a FEMA form available in the Department. Flood proofing certificates shall also be submitted and filed for all flood-proofed structures. Certification of flood proofing shall be by an Oregon registered professional engineer or architect.

[4] When base flood elevation data has not been provided by the Federal Emergency Management Agency, as provided in Subsection 254.020 [3] of this Chapter, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation [and floodway] data available from federal, state, or other qualified, licensed engineering source in order to assure that all proposed developments comply with this Chapter. In the absence of elevation data, the special floodway setbacks, in addition to the normal yard requirements prescribed under Chapter 280, shall be established as specified in section 254.060 (5).


[6] The Planning Director shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

[7] All records pertaining to the provisions of this ordinance shall be maintained for public inspection.
[254.035] PERMITTED USES:

(The following uses and structures are permitted without administrative approval or other development permit under this chapter subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:]

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

2) Picnic tables and "camp place" fireplaces designed and anchored to prevent flotation, collapse, or lateral movement.

3) Boat launching ramp, landing, or dock [not involving fill material].

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

5) Parking areas and roadways, providing that no fill material is utilized.

6) Fences.

7) Temporary Accessory structures [or] buildings [with less than 120 square feet of floor area], and equipment which will be removed from the [area of special flood hazard] zoning district during the period of annual flood risk.

8) Fishing platform.

9) Incidental storage of material or equipment which 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) Bike path, park, or playground.

15) Electric distribution and [/or] transmission [facilities] lines provided that any fill, rip-rap, or revetments meet the standards of Section 254.070 [and 254.080].
16) Relocation of a stream channel and removal or fill of materials for erosion and flood control purposes under the jurisdiction of the Division of State Lands (DSL) when the Oregon Department of Fish and Wildlife determines that sensitive [riparian] wildlife or fish habitat will not be adversely affected, and the applicant utilizes the services of a professional hydrologist, Oregon registered engineer or the S.C.S. or similarly qualified agency who certifies in writing that the proposed activity will not result in an increase of the base flood. This certification requirement may be waived if the nature of the activity allows the Department to conclude that no increase in the base flood will result from the proposed activity. This certification shall also be made directly to the DSL.

254.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:

If allowed as a permitted use in the primary zoning district, the following uses shall be subject to administrative approval by the Planning Director in areas designated [under Section 254.020] as floodplain. If allowed as a conditional use in the primary zoning district, the following uses shall [also] be subject to review pursuant to [the requirements of] Chapter 260, [in addition to the requirements of the primary district.] If all requirements of this chapter are not met, the application shall be denied. Applications for administrative approval or conditional use shall be subject to the procedures specified in Section 254.080 (254.050).

1) [Initial placement or replacement of any] single-family dwelling or mobile home and [any] accessory buildings in the 100-year floodplain consistent with the requirements of this Chapter.

2) Golf course, park, playground, picnic grounds, or other recreational uses with related buildings and structures.

3) Campground.

4) Replacement of dwelling in-kind within the floodplain including the floodway (but not including replacement of a mobile home in the floodway), providing that the standards of Section 254.080 are satisfied. [Replacement of a mobile home within the floodway shall only be permitted within an existing mobile home park according to Section 254.070(3).]

5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials, providing the additional requirements of Chapters 272 and 260 are satisfied and the Oregon Department of Fish and Wildlife determines in writing that sensitive fish and wildlife habitat will not be adversely affected. In no instance shall such operation cause an increase in flooding potential or stream bank erosion adjacent to, upstream, or downstream from the operation.

6) Landing field or heliport.

7) Marina.

8) Flood water storage impoundment.
9) Public utility building or structure.

10) Bridge or other stream crossing.

11) Commercial or industrial use.

12) Pipeline necessary for public service.

13) Removal or fill within the 100-year floodplain.

14) Placement of a recreational or camping vehicle in the floodplain subject to the standards of 280.210.

[254.050] **PROCEDURES FOR ADMINISTRATIVE OR CONDITIONAL USE PERMITS:**

[1] Application for a development permit required under this chapter shall be made on forms furnished by the Department. An applicant seeking an administrative or conditional use permit in [an area of special flood hazard identified under 254.020 above] a floodplain district shall follow procedures set forth in Chapters 260 and 265 [this ordinance according to the provisions of this chapter and the primary zoning district in which the development permit is proposed]. Plans and specifications accompanying the application shall include:

A) Location of the property with reference to river and stream channels and flood profile elevations.

B) Existing topography, vegetation, and uses, including location of dikes, revetments, and other flood control works [or drainage facilities.]

C) [The nature,] location[, dimensions and elevations] of proposed uses, structures, roads [fill, storage of material, drainage facilities] or other improvements [, including the elevation of the site prior to development].

D) A proposed grading plan for the property when determined necessary by the County.

E) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.]

F) Elevation in relation to mean sea level to which any structure has been floodproofed.]

G) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure will meet the floodproofing criteria in Section 254.060 and 254.070.]

H) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.]
2) Any applicant requesting a conditional use permit in an area designated as floodplain (or otherwise subject to the conditions of this Chapter), shall bear the burden of proving compliance with these requirements.

3) No variance from the requirements of this Chapter shall be granted.

254.060 GENERAL STANDARDS [FOR FLOOD HAZARD REDUCTION]:

In all designated 100-year floodplains or areas of special flood hazards, the following requirements apply [in addition to the requirements of Section 254.070, to those uses and structures not specifically permitted under Section 254.035]:

[1] Anchoring:

[A] All new construction and substantial improvements including structures and apparatus shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[B] All mobile homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors; provided however no new, replacement or substantially improved mobile home shall be permitted in any floodway except as provided in Section 254.070(3B). "Tiedown" or anchoring devices for mobile homes, as defined in this ordinance, shall meet the minimum standards set forth in federal regulations and Oregon Administrative Rules, Chapter 814, Division 23. A copy of the applicable OARs is available for review in the Department. (Reference FEMA's publication Manufactured Home Installation in Flood Hazard Areas for additional techniques, which is on file in the Department.)

[2] Construction Materials and Methods:

[A] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[B] All new construction and substantial improvements shall be constructed using methods and practices which minimize flood damage.

[C] Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.]
[3 Utilities:]

[A] ➙ All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

[B] ➙ New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

[C] ➙ On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Sand filter systems shall not be permitted in the floodway and shall be elevated in the 100 year floodplain.

[4) Land Division Proposals:]

[A] ➙ All land division proposals shall be consistent with the need to minimize flood damage.

[B] All proposals for land divisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

[C] All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.

[D] Base flood elevation data shall be provided by the developer for subdivision proposals and other proposed major developments.

[5) Review of Development Permits:]

[A] Where elevation data are not available either through the Flood Insurance Study or from another authoritative source as provided in Section 254.030(4), applications for development permits shall be reviewed by the Planning Director to assure that proposed construction will be reasonably safe from flooding. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.

[B] Where specific elevation data are not available and the area is designated floodplain prone, according to the provisions of Section 254.020, special floodway setback requirements shall be imposed according to the following methods:

[i] A floodway shall be presumed to exist on land which abuts or is bisected by a stream or segment of a stream for which no floodway has been depicted by the Federal Emergency Management Agency. The floodway width shall be deemed to equal five times the width of the normal rainy season stream bed measured from top of bank to top of bank, or 100 feet,
whichever is greater. It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream.

[iii] If, owing to topography or other factors, the method prescribed above does not yield a reasonable and practical measurement of the floodway, the applicant may offer other information to establish the floodway configuration more precisely in accordance with accepted engineering practices and certified by an Oregon registered [professional] engineer or [licensed land] surveyor.

[C] To determine the base flood elevation, [where elevation data specifically are not available as noted in Subsection A above,] the applicant's Oregon registered engineer or ARCPACS registered Soil Scientist shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report [certifying the base flood elevation] shall be submitted to the Planning Director by the applicant[. Said certification by the applicant's engineer or soil scientist shall set forth an elevation,] setting forth said elevation and citing the evidence [relied] upon [for such determination] which the estimate is made. Said report may be accepted or rejected by the Planning Director.

254.070 SPECIFIC STANDARDS [FOR FLOOD HAZARD REDUCTION]:

++ In all areas of [special flood hazards, either] the 400-year floodplain, where base flood elevation data have been developed in 'A1' through 'A30' zones as depicted on the Flood Insurance Rate Map, [or pursuant to Section 254.030(4), the following specific standards apply:

[1] Residential Construction:

A) New construction and substantial improvement of any [residential structure] dwelling shall have the lowest floor, including the basement, elevated one foot above the base flood elevation.

[B] Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum criteria:

i) A minimum of two openings having a total net area of not less than one square inch for every square foot of otherwise enclosed floor area subject to flooding (e.g. below base flood level) shall be provided.

ii) The bottom of all openings shall be no higher than one foot above grade.
iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

[C] Accessory structures (such as a personal use shed, detached garage or carport) less than a total of 500 square feet in size which the Planning Director finds do not represent a significant investment (e.g. less than five percent of the value of the principal structure) may be exempt from the elevation and dry floodproofing requirements of Subsection (1)(A and B) and (2) of Section 254.070 for areas outside of a floodway; provided that:

1) Such accessory structures shall not be used for human habitation;

ii) Such accessory structures shall be designed to have low flood damage potential through use of floodwater resistant construction materials and siting of the structure(s) so as to offer minimum resistance to the flow of floodwaters;

iii) Such accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures;

iv) Service facilities for such accessory structures, such as electrical and heating equipment shall be elevated one foot above the base flood level or flood proofed.

Construction under Subsection 254.070(1C) will result in increased flood insurance premium rates which may be prohibitively expensive.

[2] Nonresidential Construction:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

[A] Be floodproofed, so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water;

[B] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy; and,

[C] Be certified by an Oregon registered professional engineer or architect that the [standards of this subsection are satisfied. [design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Director.]
(D) Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection (1B) above.

(E) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

264.070 SPECIFIC REQUIREMENTS FOR MOBILE HOMES:

1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top frame ties to ground anchors—frame ties only are required if the mobile home is a doublewide or triplewide or if the mobile home bears data plates indicating it was constructed pursuant to HUD mobile home construction and safety standards instituted in June, 1976, or that construction was pursuant to State of Oregon standards between 1972 and 1976. Specific requirements shall be that:

A) Over-the-top ties, when required, shall be provided at each of the four corners of the mobile home for mobile homes over 50 feet in length, with two additional ties per side at intermediate locations; mobile homes less than 50 feet long require one additional tie per side.

B) All components of the anchoring system shall be capable of carrying a force of 4,000 pounds and,

C) Any additions to the mobile home be similarly anchored.

2) The following are required for new mobile home parks, expansions to existing mobile home parks, existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement, and, for new or used mobile homes not placed in an existing mobile home park:

A) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level.

B) Adequate surface drainage and access for a hauler are provided.

C) In the instance of elevation on pilings that:

i) Lots are large enough to permit steps.

ii) Piling foundations are placed in stable soil, not more than ten feet apart.
[3] Placement of Mobile Homes within Flood Prone Areas:

[A] Except as prohibited in Section 254.060(1) and subject to Subsection 3B below, mobile homes to be placed or substantially improved within FIRM Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the mobile home is at least one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection 254.060(1). This provision shall also apply to mobile homes proposed to be placed or substantially improved in an expansion to an existing mobile home subdivision or park. Placement and anchoring of a mobile home on a permanent foundation is intended to resist movement or flotation caused by floodwaters.

For the purposes of this ordinance a permanent foundation system is defined as:

i) a permanent concrete or grouted, reinforced masonry perimeter foundation in conjunction with poured in place continuous runners (footings) located under bearing girders; or,

ii) an engineered foundation system, prepared by a licensed engineer or architect registered in the state of Oregon, which is designed to resist the imposed hydraulic and structural loads; or,

iii) a combination of the above two options.)

[B] No mobile home shall be placed in a floodway, except in an existing space of an existing mobile home park, and then only if standards specified in this Chapter are satisfied. [The elevation requirements of Section 254.070(3A) above shall not apply to mobile homes proposed to be placed in or substantially improved an existing mobile home subdivision or park, except where the repair reconstruction or improvement of the streets, utilities and pads exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.]

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(4) Nonconforming Structures: Such structures are subject to Section 258.030, and as such may be continued, remodeled, repaired, replaced in kind or enlarged where such work will not render the structure to be in conflict with the requirements of this chapter or the zoning district in which it is located.

[254.080 FLOOD HAZARD REDUCTION STANDARDS FOR FLOODWAYS:

(1) In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the approximate method described in Section 254.060 (5), the following standards (in addition to the elevation requirements of Section 254.070) apply due to the [extreme hazard resulting from] velocity of flood waters which carry debris, potential projectiles, and have erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development which would result in any increase in flood levels during the occurrence of the base flood discharge. New construction [or substantial improvement or other development] on an existing parcel is permitted in the floodway only if:

i) The applicant's Oregon registered engineer certifies that the development [or encroachment] will not result in any increase in the level of a base flood; and,

ii) The County determines that parcel size, topography, or other natural or man-made conditions prevent the new construction [other development or encroachment] from occurring outside the floodway.

[It will generally be presumed that an increase in the base flood will not occur if such encroachment or development replaces in-kind any lawfully placed encroachment without change in dimension, or if the proposed encroachment is otherwise a lawful enlargement or addition and will be immediately downstream of and adjacent to such lawfully placed existing encroachment and no addition or enlargement will be placed in any manner protruding approximately perpendicular from the direction if water flows or in such a manner as to cause further impedance or obstruction of the direction of water flow. Refer to illustration below of existing structure in floodway:]

[Diagram showing stream flow, floodway, existing structure, and new construction permitted versus no new construction]
If [Subsection 254.060(2)(A)](254.080(1)), above, is satisfied, all new construction and substantial improvements shall also comply with all applicable flood hazard reduction provisions of Sections 254.060 and 254.070.

Building development on islands (or other topographic features) within (or surrounded by) the floodway shall be subject to the following:

- Verification by an Oregon registered geologist or ARCPACS registered soil scientist that the island (or other topographic feature) is a stable landform and will not be subject to erosion during a 100-year flood.
- Submission of topographic information from a registered surveyor showing the topography of the area (island).
- Location of proposed roadway and building site.

The above information shall be utilized by the Department to determine if the development is consistent with the purpose of this district to protect health, safety, and welfare and with the Goal and policies stated in the Natural Hazards Element of the Comprehensive Plan. For example, the depth of water over access roads must not endanger the lives of those attempting to rescue people occupying the structure. In addition, the road itself shall not be improved in such a way as to increase flood elevations or create an obstruction in the floodway.

WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this ordinance is [required in order to participate in the National Flood Insurance Program. This participation is in the public interest and the requirements of this ordinance are] considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the 100-year floodplain, or uses within such areas, will be free from flooding or flood damages [for any size flood]. This ordinance shall not create liability on the part of Jackson County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
BEFORE THE BOARD OF COMMISSIONERS  
COUNTY OF JACKSON, STATE OF OREGON  

ORDINANCE NO. 88-12

AN EMERGENCY ORDINANCE AMENDING SECTIONS 00.040 AND CHAPTER 254 OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE IN ORDER TO COMPLY WITH NEW FEDERAL REGULATIONS PERTAINING TO COMMUNITIES PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM; FILE #87-2-0A.

RECITALS:

1) Jackson County is a participant in the National Flood Insurance Program (NFIP) established by the federal government in 1969. In order to qualify for flood insurance for residents within a community, each jurisdiction must adopt regulations implementing the minimum requirements of the Code of Federal Regulations for the NFIP.

2) Jackson County adopted floodplain zoning and ordinance regulations governing land use and divisions with Statewide Planning Goal 7 (Natural Hazards and Disasters), Oregon Revised Statutes Chapter 215, and NFIP regulations effective October 28, 1980.

3) The Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) has enacted revised regulations for the NFIP which Jackson County must incorporate in order to maintain its eligibility for flood insurance.

4) The Planning Commission and Board of Commissioners, having held properly advertised public hearings on proposed amendments to the Jackson County Land Development Ordinance which will implement NFIP regulations as revised by FEMA.

5) It is the desire of the Planning Commission and Board of Commissioners, to continue to protect health, safety and general welfare of the public and reduce insurance loss through maintenance of floodplain regulations and to maintain NFIP eligibility.

NOW, Therefore,

The Jackson County Board of Commissioners ORDAINS as follows:

SECTION 1. FINDINGS

1.1 The Board of Commissioners hereby finds that participation in the National Flood Insurance Program is an essential part of the government's role in protecting health, safety and welfare of the County.

1-ORDINANCE; File 87-2-0A  
Date Typed: February 8, 1988
1.2 The amendments proposed herein maintain the County's eligibility for subsidized flood insurance under the NFIP. Furthermore, enactment of the amendments in this ordinance maintains the County's commitment to comply with the goal and policies of the National Hazards Element of the Jackson County Comprehensive Plan.

1.3 The Board of Commissioners finds that no substantive Comprehensive Plan or Statewide Planning Goal issues are raised by amendment of this ordinance. As such, the Board of Commissioners finds prior notification of the Oregon Department of Land Conservation and Development to be unnecessary according to Oregon Administrative Rules, Chapter 660, 660-18-022.

Section 2. Amendments

2.1 Amendments to the Land Development Ordinance #82-27 are indicated in the text by brackets "[ ]" to show additions to the text (Example: [Commission]) or by "line" through to show deletions of previously adopted language (Example: [Commission]). Once adopted the text of this ordinance shall be incorporated into the body of the text without brackets or stricken language.

2.2 Only those portions of the existing Land Development Ordinance (LDO) which have been lined through or bracketed in Sections 2.3 and 2.5 (the attached Exhibit 1) are amended by this ordinance. All other LDO text shall remain intact.

2.3 Section 00.040 (Definitions) is amended as follows:

A) The first paragraph of 00.040 is revised as follows:

00.040 DEFINITION OF TERMS:
As used in the Land Division Regulations and Zoning Regulations of the Land Development Ordinance the masculine includes the feminine, and the singular includes the plural, unless the context otherwise requires. No preference or prejudice is intended through this choice of words. "May" is permissive, and "shall" is mandatory. [Unless specifically defined below, or by other ordinance, administrative rule or statute, words or phrases used in this ordinance shall be interpreted so as to give the meaning they have in common usage and to give this ordinance its most reasonable application.] The following definitions shall also apply:

B) The following new definitions are added:

"AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year (See Section 254.020 of the zoning regulations).]
The definition of "Floodway-Regulatory" is amended as follows:

FLOODWAY - REGULATORY: The sum of all areas depicted as lying within a "floodway" on the Flood Boundary and Floodway Map, as defined in this section, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in Chapter 254.050(3), and 254.060(4) of the Jackson County Zoning Regulations.

The definition of "Habitable Floor" is modified as follows:

HABITABLE FLOOR: Any floor which is or can be made suitable for living purposes. These areas may be walled and are suitable for use as a place of working, sleeping, eating, cooking, recreation, or the like. A floor used only for storage purposes is not a "habitable floor." As used in this ordinance, the area beneath the lowest habitable floor may only be crawl space or unenclosed carport. See Section 254.070, "Specific Standards for Flood Hazard Reduction" for areas below the lowest floor. The term "Lowest Floor" is defined in this Section.

The following new definition is added:

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Sections 254.060 and 254.070 of the zoning regulations.

The definition of "Mobile Home" is revised as follows:

MOBILE HOME: A structure or vehicle [fabricated] on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes. Although Oregon Administrative Rules (OAR) Chapter 814, Division 23 separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" shall be considered a "mobile home" for land development regulatory
purposes under this ordinance. The term "mobile home" shall not include "camping vehicle," "travel trailer," "park trailer," "tip-out" and any other "similar vehicle" which is not intended, designed, constructed or used for residential purposes for use as a single family dwelling and is not otherwise labeled as manufactured or mobile home under any federal or state law provided, however, for floodplain management purposes under Chapter 254 of this ordinance, park trailers, camping vehicles, travel trailers, "tip out", and other similar vehicles shall be considered mobile homes subject to the requirements of Chapter 254, although such vehicles are otherwise included within the term "mobile home".

G) The definition of "Mobile Home Park" is amended as follows:

[MOBILE HOME PARK: Any place where four or more mobile [such] homes are located within 500 feet of one am [each] other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is[;]

[1)] To rent or lease spaces for mobile homes for a charge or fee paid; or

[2)] To be paid for the rental, lease, or use of facilities; [for mobile homes]; or

[3)] To offer space free [for location of mobile homes] in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

[For floodplain management purposes, any parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale will be subject to the requirements of Chapter 254 of this ordinance.]

H) The definition "Start of Construction" is amended to read as follows:

START OF CONSTRUCTION: [Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, reconstruction or placement of other improvement was within 180 days of the permit date.] The actual start of construction is either the first placement or permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, [the installation of piles, the installation of columns] or any work beyond the stage of excavation; [or the placement of a mobile home on a temporary or permanent foundation.] Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations,
or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units [for residential purposes and] or not part of the main structure. For a structure (other than a mobile home) without a basement or poured footing, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on the piling(s) or foundation(s). For mobile homes not within a mobile home park, "start of construction" means the placement of the mobile home on a tract of land. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site, on which the mobile home is to be placed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

I) The definition of "Structure" is amended to read as follows:

STRUCTURE: Anything constructed or erected, and having a fixed base on, or fixed [That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks [but shall] exclude connection to the ground or another structure, excluding fences less than six feet in height and uncovered patios.

J) The definition "Substantial Improvement" is amended as follows:

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) Before the improvement[, reconstruction] or repair is started; or,

2) If the structure has been damaged and is being restored, [repaired, reconstructed or improved] before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

[The term does not, however, include either:

1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.]
[For purposes of determining percentage of market value of the structure, the most current value as shown in the Assessor’s records or an independent M.A.I. certified appraisal shall be utilized. If repair, reconstruction, alteration or improvement of a structure has commenced without permits or authorization prior to a determination of a substantial improvement, the value of such unauthorized improvements shall be deducted from the market value of the structure.]

2.4 Except for the purposes of Chapter 254 of this ordinance a “mobile home” as defined herein is completely distinct by use and by construction standards from the terms “camping vehicle,” “recreational vehicle,” “travel trailer,” “tip out,” or other temporary structure not intended or used for residential purposes.

2.5 Chapter 254 of the Land Development Ordinance, Flood Plain Overlay is amended as follows in Exhibit 1, which is attached hereto and adopted by reference.

SECTION 3. REPEAL, SAVINGS, AND SEVERABILITY CLAUSES

3.1 The amendment of the Land Development Ordinance by adoption of this ordinance shall not be construed as abating any actions or legal proceedings now pending under, or by virtue of, such ordinance so repealed, nor as discontinuing, abating or modifying any penalty accruing or to accrue, nor as affecting the liability of any person, firm or corporation, nor as wavin any right of Jackson County under any ordinance existing on the effective date of this ordinance.

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

SECTION 4. EMERGENCY CLAUSE

4.1 This ordinance being necessary to the health, safety, and welfare of the people of Jackson County, and to comply with deadlines established by the federal government for enactment of the amendments, an emergency is declared, and it shall take effect immediately upon adoption.

Adopted this 25th day of May, 1988 at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Jeff Golden, Chairman

APPROVED AS TO FORM:  
Nancy Mitchell

County Counsel  
Recording Secretary

6-ORDINANCE
FLOODPLAIN (FP) OVERLAY

254.010 PURPOSE:

In order to implement [Statewide Planning Goal 8, Natural Hazards, Oregon Revised Statutes Chapter 215.515 and] the goals and policies of the Jackson County Comprehensive Plan, this district is intended to be applied to properties which engineering or historical information indicates are likely to be inundated by flood waters at some time in the future. It is the purpose of this district to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1) To protect human life and health.

2) To minimize expenditure of public money for costly flood control projects.

3) To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public.

4) To minimize prolonged business interruptions.

5) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in the 100-year floodplain; also known as the area of special flood hazard.

6) To attempt to ensure that potential buyers are notified that property is in a designated floodplain.

7) To ensure that those who occupy the 100-year floodplain assume the responsibility for their actions.

8) 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.

[254.015 METHODS OF REDUCING FLOOD LOSSES:

Development permits required pursuant to Section 254.025 of this Chapter may be denied, or the County may impose restrictions upon the use of property for the following purposes and upon the following findings:

1) Restricting or prohibiting uses which are found to be dangerous to health, safety, and property due to water or erosion hazards, or which are found likely to result in damaging increases in erosion or in flood heights or velocities;
2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which are found necessary to help accommodate or channel flood waters;

4) Controlling filling, grading, dredging, and other development for which it is found that such development may increase flood damage; and

5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

254.020 APPLICATION OF PROVISIONS:

1) This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Jackson County.

2) This ordinance shall apply in any zoning district where a floodplain designation is combined with a primary district, and any conflict in regulation or procedure occurs with such zoning districts, the provisions of the Floodplain Overlay district shall govern.

3) The scientific and engineering report prepared by the Federal Emergency Management Agency (FEMA) entitled The Flood Insurance Study for Jackson County, (draft dated June, 1980; and, final report dated April 1, 1982,) or as hereafter amended, along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), is hereby adopted by reference and declared to be a part of this ordinance. These documents shall be the means for establishing the location of the 100-year floodplain, otherwise known as the area of special flood hazard, for the purposes of this ordinance. [The Flood Insurance Study is on file in the Jackson County Department of Planning and Development.]

4) This ordinance shall apply to other flood prone areas, in addition to those which have been specifically shown on Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps, which are found by the opinion of the Planning Director are to be situated in close proximity to creeks and streams. shall also be reviewed according to the provisions set forth in this chapter

[254.025] ESTABLISHMENT OF DEVELOPMENT PERMIT:

1) A development permit shall be obtained before construction or development begins within any area of special flood hazard established under Section 254.020. Except as provided under in chapter Section 254.035, no person firm or corporation shall construct or emplace any building or structures, including manufactured or mobile homes, or
carry out any mining dredging, filling, grading, paving, excavation, or drilling operations [or other development activities] in areas designated [found to be flood prone under Section 254.020 as that term is defined in this ordinance (Section 00.040).] flood hazard designation "A" or "A1" through "A30" without of the flood insurance rate map (FIRM) without first having obtained [a permit] approval under this chapter. The Department shall maintain an official file copy of said FIRM.

[2] The Planning Director shall have the authority to administer and implement this chapter by approving (with or without conditions) or denying development permit applications.

[3] The Planning Director shall be responsible for reviewing all applications for building or mobile home setup permits and other development [permits.] for compliance with the requirements of this ordinance, making determinations of the boundaries of the 100-year floodplain where actual field observations are at variance with mapped boundaries.

[a] Prior to the issuance of any development permits, including building or mobile home set-up permits, all applications for such permits shall be reviewed to determine whether such application proposes development in an area to which this ordinance applies. Any development proposed within areas subject to this ordinance is subject to and shall conform with the requirements of this ordinance.

[b] The 100-year floodplain is determined pursuant to Section 254.020 of this ordinance. If an applicant desires to present data for the purpose of demonstrating a different 100-year floodplain boundary than the area of special flood hazard boundary that is shown on FEMA maps, or to other flood prone areas determined by the Planning Director then such applicant shall present data consistent with Section 254.060 (5C).] The burden of proof in such determination shall rest with the affected property owner requesting such determination.

[c] In areas where base flood elevation profiles are available ('A1' through 'A30' FIRM zones [established by FEMA]), the closest elevation profile to the proposed use shall prevail over determinations made from the Flood Insurance Rate Map. [The person contesting the location of the boundary shall be given a reasonable opportunity to appeal] Director's determination under Section 285.020 of this ordinance, [but the burden of proof shall be on the person contesting the interpretation.]

[254.030] 254-050 ADMINISTRATION:

1) In [administration of] determining this chapter, the Planning Director shall determine all of the following prior to issuance of an approval of an application under this chapter:

9-ORDINANCE
A) that the permit requirements of this Chapter have been satisfied, and

B) that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required by law, including Section 404, of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, (Dredging and Filling Navigable Waters), and

C) that the proposed development is immediately adjacent to or located within the floodway. If located within the floodway, the encroachment provisions of 254.080 shall be met.

[2] The Planning Director shall receive from each applicant, and shall permanently file a certification of the actual, as-built elevation (above mean sea level), or elevation as determined by Subsection [4] of the lowest habitable floor, including basements, for all new or substantially improved structures or flood-proofed structures [and whether or not the structure contains a basement.] Elevations required under this provision (Chapter) shall be determined [and certified] by an Oregon registered professional engineer or Oregon licensed land surveyor.

[3] For all new or substantially improved flood-proofed structures, the Director shall verify and maintain a record of the actual elevation in relation to mean sea level to which the structure is flood proofed based on a FEMA form available in the Department. Flood proofing certificates shall also be submitted and filed for all flood-proofed structures. Certification of flood proofing shall be by an Oregon registered professional engineer or architect.

[4] When base flood elevation data has not been provided by the Federal Emergency Management Agency, as provided in Subsection 254.020 of this Chapter, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation [and floodway] data available from federal, state, or other qualified, licensed engineering source in order to assure that all proposed developments comply with this Chapter. In the absence of elevation data, the special floodway setbacks, in addition to the normal yard requirements prescribed under Chapter 280, shall be established as specified in section 254.060 (5).


[6] The Planning Director shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

[7] All records pertaining to the provisions of this ordinance shall be maintained for public inspection.
[254.035] PERMITTED USES:

(The following uses and structures are permitted without administrative approval or other development permit under this chapter subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:]

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

2) Picnic tables and "camp place" fireplaces designed and anchored to prevent flotation, collapse, or lateral movement.

3) Boat launching ramp, landing, or dock [not involving fill material].

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

5) Parking areas and roadways, providing that no fill material is utilized.

6) Fences.

7) Temporary Accessory structures [or] buildings [with less than 120 square feet of floor area], and equipment which will be removed from the [area of special flood hazard] zoning district during the period of annual flood risk.

8) Fishing platform.

9) Incidental storage of material or equipment which 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) Bike path, park, or playground.

15) Electric distribution and [/or] transmission [facilities] hence provided that any fill, rip-rap, or revetments meet the standards of Section 254.070 [and 254.080].
16) Relocation of a stream channel and removal or fill of materials for erosion and flood control purposes under the jurisdiction of the Division of State Lands (DSL) when the Oregon Department of Fish and Wildlife determines that sensitive [riparian] wildlife or fish habitat will not be adversely affected, and the applicant utilizes the services of a professional hydrologist, Oregon registered engineer or the S.C.S. or similarly qualified agency who certifies in writing that the proposed activity will not result in an increase of the base flood. This certification requirement may be waived if the nature of the activity allows the Department to conclude that no increase in the base flood will result from the proposed activity. This certification shall also be made directly to the DSL.

254.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:

If allowed as a permitted use in the primary zoning district, the following uses shall be subject to administrative approval by the Planning Director in areas designated [under Section 254.020] as floodplain. If allowed as a conditional use in the primary zoning district, the following uses shall [also] be subject to review pursuant to [the requirements of] Chapter 260, [in addition to the requirements of the primary district.] If all requirements of this chapter are not met, the application shall be denied. Applications for administrative approval or conditional use shall be subject to the procedures specified in Section 254.980 [254.050].

1) [Initial placement or replacement of any] single-family dwelling or mobile home and [any] accessory buildings in the 100-year floodplain consistent with the requirements of this Chapter.

2) Golf course, park, playground, picnic grounds, or other recreational uses with related buildings and structures.

3) Campground.

4) Replacement of dwelling in-kind within the floodplain including the floodway (but not including replacement of a mobile home in the floodway), providing that the standards of Section 254.080 are satisfied. [Replacement of a mobile home within the floodway shall only be permitted within an existing mobile home park according to Section 254.070(3).]

5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials, providing the additional requirements of Chapters 272 and 260 are satisfied and the Oregon Department of Fish and Wildlife determines in writing that sensitive fish and wildlife habitat will not be adversely affected. In no instance shall such operation cause an increase in flooding potential or stream bank erosion adjacent to, upstream, or downstream from the operation.

6) Landing field or heliport.

7) Marina.

8) Flood water storage impoundment.
9) Public utility building or structure.

10) Bridge or other stream crossing.

11) Commercial or industrial use.

12) Pipeline necessary for public service.

13) Removal or fill within the 100-year floodplain.

14) Placement of a recreational or camping vehicle in the floodplain subject to the standards of 280.210.

[254.050] **PERMITS:**

PROCEDURES FOR ADMINISTRATIVE OR CONDITIONAL USE

[1] Application for a development permit required under this chapter shall be made on forms furnished by the Department. An applicant seeking an administrative or conditional use permit in an area of special flood hazard identified under 254.020 above a floodplain district shall follow procedures set forth in Chapters 260 and 280 [this ordinance according to the provisions of this chapter and the primary zoning district in which the development permit is proposed.] Plans and specifications accompanying the application shall include:

A) Location of the property with reference to river and stream channels and flood profile elevations.

B) Existing topography, vegetation, and uses, including location of dikes, revetments, and other flood control works [or drainage facilities.]

C) [The nature,] location[, dimensions and elevations] of proposed uses, structures, roads [fill, storage of material, drainage facilities] or other improvements [, including the elevation of the site prior to development].

D) A proposed grading plan for the property when determined necessary by the County.

[E] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

[F] Elevation in relation to mean sea level to which any structure has been floodproofed.

[G] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure will meet the floodproofing criteria in Section 254.060 and 254.070.

[H] Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.]
2) Any applicant requesting a conditional use permit in an area designated as floodplain (or otherwise subject to the conditions of this Chapter), shall bear the burden of proving compliance with these requirements.

3) No variance from the requirements of this Chapter shall be granted.

254.060 GENERAL STANDARDS [FOR FLOOD HAZARD REDUCTION]:

In all designated 100-year floodplains or areas of special flood hazards, the following requirements apply [in addition to the requirements of Section 254.070, to those uses and structures not specifically permitted under Section 254.035]:

(1) Anchoring:

[A] All new construction and substantial improvements including structures and apparatus shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[B] All mobile homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors; provided however no new, replacement or substantially improved mobile home shall be permitted in any floodway except as provided in Section 254.070(3B). "Tiedown" or anchoring devices for mobile homes, as defined in this ordinance, shall meet the minimum standards set forth in federal regulations and Oregon Administrative Rules, Chapter 814, Division 23. A copy of the applicable OARs is available for review in the Department. (Reference FEMA's publication Manufactured Home Installation in Flood Hazard Areas for additional techniques, which is on file in the Department.)

(2) Construction Materials and Methods:

[A] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[B] All new construction and substantial improvements shall be constructed using methods and practices which minimize flood damage.

[C] Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.]
[3 Utilities:]

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Sand filter systems shall not be permitted in the floodway and shall be elevated in the 100 year floodplain.

[4 Land Division Proposals:]

(A) All land division proposals shall be consistent with the need to minimize flood damage.

(B) All proposals for land divisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage

(C) All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.

(D) Base flood elevation data shall be provided by the developer for subdivision proposals and other proposed major developments.

[5 Review of Development Permits:]

(A) Where elevation data are not available either through the Flood Insurance Study or from another authoritative source as provided in Section 254.030(4), applications for development permits shall be reviewed by the Planning Director to assure that proposed construction will be reasonably safe from flooding. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.

(B) Where specific elevation data are not available and the area is designated floodplain prone, according to the provisions of Section 254.020, special floodway setback requirements shall be imposed according to the following methods:

(i) A floodway shall be presumed to exist on land which abuts or is bisected by a stream or segment of a stream for which no floodway has been depicted by the Federal Emergency Management Agency. The floodway width shall be deemed to equal five times the width of the normal rainy season stream bed measured from top of bank to top of bank, or 100 feet,
whichever is greater. It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream.

(ii) b† If, owing to topography or other factors, the method prescribed above does not yield a reasonable and practical measurement of the floodway, the applicant may offer other information to establish the floodway configuration more precisely in accordance with accepted engineering practices and certified by an Oregon registered (professional) engineer or licensed land surveyor.

[C]†† To determine the base flood elevation, [where elevation data specifically are not available as noted in Subsection A above,] the applicant's Oregon registered engineer or ARCPACS registered Soil Scientist shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report [certifying the base flood elevation] shall be submitted to the Planning Director by the applicant[. Said certification by the applicant's engineer or soil scientist shall set forth an elevation,] setting forth said elevation and citing the evidence [relied] upon [for such determination] which the estimate is made. Said report may be accepted or rejected by the Planning Director.

254.070 SPECIFIC STANDARDS [FOR FLOOD HAZARD REDUCTION]:

†† In all areas of [special flood hazards, either] the 100-year floodplain, where base flood elevation data have been developed in 'A1' through 'A30' zones as depicted on the Flood Insurance Rate Map, [or pursuant to Section 254.030(4), the following specific standards apply:

[1] Residential Construction:]

A) New construction and substantial improvement of any [residential structure] dwelling shall have the lowest floor, including the basement, elevated one foot above the base flood elevation.

(B) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum criteria:

1) A minimum of two openings having a total net area of not less than one square inch for every square foot of otherwise enclosed floor area subject to flooding (e.g. below base flood level) shall be provided.

ii) The bottom of all openings shall be no higher than one foot above grade.
iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C) Accessory structures (such as a personal use shed, detached garage or carport) less than a total of 500 square feet in size which the Planning Director finds do not represent a significant investment (e.g. less than five percent of the value of the principal structure) may be exempt from the elevation and dry floodproofing requirements of Subsection (1)(A and B) and (2) of Section 254.070 for areas outside of a floodway; provided that:

1) Such accessory structures shall not be used for human habitation;

ii) Such accessory structures shall be designed to have low flood damage potential through use of floodwater resistant construction materials and siting of the structure(s) so as to offer minimum resistance to the flow of floodwaters;

iii) Such accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures;

iv) Service facilities for such accessory structures, such as electrical and heating equipment shall be elevated one foot above the base flood level or flood proofed.

Construction under Subsection 254.070(1C) will result in increased flood insurance premium rates which may be prohibitively expensive.

[2] Nonresidential Construction:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

[A] Be floodproofed, so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water;

[B] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy; and,

[C] Be certified by an Oregon registered professional engineer or architect that the standards of this subsection are satisfied. [design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Director.]
[D] Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection (1B) above.

[E] Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

254.075 SPECIFIC REQUIREMENTS FOR MOBILE HOMES:

1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Frame ties only are required if the mobile home is a doublewide or triplewide or if the mobile home bears data plates indicating it was constructed pursuant to HUD mobile home construction and safety standards instituted in June, 1976, or that construction was pursuant to State of Oregon standards between 1972 and 1976. Specific requirements shall be that:

A) Over-the-top ties, when required, shall be provided at each of the four corners of the mobile home for mobile homes over 50 feet in length, with two additional ties per side at intermediate locations. Mobile homes less than 50 feet long require one additional tie per side, or;

B) All components of the anchoring system shall be capable of carrying a force of 4,000 pounds and;

C) Any additions to the mobile home be similarly anchored.

2) The following are required for new mobile home parks, expansions to existing mobile home parks, existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement and for new or used mobile homes not placed in an existing mobile home park:

A) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level.

B) Adequate surface drainage and access for a hauler are provided.

C) In the instance of elevation on pilings that:
   1) Lots are large enough to permit steps;
   2) Piling foundations are placed in stable soil, not more than ten feet apart.
(3) Placement of Mobile Homes within Flood Prone Areas:

[A] Except as prohibited in Section 254.060(1) and subject to Subsection 3B below, mobile homes to be placed or substantially improved within FIRM Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the mobile home is at least one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection 254.060(1). This provision shall also apply to mobile homes proposed to be placed or substantially improved in an expansion to an existing mobile home subdivision or park. Placement and anchoring of a mobile home on a permanent foundation is intended to resist movement or flotation caused by floodwaters.

For the purposes of this ordinance a permanent foundation system is defined as:

i) a permanent concrete or grouted, reinforced masonry perimeter foundation in conjunction with poured in place continuous runners (footings) located under bearing girders; or,

ii) an engineered foundation system, prepared by a licensed engineer or architect registered in the state of Oregon, which is designed to resist the imposed hydraulic and structural loads; or,

iii) a combination of the above two options.

[B] No mobile home shall be placed in a floodway, except in an existing space of an existing mobile home park, and then only if standards specified in this Chapter are satisfied. [The elevation requirements of Section 254.070(3A) above shall not apply to mobile homes proposed to be placed in or substantially improved an existing mobile home subdivision or park, except where the repair reconstruction or improvement of the streets, utilities and pads exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.]
[4] Nonconforming Structures: Such structures are subject to Section 258.030, and as such may be continued, remodeled, repaired, replaced in kind or enlarged where such work will not render the structure to be in conflict with the requirements of this chapter or the zoning district in which it is located.

[254.080 FLOOD HAZARD REDUCTION STANDARDS FOR FLOODWAYS:]

[1] In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the approximate method described in Section 254.060 (5), the following standards [in addition to the elevation requirements of Section 254.070] apply due to the [extreme hazard resulting from] velocity of flood waters which carry debris, potential projectiles, and have erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development which would result in any increase in flood levels during the occurrence of the base flood discharge. New construction [or substantial improvement or other development] on an existing parcel is permitted in the floodway only if:

i) The applicant's Oregon registered engineer certifies that the development [or encroachment] will not result in any[y] increase in the level of a base flood; and,

ii) The County determines that parcel size, topography, or other natural or man-made conditions prevent the new construction [other development or encroachment] from occurring outside the floodway.

[It will generally be presumed that an increase in the base flood will not occur if such encroachment or development replaces in-kind any lawfully placed encroachment without change in dimension, or if the proposed encroachment is otherwise a lawful enlargement or addition and will be immediately downstream of and adjacent to such lawfully placed existing encroachment and no addition or enlargement will be placed in any manner protruding approximately perpendicular from the direction if water flows or in such a manner as to cause further impedance or obstruction of the direction of water flow. Refer to illustration below of existing structure in floodway:]

![Diagram of floodway and encroachments](image-url)
[2] B) If [Sub]section 254.080(2)(A) [254.080(1)], above, is satisfied, all new construction and substantial improvements shall [also] comply with all applicable flood hazard reduction provisions of Sections 254.060 and 254.070.

[3] C) Building development on islands [or other topographic features] within [or surrounded by] the floodway shall be subject to the following:

[A] Verification by an Oregon registered geologist or ARCPACS registered soil scientist that the island [or other topographic feature] is a stable landform and will not be subject to erosion during a 100-year flood.

[B] Submission of topographic information from a registered surveyor showing the topography of the area (island).

[C] Location of proposed roadway and building site.

The above information shall be utilized by the Department to determine if the development is consistent with the purpose of this district to protect health, safety, and welfare and with the Goal and policies stated in the Natural Hazards Element of the Comprehensive Plan. For example, the depth of water over access roads must not endanger the lives of those attempting to rescue people occupying the structure. In addition, the road itself shall not be improved in such a way as to increase flood elevations or create an obstruction in the floodway.

254.090 WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this ordinance is [required in order to participate in the National Flood Insurance Program. This participation is in the public interest and the requirements of this ordinance are] considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the 100-year floodplain, or uses within such areas, will be free from flooding or flood damages [for any size flood]. This ordinance shall not create liability on the part of Jackson County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

Ordinance No. 87-10-0A

AN ORDINANCE AMENDING THE JACKSON COUNTY COMPREHENSIVE PLAN, LAND DEVELOPMENT ORDINANCE CHAPTER 246 PERTAINING TO DESTINATION RESORTS, AND ORDINANCE 84-40 PERTAINING TO THE EXTENSION OF PUBLIC SEWER AND WATER SERVICE TO SUCH RESORTS.

RECITALS:

1) The State of Oregon, through the Land Conservation and Development Commission (LCDC) recognizes the important contribution of destination oriented recreational opportunities to the economy of the State.

2) LCDC has amended Statewide Planning Goal 8 to provide a procedure for location of destination resorts on rural land which can be initiated at the option of the counties.

3) Jackson County adopted Ordinance 86-29 amending the Comprehensive Plan and Land Development Ordinance in order to implement the Goal 8 amendments to enable destination resorts to be developed in Jackson County.

4) The 1987 Oregon Legislative Assembly enacted amendments authorizing several important changes in law pertaining to destination resorts.

5) The Planning Commission has recommended favorable Board consideration of the proposed amendments adopted by the legislature. The Board concurs with the Commission's recommendation.

Now, therefore,

The Board of Commissioners of Jackson County ORDAINS as follows:

SECTION 1. Findings

1.1 The Board of Commissioners finds that it has conducted properly advertised public hearings for the purpose of considering amendments to the Comprehensive Plan, Land Development Ordinance, and Codified Ordinance of Jackson County Chapter 1044. It further finds that it has received and considered the Planning Commission recommended amendments, public testimony, comments from citizens, and affected agencies.

SECTION 2. Conclusory Findings

2.1 The Board has reviewed amendments to portions of the Comprehensive Plan and Land Development Ordinance as set forth in Exhibits A and B, and finds that the proposed amendments as set forth therein do conform to the requirements of Statewide Planning Goals, and Oregon Administrative Rules pertaining to Destination Resorts.

ORDINANCE: File 87-10-0A
Date Typed: March 10, 1988
2.2 The Board further finds that it has received and reviewed the amendments at properly advertised public hearings and has given due consideration to the testimony received on these legislative amendments to the Comprehensive Plan, Land Development Ordinance, and Ordinance 84-40.

2.3 The Board of Commissioners finds that no substantive Comprehensive Plan or Statewide Planning Goal issues are raised by the proposed amendments because the changes implement the provisions set forth in Chapter 886 of Oregon Laws 1987 enacted by the Oregon Legislative Assembly.

SECTION 3. Amendments

3.1 Amendments to the Comprehensive Plan text, and Land Development Ordinance are indicated in the text by brackets "[ ]" to show additions to the text (Example: [Commission]); or by "line" through to show deletions of previously adopted language (Example: Geitneil). Once adopted the text of this ordinance shall be incorporated into the body of the text without bracket or stricken language.

3.2 Only those portions of the existing Comprehensive Plan (CP) and Land Development Ordinance (LDO) which have been lined through or bracketed in the attached exhibits are amended by this ordinance. All other CP and LDO text shall remain intact.

SECTION 4. Decision

4.1 The Board hereby adopts the attached Exhibit A as amendments to the Jackson County Comprehensive Plan and Exhibit B as amendments to the Land Development Ordinance and incorporates the same herein to establish a Destination Resort Overlay Plan and Zoning District and to enable the use of regional public sewer and water service to serve such resorts.

4.2 The Board of Commissioners hereby amends Codified Ordinance of Jackson County to authorize connection of destination resorts to existing regional or subregional public sewer or water service systems by the addition of the following new Subsection 1044.02(c) to said ordinance, which shall read as follows:

"1044.02(c) Conventional public sewerage and water service may be extended to a destination resort allowed under Jackson County's Comprehensive Plan and Land Development Ordinance Chapter 246 without review pursuant to this ordinance."

Adopted this 2nd day of March, 1988 at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Jeff Golden, Chairman]

APPROVED AS TO FORM:

[County Counsel]

ATTEST:

[Donna Bloodick]

By: Recording Secretary

2-ORDINANCE; File 87-10-0A
a) **Airport Approach Overlay District (AA):**

The area affected and designated Airport Approach is that area lying at the ends of the runways. The designation includes the clear zone areas on the master plans for each airport. In these areas, the height and use of buildings or structures is critical, since any obstruction could affect the safety of aircraft operations.

b) **Airport Concern Overlay District (AC):**

The area affected and designated Airport Concern overlay, is that area lying within 14,000 feet of the center line of the Medford-Jackson County Airport main runway; and the area lying within 9,000 feet of the center line of the Ashland Municipal Airport. These designated areas contain the approach and clear zone, transitional surface, and horizontal surface areas identified on the master plan for the airports.

c) **Floodplain Overlay District (FP):**

i) The area is designated as an area subject to a one (1) percent annual chance of flooding on the Flood Insurance Rate Maps and Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency;

ii) The area is located along, and adjacent to, major streams, rivers, creeks, or intermittent creeks or drainage ways which have a likelihood for flooding.

d) **Area of Special Concern (ASC):**

The area has characteristics which require special consideration during or prior to development.

e) **Destination Resort Overlay District (DR):**

[Major and minor] destination resorts may be allowed within resource and rural plan and zoning designations, when found to be consistent with [State Statutes,] Statewide Planning Goals and the requirements of the Jackson County [Comprehensive Plan and the] Land Development Ordinance, particularly standards and criteria contained in Chapter 246. The Destination Resort Overlay District shall not be applied to lands which lands are designated on a map entitled "Map of Areas Excluded from the Goal 8 Resort Siting Process" adopted
by the Board of Commissioners, which is incorporated herein by this reference, except when such lands have had an approved Goal 2 exception pursuant to Oregon Administrative Rules Chapter 660, Division 4:

These lands to which the (DR) Overlay District shall not be applied are the following:

i) Sites with 50 or more contiguous acres of prime farmland identified and mapped by the Soil Conservation Service (SCS); or within three miles of farmland in a High Value Crop Area [for a major destination resort], pursuant to OAR 660-15-000 (8). A minor destination resort shall not be closer to a high value crop area than one-half mile for each 25 units of overnight lodging or fraction thereof.] High value crop areas are defined as follows: An area where there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1,000 per acre per year. As the terms are used in the 1983 county and state agricultural estimates prepared by the Oregon State University Extension Service, crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock, feed lots, or Christmas trees. The high value crop area designation is used for the purpose of minimizing conflicting uses in resort siting, and is not meant to revise the requirements of Goal 3 or Administrative Rules interpreting the Goal. High value crops within Jackson County are identified as and limited to tree fruits, vineyards, specialty field crops, and dairies not participating in the federal "buyout" program.

ii) Sites with predominantly Cubic Foot Site Class 1 or 2 forest lands [as determined by the State Forestry Department] which have not been subjected to an approved goal exception;

iii) Areas identified as Goal 5 resources which have been identified "3A" in Jackson County's [acknowledged] Comprehensive Plan, in spite of identified conflicting uses; and,

iv) Sites in especially sensitive big game habitat areas mapped by the Oregon Department of Fish and Wildlife [in July 1984] and adopted by the Oregon Land Conservation and Development Commission [or as designated in an acknowledged comprehensive plan].
Soil mapping as illustrated on the "Map of Areas Excluded from the Goal 8 Resort Siting Process" is a generalized representation of soils inventories developed by the Soil Conservation Service (SCS). More precise soils resource mapping by SCS issue may be used to interpret the location of existing sites with prime farmland or with predominately cubic foot site class 1 or 2 forest lands illustrated on the adopted map.

B) Characteristics:

The area has characteristics, resources, and limitations which are unique and site specific which do not apply to the county as a whole.
Criteria:

1) Area lies within city limits; or,

2) Area lies within an incorporated city's mutually established urban growth boundary.

CATEGORY B:

Service Method: Conventional sewage collection and treatment as part of a regional or subregional sewerage system, designed to accommodate existing suburban level development or pockets of existing urban development outside of mutually adopted urban growth boundaries [including an approved destination resort].

Level of Service: Within the constraints of reasonable engineering practices and funding guidelines, new service trunks, mains and lateral lines be designed and sized to serve existing development and in-fill within the boundary to be served.

Criteria:

1) Area to receive immediate service lies either within an unincorporated urban containment boundary [or an approved destination resort]; or,

2) Area to receive immediate service lies beyond any incorporated city's mutually established urban growth boundary and is a pocket of existing urban or suburban level development; and,

3) A probable health hazard is deemed to exist by the Board of Commissioners based on findings of the Planning Commission after investigation of conditions in the subject area by the Health Department, Sanitation Division, Rogue Valley Council of Government's Water Quality staff, and the Planning Department; and,

4) The area is geographically located so that connection to a regional or subregional sewerage system is determined to be the only reasonable solution after all alternatives have been evaluated for their economic, environmental and social acceptability.

CATEGORY C:

Service Method: On-site management district or small community waste disposal system designed to accommodate various levels of development as prescribed by the Jackson County Comprehensive Plan.

Level of Service: The intensity of management for an on-site management district and capacity of small community waste disposal systems shall be determined on an area by area basis through a factual assessment of need.
WATER SERVICE:

CATEGORY A:

Service Method: Conventional public water service, as part of a regional or subregional water system, designed to accommodate urban level development.

Level of Service: Within the constraints of reasonable engineering practices and funding guidelines, new service trunks, mains, and lateral lines shall be designed and sized to adequately serve existing development and the potential development prescribed by the city or Jackson County Comprehensive Plan, whichever is greater, plus an up to 50 percent capacity/sizing contingency for possible future density increases.

Criteria:

1) Area lies within city limits; or,

2) Area lies within an incorporated city's mutually established urban growth boundary.

CATEGORY B:

Service Method: Conventional public water service, as part of a regional or subregional water system, designed to serve areas of specific need [including an approved destination resort].

Level of Service: Within the constraints of reasonable engineering practices and funding guidelines, new service trunks, mains and lateral lines shall be designed and sized to service existing development and in-fill within the boundary to be served.

Criteria:

1) Area to receive immediate service lies either within an unincorporated urban containment boundary [or an approved destination resort]; or,

2) Area to receive immediate service lies beyond any incorporated city's mutually established urban growth boundary and is a pocket of existing urban or suburban level development; and,

3) A probable health hazard is deemed to exist by the Board of Commissioners based on findings of the Planning Commission after investigation of conditions in the subject area by the Health Department, Sanitation Division, Rogue Valley Council of Governments Water Quality staff, and the Planning Department; and,
246.010 PURPOSE:

It is the intent of this district to enhance and diversify the recreational opportunities in Jackson County through development of destination resorts that complement the natural and cultural attractiveness of the area without significant adverse affect to environmental features, cultural and historic resources, and their settings, resource use and the setting for the resort. The Destination Resort Overlay District provides for the siting of [both major and minor] destination resorts within Jackson County, for the express purpose of expanding tourism. This chapter provides a process to approve destination resorts in conformance with Statewide Planning Goal 8, or pursuant to an exception to resource designations under Statewide Planning Goal 2 and Oregon Administrative Rules Chapter 660, Division 4.

246.020 SPECIAL DEFINITIONS:

The following definitions, as contained in Statewide Planning Goal 8, Recreation, shall apply to destination resorts:

1) Destination Resort: A self-contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a [major] destination resort under Goal 8, a proposed development must meet the following standards:

a) The resort is located on a site of 160 or more acres.

b) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas.

c) At least two million (in 1984 dollars) is spent in the first phase on improvements for on-site developed recreational facilities and visitor oriented accommodations, exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Developed recreational facilities and key facilities intended to serve the entire development and visitor oriented accommodations must be physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

d) Visitor oriented accommodations, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings are provided. Accommodations available for residential use will not exceed one such unit for each unit of overnight lodging.
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e) Commercial uses are limited to those types and levels necessary to meet the needs of visitors to the development, and industrial uses are not permitted.

[2] In lieu of standards set forth in subsection 246.020(1)(a,c,or d) above, Subsection 2 shall apply to a minor destination resort:

a) The minor destination resort shall be located:

   i) on land that is not defined as agricultural or forest land under Goal 3 or 4;

   ii) on land where there has been an exception to Statewide Planning Goal 3, 4, 11, or 14; or

   iii) on such "secondary lands" as the Oregon Land Conservation and Development Commission deems appropriate.

Any other location for a minor resort will require exceptions for applicable goals.

b) The minor destination resort shall be located on a site of 20 acres or more.

c) At least $1 million, in 1984 dollars shall be spent on improvements for on-site developed recreational facilities and visitor oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent in the first phase on developed recreational facilities.

d) At least 25 units, but not more than 75 units of overnight lodging shall be provided.

e) Restaurant and meeting room with at least one seat for each unit of overnight lodging shall be provided.

f) Residential uses shall be limited to those necessary for the staff and management of the resort.

g) The County shall, in its review of the minor destination resort finds and concludes that the primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.

h) The resort shall be designed and located so that it is not oriented to transient highway traffic. Resorts shall not use any manner of outdoor advertising signing except:
i) Tourist amended directional signs as provided by State Statute, and

ii) Onsite identification and directional signs as allowed by this ordinance.

[3]) Developed Recreation Facilities: Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths.

[4]) High Value Crop Area: An area where there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1,000 per acre per year. As the terms are used in the 1983 county and state agricultural estimates prepared by the Oregon State University Extension Service, crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock, feed lots, or Christmas trees. The high value crop area designation is used for the purpose of minimizing conflicting uses in resort siting, and is not meant to revise the requirements of Goal 3 or Administrative Rules interpreting the Goal. High value crops within Jackson County are identified as and limited to tree fruits, vineyards, specialty field crops and dairies not participating in the federal "buyout" program.

[5]) Overnight Lodgings: Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

[6]) Self-Contained Development: Community sewer, water, and recreational facilities provided on-site and limited to meet the needs of the resort or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" shall have developed recreational facilities provided on site.

[7]) Visitor Oriented Accommodations: Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents.

[8]) Recreation Areas, Facilities and Opportunities (meant to provide for human development and enrichment, and include but are not limited to): Open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travel ways; sports and cultural events; camping, picnicking and recreational
lodging; tourist facilities and accommodations; trails; waterway use
facility; hunting; angling; winter sports; active and passive games and
activities.

9) Recreation Needs: Existing and future demand by citizens and
visitors for recreation areas, facilities and opportunities.

246.030 PERMITTED USES:

The following uses may be permitted provided the uses are part of, and are
intended primarily to serve persons at a destination resort pursuant to
this chapter. These uses as listed below are subject to approval of a
development plan by Jackson County, and to all other applicable rules,
standards or statutes governing such uses, including the Jackson County
Comprehensive Plan and implementing ordinances, Statewide Planning Goals,
and Oregon Administrative Rules governing land use, sewage disposal, noise,
air, and water quality:

1) Overnight lodging, including lodges, hotels, motels, timeshare
units and similar temporary living accommodations, as defined in
Section 246.020.

2) Developed and undeveloped recreation areas, permanent open space,
facilities and opportunities as defined in Section 246.020.

3) Visitor oriented accommodations as defined in Section 246.020.

4) Subject to an approved development plan, the following uses may be
permitted when provided as part of, and intended primarily to serve as
an incidental part of a destination resort. These uses shall be
necessary to meet the needs of overnight visitors to the resort and
shall be subject to locational criteria to ensure a subordinate status
to the destination resort itself, as evidenced by the square footage of
the incidental use in relationship to the developed square footage of
visitor oriented accommodations and overnight lodgings.

   a) Restaurants, lounges and clubs serving the resort.

   b) Theaters and performing arts auditoriums catering to resort
guests and residents.

   c) Health clubs, spas and exercise studios as a service for
resort guests and residents.

   d) Craft and art studios and galleries catering to residents and
guests of the resort.

   e) Kennels as a service for resort guests only.

   f) Commercial services and specialty shops to provide for the
needs of vacationers and visitors to the destination resort.
g) Airports and heliports providing service to the destination resort only.

h) Facilities necessary for utility service limited to the needs of the resort.

i) Emergency medical facility or infirmary intended to serve the needs of resort guests and residents.

j) Signs, subject to the requirements of Section 280.080- [and State Statute].

5) Planned unit residential development [in a major destination resort only] for permanent residents, not to exceed one such unit for each unit of overnight lodging.

246.040 APPLICATION AND REVIEW PROCEDURES:

1) Application of District: The Destination Resort Overlay District may be applied to any rural property (except those on the adopted "Map of Areas Excluded from the Goal 8 Resort Siting Process", unless an exception has been taken pursuant to Goal 2) when that property complies with the standards contained in this chapter or any other applicable provision of this ordinance and the Comprehensive Plan. Application of the district to specific properties is accomplished through a minor Comprehensive Plan and Zoning Map amendment. Approval of a minor map amendment to a site signifies its suitability for development as a destination resort, subject to approval of preliminary and final development plans, consistent with a conceptual site plan approved by the Board. All other uses permitted or conditional in the base zoning district shall continue to be allowed according to the review procedures established within the individual zoning district. All other requirements of the Land Development Ordinance, including other overlay zoning districts, areas of special concern, supplemental provisions and land division regulations shall apply to the destination resort in addition to the standards for development prescribed herein.

2) Official Map Amendments: The base plan and zoning designation preceding approval of a Destination Resort Overlay District shall be maintained on the official maps. Any proposed Destination Resort Overlay amendment of the Official Comprehensive Plan and Zoning Maps proposing a change to the existing parent or base map designation shall also be evaluated as an amendment to the official maps pursuant to Chapter 277 of this ordinance.

3) Application Forms: Applications for a Destination Resort map designation and approval of a conceptual site plan and preliminary development plan shall be presented on forms prescribed by the department. The burden of proof for approval of a Destination Resort Overlay map designation amendment rests with the applicant.
4) Pre-Application Conference: A pre-application conference shall be required prior to formal submission of the application. The applicant will be contacted by the department to schedule a conference within a 30-day calendar period following the filing of the pre-application in order to arrange a time convenient to both. The applicant shall provide pertinent information required in the application at the pre-application conference. This information shall address in detail the applicable requirements necessary to approve a destination resort, in order to substantiate compliance with or applicability of provisions of the Goals, Administrative Rules, Comprehensive Plan policy, and ordinance requirements. [A pre-application conference will not be scheduled unless all applicable requirements are fully addressed, however the department will meet on an appointment basis to review draft pre-applications.] Department staff, the applicant, and other affected agency representatives or experts, as necessary, shall determine any additional application requirements and identify significant issues at the conference. The applicant shall then submit the application as modified to not address issues raised in the pre-application conference.

5) Reviewing Authority:

A) The Planning Commission shall have the authority to review and recommend conditional approval of a minor map amendment and conceptual site plan by the Board of Commissioners or order its denial.

B) The Board of Commissioners may approve a conceptual site plan for a destination resort if such plan meets all policies, standards, and criteria set forth in the Comprehensive Plan, this chapter and any other relevant requirements of the Land Development Ordinance and State Law. Approval by the Board of Commissioners shall be only by resolution of intent to rezone pursuant to Section 277.040.

C) If the Board of Commissioners has approved a resolution of intent to rezone a site for destination resort use such approval shall be based on a conceptual site plan for the resort, the Planning Commission may thereafter conditionally approve preliminary development plans for the resort with or without phases, if such plans are consistent with the standards and criteria set forth in the Board approved conceptual site plan and order. The Planning commission may deny the preliminary development plan if such plan is inconsistent with the conceptual site plan and requirements specified in the Board Order, this chapter, prior approvals, and the Comprehensive Plan. The Planning Commission's order for denial may be appealed to the Board of Commissioners, pursuant to Chapter 285 of the Land Development Ordinance.
D) Upon receipt of a Planning Commission decision to conditionally approve a preliminary development plan, the Board may accept, reject, or modify the Planning Commission decision. The Board shall only approve such plan if it finds that the preliminary development plan(s), with any conditions or modifications, is consistent with the Board approved conceptual site plan, standards and conditions for approval specified in this chapter and in prior actions by the Commission and Board.

E) The applicant shall submit a final development plan with the County upon completion of all required conditions of approval for the preliminary development plan within the time frame established herein and in Section 246.070. A Site Plan Review Committee, consisting of the Planning Director, Public Works Director, Parks Director, or their designee(s) shall inspect the resort or phase for conformance with the approved preliminary development plan and any other applicable requirement imposed as a condition of approval of the conceptual site plan, as set forth in Section 246.080(1). The Planning Commission shall approve the final development plan if it finds such plan to be consistent with all prior approvals and conditions of the preliminary plan and those required by the Site Plan Review Committee have been completed. Planning Commission approval of the final development plan shall be forwarded to the Board of Commissioners with a recommendation to rezone the site, or portion thereof, subject to the final development plan. If the Planning Commission does not find the final development plan consistent with prior approvals, conditions and requirements of law, it shall deny the final development plan. The applicant may appeal a denial of the final development plan to the Board of Commissioners pursuant to Section 285.020.

F) Upon receipt of the Site Plan Review Committee and Planning Commission decision regarding the final development plan, if the Board of Commissioners finds that all conditions and requirements of the preliminary development plan have been completed, the Board shall approve such plan. If it finds that all requirements have not been completed, it may enforce or impose conditions to ensure conformance of the final development plan with the conceptual and preliminary development plans, as conditionally approved, or it may deny the final development plan.

G) The Board of Commissioners shall adopt an ordinance amending The Official Comprehensive Plan and Zoning Map to establish the Destination Resort Overlay District for the approved site or portion hereof, after approval of the final development plan has been granted.
H) The Planning Commission shall be authorized to require conditions of approval to ensure that the destination resort is compatible through its design in size, scale, color, materials and texture with the natural and cultural amenities of the site through:

i) Controlling and limiting or modifying the design and placement of open space, recreational facilities, and development within the site;

ii) controlling and limiting or modifying the internal relationship and design of developed facilities to one another within the resort complex; and,

iii) directing the modification of architectural designs of landscape, buildings and structures to ensure compatibility with the site.

The Planning Commission is expressly authorized to require conditions of approval governing height, size, scale, setbacks, density, architectural and landscape design features, and other measures set forth within the Comprehensive Plan and Land Development Ordinance to ensure that an approved resort is appropriately designed and oriented to the site's characteristics. Authority to modify resort design elements through conditions of approval shall be considered distinct from criteria for resort approval set forth in this ordinance.

I) The Board of Commissioners may require additional conditions of approval and accept, modify, or reject conditions required by the Planning Commission or the Site Plan Committee authorized by this chapter's ordinance.

6) Time Limits:

A) If a preliminary development plan is not approved for a destination resort within three years of approval of the minor map amendment and conceptual site plan, the resolution of intent to rezone order may be revoked. A one-year extension of time for approval of the preliminary development plan may be granted by the Board (for a maximum of two years total) for good cause, upon the recommendation of the Planning Commission.

B) Pursuant to Sections 246.070 (9) and 246.080 (2), a final development plan for the destination resort shall be submitted for Planning Commission review and approval within three years from the date of approval of the preliminary development plan. The final plan shall only be approved if the applicant has fully implemented the preliminary development plan or phase of it, and such plan is found to be in compliance with all requirements
specified in prior approval, of this chapter, the Land Development Ordinance, the Comprehensive Plan and any relevant state law. Final and preliminary development plans shall be consistent with the conceptual site plan.

246.050 CRITERIA FOR APPROVAL OF A DESTINATION RESORT OVERLAY DESIGNATION:

A minor Comprehensive Plan and Zoning Map amendment, to provide for a destination resort overlay district, shall be approved upon findings the following criteria are satisfied, in addition to the requirements of Chapter 277 of the Land Development Ordinance:

1) Substantial findings demonstrate the proposed minor map amendment is consistent with the definitions set forth in Section 246.020 above;

2) The proposed resort development is consistent with applicable resort siting criteria specified by Statewide Planning Goal 8, with the Comprehensive Plan, the adopted "Map of Areas Excluded from the Goal 8 Resort Siting Process", the Land Development Ordinance, and other relevant state law [including ORS Chapters 197 and 215].

3) The economic impact and feasibility of the proposed resort, as demonstrated in a plan by a qualified professional economist(s) and financial analyst(s), shall be provided by the applicant and include:
   a) An analysis addressing the economic viability of the proposal;
   b) The fiscal impact of the proposed project including changes in employment, increased tax revenues if any, demands for new or increased levels of public services, and the effect of loss of resource lands if a Goal exception is to be taken;
   c) Clear demonstration of the availability of financial resources for the applicant to undertake the development consistent with the minimum investment requirements established by Statewide Planning Goal 8 [and ORS 197]; and,
   d) Appropriate assurance from lending institutions or bonding interests that the developer has, or can reasonably obtain, adequate financial support for the proposal once approved.

4) The proposed resort development can be accomplished without substantial interference with or significant adverse effects upon identified sensitive or unique natural or ecological features, wildlife habitats, cultural and historic resources, identified in the Natural and Historic Resources Element of the Comprehensive Plan and its related Statewide Planning Goal 5 Background Document;

5) The proposed resort development can be accomplished in accordance with the conceptual site plan and will be compatible with existing and potential resource uses permitted on adjacent land;
6) Suitable access exists or will be provided or improved by the applicant to serve resort development property;

7) Adequate sewer, water, and public safety services will be provided on-site to serve the proposed development; and,

8) The natural amenities of the site considered together with identified developed recreation facilities that can be provided for the resort will constitute a primary attraction to visitors based on an economic feasibility analysis provided by a qualified economist or market research specialist. The proposed development of the property is consistent with the requirements of the Jackson County Land Development Ordinance Chapter 277, Amendments.

[9) In the case of a minor destination resort, the County finds and concludes that the primary purpose of the minor resort is to provide lodging and other services oriented to a recreational resource which can only be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.]

246.060 THE CONTENTS OF APPLICATION FOR APPROVAL OF DESTINATION RESORT (DR) Overlay:

A conceptual site plan shall be provided. The conceptual site plan shall include, at a minimum, text and graphics clearly identifying:

1) The location and total number of acres to be designated Destination Resort (DR).

2) The location and number of acres to be devoted to developed recreation facilities, overnight lodgings, visitor oriented accommodations, permanent open space and other recreation areas, facilities and opportunities as defined in Section 246.020. The conceptual plan shall include:

a) A site map drawn to scale showing the subject property and all property within 1,000 feet of the boundaries of the subject property;

b) A vicinity map showing the area and land uses within one mile of the property; and,

c) An inventory and map including information from the Jackson County Comprehensive Plan or other available inventories (maps shall be of an appropriate scale, e.g. 1" : 100', 200', 300', or 400').

i) Soil Conservation Service soils mapping with an indication of agricultural and forest site capability classification.
ii) Any identified Goal 5 resources inventoried in the Jackson County Comprehensive Plan with an indication as to their status within the plan (e.g. "3A, 3B, or 3C").

iii) Important natural features and riparian areas within the site which have not been included within the Goal 5 inventory or an area of special concern.

iv) Natural hazards including flood prone areas, steep slopes, wetlands, water bodies, and significant wildfire hazard areas.

3) A resort development plan shall consist of a site map, at appropriate scale, graphically identifying common physical, locational and aesthetic characteristics of the proposed resort as determined from the inventories required above. Five categories shall be identified on a resort development plan map, accompanied by appropriate findings in the text to justify location and area requirements of each:

a) Undeveloped areas and permanent open space that will remain unaltered or undeveloped because of natural hazards, or significant environmental, scientific, educational, historic, archaeological, or other values as identified in the Comprehensive Plan shall be designated "(U)".

b) Low intensity recreational areas which do not require developed facilities, and can be accommodated without change to the area or resource, or minimal facilities that have a minor impact on the environment (e.g. unpaved paths, foot bridges or boat docks suitable only for small boats and canoes) shall be identified as recreational "(RL)".

c) Developed recreational areas and facilities as defined in Section 246.020 shall be designated "(RD)".

d) Developed low to moderate density residential development areas or attendant utility facilities shall be shown as "(DLI)" (for a major destination resort).

e) Highly developed areas identified for overnight lodgings and visitor's accommodations associated with overnight lodging and convention activities shall be identified "(DH)".

4) Commercial, cultural and entertainment uses, as shown on the resort development plan, shall be contained within the development and shall not be oriented to public highways or arterials adjacent to the property, as specified in Section 246.030.

5) The conceptual site plan shall also provide preliminary studies describing feasibility of and method for providing a water supply system, sewage management system, storm drainage system, electrical power, and public safety services (e.g. fire and police protection).
6) The conceptual site plan shall indicate proposed methods of access to the development; an indication of whether the internal street network will be public or private; and, the location and requirements for parking.

7) The conceptual site plan shall include a general discussion of the natural characteristics of the site and of other lands directly affected by the proposed resort. Such discussion shall include a description of the resources and limitations present, the effect of proposed resort development on such resources, and methods to be employed to mitigate adverse impacts on natural resources or to overcome site limitations. This discussion shall include an analysis of how the natural features of the site will be preserved, enhanced, or utilized in the design concept for the resort.

8) An indication of the residential unit types proposed [(for a major resort only)] on the resort development plan map, including typical lot and building configuration and typical architectural character shall be provided with the conceptual site plan. Units to be utilized for overnight lodging shall be identified separately. A summary of the total number of each type of unit shall be provided with a clear indication of proposed overall density for the development.

246.070 PRELIMINARY DEVELOPMENT PLAN APPROVAL:

1) A preliminary development plan shall be provided to determine the nature, location and phasing, if any, of all development within a proposed destination resort. A destination resort may be developed in phases according to the conceptual site plan, provided detailed discussion of phasing and the necessity for such phasing is described fully within the preliminary development plan approval. If the proposed development includes the subdivision of land or other actions requiring review and approval under the provisions of this ordinance, this application for approval of such an action shall be combined with the preliminary development plan.

2) An applicant may simultaneously apply for the approval of a minor map amendment and conceptual site plan authorizing a Destination Resort Overlay designation with approval of the preliminary development plan. The Planning Commission is authorized to review and approve with appropriate conditions or deny the preliminary development plan. Where the Planning Commission finds the proposed destination resort is inconsistent with the standards and criteria for approval, further consideration of the application shall only be made upon appeal. Appeals of any decisions of the Planning Commission under this chapter shall be to the Board of Commissioners pursuant to Section 285.020.

3) An application for approval of a preliminary development plan shall include detailed text and graphics to demonstrate consistency of the preliminary development plan with the conceptual site plan approved for the property. The preliminary development plan shall, at a minimum, incorporate and refine the conceptual site plan required by Section 246.060, and include:
a) Location, size, proposed overall density, and design concept for all residential uses considered to be visitor accommodations and overnight lodging.

b) Location, size, design and cost of all developed recreation facilities, visitor oriented accommodations, and any other proposed structures related to the destination resort. Cost estimates shall be certified for all structures by a licensed contractor, or registered professional engineer or architect.

c) Location, size, and design of all sewer, water, storm drainage, power, telephone, television cable, and other utility facilities shall be clearly identified at an appropriate scale.

d) The location, size, and design of all roads, streets, parking, pedestrian ways, equestrian trails, bike paths, and the like within the development shall be provided. The location and design of all access points to roads outside the development shall be clearly indicated. Cost estimates shall be certified by a qualified professional. The type and location of all natural features in the development site shall be identified and a detailed description of measures proposed for maintaining the overall value of these important site attributes shall be provided. Methods employed to mitigate adverse impacts shall be fully described.

e) Methods employed to buffer and mitigate the potential adverse effects of the destination resort on adjacent resource uses and properties shall be fully described, and shall be consistent with any conditions of approval of the conceptual site plan.

f) A landscape plan shall be prepared as a part of the preliminary development plan by an ASLA registered landscape architect. The landscape plan shall address landscaping of all development areas including, but not limited to, parking lots, accessways, developed recreation areas, structures, storage and utility yards, and other areas deemed appropriate by the Planning Director. The size, location, types and numbers of trees, shrubs, plants, and groundcovers shall be indicated on a landscape plan drawn to scale. The landscape plan shall also show how irrigation for landscaping and drainage are to be provided.

The landscape plan shall identify land areas with significant existing native vegetation, including riparian areas, so that these areas may be preserved. The landscape plan shall visually integrate the introduced landscape species with the natural landscape features and vegetation, and use native species whenever practical. Special consideration shall be given to preserving and/or introducing wildlife habitat species, and using vegetative screening of uses on and off the property.
4) The preliminary development plan shall be consistent with the following development standards in order to be approved:

   a) The preliminary development plan shall be consistent with the conceptual site plan approved by the Board of Commissioners for the property, pursuant to the adopted resolution of intent to rezone.

   b) The proposed destination resort shall be consistent with definitional requirements as set forth in Section 246.020.

   c) The preliminary development plan shall demonstrate that the majority of the developed housing units will be used by visitors and not by full time residents, consistent with Sections 246.020 (1)(d) and 246.030 (5).

   d) A variety of developed recreational facilities shall be provided on the property that, when considered with the retained natural amenities of the property, will be sufficient to constitute a primary attraction for visitors. Satisfaction of this standard shall be demonstrated by findings submitted as required in Section 246.050. It shall be demonstrated the proposed developed recreational facilities are adequate to serve the number of living accommodations proposed in the preliminary development plan.

   e) The preliminary development plan shall not provide for alterations of structures in the floodprone areas or on slopes in excess of 25 percent, except that the following may be approved:

      i) Minor drainage improvements that do not significantly impact important natural features of the site;

      ii) Roads, bridges, and utilities where there are no feasible alternative locations on the site;

      iii) Outdoor recreation facilities including golf courses, bike paths, trails, boardwalks, picnic tables, temporary open-sided shelters, boating facilities, ski lifts and runs.

   Alterations and structures permitted in these areas should be adequately protected from geologic hazards or of minimal value in design to minimize adverse effects.

   f) Important natural features including, but not limited to, fish and wildlife habitat, big game migration routes, or threatened or endangered species, streams, rivers, and significant wetlands shall be maintained, and specific measures for their retention and protection shall be described. Riparian vegetation within 100 feet of Class II and 50 feet of Class-I streams, rivers, and significant wetlands shall be maintained. Alterations to important natural features, including placement of structures maintaining the overall value of the features, may be allowed.
g) Site improvements shall be located and designed to avoid or minimize adverse effects of the resort on surrounding lands, particularly the effects on intensive farming operations within the area. At a minimum, measures to accomplish this shall include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas, and similar types of buffers; and setbacks of structures and other developments from adjacent land uses. Migratory routes for deer and elk shall be retained in open use if such routes have been identified within the site by the Oregon Department of Fish and Wildlife biologists.

h) Commercial, cultural or entertainment services provided as part of the destination resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. Structures housing such uses shall be designed to be compatible in appearance with the accommodations. Commercial, cultural, and entertainment uses allowed within a destination resort are intended to be incidental to the destination resort itself. As such, these ancillary uses shall be permitted only at a scale suited to serve visitors to the resort to the extent that a particular use can be reduced in scale without impairing its function or economic viability.

i) Destination resorts shall be served by on-site sewerage and water systems approved by the Department of Environmental Quality, except where connection to an existing public sewer or water system is permissible under an exception for the resort justified pursuant to the Goal 2 process and only if all costs related to service extension and any capacity increases are borne by the development. It will not result in increased tax expense for property served by the existing public system prior to the connection.

j) Adequate public safety protection shall be available through existing fire districts or shall be provided on-site according to specifications by the State Fire Marshal. If located outside of an existing fire district, the developer shall provide for manned structural fire protection services.

k) The destination resort shall not alter the character of the surrounding area in a manner that substantially limits, impairs, or substantially prevents permitted or conditional use of surrounding properties. If the preliminary development plan specifies phases of development, each successive phase must be compatible with previously approved phases, and shall be capable of operating in a manner consistent with this chapter.

l) All of the requirements of the Land Development Ordinance pertaining to the use or division of the property shall be satisfied.
5) The preliminary development plan for a destination resort shall be approved by the Planning Commission only upon finding that the following criteria have been met:

a) The proposed development plan satisfies the standards contained in this chapter and conditions for approval set forth in the Board Order.

b) The proposed type and level of development is appropriate to the site and will be compatible with existing resource uses of adjacent lands as well as the potential future uses as indicated by the Official Comprehensive Plan and Zoning Map designations for the area.

c) The destination resort meets the definition requirements of a self-contained facility and it has been adequately demonstrated that public facilities and services will be available to serve the development, including water supply, sewage disposal, electric power, telephone service, and public safety protection.

d) The preliminary development plan is in substantial conformance with the conceptual site plan approved by the Board of Commissioners, and alterations, if any, from the conceptual site plan are found to be minor in nature.

6) In approving a preliminary development plan, the Planning Commission and Board may impose or attach any additional stipulations or conditions deemed necessary to meet the intent and purposes of this Chapter, the Land Development Ordinance, the Comprehensive Plan, State Goals, and other related state law and to ensure that the design of the resort is harmonious with and takes full advantage of the site's natural amenities.

7) Building and other development permits may be authorized for visitor oriented accommodations, developed recreational facilities, utility facilities, and any other improvements, based upon the final approval of a preliminary development plan. Permanent residential facilities or improvements required as a condition of the preliminary development plan may only be authorized upon approval of the final development plan and zone change.

8) All required development of recreation facilities and visitor oriented accommodations shall be constructed or suitably guaranteed in the initial phase of any use approved pursuant to this chapter. Suitable guarantee may be in the form of a performance bond, signed deposit, dedicated loan funds, or some other acceptable assets that can be used to fund the completion of the required improvements as approved by the county.

9) Preliminary development plan approval shall be valid for a period of three years from the date of approval by the Board of Commissioners. Within that time period, the applicant shall submit a final development
plan. Prior to the expiration of a preliminary development plan, the property owner may initiate a request for a one year extension of time for submitting a final development plan. A time extension may only be approved upon a finding that circumstances have not changed sufficiently since the initial approval to render the preliminary development plan inappropriate or not in compliance with existing regulations and the conceptual site plan.

246.080 FINAL DEVELOPMENT APPROVAL

1) Final approval of a destination resort shall be subject to a final development plan that meets all the requirements as set forth in the preliminary development plan approval and this chapter. The Site Plan Review Committee shall inspect the resort for conformance with the approved preliminary development plan and may specify conditions to ensure compliance with the approved preliminary development plan and any other applicable requirement imposed as a condition of approval of the conceptual site plan. Approval of the final development plan, including subdivision plats, shall only be scheduled for Planning Commission and Board of Commissioner consideration after the Site Plan Review Committee is satisfied the final plan is consistent with the conceptual and tentative development plan requirements and in accordance with the final plat requirements in the land division regulations if applicable.

2) When phased development has been approved in the preliminary development plan, development of a subsequent phase shall not begin until all developed recreational facilities of the previous phase have been completed and a final development plan for that phase has been approved.

3) If a final development plan is not submitted within three years of approval of the preliminary development plan, the latter shall expire and a new conceptual site plan and preliminary development plan shall be required, unless prior to the end of the three year period, the applicant submits a request for a one-year extension, pursuant to Sections 246.040 (6) and 246.070 (9), which has been approved by the Planning Commission based upon a finding that circumstances have not changed sufficiently since prior approval to render the conceptual site plan and preliminary development plans inconsistent with existing land use regulations.

4) Approval of the final development plan shall be followed by adoption of an ordinance redesignating the site with the Destination Resort Overlay District, pursuant to Section 246.040(5).
1.2 Section 20.060 of the land Division Regulations pertaining to the final approval of a subdivision plat or replat is amended by the addition of a new subsection 4 which reads as follows:

"4) As required under ORS 92.120(4) the "Statement of Water Rights" enclosed with the tentative plat approval must be recorded in the County Clerk's Office. If water rights are appurtenant to the land being divided, then the acknowledgment from the Water Resources Department under ORS 92.122 must also be recorded."

1.3 Sections 15.060 and 20.060 of the Land Development Ordinance are amended by adding to each a new subsection reading as follows:

"The final map or plat of the proposed division shall contain a statement showing the recording number of the Water Rights Statement in substantially the following form:

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
ORDINANCE NO. 87-26

RECEIVED

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE, FILE NUMBER 87-11-0A.

RECITALS:

1) ORS Chapters 215 and 197 require counties to adopt zoning and land division regulations to implement the County Comprehensive Plan. The County adopted the Land Development Ordinance No. 82-27 in fulfillment of this requirement.

2) The 1987 Oregon Legislative Assembly enacted amendments to Oregon Revised Statutes to require persons proposing a subdivision or partition to land to complete a statement of water right. The legislation requires that if a water right is appurtenant to the lands to be divided then the Oregon Water Resources Department must acknowledge that statement.

3) The legislation requires that the County amend its regulations governing division of land to notify persons of the need to file the statement of water right.


Now, therefore,

The Board of Commissioners of Jackson County ORDAINS as follows:

SECTION 1. AMENDMENTS

1.1 Section 15.060 of the Land Division regulations pertaining to the final approval of a land partition is amended by the addition of a new subsection which reads as follows:

"8) As required under ORS 92.120(4) the "Statement of Water Rights" enclosed with the tentative plat approval must be recorded in the County Clerk's Office. If water rights are appurtenant to the land being divided, then the acknowledgment from the Water Resources Department under ORS 92.122 must also be recorded."

Date Typed: 1/7/88
[ord-11oa(boc1)]
BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 87-22

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT ORDINANCE TO ESTABLISH A LIMITED USE (LU) PLAN AND ZONING DESIGNATION FOR JACKSON COUNTY, FILE NUMBER 87-7-0A.

RECITALS:

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

2) Oregon Administrative Rules have been adopted by LCDC to establish parameters for interpreting the requirements of Statewide Planning Goal 2. OAR 660-04-018 explains the State's requirements for adoption of plan and zone designations for areas to be excepted from the requirements of a particular Statewide Planning Goal.

3) OAR 660-04-018(3)(a) provides that "when a local government takes an exception under the "reasons" section of ORS 197.732(1)(c) and OAR 660-04-020 through 660-04-022, plan and zoning designations must limit the uses and activities to only those uses and activities which are justified in the exception."

4) Jackson County currently has no comprehensive plan map designation or zoning district to accommodate this State rule if an exception under the "reasons" section of the statute and OARS is to be used to establish a new nonindustrial use in a rural area. Available districts for which exceptions are required contain extensive lists of permitted and conditional uses which may be beyond the scope of OAR 660-04-018.

5) The Planning Commission has recommended consideration of an ordinance establishing a Limited Use (LU) designation and new zoning district to meet this need, subject to a public hearing on June 1, 1987.

Now, therefore,

The Board of Commissioners of Jackson County finds, concludes, and ORDAINS as follows:

1-ORDINANCE; File 87-7-0A
Date Typed: 11/17/87
SECTION 1. FINDINGS

1.1 Section 277.010 provides that the Planning Commission may initiate amendments to the text of the Comprehensive Plan and Land Development Ordinance for consideration by the Board of Commissioners. The Board of Commissioners is required to hold a public hearing on the text amendment after receipt of the Planning Commission recommendation. The Planning Commission has recommended adoption of the amendments set forth as Exhibits A and B to this ordinance.

1.2 As provided in OAR 660, Division 18, the Oregon Department of Land Conservation and Development has been provided 45 days advance notice of the public hearing on this ordinance. A properly advertised public hearing has been scheduled for review of this proposed ordinance.

SECTION 2. CONCLUSORY FINDINGS

2.1 The Board of Commissioners has reviewed the proposed amendments to the text of the Comprehensive Plan and Land Development Ordinance attached hereto as Exhibits A and B and finds the proposed Limited Use plan and zoning designation to be a useful and needed addition to County land use regulations because it addresses a State requirement not covered by current County Law. The Board finds that it is impractical to utilize other measures to restrict the types of uses authorized by current regulations through restrictive covenant or other means to implement the requirements of OAR 660-04-018(3).

SECTION 3. DECISION

3.1 The Jackson County Comprehensive Plan Map Designation Element is hereby amended through adoption of a Limited Use map designation as set forth in the attached Exhibit A.

3.2 The Jackson County Land Development Ordinance is hereby amended through adoption of Chapter 248 Limited Use (LU) District as set forth in the attached Exhibit B.

APPROVED this 23rd day of December, 1987, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]
Hank Henry, Chairman

APPROVED AS TO FORM:

[Signature]
County Counsel

ATTEST:

[Signature]
By: Recording Secretary

2-ORDINANCE; File 87-7-0A
[Exhibit A] Add the following new Map Designation to the Map Designations Element:

LIMITED USE

I. Purpose:

The Limited Use (LU) Official Comprehensive Plan and Zoning Map designation limits uses and activities to those justified in a Comprehensive Plan Amendment "Reasons" exception statement adopted by the County and acknowledged by the State pursuant to ORS 197.732 (1)(c) as required by OAR 660-04-018 (3)(a). It is intended that uses and activities in a Limited Use district shall be those uses and activities specified in the ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged ordinance adopting the designation for the property.

The Limited Use designation is expressly intended to apply to properties for which a specific use is proposed and the site is found to be consistent with State law and Administrative Rules, and Jackson County's acknowledged Comprehensive Plan and implementing ordinances.

II. Description:

No generalized description is appropriate for the Limited Use designation because of the specificity of justification required for approval of the site and the use.

III. Zoning District Criteria and Characteristics:

A) Criteria

1) The land within the proposed district must be:

a) Land for which a "reasons" exception for the specified use may be approved for applicable Statewide Planning Goals, pursuant to OR 197.732(1)(c) and OAR 660-04-018(3)(a). [A built or committed exception may be subsequently justifiable for future changes in use under OAR 660, Division 4, but only after goal exception requirements have been followed]; and,

b) Land which otherwise can be found consistent with the appropriate parameters and conditions of Policy 1 of the Public Facilities and Services Element for sewer and/or water service; and,

c) Land which has appropriate all-weather access which directly connects to a county road, state highway, or dedicated way of appropriate capacity and construction.

2) A review of other available map designations reveals that no other district designation would sufficiently limit uses as required by OAR 660, Division 4, and the proposed use does not otherwise meet the locational/use requirements for a Rural Limited Industrial (RLI) designation.

B) Characteristics

The site has characteristics, resources and limitations which are unique, specific and do not apply to the County as a whole.
[Exhibit B] Add the following new Chapter to the Land Development Ordinance:

Chapter 248

LIMITED USE (LU) DISTRICT

248.010 Purpose:

The Limited Use (LU) Official Comprehensive Plan and Zoning Map designation limits uses and activities to those justified in a Comprehensive Plan Amendment "Reasons" exception statement adopted by the County and acknowledged by the State pursuant to ORS 197.732 (1)(c) as required by OAR 660-04-018 (3)(a). It is intended that uses and activities in a Limited Use district shall be those uses and activities specified in the ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged ordinance adopting the designation for the property.

The Limited Use designation is expressly intended to apply to properties for which a specific use is proposed and the site is found to be consistent with State law and Administrative Rules, and Jackson County's acknowledged Comprehensive Plan and implementing ordinances.

248.020 Uses Authorized:

1) Limited uses approved pursuant to a Comprehensive Plan Amendment shall be allowed subject to all other applicable rules, standards or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Administrative Rules governing land use, sewage disposal, noise, air and water quality. A Limited Use designation shall be approved under resolution of intent to rezone procedures set forth in Chapter 277.

2) The uses and activities in a Limited Use district shall be those uses and activities specified in the ordinance adopting the LU designation; together with uses accessory to the specified use; and, subject to application and approval in the manner provided in subsection 4 below, such other similar, related, supplemental or expanded uses as the Planning Director finds to be of a type or intensity consistent with the acknowledged ordinance adopting the Limited Use designation for the property.

3) The LU designation cannot be used to authorize uses other than those found consistent with the exception statement and plan amendment unless a new 'reasons' exception is approved by the County pursuant to OAR 660, Division 4.
4) The Planning Director shall be authorized to determine whether an expansion or modification of an approved Limited Use is of a type and intensity consistent with the exception statement and ordinance originally approving the LU district for the property as required by OAR 660-04-018. If the Director finds that the use of the property is not of a type or intensity consistent with use(s) originally approved by the Board of Commissioners, the application shall be processed as a minor map amendment pursuant to Chapter 277. The focus of the review may be limited to the goal exception statement but shall be subject to notification procedures established under State Statute and Administrative Rules.

5) The Director's decision regarding a use within this designation shall be subject to the notification procedures set forth in Chapter 285. The Director's decision shall be appealable to the Planning Commission who shall affirm, remand or modify the decision or determine that a minor map amendment and new goal exception is required.

248.030 SITE PLAN REVIEW, BUFFERING REQUIREMENTS, AND PERFORMANCE STANDARDS:

1) Uses allowed within this district shall conform to the site plan review requirements of Chapter 282. The site plan shall be approved by the Planning Commission but may subsequently be amended as noted in Section 248.020(4).

2) Buffering techniques required by the County for approved uses under this Chapter include, but are not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

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

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in Section 280.050.

3) The County is authorized to employ those performance standards set forth in Section 237.040, and other conditions deemed necessary by the County to carry out the provisions of the Comprehensive Plan, this Ordinance, and other relevant provisions of law as set forth in the site plan approval and resolution of intent to rezone.
1987
BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
ORDINANCE NO. 87-25

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE, FILE NUMBER 87-9-0A.

RECITALS:

1) ORS Chapters 215 and 197 require counties to adopt zoning and land division regulations to implement the County Comprehensive Plan. The County adopted the Land Development Ordinance No. 82-27 in fulfillment of this requirement.

2) The 1987 Oregon Legislative Assembly enacted amendments to Oregon Revised Statutes to require persons proposing a subdivision or partition to land to complete a statement of water right. The legislation requires that if a water right is appurtenant to the lands to be divided then the Oregon Water Resources Department must acknowledge that statement.

3) The legislation requires that the County amend its regulations governing division of land to notify persons of the need to file the statement of water right.


Now, therefore,

The Board of Commissioners of Jackson County ORDAINS as follows:

SECTION 1. AMENDMENTS

1.1 Section 15.060 of the Land Division regulations pertaining to the final approval of a land partition is amended by the addition of a new subsection which reads as follows:

"8) As required under ORS 92.120(4) the "Statement of Water Rights" enclosed with the tentative plat approval must be recorded in the County Clerk's Office. If water rights are appurtenant to the land being divided, then the acknowledgment from the Water Resources Department under ORS 92.122 must also be recorded."

1-ORDINANCE; File 87-9-0A
Date Typed: 12/23/87
1.2 Section 20.060 of the land Division Regulations pertaining to the final approval of a subdivision plat or replat is amended by the addition of a new subsection 4 which reads as follows:

"4) As required under ORS 92.120(4) the "Statement of Water Rights" enclosed with the tentative plat approval must be recorded in the County Clerk's Office. If water rights are appurtenant to the land being divided, then the acknowledgment from the Water Resources Department under ORS 92.122 must also be recorded."

SECTION 2. EMERGENCY DECLARED

2.1 This ordinance being necessary for the health, safety and general welfare of the people of Jackson County, an emergency is hereby declared and it shall take effect immediately upon adoption.

ADOPTED this 30th day of December, 1987, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Hank Henry, Chairman

APPROVED AS TO FORM:

County Counsel

ATTEST:

By: Recording Secretary

2-ORDINANCE; File 87-9-0A
BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
ORDINANCE NO. 87-23

AN EMERGENCY ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT ORDINANCE TO ESTABLISH A LIMITED USE (LU) PLAN AND ZONING DESIGNATION FOR JACKSON COUNTY, FILE NUMBER 87-6-0A.

RECITALS:

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

2) Oregon Administrative Rules have been adopted by LCDC to establish parameters for interpreting the requirements of Statewide Planning Goal 2. OAR 660-04-018 explains the State's requirements for adoption of plan and zone designations for areas to be excepted from the requirements of a particular Statewide Planning Goal.

3) OAR 660-04-018(3)(a) provides that "when a local government takes an exception under the "reasons" section of ORS 197.732(1)(c) and OAR 660-04-020 through 660-04-022, plan and zoning designations must limit the uses and activities to only those uses and activities which are justified in the exception."

4) Jackson County currently has no comprehensive plan map designation or zoning district to accommodate this State rule if an exception under the "reasons" section of the statute and OARs is to be used to establish a new nonindustrial use in a rural area. Available districts for which exceptions are required contain extensive lists of permitted and conditional uses which may be beyond the scope of OAR 660-04-018.

5) The Planning Commission has recommended consideration of an ordinance establishing a Limited Use (LU) designation and new zoning district to meet this need, subject to a public hearing on June 1, 1987.

Now, therefore,

The Board of Commissioners of Jackson County finds, concludes, and ORDAINS as follows:

SECTION 1. FINDINGS

1.1 Section 277.010 provides that the Planning Commission may initiate amendments to the text of the Comprehensive Plan and Land Development Ordinance for consideration by the Board of Commissioners. The Board of Commissioners is required to hold a public hearing on the text amendment after receipt of the Planning Commission recommendation. The Planning Commission has recommended adoption of the amendments set forth as Exhibits A and B to this ordinance.

1-ORDINANCE: File 87-6-0A
Date Typed: 11/17/87

87-23
1.2 As provided in OAR 660, Division 18, the Oregon Department of Land Conservation and Development has been provided 45 days advance notice of the public hearing on this ordinance. A properly advertised public hearing has been scheduled for review of this proposed ordinance.

SECTION 2. CONCLUSORY FINDINGS

2.1 The Board of Commissioners has reviewed the proposed amendments to the text of the Comprehensive Plan and Land Development Ordinance attached hereto as Exhibits A and B and finds the proposed Limited Use plan and zoning designation to be a useful and needed addition to County land use regulations because it addresses a State requirement not covered by current County Law. The Board finds that it is impractical to utilize other measures to restrict the types of uses authorized by current regulations through restrictive covenant or other means to implement the requirements of OAR 660-04-018(3).

SECTION 3. DECISION

3.1 The Jackson County Comprehensive Plan Map Designation Element is hereby amended through adoption of a Limited Use map designation as set forth in the attached Exhibit A.

3.2 The Jackson County Land Development Ordinance is hereby amended through adoption of Chapter 248 Limited Use (LU) District as set forth in the attached Exhibit B.

SECTION 4. EMERGENCY DECLARED

4.1 This ordinance being necessary for the health, safety and general welfare of the citizens of Jackson County, an emergency is hereby declared and it shall become effective upon adoption.

APPROVED this 23rd day of December, 1987, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]
Bank Henry, Chairman

APPROVED AS TO FORM: ATTEST:

[Signature]
County Counsel

[Signature]
By: Recording Secretary

ORDINANCE; File 87-6-0A
[Exhibit A] Add the following new Map Designation to the Map Designations Element:

LIMITED USE

I. Purpose:

The Limited Use (LU) Official Comprehensive Plan and Zoning Map designation limits uses and activities to those justified in a Comprehensive Plan Amendment "Reasons" exception statement adopted by the County and acknowledged by the State pursuant to ORS 197.732 (1)(c) as required by OAR 660-04-018 (3)(a). It is intended that uses and activities in a Limited Use district shall be those uses and activities specified in the ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged ordinance adopting the designation for the property.

The Limited Use designation is expressly intended to apply to properties for which a specific use is proposed and the site is found to be consistent with State law and Administrative Rules, and Jackson County's acknowledged Comprehensive Plan and implementing ordinances.

II. Description:

No generalized description is appropriate for the Limited Use designation because of the specificity of justification required for approval of the site and the use.

III. Zoning District Criteria and Characteristics:

A) Criteria

1) The land within the proposed district must be:

   a) Land for which a "reasons" exception for the specified use may be approved for applicable Statewide Planning Goals, pursuant to ORS 197.732(1)(c) and OAR 660-04-018(3)(a). [A built or committed exception may be subsequently justifiable for future changes in use under OAR 660, Division 4, but only after goal exception requirements have been followed]; and,

   b) Land which otherwise can be found consistent with the appropriate parameters and conditions of Policy 1 of the Public Facilities and Services Element for sewer and/or water service; and,

   c) Land which has appropriate all-weather access which directly connects to a county road, state highway, or dedicated way of appropriate capacity and construction.

2) A review of other available map designations reveals that no other district designation would sufficiently limit uses as required by OAR 660, Division 4, and the proposed use does not otherwise meet the locational/use requirements for a Rural Limited Industrial (RLI) designation.

B) Characteristics

The site has characteristics, resources and limitations which are unique, specific and do not apply to the County as a whole.
Add the following new Chapter to the Land Development Ordinance:

Chapter 248

LIMITED USE (LU) DISTRICT

248.010 Purpose:

The Limited Use (LU) Official Comprehensive Plan and Zoning Map designation limits uses and activities to those justified in a Comprehensive Plan Amendment "Reasons" exception statement adopted by the County and acknowledged by the State pursuant to ORS 197.732 (1)(c) as required by OAR 660-04-018 (3)(a). It is intended that uses and activities in a Limited Use district shall be those uses and activities specified in the ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged ordinance adopting the designation for the property.

The Limited Use designation is expressly intended to apply to properties for which a specific use is proposed and the site is found to be consistent with State law and Administrative Rules, and Jackson County's acknowledged Comprehensive Plan and implementing ordinances.

248.020 Uses Authorized:

1) Limited uses approved pursuant to a Comprehensive Plan Amendment shall be allowed subject to all other applicable rules, standards or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Administrative Rules governing land use, sewage disposal, noise, air and water quality. A Limited Use designation shall be approved under resolution of intent to rezone procedures set forth in Chapter 277.

2) The uses and activities in a Limited Use district shall be those uses and activities specified in the ordinance adopting the LU designation; together with uses accessory to the specified use; and, subject to application and approval in the manner provided in subsection 4 below, such other similar, related, supplemental or expanded uses as the Planning Director finds to be of a type or intensity consistent with the acknowledged ordinance adopting the Limited Use designation for the property.

3) The LU designation cannot be used to authorize uses other than those found consistent with the exception statement and plan amendment unless a new 'reasons' exception is approved by the County pursuant to OAR 660, Division 4.
4) The Planning Director shall be authorized to determine whether an expansion or modification of an approved Limited Use is of a type and intensity consistent with the exception statement and ordinance originally approving the LU district for the property as required by OAR 660-04-018. If the Director finds that the use of the property is not of a type or intensity consistent with use(s) originally approved by the Board of Commissioners, the application shall be processed as a minor map amendment pursuant to Chapter 277. The focus of the review may be limited to the goal exception statement but shall be subject to notification procedures established under State Statute and Administrative Rules.

5) The Director's decision regarding a use within this designation shall be subject to the notification procedures set forth in Chapter 285. The Director's decision shall be appealable to the Planning Commission who shall affirm, remand or modify the decision or determine that a minor map amendment and new goal exception is required.

248.030 SITE PLAN REVIEW, BUFFERING REQUIREMENTS, AND PERFORMANCE STANDARDS:

1) Uses allowed within this district shall conform to the site plan review requirements of Chapter 282. The site plan shall be approved by the Planning Commission but may subsequently be amended as noted in Section 248.020(4).

2) Buffering techniques required by the County for approved uses under this Chapter include, but are not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

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

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in Section 280.050.

3) The County is authorized to employ those performance standards set forth in Section 237.040, and other conditions deemed necessary by the County to carry out the provisions of the Comprehensive Plan, this Ordinance, and other relevant provisions of law as set forth in the site plan approval and resolution of intent to rezone.
BEFORE THE BOARD OF COMMISSIONERS  
COUNTY OF JACKSON, STATE OF OREGON  

ORDINANCE NO. 87-3  

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE #82-27, File #86-7-0A  

RECITALS:  
1) The Land Development Ordinance presently requires platting or mapping of land acquired by the county and dedicated to public use, except for the widening of state or county roads wherein no division of land is involved.  
2) The Board of Commissioners finds the above dedication process unduly burdensome of time and effort, particularly for the acquisition of lands along the Bear Creek Greenway, which involves many parcels and property owners.  
3) The Board concludes that the acquisition and dedication of lands for public benefit through establishment of the Bear Creek Greenway should be expedited by amendment of the Land Development Ordinance to facilitate such actions.  

The Jackson County Board of Commissioners ORDAINS as follows:  

NOW, THEREFORE,  

The language of Section 05.150(3) of the Land Development Ordinance of Jackson County is replaced by the following:  

3) Aquisitions of land by a public agency for public purposes may be exempted by the Director from partitioning requirements when the Director finds that the acquisition does not result in the creation of additional parcels in private ownership and he finds that the project for which the acquisition is intended is expressly approved within the Comprehensive Plan or the Land Development Ordinance.  

The language of Section 05.150 of the Land Development Ordinance is amended by the addition of Subsections (4) and (5) as follows:  

4) Final deeds for acquisition of land for public purposes shall be based upon accurate surveys and monumentation filed with the County Surveyor and accepted by the Board of County Commissioners.  

Date Typed: March 7, 1987
5) Exemption from requirements granted pursuant to Section 05.150 shall not be deemed to create development rights above or in excess of those rights existent under this ordinance prior to the granting of the exemption.

Adopted this 22 day of April, 1987 at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Bank Henry, Chairman

APPROVED AS TO FORM:

[Signature]

County Counsel

ATTEST:

[Signature]

Donna Blodde

By: Recording Secretary

2-Ordinance; File 86-7-0A
TO: Burke Raymond, County Administrator

FROM: Kerry Lay, Department of Planning and Development

DATE:

SUBJECT: Proposed Ordinance Amending the Jackson County Land Development Ordinance to Expedite Review of Lands Dedicated to Public Use (File 86-7-0A)

Attached for Board consideration is an ordinance (Attachment 1) which is intended to streamline the process of county review of certain lands acquired for public benefit. Section 05.150(3) of the Jackson County Land Development Ordinance currently requires platting or mapping of lands acquired by the County and dedicated to public use, except for the widening of state or county roads wherein no division of land is involved. The ordinance does not clearly require such acquisitions and dedications to the public to be based on accurate survey and monumentation, although it is the County's practice to require it as provided by State Statute.

The proposed ordinance if adopted would amend Section 5.150(3) to allow the Planning Director to exempt certain acquisitions by public agencies for public purposes when the County Comprehensive plan or land Development Ordinance expressly approves the intended purpose and no additional parcels in private ownership will result. The amendment clarifies that no additional development rights will accrue to either the private owners of the residual of land dedicated to the public or to the County.

The proposed ordinance has been reviewed and approved by the Jackson County Planning Commission subsequent to a study session on the matter. The Bear Creek Greenway Coordinator, Karen Smith, and County Surveyor were in attendance at the Commission's study session. The proposed ordinance appears to alleviate concerns expressed by the County Surveyor regarding the original drafts failure to require survey and monumentation. Attachment II is a set of responses received from public agencies on the original draft ordinance 86-7-0A.

I recommend that first reading of the proposed ordinance be scheduled as part of the Board of Commissioners' regular agenda on Wednesday, April 1, 1987. I further recommend second reading and a public hearing be scheduled for Wednesday, April 22, 1987 as part of the Board's regular agenda. Ordinances become effective sixty days after adoption.

KL:SE:kh

cc: Jim Capp, Planning Coordinator
Steve Erickson, Senior Planner
Ed McGinty, County Surveyor
Karen Smith, Greenway Coordinator
Neil Ledward, Parks Director
BEFORE THE BOARD OF COMMISSIONERS
COUNTY OF JACKSON, STATE OF OREGON

ORDINANCE NO. 87-9

AN EMERGENCY ORDINANCE AMENDING SECTIONS 00.040 AND CHAPTER 254 OF THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE IN ORDER TO COMPLY WITH NEW FEDERAL REGULATIONS PERTAINING TO COMMUNITIES PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM; FILE #87-2-0A.

RECITALS:

1) Jackson County is a participant in the National Flood Insurance Program (NFIP) established by the federal government in 1969. In order to qualify for flood insurance for residents within a community, each jurisdiction must adopt regulations implementing the minimum requirements of the Code of Federal Regulations for the NFIP.

2) Jackson County adopted floodplain zoning and ordinance regulations governing land use and divisions with Statewide Planning Goal 7 (Natural Hazards and Disasters), Oregon Revised Statutes Chapter 215, and NFIP regulations effective October 28, 1980.

3) The Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) has enacted revised regulations for the NFIP which Jackson County must incorporate in order to maintain its eligibility for flood insurance.

4) The Planning Commission and Board of Commissioners, having held properly advertised public hearings on proposed amendments to the Jackson County Land Development Ordinance which will implement NFIP regulations as revised by FEMA.

5) It is the desire of the Planning Commission and Board of Commissioners, to continue to protect health, safety and general welfare of the public and reduce insurance loss through maintenance of floodplain regulations and to maintain NFIP eligibility.

The Jackson County Board of Commissioners ORDAINS as follows:

NOW, THEREFORE,

SECTION 1. FINDINGS

1.1 The Board of Commissioners hereby finds that participation in the National Flood Insurance Program is an essential part of the government's role in protecting health safety and welfare of the County.

1-ORDINANCE; File 87-2-0A
Date Typed: June 1, 1987
1.2 The amendments proposed herein maintain the County's eligibility for subsidized flood insurance under the NFIP. Furthermore, enactment of the amendments in this ordinance maintains the County's commitment to comply with the goal and policies of the National Hazards Element of the Jackson County Comprehensive Plan.

1.3 The Board of Commissioners finds that no substantive Comprehensive Plan or Statewide Planning Goal issues are raised by amendment of this ordinance. As such, the Board of Commissioners finds prior notification of the Oregon Department of Land Conservation and Development to be unnecessary according to Oregon Administrative Rules, Chapter 660, 660-18-022.

Section 2. Amendments

2.1 Amendments to the Land Development Ordinance #82-27 are indicated in the text by brackets "[ ]" to show additions to the text (Example: [Commission]); or by "line" through to show deletions of previously adopted language (Example: Council). Once adopted the text of this ordinance shall be incorporated into the body of the text without brackets or stricken language.

2.2 Only those portions of the existing Land Development Ordinance (LDO) which have been lined through or bracketed in Sections 2.3 and 2.5 (the attached Exhibit I) are amended by this ordinance. All other LDO text shall remain intact.

2.3 Section 00.040 (Definitions) is amended as follows:

A) The first paragraph of 00.040 is revised as follows:

**00.040 DEFINITION OF TERMS:**

As used in the Land Division Regulations and Zoning Regulations of the Land Development Ordinance the masculine includes the feminine, and the singular includes the plural, unless the context otherwise requires. No preference or prejudice is intended through this choice of words. "May" is permissive, and "shall" is mandator. [Unless specifically defined below, or by other ordinance, administrative rule or statute, words or phrases used in this ordinance shall be interpreted so as to give the meaning they have in common usage and to give this ordinance its most reasonable application.] The following definitions shall also apply:

B) The following new definition is added:

"AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year (See Section 254.020 of the zoning regulations)."
C) The definition of "Floodway-Regulatory" is amended as follows:

**FLOODWAY - REGULATORY:** The sum of all areas depicted as lying within a "floodway" on the Flood Boundary and Floodway Map, as defined in this section, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in Chapter 254.060(3), and 254.060(4) of the Jackson County Zoning Regulations.

D) The definition of "Habitable Floor" is modified as follows:

**HABITABLE FLOOR:** Any floor which is or can be made suitable for living purposes, which includes (generally, these areas will be walled and could be used for) working, sleeping, eating, cooking, recreation, or (the like.) a combination thereof. A floor used only for storage purposes is not a "habitable floor." (As used in this ordinance, the area beneath the lowest habitable floor may only be crawl space or unenclosed garage/carport. See Section 254.070, "Specific Standards for Flood Hazard Reduction" for areas below the "Lowest floor" which is defined in this Section.)

E) The following new definition is added:

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Sections 254.060 and 254.070 of the zoning regulations.

F) The definition of "Mobile Home" is revised as follows:

**MANUFACTURED OR MOBILE HOME:** A structure or vehicle built on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes. ["Manufactured home" is synonymous with "mobile home" for land development regulatory purposes under this ordinance and does not include "camping vehicle," "travel trailer," "park trailer," "tip-out" and any other "similar vehicle" which is not intended, designed or constructed for residential purposes for use as a single family dwelling and is not otherwise labeled as manufactured or mobile home under federal or state code. However, for floodplain management purposes under Chapter 254 of this ordinance, park trailers, camping vehicles, travel trailers, and similar vehicles shall also be subject to the requirements of Chapter 254, although such vehicles are not included within the term "manufactured or mobile home"].

3-ORDINANCE 87-9
G) The definition of "Mobile Home Park" is amended as follows:

(MANUFACTURED OR) MOBILE HOME PARK: Any place where four or more mobile homes are located within 500 feet of one or each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is:

1. To rent or lease space for manufactured or mobile homes for a charge or fee paid;
or

2. To be paid for the rental, lease, or use of facilities;
   for manufactured or mobile homes; or

3. To offer space free for location of manufactured or mobile homes in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

[For floodplain management purposes, any parcel or contiguous parcels of land divided into two or more manufactured or mobile home lots for rent or sale will be subject to the requirements of Chapter 254 of this ordinance.]

H) The definition "Start of Construction" is amended to read as follows:

START OF CONSTRUCTION: [Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, reconstruction or placement of other improvement was within 180 days of the permit date.] The actual start of construction is either the first placement or permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a manufactured or mobile home on a temporary or permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units (for residential purposes and) or not part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof, on its piling(s) or foundation(s). For mobile homes not within a mobile home park, "start of construction" means the placement of the mobile home on a tract or of land. For mobile homes within mobile home park, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be placed (including at a minimum, the construction of street, either final site grading or the pouring of concrete piers, and installation of utilities) is completed.

4-ORDINANCE
I) The definition of "Structure" is amended to read as follows:

STRUCTURE: Anything constructed or erected, and having a fixed base or foundation [that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks [but shall] exclude connection to the ground or another structure, excluding fences less than six feet in height and uncovered patios.

J) The definition "Substantial Improvement" is amended as follows:

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) Before the improvement[, reconstruction] or repair is started; or,

2) If the structure has been damaged and is being restored [repaired, reconstructed or improved] before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

[The term does not, however, include either:

1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.]

[For purposes of determining percentage of market value of the structure, the most current value as shown in the Assessor's records or an independent M.A.I. certified appraisal shall be utilized. If repair, reconstruction, alteration or improvement of a structure has commenced without permits or authorization prior to a determination of a substantial improvement, the value of such unauthorized improvements shall be deducted from the market value of the structure.]

2.4 Any individual reference to "mobile home" or "manufactured home" have contained within the Land Development Ordinance shall be amended to read "manufactured or mobile home" except where the ordinance context specifically dictates otherwise.

5-ORDINANCE
The terms shall be considered synonymous, but completely distinct by use and by construction standards have term "camping vehicle," "recreational vehicle," "travel trailer," or other temporary structure not intended for residential purposes.

2.5 Chapter 254 of the Land Development Ordinance, Flood Plain Overlay is amended as follows in Exhibit 1, which is attached hereto and adopted by reference.

SECTION 3. REPEAL, SAVINGS, AND SEVERABILITY CLAUSES

3.1 The amendment of the Land Development Ordinance by adoption of this ordinance shall not be construed as abating any actions or legal proceedings now pending under, or by virtue of, such ordinance so repealed, nor as discontinuing, abating or modifying any penalty accruing or to accrue, nor as affecting the liability of any person, firm or corporation, nor as waving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

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

SECTION 4. EMERGENCY CLAUSE

4.1 This ordinance being necessary to the health, safety, and welfare of the people of Jackson County, and to comply with deadlines established by the federal government for enactment of the amendments, an emergency is declared, and it shall take effect immediately upon adoption.

Adopted this 17th day of ______________ , 1987, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Rank Henry, Chairman

APPROVED AS TO FORM:

[Signature]

County Counsel

ATTEST:

[Signature]

Nancy Mitchell

By: Recording Secretary

6-ORDINANCE; File 87-2-0A

87-9
CHAPTER 254
FLOODPLAIN (FP) OVERLAY

254.010 PURPOSE:

In order to implement [Statewide Planning Goal 8, Natural Hazards, Oregon Revised Statutes Chapter 215.515 and] the goals and policies of the Jackson County Comprehensive Plan, this district is intended to be applied to properties which engineering or historical information indicates are likely to be inundated by flood waters at some time in the future. It is the purpose of this district to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1) To protect human life and health.

2) To minimize expenditure of public money for costly flood control projects.

3) To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public.

4) To minimize prolonged business interruptions.

5) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in the 100-year floodplain; also known as the area of special flood hazard.

6) To attempt to ensure that potential buyers are notified that property is in a designated floodplain.

7) To ensure that those who occupy the 100-year floodplain assume the responsibility for their actions.

8) 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.

254.015 METHODS OF REDUCING FLOOD LOSSES:

In order to accomplish its purposes, this ordinance includes but is not limited to methods and provisions for:

1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.]

254.020 APPLICATION OF PROVISIONS:

[1) This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Jackson County.]

2) In any zoning district where a floodplain designation is combined with a primary district, and any conflict in regulation or procedure occurs with such zoning districts, the provisions of the [F]loodplain [(FP)] Overlay district shall govern.

3) The scientific and engineering report prepared by the Federal Emergency Management Agency (FEMA) entitled The Flood Insurance Study for Jackson County, dated June, 1980, or as hereafter amended, along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), is hereby adopted by reference and declared to be a part of this ordinance. These documents shall be the means for establishing the location of the 100-year floodplain, otherwise known as the area of special flood hazard, for the purposes of this ordinance. [The Flood Insurance Study is on file in the Jackson County Department of Planning and Development.]

4) Other areas, in addition to those which have been specifically shown on Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps, which in the opinion of the Planning Director are situated in close proximity to creeks and streams, shall also be reviewed according to the provisions set forth in this chapter [and shall be considered designated floodplain.]

[254.025] ESTABLISHMENT OF DEVELOPMENT PERMIT:

[1) A development permit shall be obtained before construction or development begins within any area of special flood hazard established under Section 254.020. Except as provided under in chapter [Section 254.035], no person firm or corporation shall construct or emplace any building or structures, including [manufactured or] mobile homes, or carry out any mining dredging, filling, grading, paving, excavation, or drilling operations [or other development activities] in areas designated [considered flood prone under Section 254.020] bearing the flood hazard designation "A" or "AL" through "A20" without of the flood
In the event of a permit application under this chapter, the Planning Director shall be appointed to administer and implement this chapter by granting (with or without conditions) or denying development permit applications.

The Planning Director shall be responsible for reviewing all applications for building or manufactured mobile home setup permits and other development for compliance with the requirements of this ordinance, and shall make determinations of the boundaries of the 100-year floodplain where actual field observations are at variance with mapped boundaries. The burden of proof in such determination shall rest with the affected property owner requesting such determination. In areas where base flood elevation profiles are available ('A1' through 'A30' FIRM zones established by FEMA), the closest elevation profile to the proposed use shall prevail over determinations made from the Flood Insurance Rate Map. (The person contesting the location of the boundary shall be given a reasonable opportunity to appeal) Director's determination under Section 285.020 of this ordinance, but the burden of proof shall be on the person contesting the interpretation.

254.030 ADMINISTRATION:

1) In determining this chapter, the Planning Director shall determine all of the following prior to issuance of an approval of an application under this chapter:

A) that the permit requirements of this Chapter have been satisfied, and

B) that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required by law, including Section 404, of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, (Dredging and Filling Navigable Waters), and

C) that the proposed development is immediately adjacent to or located within the floodway. If located within the floodway, the encroachment provisions of 254.090 shall be met.

2) The Planning Director shall receive from each applicant, and shall permanently file a certification of the actual, as-built elevation (above mean sea level), or elevation as determined by Subsection (4).

4) Listed below above, of the lowest habitable floor, including basements, for all new or substantially improved structures or floodproofed structures (and whether or not the structure contains a basement.) Elevations required under this provision (Chapter) shall be determined by an Oregon registered professional engineer or Oregon licensed land surveyor.
[3] For all new or substantially improved flood proofed structures, the Director shall verify and record the actual elevation in relation to mean sea level to which the structure is flood proofed based on a form provided by the Department. Flood proofing certificates shall also be submitted and filed for all flood-proofed structures. Certification of flood proofing shall be by an Oregon registered professional engineer or architect.

[4] When base flood elevation data has not been provided by the Federal Emergency Management Agency, as provided in subsection 254.020 (3) of this Chapter, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation data available from federal, state, or other qualified, licensed engineering source in order to assure that all proposed developments comply with this Chapter. In the absence of elevation data, the special floodway setbacks, in addition to the normal yard requirements prescribed under Chapter 280, shall be established as specified in section 254.060 (5).

[5] The Planning Director shall notify adjacent communities, the Department of Land Conservation and Development and the Division of State Lands Water Resources, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

[6] The Planning Director shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

[7] All records pertaining to the provisions of this ordinance shall be maintained for public inspection.

[254.035] PERMITTED USES:

[The following uses may be permitted without a development permit under this chapter subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:]

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

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, providing that no fill material is utilized.
6) Fences.

7) Temporary accessory structures, buildings, and equipment which will be removed from the [area of special flood hazard] zoning district during the period of annual flood risk.

8) Fishing platform.

9) Incidental storage of material or equipment which 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) Bike path, park, or playground.

15) Electric distribution and [or] transmission [facilities] lines provided that any fill, rip-rap, or revetments meet the standards of Section 254.070 [and 254.080].

16) Relocation of a stream channel and removal of fill of materials for erosion and flood control purposes under the jurisdiction of the Division of State Lands (DSL) when the Oregon Department of Fish and Wildlife determines that sensitive [riparian] wildlife or fish habitat will not be adversely affected, and the applicant utilizes the services of a professional hydrologist, Oregon registered engineer or the S.C.S. or similarly qualified agency who certifies in writing that the proposed activity will not result in an increase of the base flood. This certification requirement may be waived if the nature of the activity allows the Department to conclude that no increase in the base flood will result from the proposed activity. This certification shall also be made directly to the DSL.

254.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:

If allowed as a permitted use in the primary zoning district, the following uses shall be subject to administrative approval by the Planning Director in areas designated [under Section 254.020] as floodplain. If allowed as a conditional use in the primary zoning district, the following uses shall [also] be subject to review pursuant to [the requirements of] Chapter 250, [in addition to the requirements of the primary district.] If all requirements of this chapter are not met, the application shall be denied. Applications for administrative approval or conditional use shall be subject to the procedures specified in Section 254.044 (254.050).
1) Single family dwelling [including manufactured] or mobile home and [any] accessory buildings.

2) Golf course, park, playground, picnic grounds, or other recreational uses with related buildings and structures.

3) Campground.

4) Replacement of dwelling in-kind within the floodplain including the floodway (but not including replacement of a mobile [or manufactured] home in the floodway), providing that the standards of Section 254.080 are satisfied.

5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials, providing the additional requirements of Chapters 272 and 260 are satisfied and the Oregon Department of Fish and Wildlife determines in writing that sensitive fish and wildlife habitat will not be adversely affected. In no instance shall such operation cause an increase in flooding potential or stream bank erosion adjacent to, upstream, or downstream from the operation.

6) Landing field or heliport.

7) Marina.

8) Flood water storage impoundment.

9) Public utility building or structure.

10) Bridge or other stream crossing.

11) Commercial or industrial use.

12) Pipeline necessary for public service.

13) Removal or fill within the 100-year floodplain.


254.050 PROCEDURES FOR ADMINISTRATIVE OR CONDITIONAL USE PERMITS:

[1] Application for a development permit required under this chapter shall be made on forms furnished by the Department. An applicant seeking an administrative or conditional use permit in [an area of special flood hazard identified under 254.020 above] or floodplain district shall follow procedures set forth in Chapters 260 and 266 [this ordinance according to the provisions of this chapter and the primary zoning district in which the development permit is proposed] Plans and specifications accompanying the application shall include:

12-ORDINANCE
A) Location of the property with reference to river and stream channels and flood profile elevations.

B) Existing topography, vegetation, and uses, including location of dikes, revetments, and other flood control works [or drainage facilities.]

C) [Nature,] location [dimensions and elevations] of proposed uses, structures, roads [fill, storage of material, drainage facilities] or other improvements.

D) A proposed grading plan for the property when determined necessary by the County.

E) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

F) Elevation in relation to mean sea level to which any structure has been floodproofed.

G) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure will meet the floodproofing criteria in Section 254.060 and 254.070.

H) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

2. Any applicant requesting a conditional use permit in an area designated as floodplain (or otherwise subject to the conditions of this Chapter), shall bear the burden of proving compliance with these requirements.

3. No variance from the requirements of this Chapter shall be granted.

254.060 GENERAL STANDARDS (FOR FLOOD HAZARD REDUCTION): In all designated 400-year floodplains or areas of special flood hazards, the following requirements apply:

[1] Anchoring:

[A) All new construction and substantial improvements including structures and apparatus shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[B] All manufactured or mobile homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are to limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in flood Hazard Areas” guidebook for additional techniques, which is on file in the Department.)
[2] Construction Materials and Methods:

[A] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[B] All new construction and substantial improvements shall be constructed using methods and practices which minimize flood damage.

[C] Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

[3] Utilities:

[A] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

[B] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

[C] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Sand filter systems shall not be permitted in the floodway and shall be elevated in the 100 year floodplain.

[4] Land Division Proposals:

[A] All land division proposals shall be consistent with the need to minimize flood damage.

[B] All land division proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

[C] All land division proposals shall have adequate drainage provided to reduce exposure to flood damage.

[D] Base flood elevation data shall be provided for subdivision proposals and other proposed major developments.

[5] Review of Development Permits:

[A] Where elevation data are not available either through the Flood Insurance Study or from another authoritative source as provided in Section 254.030(4), applications for development permits shall be reviewed to assure that proposed construction will be reasonably
The document contains regulations regarding flood hazard reduction, with a focus on specific standards for areas designated as floodplains. It outlines requirements for new construction and substantial improvements of residential structures to ensure safety from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Specifically, the document states:

[B] Where specific elevation data are not available and the area is designated floodplain, according to the provisions of Section 254.020, special floodway setback requirements shall be imposed according to the following methods:

(i) A floodway shall be presumed to exist on land which abuts or is bisected by a stream or segment of a stream for which no floodway has been depicted by the Federal Emergency Management Agency. The floodway width shall be deemed to equal five times the width of the normal rainy season stream bed measured from top of bank to top of bank, or 100 feet, whichever is greater. It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream.

(ii) If, owing to topography or other factors, the method prescribed above does not yield a reasonable and practical measurement of the floodway, the applicant may offer other information to establish the floodway configuration more precisely in accordance with accepted engineering practices and certified by an Oregon registered [professional] engineer or [licensed land] surveyor.

(iii) To determine the base flood elevation, the applicant's Oregon registered engineer or ARCPACS registered Soil Scientist shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report shall be submitted to the Planning Director by the applicant, setting forth said elevation and citing the evidence upon which the estimate is made. Said report may be accepted or rejected by the Planning Director.

254.070 SPECIFIC STANDARDS [FOR FLOOD HAZARD REDUCTION]:

In all areas of [special flood hazards, either] the 400-year floodplain, where base flood elevation data have been developed in 'A1' through 'A30' zones as depicted on the Flood Insurance Rate Map, [or pursuant to Section 254.030(4), the following specific standards apply:

(1) Residential Construction]

A) New construction and substantial improvement of any residential structure dwelling shall have the lowest floor, including the basement, elevated one foot above the base flood elevation.

B) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically
equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum criteria:

i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii) The bottom of all openings shall be no higher than one foot above grade.

iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

[2] Nonresidential Construction:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

[A] Be floodproofed, so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water;

[B] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy; and,

[C] Be certified by an Oregon registered professional engineer or architect that the standards of this subsection are satisfied. [Design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Director.]

[D] Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection (1B) above.

[E] Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).]
17-ORDINANCE
permanent foundation such that the lowest floor of the manufactured [or mobile] home is at least one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection 254.060(1).

[254.090 FLOOD HAZARD REDUCTION STANDARDS FOR FLOODWAYS]

[1] In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the approximate method described in section 254.060, the following standards apply due to the velocity of flood waters which carry debris, potential projectiles, and have erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development which would result in any increase in flood levels during the occurrence of the base flood discharge. New construction or other development on an existing parcel is permitted in the floodway only if:

i) The applicant's Oregon registered engineer certifies that the development will not result in an increase in the level of a base flood;

ii) The County determines that parcel size, topography, or other natural or man-made conditions prevent the new construction from occurring outside the floodway.

[It will generally be presumed that an increase in the base flood will not occur if such encroachment or development replaces in-kind any lawfully placed encroachment without change in dimension, or if the proposed encroachment is otherwise a lawful enlargement or addition and will be immediately downstream of and adjacent to such lawfully placed existing encroachment and no addition or enlargement will be placed in any manner protruding approximately perpendicular from the direction if water flows or in such a manner as to cause further impedence or obstruction of the direction of water flow. Refer to illustration below of existing structure in floodway:]
If [Sub]section 254.080(2)(A.), above, is satisfied, all new construction and substantial improvements shall [also] comply with all applicable flood hazard reduction provisions of Sections 254.060 and 254.070.

Building development on islands [or other topographic features] within [or surrounded by] the floodway shall be subject to the following:

[A] Verification by an Oregon registered Geologist or ARCPACS registered Soil Scientist that the island [or other topographic feature] is a stable landform and will not be subject to erosion during a 100-year flood.

[B] Submission of topographic information from a registered surveyor showing the topography of the area (island).

[C] Location of proposed roadway and building site.

The above information shall be utilized by the Department to determine if the development is consistent with the purpose of this district to protect health, safety, and welfare and with the Goal and policies stated in the Natural Hazards Element of the Comprehensive Plan. For example, the depth of water over access roads must not endanger the lives of those attempting to rescue people occupying the structure. In addition, the road itself shall not be improved in such a way as to increase flood elevations or create an obstruction in the floodway.

254.090 WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the 100-year floodplain, or uses within such areas, will be free from flooding or flood damages. This ordinance shall not create liability on the part of Jackson County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
AN ORDINANCE AMENDING THE JACKSON COUNTY COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT ORDINANCE TO PROVIDE FOR THE LOCATION OF DESTINATION RESORTS (File #86-3-0A)

RECITALS:

1) The State of Oregon, through the Land Conservation and Development Commission (LCDC) recognizes the important contribution of destination oriented recreational opportunities to the economy of the State.

2) LCDC has amended Statewide Planning Goal 8 to provide a procedure for location of destination resorts on rural land which can be initiated at the option of the Counties.

3) The Jackson County Planning Commission has reviewed amendments to the Comprehensive Plan and Land Development Ordinance to implement the Goal 8 amendment option and has recommended Board consideration of said amendments which will enable destination resorts to be developed in Jackson County.

4) LCDC has been given notice of the proposed amendments consistent with Oregon Administrative Rules. Affected agencies and citizen advisory committees have been notified of the proposed amendments consistent with Land Development Ordinance requirements.

Now, therefore,

The Board of Commissioners of Jackson County ORDAINS:

SECTION 1. Findings.

The Board of Commissioners finds that it has conducted properly advertised public hearings for the purpose of considering amendments to the Comprehensive Plan and Land Development Ordinance. It further finds that it has received and considered the Planning Commissioners recommended amendments, public testimony, comments from citizen's advisory committees, and affected agencies.

SECTION 2 Conclusory Findings.

2.1 The Board has reviewed amendments to portions of the Comprehensive Plan and Land Development Ordinance as set forth in Exhibit A, and finds that the proposed amendments as set forth therein do conform to the requirements of Statewide Planning Goals, and Oregon Administrative Rules pertaining to Destination Resorts. It further finds that the map amending the Comprehensive Plan attached hereto as Exhibit B likewise is in conformance with Statewide Planning Goals.

1-ORDINANCE; File 86-3-0A
Date Typed: September 26, 1986
IMPLEMENTATION STRATEGIES:

A) The county should encourage the management of recreational lands to provide a balance of developed and natural areas to optimize the quality and variety of recreation experiences for users.

B) The county parks and recreation department should continue to coordinate local recreation planning, including site acquisition and development, identification of individual agency's responsibilities, and development of cooperative agreements for plan implementation. The county's fiscal responsibilities regarding site acquisition and development should be set forth within the Capital Improvements Program (refer to the economy element).

C) The county parks and recreation department should exchange supply, demand, and design date data with the Forest Service, Bureau of Land Management, Oregon State Parks, and local recreational jurisdiction, and other agencies. Attempts should be made to standardize record keeping, and recreation demand projections.

D) The county parks and recreation department should seek input from all interested agencies on county park development projects.

E) The county should continue to cooperate with the Nature Conservancy and promote cooperation with the Southern Oregon Land Conservancy for other than fee simple protection of open space.

F) The parks and recreation advisory board should continue to actively solicit the participation of the private sector recreation providers in policy formulation.

3 FINDING:

As pointed out in the Economy Element, tourism is an important economic activity in Jackson County; in fact, tourism is one of the top four economic sectors behind the wood products industry. The rich and diverse environmental and cultural resources of the county provide an attractive destination to visitors. Additionally, major transportation routes serve many travelers passing through the area on their way to points north or south. Many of these travelers often require services and overnight accommodations. Jackson County supports the enhancement and diversification of recreational opportunities in the valley through development of destination resorts by the private sector to complement the natural and cultural attraction. It is vital to the economic health of Southern Oregon and Jackson County that the private, as well as the public sector, be actively involved in satisfying recreational demands of citizens and visitors alike. Benefits arising from dual involvement are improved services, greater variety of opportunities, and increased private sector contributions to the local economy.
POLICY: PRIVATE ENTERPRISE SHOULD BE ENCOURAGED TO BE AN IMPORTANT FORCE IN DEVELOPMENT AND MANAGEMENT OF RECREATIONAL AREAS; ESPECIALLY THOSE SERVING SPECIAL INTEREST GROUPS, SPECTATOR AND PARTICIPANT SPORTING EVENTS, AND TOURIST ORIENTED FACILITIES AND SERVICES. TO THIS END, JACKSON COUNTY SHALL COOPERATE WITH PRIVATE ENTERPRISE AND OTHER PUBLIC ENTITIES IN THE ENHANCEMENT AND DEVELOPMENT OF RECREATIONAL OPPORTUNITIES WHICH ARE COMPLEMENTARY TO THE NATURAL ENVIRONMENT AND RESOURCE USE OF THE AREA.

IMPLEMENTATION STRATEGIES:

A) Recreational needs, information and background data should be made available to interested groups, organizations, businesses, and other segments of the private sector in an effort to assist in the identification of potentially needed recreational facilities.

B) Subject to availability of private sector site development opportunities, the county should limit its involvement in full hook-up campground facilities designed for tourists, so as to encourage expansion of private development of such facilities.

C) The Jackson County Land Development Ordinance should conditionally allow tourism facilities such as: short-term boarding facilities, campgrounds, and farmhouses used as guest houses in appropriate rural plan and zoning districts.

D) The county parks and recreation department should continue to cooperate with local chambers of commerce and tourist or visitor associations to inform tourists of recreation facilities available within the county.

E) Plan and ordinance provisions shall be adopted to allow for the siting of destination resorts within rural areas of Jackson County.

4

FINDING:

Most of the residents living within the Bear Creek urban region reside within three miles of Bear Creek. Its banks and portions of the flood plain have not been developed and retain much of their natural vegetation. Jackson County, in cooperation with several of the incorporated cities, has been acquiring lands adjacent to Bear Creek through the Greenway Program. Establishment of the greenway from Emigrant Lake to the Rogue River will conserve an important natural environment and recreation resource located where open space is needed most.
CHAPTER 246
DESTINATION RESORT (DR) OVERLAY

246.010 PURPOSE:

It is the intent of this district to enhance and diversify the recreational opportunities in Jackson County through development of destination resorts that complement the natural and cultural attractiveness of the area without significant adverse affect to environmental features, cultural and historic resources and their settings, resource use and the setting for the resort. The Destination Resort Overlay District provides for the siting of destination resorts within Jackson County, for the express purpose of expanding tourism. This chapter provides a process to approve destination resorts in conformance with Statewide Planning Goal 8, or pursuant to an exception to resource designations under Statewide Planning Goal 2, and Oregon Administrative Rules Chapter 660, Division 4.

246.020 SPECIAL DEFINITIONS:

The following definitions, as contained in Statewide Planning Goal 8, Recreation, shall apply to destination resorts:

1) Destination Resort: A self-contained development providing visitor oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a destination resort under Goal 8, a proposed development must meet the following standards:

a) The resort is located on a site of 160 or more acres.

b) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas.

c) At least two million (in 1984 dollars) is spent in the first phase on improvements for on-site developed recreational facilities and visitor oriented accommodations, exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Developed recreational facilities and key facilities intended to serve the entire development and visitor oriented accommodations must be physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

d) Visitor oriented accommodations, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings are provided. Accommodations available for residential use will not exceed one such unit for each unit of overnight lodging.
e) Commercial uses are limited to those types and levels necessary to meet the needs of visitors to the development, and industrial uses are not permitted.

2) Developed Recreation Facilities: Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths.

3) High Value Crop Area: An area where there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of $1,000 per acre per year. As the terms are used in the 1983 county and state agricultural estimates prepared by the Oregon State University Extension Service, crops and products include field crops, small fruits, berries, tree fruits, nuts or vegetables, dairying, livestock, feed lots, or Christmas trees. The high value crop area designation is used for the purpose of minimizing conflicting uses in resort siting, and is not meant to revise the requirements of Goal 3 or Administrative Rules interpreting the Goal. High value crops within Jackson County are identified as and limited to tree fruits, vineyards, specialty field crops and dairies not participating in the federal "buyout" program.

4) Overnight Lodgings: Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

5) Self-Contained Development: Community sewer, water, and recreational facilities provided on-site and limited to meet the needs of the resort.

6) Visitor Oriented Accommodations: Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents.

7) Recreation Areas, Facilities and Opportunities (meant to provide for human development and enrichment, and include but are not limited to): Open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travel ways; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facility; hunting; angling; winter sports; active and passive games and activities.

8) Recreation Needs: Existing and future demand by citizens and visitors for recreation areas, facilities and opportunities.
246.030 PERMITTED USES:

The following uses may be permitted provided the uses are part of, and are intended primarily to serve persons at a destination resort pursuant to this chapter. These uses as listed below are subject to approval of a development plan by Jackson County, and to all other applicable rules, standards or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, Statewide Planning Goals, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:

1) Overnight lodging, including lodges, hotels, motels, timeshare units and similar temporary living accommodations, as defined in Section 246.020.

2) Developed and undeveloped recreation areas, permanent open space, facilities and opportunities as defined in Section 246.020.

3) Visitor oriented accommodations as defined in Section 246.020.

4) Subject to an approved development plan, the following uses may be permitted when provided as part of, and intended primarily to serve as an incidental part of a destination resort. These uses shall be necessary to meet the needs of overnight visitors to the resort and shall be subject to locational criteria to ensure a subordinate status to the destination resort itself, as evidenced by the square footage of the incidental use in relationship to the developed square footage of visitor oriented accommodations and overnight lodgings.

   a) Restaurants, lounges and clubs serving the resort.

   b) Theaters and performing arts auditoriums catering to resort guests and residents.

   c) Health clubs, spas and exercise studios as a service for resort guests and residents.

   d) Craft and art studios and galleries catering to residents and guests of the resort.

   e) Kennels as a service for resort guests only.

   f) Commercial services and specialty shops to provide for the needs of vacationers and visitors to the destination resort.

   g) Airports and heliports providing service to the destination resort only.

   h) Facilities necessary for utility service limited to the needs of the resort.

   i) Emergency medical facility or infirmary intended to serve the needs of resort guests and residents.
j) Signs, subject to the requirements of Section 280.030.

5) Planned unit residential development for permanent residents, not to exceed one such unit for each unit of overnight lodging.

245.030 (continued)

246.040 APPLICATION AND REVIEW PROCEDURES:

1) Application of District: The Destination Resort Overlay District may be applied to any rural property (except those on the adopted "Map of Areas Excluded from the Goal 8 Resort Siting Process", unless an exception has been taken pursuant to Goal 2) when that property complies with the standards contained in this chapter or any other applicable provision of this ordinance and the Comprehensive Plan. Application of the district to specific properties is accomplished through a minor Comprehensive Plan and Zoning Map amendment. Approval of a minor map amendment to a site signifies its suitability for development as a destination resort, subject to approval of preliminary and final development plans, consistent with a conceptual site plan approved by the Board. All other uses permitted or conditional in the base zoning district shall continue to be allowed according to the review procedures established within the individual zoning district. All other requirements of the Land Development Ordinance, including other overlay zoning districts, areas of special concern, supplemental provisions and land division regulations shall apply to the destination resort in addition to the standards for development prescribed herein.

2) Official Map Amendments: The base plan and zoning designation preceding approval of a Destination Resort Overlay District shall be maintained on the official maps. Any proposed Destination Resort Overlay amendment of the Official Comprehensive Plan and Zoning Maps proposing a change to the existing parent or base map designation shall also be evaluated as an amendment to the official maps pursuant to Chapter 277 of this ordinance.

3) Application Forms: Applications for a Destination Resort map designation and approval of a conceptual site plan and preliminary development plan shall be presented on forms prescribed by the department. The burden of proof for approval of a Destination Resort Overlay map designation amendment rests with the applicant.

4) Pre-Application Conference: A pre-application conference shall be required prior to formal submission of the application. The applicant will be contacted by the department to schedule a conference within a 30 day calendar period following the filing of the pre-application in order to arrange a time convenient to both. The applicant shall provide pertinent information required in the application at the pre-application conference. This information shall address in detail the applicable requirements necessary to approve a destination resort, in order to substantiate compliance with or applicability of provisions of the Goals, Administrative Rules, Comprehensive Plan policy, and ordinance requirements. Department staff, the applicant, and other affected agency representatives or experts, as necessary, shall determine any additional application requirements and identify...
significant issues at the conference. The applicant shall then submit the application as modified to address issues raised in the pre-application conference.

5) Reviewing Authority:

A) The Planning Commission shall have the authority to review and recommend conditional approval of a minor map amendment and conceptual site plan by the Board of Commissioners or order its denial.

B) The Board of Commissioners may approve a conceptual site plan for a destination resort if such plan meets all policies, standards, and criteria set forth in the Comprehensive Plan, this chapter and any other relevant requirements of the Land Development Ordinance and State Law. Approval by the Board of Commissioners shall be only by resolution of intent to rezone pursuant to Section 277.040.

C) If the Board of Commissioners has approved a resolution of intent to rezone a site for destination resort use such approval shall be based on a conceptual site plan for the resort, the Planning Commission may thereafter conditionally approve preliminary development plans for the resort with or without phases, if such plans are consistent with the standards and criteria set forth in the Board approved conceptual site plan and order. The Planning commission may deny the preliminary development plan if such plan is inconsistent with the conceptual site plan and requirements specified in the Board Order, this chapter, prior approvals, and the Comprehensive Plan. The Planning Commission's order for denial may be appealed to the Board of Commissioners, pursuant to Chapter 285 of the Land Development Ordinance.

D) Upon receipt of a Planning Commission decision to conditionally approve a preliminary development plan, the Board may accept, reject, or modify the Planning Commission decision. The Board shall only approve such plan if it finds that the preliminary development plan(s), with any conditions or modifications, is consistent with the Board approved conceptual site plan, standards and conditions for approval specified in this chapter and in prior actions by the Commission and Board.

E) The applicant shall submit a final development plan with the County upon completion of all required conditions of approval for the preliminary development plan within the time frame established herein and in Section 246.070. A Site Plan Review Committee, consisting of the Planning Director, Public Works Director, Parks Director, or their designee(s) shall inspect the resort or phase for conformance with the approved preliminary development plan and any other applicable requirement imposed as a condition of approval of the conceptual site plan, as set forth in Section 246.080(1).
Planning Commission shall approve the final development plan if it finds such plan to be consistent with all prior approvals and conditions of the preliminary plan and those required by the Site Plan Review Committee have been completed. Planning Commission approval of the final development plan shall be forwarded to the Board of Commissioners with a recommendation to rezone the site, or portion thereof, subject to the final development plan. If the Planning Commission does not find the final development plan consistent with prior approvals, conditions and requirements of law, it shall deny the final development plan. The applicant may appeal a denial of the final development plan to the Board of Commissioners pursuant to Section 285.020.

F) Upon receipt of the Site Plan Review Committee and Planning Commission decision regarding the final development plan, if the Board of Commissioners finds that all conditions and requirements of the preliminary development plan have been completed, the Board shall approve such plan. If it finds that all requirements have not been completed, it may enforce or impose conditions to ensure conformance of the final development plan with the conceptual and preliminary development plans, as conditionally approved, or it may deny the final development plan.

G) The Board of Commissioners shall adopt an ordinance amending The Official Comprehensive Plan and Zoning Map to establish the Destination Resort Overlay District for the approved site or portion hereof, after approval of the final development plan has been granted.

H) The Planning Commission shall be authorized to require conditions of approval to ensure that the destination resort is compatible through its design in size, scale, color, materials and texture with the natural and cultural amenities of the site through:

i) Controlling and limiting or modifying the design and placement of open space, recreational facilities, and development within the site;

ii) controlling and limiting or modifying the internal relationship and design of developed facilities to one another within the resort complex; and,

iii) directing the modification of architectural designs of landscape, buildings and structures to ensure compatibility with the site.
The Planning Commission is expressly authorized to require conditions of approval governing height, size, scale, setbacks, density, architectural and landscape design features, and other measures set forth within the Comprehensive Plan and Land Development Ordinance to ensure that an approved resort is appropriately designed and oriented to the site's characteristics. Authority to modify resort design elements through conditions of approval shall be considered distinct from criteria for resort approval set forth in this ordinance.

I) The Board of Commissioners may require additional conditions of approval and accept, modify, or reject conditions required by the Planning Commission or the Site Plan Committee authorized by this chapter's ordinance.

6) Time Limits:

A) If a preliminary development plan is not approved for a destination resort within three years of approval of the minor map amendment and conceptual site plan, the resolution of intent to rezone order may be revoked. A one-year extension of time for approval of the preliminary development plan may be granted by the Board (for a maximum of two years total) for good cause, upon the recommendation of the Planning Commission. A Planning Commission decision to disapprove a preliminary development plan or to refuse to grant an extension of time may be appealed to the Board on the record of that decision.

B) Pursuant to Sections 246.070 (9) and 246.080 (2), a final development plan for the destination resort shall be submitted for Planning Commission review and approval within three years from the date of approval of the preliminary development plan. The final plan shall only be approved if the applicant has fully implemented the preliminary development plan or phase of it, and such plan is found to be in compliance with all requirements specified in prior approval, of this chapter, the Land Development Ordinance, the Comprehensive Plan and any relevant state law. Final and preliminary development plans shall be consistent with the conceptual site plan.

246.050 CRITERIA FOR APPROVAL OF A DESTINATION RESORT OVERLAY DESIGNATION:

A minor Comprehensive Plan and Zoning Map amendment, to provide for a destination resort overlay district, shall be approved upon findings the following criteria are satisfied, in addition to the requirements of Chapter 277 of the Land Development Ordinance:

1) Substantial findings demonstrate the proposed minor map amendment is consistent with the definitions set forth in Section 246.020 above;

2) The proposed resort development is consistent with applicable resort siting criteria specified by Statewide Planning Goal 8, with the Comprehensive Plan, the adopted "Map of Areas Excluded from the Goal 8 Resort Siting Process", the Land Development Ordinance, and other relevant state law.
3) The economic impact and feasibility of the proposed resort, as demonstrated in a plan by a qualified professional economist(s) and financial analyst(s), shall be provided by the applicant and include:

   a) An analysis addressing the economic viability of the proposal;

   b) The fiscal impact of the proposed project including changes in employment, increased tax revenues if any, demands for new or increased levels of public services, and the effect of loss of resource lands if a Goal exception is to be taken;

   c) Clear demonstration of the availability of financial resources for the applicant to undertake the development consistent with the minimum investment requirements established by Statewide Planning Goal 8; and,

   d) Appropriate assurance from lending institutions or bonding interests that the developer has, or can reasonably obtain, adequate financial support for the proposal once approved.

4) The proposed resort development can be accomplished without substantial interference with or significant adverse effects upon identified sensitive or unique natural or ecological features, wildlife habitats, cultural and historic resources, identified in the Natural and Historic Resources Element of the Comprehensive Plan and its related Statewide Planning Goal 5 Background Document;

5) The proposed resort development can be accomplished in accordance with the conceptual site plan and will be compatible with existing and feasible resource uses allowed on adjacent land;

6) Suitable access exists or will be provided or improved by the applicant to serve resort development property;

7) Adequate sewer, water, and public safety services will be provided on-site to serve the proposed development; and,

8) The natural amenities of the site considered together with identified developed recreation facilities that can be provided for the resort will constitute a primary attraction to visitors based on an economic feasibility analysis provided by a qualified economist or market research specialist. The proposed development of the property is consistent with the requirements of the Jackson County Land Development Ordinance Chapter 277, Amendments.

246.060 THE CONTENTS OF APPLICATION FOR APPROVAL OF DESTINATION RESORT (DR) OVERLAY

A conceptual site plan shall be provided. The conceptual site plan shall include, at a minimum, text and graphics clearly identifying:

1) The location and total number of acres to be designated Destination Resort (DR).
2) The location and number of acres to be devoted to developed recreation facilities, overnight lodgings, visitor-oriented accommodations, permanent open space and other recreation areas, facilities and opportunities as defined in Section 246.020. The conceptual plan shall include:

a) A site map drawn to scale showing the subject property and all property within 1,000 feet of the boundaries of the subject property;

b) A vicinity map showing the area and land uses within one mile of the property; and,

c) An inventory and map including information from the Jackson County Comprehensive Plan or other available inventories (maps shall be of an appropriate scale, e.g. 1":100', 200', 300', or 400').

i) Soil Conservation Service soils mapping with an indication of agricultural and forest site capability classification.

ii) Any identified Goal 5 resources, both natural and historic, inventoried in the Jackson County Comprehensive Plan with an indication as to their status within the plan (e.g. "3A, 3B, or 3C").

iii) Important natural features and riparian areas within the site which have not been included within the Goal 5 inventory or an area of special concern.

iv) Natural hazards including flood-prone areas, steep slopes, wetlands, water bodies, and significant wildfire hazard areas.

4) A resort development plan shall consist of a site map, at appropriate scale, graphically identifying common physical, locational and aesthetic characteristics of the proposed resort as determined from the inventories required above. Five categories shall be identified on a resort development plan map, accompanied by appropriate findings in the text to justify location and area requirements of each:

a) Undeveloped areas and permanent open space that will remain unaltered or undeveloped because of natural hazards, or significant environmental, scientific, educational, historic, archaeological, or other values as identified in the Comprehensive Plan shall be designated ("U").

b) Low intensity recreational areas which do not require developed facilities, and can be accommodated without change to the area or resource, or minimal facilities that have a minor impact on the environment (e.g. unpaved paths, foot bridges or boat docks suitable only for small boats and canoes) shall be identified as recreational ("RL").
c) Developed recreational areas and facilities as defined in Section 246.020 shall be designated ("RD").

d) Developed low to moderate density residential development areas or attendant utility facilities shall be shown as ("DLI").

e) Highly developed areas identified for overnight lodgings and visitor's accommodations associated with overnight lodging and convention activities shall be identified ("DH").

5) Commercial, cultural and entertainment uses, as shown on the resort development plan, shall be contained within the development and shall not be oriented to public highways or arterials adjacent to the property, as specified in Section 246.030.

6) The conceptual site plan shall also provide preliminary studies describing feasibility of and method for providing a water supply system, sewage management system, storm drainage system, electrical power, and public safety services (e.g., fire and police protection).

7) The conceptual site plan shall indicate proposed methods of access to the development; an indication of whether the internal street network will be public or private; and, the location and requirements for parking.

8) The conceptual site plan shall include a general discussion of the natural characteristics of the site and of other lands directly affected by the proposed resort. Such discussion shall include a description of the resources and limitations present, the effect of proposed resort development on such resources, and methods to be employed to mitigate adverse impacts on natural resources or to overcome site limitations. This discussion shall include an analysis of how the natural features of the site will be preserved, enhanced, or utilized in the design concept for the resort.

9) An indication of the residential unit types proposed on the resort development plan map, including typical lot and building configuration and typical architectural character shall be provided with the conceptual site plan. Units to be utilized for overnight lodging shall be identified separately. A summary of the total number of each type of unit shall be provided with a clear indication of proposed overall density for the development.

246.070 PRELIMINARY DEVELOPMENT PLAN APPROVAL:

1) A preliminary development plan shall be provided to determine the nature, location and phasing, if any, of all development within a proposed destination resort. A destination resort may be developed in phases according to the conceptual site plan, provided detailed discussion of phasing and the necessity for such phasing is described fully within the preliminary development plan approval. If the
f) A landscape plan shall be prepared as a part of the preliminary development plan by an ASLA registered landscape architect. The landscape plan shall address landscaping of all development areas including, but not limited to, parking lots, accessways, developed recreation areas, structures, storage and utility yards, and other areas deemed appropriate by the Planning Director. The size, location, types and numbers of trees, shrubs, plants, and groundcovers shall be indicated on a landscape plan drawn to scale. The landscape plan shall also show how irrigation for landscaping and drainage are to be provided.

The landscape plan shall identify land areas with significant existing native vegetation, including riparian areas, so that these areas may be preserved. The landscape plan shall visually integrate the introduced landscape species with the natural landscape features and vegetation, and use native species whenever practical. Special consideration shall be given to preserving and/or introducing wildlife habitat species, and using vegetative screening of uses on and off the property.

4) The preliminary development plan shall be consistent with the following development standards in order to be approved:

a) The preliminary development plan shall be consistent with the conceptual site plan approved by the Board of Commissioners for the property, pursuant to the adopted resolution of intent to rezone.

b) The proposed destination resort shall be consistent with definitional requirements as set forth in Section 246.020.

c) The preliminary development plan shall demonstrate that the majority of the developed housing units will be used by visitors and not by full time residents, consistent with Sections 246.020 (1)(d) and 246.030 (5).

d) A variety of developed recreational facilities shall be provided on the property that, when considered with the retained natural amenities of the property, will be sufficient to constitute a primary attraction for visitors. Satisfaction of this standard shall be demonstrated by findings submitted as required in Section 246.050. It shall be demonstrated the proposed developed recreational facilities are adequate to serve the number of living accommodations proposed in the preliminary development plan.

e) The preliminary development plan shall not provide for alterations and structures in floodprone areas or on slopes in excess of 25 percent, except that the following may be approved:

   i) Minor drainage improvements that do not significantly impact important natural features of the site;
proposed development includes the subdivision of land or other actions requiring review and approval under the provisions of this ordinance, this application for approval of such an action shall be combined with the preliminary development plan.

2) An applicant may simultaneously apply for the approval of a minor map amendment and conceptual site plan authorizing a Destination Resort Overlay designation with approval of the preliminary development plan. The Planning Commission is authorized to review and approve with appropriate conditions or deny the preliminary development plan. Where the Planning Commission finds the proposed destination resort is inconsistent with the standards and criteria for approval, further consideration of the application shall only be made upon appeal. Appeals of any decisions of the Planning Commission under this chapter shall be to the Board of Commissioners pursuant to Section 285.020.

3) An application for approval of a preliminary development plan shall include detailed text and graphics to demonstrate consistency of the preliminary development plan with the conceptual site plan approved for the property. The preliminary development plan shall, at a minimum, incorporate and refine the conceptual site plan required by Section 246.060, and include:

a) Location, size, proposed overall density, and design concept for all residential uses considered to be visitor accommodations and overnight lodging.

b) Location, size, design and cost of all developed recreation facilities, visitor oriented accommodations, and any other proposed structures related to the destination resort. Cost estimates shall be certified for all structures by a licensed contractor, or registered professional engineer or architect.

c) Location, size, and design of all sewer, water, storm drainage, power, telephone, television cable, including satellite dish television systems if serving more than one dwelling by wire network, and other utility facilities shall be clearly identified at an appropriate scale.

d) The location, size, and design of all roads, streets, parking, pedestrian ways, equestrian trails, bike paths, and the like within the development shall be provided. The location and design of all access points to roads outside the development shall be clearly indicated. Cost estimates shall be certified by a qualified professional. The type and location of all natural features in the development site shall be identified and a detailed description of measures proposed for maintaining the overall value of these important site attributes shall be provided. Methods employed to mitigate adverse impacts shall be fully described.

e) Methods employed to buffer and mitigate the potential adverse effects of the destination resort on adjacent resource uses and properties shall be fully described, and shall be consistent with any conditions of approval of the conceptual site plan.
ii) Roads, bridges, and utilities where there are no feasible alternative locations on the site;

iii) Outdoor recreation facilities including golf courses, bike paths, trails, boardwalks, picnic tables, temporary open-sided shelters, boating facilities, ski lifts and runs.

Alterations and structures permitted in these areas should be adequately protected from geologic hazards or of minimal value in design to minimize adverse effects.

f) Important natural features including, but not limited to, fish and wildlife habitat, big game migration routes, or threatened or endangered species, streams, rivers, and significant wetlands shall be maintained, and specific measures for their retention and protection shall be described. Riparian vegetation within 100 feet of Class I and 50 feet of Class II streams, rivers, and significant wetlands shall be maintained. However, alterations to important natural features, including placement of structures may be allowed, provided the alterations and structures maintain the overall value of the natural features.

g) Site improvements shall be located and designed to avoid or minimize adverse effects of the resort on surrounding lands, particularly the effects on intensive farming operations within the area. At a minimum, measures to accomplish this shall include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas, and similar types of buffers; and setbacks of structures and other developments from adjacent land uses. Migratory routes for deer and elk shall be retained in open use if such routes have been identified within the site by the Oregon Department of Fish and Wildlife biologists.

h) Commercial, cultural or entertainment services provided as part of the destination resort shall be contained within the development and shall not be oriented to public highways adjacent to the property. Structures housing such uses shall be designed to be compatible in appearance with the accommodations. Commercial, cultural, and entertainment uses allowed within a destination resort are intended to be incidental to the destination resort itself. As such, these ancillary uses shall be permitted only at a scale suited to serve visitors to the resort to the extent that a particular use can be reduced in scale without impairing its function or economic viability.

I) Destination resorts shall be served by on-site sewage and water systems approved by the Department of Environmental Quality, except where connection to a public system is permissible under an exception for the resort justified pursuant to the Goal 2 process and only if it will not result in increased tax expense for property served by the existing public system prior to the connection.
(continued)

j) Adequate public safety protection shall be available through existing fire districts or shall be provided on-site according to specifications by the State Fire Marshal. If located outside of an existing fire district, the developer shall provide for manned structural fire protection services.

k) The destination resort shall not alter the character of the surrounding area in a manner that substantially limits, impairs, or substantially prevents permitted or conditional use of surrounding properties. If the preliminary development plan specifies phases of development, each successive phase must be compatible with previously approved phases, and shall be capable of operating in a manner consistent with this chapter.

l) All of the requirements of the Land Development Ordinance pertaining to the use or division of the property shall be satisfied.

5) The preliminary development plan for a destination resort shall be approved by the Planning Commission only upon finding that the following criteria have been met:

a) The proposed development plan satisfies the standards contained in this chapter and conditions for approval set forth in the Board Order.

b) The proposed type and level of development is appropriate to the site and will be compatible with existing permitted resource uses of adjacent lands as well as feasible future uses as indicated by the Official Comprehensive Plan and Zoning Map designations for the area.

c) The destination resort meets the definition requirements of a self-contained facility and it has been adequately demonstrated that public facilities and services will be available to serve the development, including water supply, sewage disposal, electric power, telephone service, and public safety protection.

d) The preliminary development plan is in substantial conformance with the conceptual site plan approved by the Board of Commissioners, and alterations, if any, from the conceptual site plan are found to be minor in nature.

6) In approving a preliminary development plan, the Planning Commission and Board may impose or attach any additional stipulations or conditions deemed necessary to meet the intent and purposes of this Chapter, the Land Development Ordinance, the Comprehensive Plan, State Goals, and other related state law and to ensure that the design of the resort is harmonious with and takes full advantage of the site's natural amenities.

7) Building and other development permits may be authorized for visitor oriented accommodations, developed recreational facilities,
utility facilities, and any other improvements, based upon the final approval of a preliminary development plan. Permanent residential facilities or improvements required as a condition of the preliminary development plan may only be authorized upon approval of the final development plan and zone change.

8) All required development of recreation facilities and visitor-oriented accommodations shall be constructed or suitably guaranteed in the initial phase of any use approved pursuant to this chapter. Suitable guarantee may be in the form of a performance bond, signed deposit, dedicated loan funds, or some other acceptable assets that can be used to fund the completion of the required improvements as approved by the county.

9) Preliminary development plan approval shall be valid for a period of three years from the date of approval by the Board of Commissioners. Within that time period, the applicant shall submit a final development plan. Prior to the expiration of a preliminary development plan, the property owner may initiate a request for a one-year extension of time for submitting a final development plan. A time extension may only be approved upon a finding that circumstances have not changed sufficiently since the initial approval to render the preliminary development plan inappropriate or not in compliance with existing regulations and the conceptual site plan.

246.080 FINAL DEVELOPMENT APPROVAL

1) Final approval of a destination resort shall be subject to a final development plan that meets all the requirements as set forth in the preliminary development plan approval and this chapter. The Site Plan Review Committee shall inspect the resort for conformance with the approved preliminary development plan and may specify conditions to ensure compliance with the approved preliminary development plan and any other applicable requirement imposed as a condition of approval of the conceptual site plan. Approval of the final development plan, including subdivision plats, shall only be scheduled for Planning Commission and Board of Commissioner consideration after the Site Plan Review Committee is satisfied the final plan is consistent with the conceptual and tentative development plan requirements and in accordance with the final plat requirements in the land division regulations if applicable.

2) When phased development has been approved in the preliminary development plan, development of a subsequent phase shall not begin until all developed recreational facilities of the previous phase have been completed and a final development plan for that phase has been approved.

3) If a final development plan is not submitted within three years of approval of the preliminary development plan, the latter shall expire and a new conceptual site plan and preliminary development plan shall be required, unless prior to the end of the three year period, the
applicant submits a request for a one-year extension, pursuant to Sections 246.040 (6) and 246.070 (9), which has been approved by the Planning Commission based upon a finding that circumstances have not changed sufficiently since prior approval to render the conceptual site plan and preliminary development plans inconsistent with existing land use regulations.

4) Approval of the final development plan shall be followed by adoption of an ordinance redesignating the site with the Destination Resort Overlay District, pursuant to Section 246.040(5).
1986
AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE #82-27, File #86-1-0A.

RECITALS:

1) Jackson County adopted a zoning ordinance effective September 1, 1973, which established minimum parcel area, dimension and access requirements. Minor partitions were not subject to ordinance review until January 21, 1979.

2) Jackson County adopted a new comprehensive plan and implemented new Land Division and Zoning Ordinances to achieve compliance with statewide planning goals effective October 28, 1980.

3) Section 01.090 of the Jackson County Land Development Ordinance provides that no development permits (building, sanitation, well or land use) may be issued for the residual of a lot or parcel created in violation of current or past ordinances until violations are remedied and all legal requirements have been met.

4) Section 01.080 of the Land Development Ordinance provides that no person may sell, transfer or otherwise dispose of any lot or parcel until a subdivision or partition has been approved consistent with the land division regulations and ORS Chapter 92.

5) The Board of Commissioners has determined that a mechanism is needed to resolve long-standing land division problems occurring between September 1, 1973 and October 28, 1980, which affect innocent third-party owners who were not a party to the division or subsequent transfer of ownership of an illegal tract, lot or parcel, and who have no recourse to resolve the illegality under current ordinance provisions. The Board has determined that amendment of Section 258.020, to provide a procedure for recognition of units of land created inconsistent with parcel area, dimension or access requirements established by county ordinances after September 1, 1973, would provide relief to innocent parties by allowing for the lawful transfer of ownership of the unit of land.

6) The Board has further determined that adoption of such a procedure would not constitute a lot-of-record provision inconsistent with ORS Chapters 92 and 215, because it would not relieve the present owner or subsequent owners of the responsibility to apply for a review to obtain approval of the tract or for permits in order to develop the property.

1-ORDINANCE: File 86-1-0A
Date Typed: September 11, 1986

IF NOT APPEALED, EFFECTIVE DECEMBER 21, 1986
The Jackson County Board of Commissioners ORDAINS as follows:

NOW, THEREFORE,

The Land Development Ordinance of Jackson County, Oregon, is amended by adding to Section 258.020 the following:

6) A tract of land in separate ownership according to tax and deed records of the County as of October 28, 1980, and which was created by division prior to that date but which does not conform with ORS 215.010 because it failed to conform with size, dimension, or access requirements which were in effect under ordinances at the time of such division; shall not by reason of that defect alone be denied any land development permit otherwise available under current ordinances, if the Planning Director finds, based on evidence submitted by the property owner, that all of the following conditions are true:

A) The present owner of a tract of land was not a party to the creation of the tract, or a relative or business partner of a party to the creation of the tract and the tract was acquired for fair market value without knowledge of the illegality involved in the creation of the tract; and

B) No further division has occurred since October 28, 1980, except in compliance with standards and approval requirements in effect at the time of such division; and

C) Practical physical access is provided to the property from a county road or state highway through an irrevocable easement or equivalent means; and

D) The tract met minimum size and area standards when created or conforms with present size and area standards for the zone, or, if not, the Planning Director finds that the present owner does not own, and has no contract, option or other enforceable legal right to acquire, any adjoining property to the extent necessary to make the tract conforming with present standards, or is prevented by law from doing so.

A property owner or developer shall not be relieved of any other requirement of the Jackson County's acknowledged Comprehensive Plan and Land Development Ordinance with respect to the location and approval of permitted and conditional uses within the tract's zoning district, beyond those specified in Subsections A through D above in order to obtain land use, building, septic or well permits. Specifically dwelling applications shall be subject to requirements for the location of a dwelling on resource zoned land [Sections 210.060, 212.060 or 214.060 for forest dwellings; Sections 210.065, 212.065 or 214.065 for nonforest dwellings; Section 218.040 and OAR 660, Division 5 for farm dwellings; and Section 218.120 for

2-ORDINANCE; File 86-1-GA
Date Typed: September 11, 1986
nonfarm dwellings). Similarly, requirements specified in Sections 210.035, 212.035, 214.035, 218.060 and Chapter 260 shall be met in order for approval to be granted for conditional use of resource zoned land. Section 280.110 (3E) requirements pertaining to sensitive fish and wildlife habitat shall also apply.

If the recognized tract has not been shown to be served with a sewage disposal site or with a potable water supply at the time of application approval, the declaration of restriction required pursuant to Sections 95.090 and/or 05.100 shall be recorded with the deed.

Nothing in this subsection is intended to supersede the authority granted in cases provided for in Section 280.090 (4), which is available for parcels falling within the scope of that provision as an alternative to the relief available under this subsection.

ADOPTED this 22nd day of October, 1986, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Jerry Barnes, Vice Chairman

APPROVED AS TO FORM:

[Signature]

County Counsel

ATTEST:

[Signature]

Nancy Mitchell

By: Recording Secretary

3-ORDINANCE: File 86-1-OA
Date Typed: September 11, 1986
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

Ordinance No. 85-28

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE #82-27, File #85-4-OA.

RECITALS:

1) ORS 215.060 and ORS 197.175 require counties to adopt land use regulations to implement their adopted comprehensive plans.

2) The Board of County Commissioners adopted a consolidated Land Development Ordinance, Number 82-27, in the Fall of 1982, and amended the same effective December, 1984.

3) The Planning Commission has recommended revisions to Ordinance No. 82-27 as amended, to provide for adequate conditioning for the siting of facilities for the transmission or reception of communication frequencies located in resource or resource qualifying zones so as to ensure consideration of the impact of such facilities upon a productive value and the open space, scenic, historic and natural resource value of lands in the Forest Resource (FR-160), Woodland Resource (WR), and Open Space Reserve (OSR) zoning districts.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

SECTION 1. The Land Development Ordinance, No. 82-27 as amended, is hereby revised as follows:

1.1 Chapter 210 (Forest Resource District) is amended as noted below.

A) Section 210.020, Permitted Uses, is revised by the deletion of subsection 12 which reads: "Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.", and by attendant renumbering of subsequent subsections.

B) Section 210.030, Conditional Uses, is revised by the addition of subsection 13 to read:

"13) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices."
1.2 Chapter 212 (Woodland Resource District) is amended as noted below.

A) Section 212.020, Permitted Uses, is revised by the deletion of subsection 12 which reads: "Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.", and by attendant renumbering of subsequent subsections.

B) Section 212.030, Conditional Uses, is revised by the addition of subsection 13 to read:

"13) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices."

1.3 Chapter 214 (Open Space Reserve) is amended as noted below.

A) Section 214.020, Permitted Uses, is revised by the deletion of subsection 12 which reads: "Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.", and by attendant renumbering of subsequent subsections.

B) Section 214.030, Conditional Uses, is revised by the addition of subsection 17 to read:

"17) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices."

SECTION 2. The amendments contained herein shall apply to all matters pending on the date of adoption of this ordinance.

ADOPTED this 4th day of December, 1985, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]
Hank Henry, Chairman

APPROVED AS TO FORM:

[Signature]
County Counsel

ATTEST:

[Signature]
Donna Black
By: Recording Secretary

2-ORDINANCE: File 85-4-0A
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 24-42

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE OF 1982, AS REVISED; FILE 83-25-OA.

RECITALS:

1) ORS 215.060 and ORS 197.175 require counties to adopt zoning and land division ordinances to implement an adopted county comprehensive plan.

2) The Board of County Commissioners adopted a consolidated Land Development Ordinance (LDO), Ordinance Number 82-27 as revised by Ordinance Number 82-33 in the Fall of 1982, consistent with Statewide Planning Goals. The Land Development Ordinance was further modified in the Spring of 1983 by Ordinance Number 83-9.

3) The Land Conservation and Development Commission acknowledged the LDO to be in compliance with Statewide Planning Goals in April, 1983.

4) A series of modifications were recommended for consideration by the Planning Commission and Board to more effectively carry out the intent of the county's acknowledged Comprehensive Plan and the LDO; simplify ordinance administrative procedure; shorten application processing time as mandated by ORS 215.428; correct errors in spelling, punctuation, syntax, and citations; simplify or clarify ordinance language; cover voids in the ordinance or explain policy and procedure.

5) After proper public notice, review of the Planning Commission's recommendation, and due consideration of verbal and written testimony received on this ordinance from citizens and affected agencies, the Board desires to amend the LDO as herein set forth.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

SECTION 1. FINDINGS

1.1 The Planning Commission has held numerous publicly advertised study sessions on amendments to the Land Development Ordinance for the purpose of more effectively carrying out the intent of the County's Acknowledged Comprehensive Plan and Land Development Ordinance.
simplifying ordinance administrative procedure; shortening application processing time as mandated by State Statute; simplifying or correcting ordinance language and errors in spelling, punctuation, syntax and citation; and covering voids in the ordinance and explaining policy and procedure. The Planning Commission forwarded its recommendation on the proposed amendments on April 16, 1984.

1.2 The Board considered the Planning Commission recommendation over the course of several months and numerous publicly advertised study sessions, and directed staff to make other changes to the draft amendments for public consideration through the hearings process.

1.3 After consideration of the proposed amendments and the public testimony received, the Board of Commissioners now desires to adopt amendments to the Land Development Ordinance as set forth in Exhibit 1.

SECTION 2. AMENDMENTS

2.1 Additions and deletions to the Land Development Ordinance No. 82-27 (as modified by Ordinances 82-33, 83-9, and 84-4) are set forth in Exhibit A which is hereby adopted by reference and attached hereto.

2.2 Deletions from the existing ordinance text have been lined through. (Example: Council.)

2.3 Additions to the existing ordinance text are enclosed within brackets. (Example: [Notice of intent to].)

2.4 Only those portions of the existing ordinance which have been lined through or bracketed in Exhibit 1 are amended by this ordinance. All other ordinance text shall remain intact.

2.5 The procedural rules herein shall apply to all matters pending on this date hereof, except when the result would deprive someone of an opportunity to assert a substantive right.

SECTION 3. REPEAL, SAVINGS, AND SEVERABILITY CLAUSES

3.1 The amendment of the Land Development Ordinance by adoption of this ordinance shall not be construed as abating any actions or legal proceedings now pending under, or by virtue of, such ordinance so repealed, nor as discontinuing, abating or modifying any penalty accruing or to accrue, nor as affecting the liability of any person, firm or corporation, nor as waving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

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

2-ORDINANCE; File 83-25-OA
3.3 The order entitled "In the Matter of Procedural Rules for the Conduct of Land Use Ordinance Administrative Hearings" dated August 3, 1978, and any other land use administrative order or ordinance which may be contradictory to Section 2.1 of this ordinance, are hereby repealed.

ADOPTED this 19th day of December, 1984, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Jerry Barnes, Chairman

APPROVED AS TO FORM

[Signature]

County Counsel

ATTEST:

[Signature]

Donna Bladik

By: Recording Secretary

3-ORDINANCE; File 83-25-CA
1984
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 84-41

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT
ORDINANCE OF 1982, AS REVISED; FILE 83-25-OA.

RECITALS:

1) ORS 215.060 and ORS 197.175 require counties to adopt zoning and land
division ordinances to implement an adopted county comprehensive plan.

2) The Board of County Commissioners adopted a consolidated Land
Development Ordinance (LDO), Ordinance Number 82-27 as revised by Ordinance
Number 82-33 in the Fall of 1982, consistent with Statewide Planning Goals.
The Land Development Ordinance was further modified in the Spring of 1983
by Ordinance Number 83-9.

3) The Land Conservation and Development Commission acknowledged the LDO
to be in compliance with Statewide Planning Goals in April, 1983.

4) A series of modifications were recommended for consideration by the
Planning Commission and Board to more effectively carry out the intent of
the county's acknowledged Comprehensive Plan and the LDO: simplify
ordinance administrative procedure; shorten application processing time as
mandated by ORS 215.428; correct errors in spelling, punctuation, syntax,
and citations; simplify or clarify ordinance language; cover voids in the
ordinance or explain policy and procedure.

5) After proper public notice, review of the Planning Commission's
recommendation, and due consideration of verbal and written testimony
received on this ordinance from citizens and affected agencies, the Board
desires to amend the LDO as herein set forth.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

SECTION 1. FINDINGS

1.1 The Planning Commission has held numerous publicly advertised
study sessions on amendments to the Land Development Ordinance for the
purpose of more effectively carrying out the intent of the County's
Acknowledged Comprehensive Plan and Land Development Ordinance;

1-EMERGENCY ORDINANCE; File 83-25-OA
Date Typed: 11/19/84
simplifying ordinance administrative procedure; shortening application processing time as mandated by State Statute; simplifying or correcting ordinance language and errors in spelling, punctuation, syntax and citation; and covering voids in the ordinance and explaining policy and procedure. The Planning Commission forwarded its recommendation on the proposed amendments on April 16, 1984.

1.2 The Board considered the Planning Commission recommendation over the course of several months and numerous publicly advertised study sessions, and directed staff to make other changes to the draft amendments for public consideration through the hearings process.

1.3 After consideration of the proposed amendments and the public testimony received, the Board of Commissioners now desires to adopt amendments to the Land Development Ordinance as set forth in Exhibit 1.

SECTION 2. AMENDMENTS

2.1 Additions and deletions to the Land Development Ordinance No. 82-27 (as modified by Ordinances 82-33, 83-9, and 84-4) are set forth in Exhibit A which is hereby adopted by reference and attached hereto.

2.2 Deletions from the existing ordinance text have been lined through. (Example: Council.)

2.3 Additions to the existing ordinance text are enclosed within brackets. (Example: [Notice of intent to].)

2.4 Only those portions of the existing ordinance which have been lined through or bracketed in Exhibit 1 are amended by this ordinance. All other ordinance text shall remain intact.

2.5 The procedural rules herein shall apply to all matters pending on this date hereof, except when the result would deprive someone of an opportunity to assert a substantive right.

SECTION 3. REPEAL, SAVINGS, AND SEVERABILITY CLAUSES

3.1 The amendment of the Land Development Ordinance by adoption of this ordinance shall not be construed as abating any actions or legal proceedings now pending under, or by virtue of, such ordinance so repealed, nor as discontinuing, abating or modifying any penalty accruing or to accrue, nor as affecting the liability of any person, firm or corporation, nor as wiving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

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

2-EMERGENCY ORDINANCE; File 83-25-OA
3.3 The order entitled "In the Matter of Procedural Rules for the Conduct of Land Use Ordinance Administrative Hearings" dated August 3, 1978, and any other land use administrative order or ordinance which may be contradictory to Section 2.1 of this ordinance, are hereby repealed.

SECTION 4. EMERGENCY DECLARED

This ordinance being necessary to the health, safety, and welfare of the people of Jackson County, an emergency is hereby declared, and it shall take effect immediately upon adoption.

ADOPTED this 19th day of December, 1984, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Jerry Barnes, Chairman

APPROVED AS TO FORM

[Signature]

County Counsel

ATTEST:

[Signature]

Donna Blazek

By: Recording Secretary

3-EMERGENCY ORDINANCE; File 83-25-0A
ACCESS: A legally and physically defined area available and practical for motor vehicle ingress and egress to a parcel or lot. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use shall be considered necessary to the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use. 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 an accessory use.

AGGREGATE AND MINERAL RESOURCES: Sand, gravel, rock, stone, loam, dirt, precious metals, and other earth or natural materials.

AGGREGATE SITE COMMITTEE: — A committee appointed by the board of commissioners, whose responsibility is to assist the county in resolving violations of county aggregate ordinances, the review of aggregate resource site permits, and the identification of potential parcels, which should be zoned Aggregate Resource. The committee consists of:

1. A staff member of the Jackson County Department of Planning and Development;
2. A staff member of the Jackson County Department of Public Works;
3. A staff representative of the Oregon Department of Fish and Wildlife;
4. A staff representative from the Soil Conservation Service;
5. A recognized representative of the aggregate industry;
6. One representative from the Jackson County Citizens' Advisory Committee, in whose planning area the application pertains;
7. A staff representative from the Department of Environmental Quality.

AGGREGATE PROCESSING: The crushing, washing, screening, weighing, sorting, stockpiling, and blending of sands, gravels, and other earth, natural materials, or precious metals, not including the manufacturing of aggregate products such as concrete pipe, bricks, concrete forms, and the like.

AGGREGATE REFUSE: All waste materials, soil, rock, minerals, liquid, vegetation and other materials, resulting from, or displaced by, surface mining operations within the operating permit area.

AGGREGATE SITE COMPLETION: Termination of mining activities, including reclamation in accordance with the approved reclamation plan and/or operating permit.
AGGREGATE SITE/OPERATION: The tract of land/operation from which any aggregate materials are removed or excavated, stockpiled, or processed for sale as an industrial or commercial product by either retail, wholesale, contract purchase, or other considerations, including uses by a governmental agency. The on-site leveling, grading, filling, or removing of earth materials in conjunction with a farm use, on-site road construction, or on-site construction projects, are not considered an aggregate operation.
AGRICULTURAL BUILDING: As defined by Oregon Revised Statutes, an agricultural building is a structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting, and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, furbearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such farms for man's use and animal use and disposal by marketing or otherwise.

AGRICULTURAL BUILDING does not include:
(a) a dwelling;
(b) a structure used for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week;
(c) a structure regulated by the State Fire Marshal pursuant to ORS Chapter 475;
(d) a structure used by the public; or
(e) a structure subject to Secs. 4001 to 4127, title 42, United States Code (The National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

AGRICULTURAL PRODUCE STAND: A facility for the marketing of produce grown on the subject parcel or adjacent properties.

AGRICULTURE, AGRICULTURE USE: The use of the land for crop and tree farming; the raising of livestock, poultry, furbearing 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. When located outside of a commercial or industrial zone, a plant nursery or greenhouse involving wholesale or commercial sales is an agricultural use only if the products offered for sale are produced by the farm use of the property as defined by this ordinance and ORS 215.203.

AIRPORT: Any area which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant areas, together with all airport buildings and other facilities located thereon.

AIRPORT APPROACH: That area of approach and transition surface areas around airports, where special land use and height regulations are established.

AIRPORT/HELIPORT: Any area of land which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport
facilities or rights-of-way, together with all airport buildings and facilities located thereon.

AIRPORT HAZARD: Any structure, tree, or use of land which hinders or obstructs the airspace required for the safe operation of aircraft in or around an airport.

AIRPORT REFERENCE POINT: The highest point of an airport's usable landing area, measured in feet above mean sea level.

AIRSPACE OBSTRUCTION: Any structure, tree, land mass, smoke or steam, or use of land which penetrates a primary, transitional, horizontal, or conical surface of an airport as defined by Federal Aviation Regulations (FAR, Part 77, available through the Department of Planning and Development).

Amended by Emergency Ordinance #83-8, effective 4-20-83; and Permanent Ordinance #83-9, effective 7-3-83.
ALLOWABLE USE [PERMIT] HISTORIC: A use that will encourage and facilitate the preservation of an historic landmark, yet not require substantial alteration.

AMUSEMENT, COMMERCIAL: Any amusement enterprise, in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee or charge; this term includes, but is not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.

ANIMAL CLINIC OR HOSPITAL: Facility, with or without outside runs, for diagnosis, treatment, or hospitalization of animals including, but not limited to, dogs, cats, birds, cows, and horses; and, does not include boarding other than those being treated.

ANNUAL FLOOD RISK PERIOD: November through March.

ANTIQUE SHOP: An establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have value and significance as a result of age, design, or sentiment; and, when there is no outside display of such items offered for sale.

APARTMENT: Three or more contiguous dwelling units, under common ownership, each unit being occupied by not more than one family.

APARTMENT ACCESSORY USES: Permitted uses accessory to an apartment building shall include a recreation room, employee's washroom, manager's office, and laundry facilities for tenants only.

APPLIANCE: Large or small household goods including washers, dryers, refrigerators, freezers, ranges, TVs, toasters, electric irons, and the like.

APPROACH ZONE: An imaginary surface, beginning at the end of, and at the same elevation as the primary surface and extending a specified horizontal distance along the extended runway centerline, which is necessary for the safe take-off and landing of aircraft. Precision approaches are preserved with a fifty foot horizontal to one foot vertical approach surface, 10,000 feet long, followed by a 40,000 foot long, forty to one approach surface. Visual runways have a 5,000 foot long, twenty to one approach surface.

ARCPACS: American Registry of Certified Professionals in Agronomy, Crops and Soils.

AREA OF SHALLOW FLOODING: An area where the base flood depths range from one to three feet, a clearly defined channel does not exist, and the path of flooding is unpredictable and indeterminate. Such areas are designated AH or AO on the Flood Insurance Rate Map (FIRM).

AUTO/TRUCK REPAIR: Does not include body or fender shop.

BAR, LOUNGE, DRINKING ESTABLISHMENT OR TAVERN: An establishment the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors.
BARBER AND BEAUTY SHOP: A facility, licensed by the state, where haircutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.

BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, i.e., the 100-year flood.

BASE FLOOD ELEVATION: The crest elevation, in relation to mean sea level, expected to be reached by the base flood, also known as the regulatory flood elevation.

BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for nonmotorized traffic.

BICYCLE ROUTE: A bicycle path, as defined, that explicitly provides for bicycle travel.

[BLACKSMITH SHOP: See machine or welding shop.]

BOARD: Jackson County Board of Commissioners.

BOARDING OF HORSES FOR PROFIT: Provision of food and shelter for horses for a fee. Synonymous with commercial stable.

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.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.

[BUSINESS OR PROFESSIONAL OFFICE: An office of a professional providing a service to the public, including but not limited to: Medical or dental offices; architectural, engineering or surveying offices; certified public accountant or tax preparer's office; realty or insurance office; business or computer consultant. Synonymous with clinic definition.]

BUS/TrUCK STATION AND TERMINAL: Facility on a common carrier line for bus/truck docking, freight storage, and passenger loading and unloading. [Synonymous with bus/truck terminal and freight forwarding facility.]

CABINET (CARPENTRY) AND WOODWORK SHOP, CUSTOM: Shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

CAMPING VEHICLE: Vacation trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet.
CAR WASH AND AUTO LAUNDRY: A facility for the washing and/or steam cleaning of passenger automobiles, including a self-service operation. When installed and operated in conjunction with another use, including a service station, only the equipment customarily associated with an auto laundry installed solely for the purpose of washing and cleaning of automobiles shall be permitted.

CEMETERY: Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.

CHURCH: A place of worship and religious training.

CLINIC - MEDICAL, DENTAL, OR OPTICAL: Facility for examining, consulting with, and treating patients, including offices, laboratories, and out-patient facilities, but not including hospital beds for overnight care or treatment. See business and professional office.

CLOTHING MANUFACTURING AND SIMILAR LIGHT MANUFACTURING AND ASSEMBLY: Operations involving cutting, sewing, forming, and packing of garments and similar items, and including the making of millinery and clothing accessories.

COMMERCIAL WINEERY: A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and sales areas.

COMMERCIAL MOTOR RACING FACILITY: Facility for motorized races, including closed course, straight-away, and/or acceleration runs. The term also includes drag strip and go-cart tracks.

COMMISSION: The Jackson County Planning Commission.

COMMUNITY WATER SYSTEM: A water system which serves four or more dwellings.

COMMON OPEN SPACE: An open area within a development, designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

COMMUNE: A cultural or racial grouping of individuals not necessarily related by blood, marriage, or legal adoption, who are living together in single or multiple dwellings, either on a temporary or permanent basis.

COMMUNITY CENTER (PRIVATE): A place of meeting, recreation, or social activity.
COMMUNITY CENTER (PUBLIC): A facility owned and operated by a governmental agency or a nonprofit community organization, for the purpose of public assembly, provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

COMMUNITY, WELFARE, OR HEALTH CENTER: A community service facility where social, recreational, welfare, health, or childcare assistance is provided by a public, quasi-public, tax exempt church, or municipal agency.

CONDOMINIUM: An apartment building in which the apartments are owned individually.

CONICAL SURFACE ZONE: An area extending outward from the horizontal surface, at a ratio of twenty to one, to a height of 350 feet above the airport reference point elevation.

CONSOLIDATION: The act of aggregating two or more tax lots or tracts of land into one or more parcels.

CONTIGUOUS: Lots, parcels, or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way. "Contiguous" does not include lots, parcels, or lots and parcels separated by a state highway or county road, except for consideration of special setbacks.

CONTRACT ANNEXATION: A binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by city action into city jurisdiction.

CONVENT OR MONASTERY: The dwelling units of a religious order or congregation which cannot exceed the density of the zoning district.

COUNCIL: The Jackson County Hearings Council.

COUNTY: Jackson County, Oregon, the legally elected or appointed officials thereof, and the Jackson County Planning Director.
COUNTY ROAD: A road which is part of the county road system and has been
given a county road number as provided for in ORS Chapter 268, has a
description on file in the office of the Department of Transportation, and
is maintained by the county.

DAY: Unless otherwise specified by this ordinance or statute, all
references to days shall mean calendar days. References to days involving
deadlines apply to normal department business hours. When a deadline falls
on a holiday or weekend, it shall be presumed to be extended to the next
working day of the department.

DAY NURSERY OR DAY CARE CENTER: An institution maintained under public or
private auspices and licensed by the state, for which care is provided
on a day (daily) basis for six or more children under sixteen years of age.

DEDICATED WAY: A road dedicated to the public for road purposes, shown on
a map or plat approved by the County Board of Commissioners, and recorded
in the records of Jackson County. Such roads are open to public use, but
are not normally maintained by the county. However, the county may
regulate their use.

DEMOLITION [PERMIT] HISTORIC: To raze, destroy, dismantle, deface, or in
any other manner cause partial or total ruin of a historic landmark.

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: twenty dwelling units divided by five
acres, equals a density of four units per acre.)

DEPARTMENT: The Jackson County Department of Planning and Development and
the employees thereof.

DEVELOPER: A person or other legal entity who subdivides or partitions
land.

DEVELOPMENT: Any man-made change to improved or unimproved tracts of land,
including, but not limited to, construction of buildings or other
structures, mining, dredging, filling, grading, paving, excavation, or
drilling operations located within the area.

DIRECTOR: The Planning Director of Jackson County, Oregon, or a designee.
DIVIDE: To separate land into two or more parts for the purpose of transferring a substantial interest in land, [or voluntarily creating a security interest in land,] as evidenced by any of the following [five] methods [prior to October 29, 1980, or by partition or subdivision application approved by Jackson County after that date:]

1) Execution of any [a] recorded or unrecorded [properly signed and dated] instrument of conveyance[, security document,] or contract to convey [(not including an earnest money agreement) which clearly describes the tract to be conveyed. In the case of a document not recorded prior to October 28, 1980, its date of execution must be evidenced by a notary acknowledgement or other reliable contemporary documentation signed or originated by a disinterested third party].

2) Execution of a lease for a period of more than 50 years.

3) Recording a final map for a partition or a plat for a subdivision.

4) Creation of a tax lot on the records of the County Assessor when done at a property owner's request for the purposes of land division.

[5) Filing of a survey map with the Jackson County Surveyor which clearly indicates the existence of the parcel by map or legal description only if substantial evidence exists which verifies the intent of the survey was to convey ownership of land.]

[Tax lots or parcels which were legally created, but were subsequently consolidated, may be re-created when consistent with the current requirements for a division in the district in which they are located.]

[Documents utilized to convey ownership of land shall not be honored if said conveyance has, in some fashion, been materially altered following its execution.]

DIVISION: The act or process of dividing land or a tract that has been divided. "Division" when used herein refers collectively to both partitions and subdivisions, [including segregation of a tax lot or parcel for financing or security purposes] except that the following do not constitute the partitioning or subdividing of land:

1) Any adjustment of a property line by the relocation of a common boundary where an additional lot or parcel is not created.

2) Division of land resulting from creation of cemetery lots.

3) A lease for the purpose of mining, aggregate removal, and quarrying, or the growing and harvesting of timber or other forest products, but not to include residential or recreational uses.

4) A lease for an agricultural use, as defined[, when for a period of 50 years or less].
5) Creation of a condominium.

6) The sale of a lot in a recorded subdivision, including the sale of contiguous lots or property by a single owner.

7) Lien foreclosures and foreclosure of recorded contracts for the sale of real property.

8) A single deed which describes two or more tracts of land unless it is determined that said tracts of land were conveyed in fee separately prior to September 1, 1973.

9) The surveying or deed description of a tract of land defining a mining claim or to describe agricultural or forestry or aggregate tracts for resource use.

10) Mining patent issued or other lot created by the federal government.

11) A verbal agreement to convey land except when established by court decree.

DIVISION CLASSIFICATIONS: Divisions of land classified with respect to location, and intended use of the division, in order to determine proper design and development standards. These classifications are:

1) Class A Division: A division located within an urban growth boundary or urban containment boundary identified by the Comprehensive Plan for Jackson County, or within an area zoned to allow the creation of lots or parcels one acre or smaller in size.

2) Class B Division: A division located within an area zoned to allow the creation of lots or parcels two and one-half acres in size.

3) Class C Division: A division located within an area zoned to allow only the creation of lots or parcels larger than two and one-half acres in size.
DOUBLE FRONTAGE: A term used to describe a lot or parcel which has road frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three sides. Alley access is not considered "frontage" in this definition.

DRAG STRIP, GO-CART TRACK, OR COMMERCIAL RACING: Facility for races, including closed course, straight-away, and/or acceleration runs.

[DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors. Synonymous with bar, lounge, or tavern.]

DRIVEWAY: A road located entirely on the parcel it serves.

DRUG STORE OR PHARMACY: Facility for preparing, preserving, compounding, and dispensing drugs and medicines; and, may include the display and sale of other merchandise, such as cosmetics, notions, fountain service, and similar items.

DRYCLEANER OR LAUNDRY, COMMERCIAL: A plant for cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

DRYCLEANING OR LAUNDRY SHOP, SMALL CUSTOM: An establishment for custom cleaning only of individual garments, fabrics, rugs, draperies, or other similar items, and not a bulk or commercial type plant.

DWELLING: Any building, shelter, or portion thereof, designed or used as a sleeping place for one or more persons, not including vehicles, travel trailers, or recreational vehicles.

[DWELLING CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE: (SEE FARM DWELLING)]

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 [(P.U.O.)].

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.

DWELLING, NONFARM, NONFOREST, NONRESOURCE: A [single-family] dwelling which is not [provided] in conjunction with farm, forest, or resource use.

DWELLING, SINGLE-FAMILY: A building, designed or used for residential purposes by not more than one family and containing one dwelling unit. A mobile home shall be considered a single-family dwelling.
00.040 (continued)

DWELLING, TWO-FAMILY OR DUPLEX: A building designed or used for residential purposes, by not more than two families, and containing not more than two contiguous dwelling units.

DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE: A dwelling located on a commercial farm, and specifically designed to accommodate individuals or families whose principal place of employment is the commercial farm, in no case may more than two dwellings be deemed to be "in conjunction with farm use," when two or more non-farm dwellings already exist on the property.

DWELLING, TOWNHOUSE: A single-family dwelling unit, on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two separate one-hour fire-resistive walls, or a single masonry common wall, having a two-hour fire-resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services; however, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

EATING ESTABLISHMENT: A facility which offers overnight sleeping accommodations and/or restaurant accommodations to the general public; term includes hotel, motel and restaurant.

EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

EMERGENCY MEDICAL FACILITY: A first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.

EMERGENCY WATER STORAGE FACILITY: A facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, a twenty gallon per minute well, or other reasonable means to store an emergency water supply.

ENGINE OR MOTOR REPAIR SHOP: A shop for the repair of engines or motors. [Term includes electric or fuel powered motors.]

FAIRGROUNDS: An area where a fair, circus, or exhibition is held.

FAMILY: An individual or two or more persons related by blood, marriage, 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.

FARM DWELLING: A dwelling customarily provided in conjunction with farm use if the dwelling is on a lot or parcel that is managed as part of a
commercial farm operation. Includes dwellings for full time farmhands or ranchhands.]

FARM DWELLING, RELATIVES: A dwelling constructed on real property used for farm use if the dwelling is located on the same lot or parcel as those terms are defined in ORS 92.010, as the dwelling of the farm operator and an agricultural unit which is occupied by a relative which means a grandparent, grandchild, parent, child, brother, or sister of the farm operator or the operator's spouse, whose assistance in the management of the agricultural unit is or will be required by the farm operator.

FARMHAND/RANCHHAND (FARM WORKER): A person employed on an agricultural unit for the sole purpose of assisting in the operation of the farm unit.
FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human 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, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3).

FEED STORE, RETAIL (LIVESTOCK, NO MILL): Facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items.

FLAG LOT: A "panhandle" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access. Access as used in this definition shall be based upon the definition of "access" set forth in this section.

FLAGPOLE: The thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.

FLOOD OR FLOODING: A general temporary condition or partial or complete inundation of normally dry land areas from:

1) The overflow of inland waters, and/or

2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP: An official map of certain portions of Jackson County entitled Flood Boundary and Floodway Map, issued by the Federal Emergency Management Agency.

FLOOD HAZARD BOUNDARY MAP: An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e. mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.
FLOOD INSURANCE: The insurance coverage provided under the federal flood insurance program.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN 100-YEAR: The land within the county subject to a one percent chance of flooding in any given year, including the floodway and floodway fringe.

FLOODPRONE AREA: Areas likely to be flooded by virtue of their location adjoining a river, stream, or other water course or water body to the extent where the level of hazard exceeds acceptable risk. Floodprone areas include lands within Federal Emergency Management Agency (FEMA) designated floodplain, floodway, and approximate method floodplain, torrential flood hazard area identified by the Department of Geology and Mineral Industries, and other areas both within or outside of FEMA mapped areas which are either known to be floodprone or where flood hazard conditions may be more extreme than indicated by FEMA and development would jeopardize life or property.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY FRINGE: That area of the floodplain lying outside of the floodway, but still subject to inundation by waters of a base flood.

FLOODWAY - REGULATORY: The sum of all areas depicted as lying within a "floodway" on the Flood Boundary and Floodway Map, as defined in this section, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in chapter 254.050(3), and 254.060(8) of the Jackson County Zoning Regulations.

FLOOR AREA: The maximum horizontal area of the building at the finished floor line, including any storage area.

FOOD STORE, RETAIL SALE: An establishment where diversified foods and associated items are kept and displayed for retail sales. [Synonymous with grocery store, supermarket, and convenience grocery.]
FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five persons in addition to the primary owner or occupant of the home.

FRATERNAL OR LODGE BUILDING: A building for a chartered private service organization, club, society, or order.

Amended by Emergency Ordinance #83-8, effective 4-20-83, and Permanent Ordinance #83-9, effective 7-3-83.
FUEL ALCOHOL PRODUCTION: The distillation of fuel alcohol from agricultural products, by-products, or waste.

FUELBREAK: An area maintained around buildings and structures for fire protection, which is cleared of dry brush and grass. The fuelbreak may contain ornamental shrubbery, specimen trees, lawn, or other plants used as ground cover, provided the plant material does not provide a means of rapidly transmitting fire from native growth to buildings and structures, or from development to surrounding rural lands. [See Section 280.100(1).]

GARAGE: An attached or accessory structure, designed primarily for storage of the family automobile(s).

GARDEN SHOP AND PLANT SALES, DISPLAY, OR GREENHOUSE: Facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.

GOLF COURSE: A golf course, owned or controlled by a public agency or private ownership.

GROCERY STORE: See food store.

GROUP HOME: A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five.

GUEST HOUSE: Living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house must conform to the dwelling density and standards of the zoning district.

GUEST/DUDE RANCH: A vacation resort offering activities which are typical of western ranching and offering sleeping and eating accommodations in conjunction with existing ranching operations.

HABITABLE FLOOR: Any floor [which is or can be made suitable] usable for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

HALF-WAY HOME: A temporary residence for five or more persons who are temporarily unable to live at home due to a variety of family circumstances, including but not limited to: physical or mental abuse, pregnancy, recent release from detention resulting from substance abuse or delinquency, or post-incarceration. Term includes shelter care facility.

HANDCRAFT, CERAMIC SCULPTURE OR SIMILAR ART WORK: Facility to create custom, artistic or decorative objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art. [Synonymous with studio-art...]
HATCHERY AND BREEDING OPERATION: Facility for hatching eggs and/or breeding of animals (or fish).

Amended by Emergency Ordinance #83-8, effective 4-20-83; and Permanent Ordinance #83-9, effective 7-3-83.
HAZARDOUS WASTE: Discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410, OAR 340-63-100 to 135, and these rules. A hazardous material is a substance this same definition applies to except that it is not a waste.

HEARINGS COUNCIL: The Hearings Council of Jackson County.

HEARINGS OFFICER: The Hearings Officer as defined by Board Order and as may be appointed by the Board.

HEAVY EQUIPMENT: Forest, forestry, or construction machinery weighing in excess of 10,000 pounds.

HEALTH RELATED CENTER OR SPA: A facility which offers health related treatment, education, recreation, or other resort activities, not including long-term or emergency care.

HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

HISTORIC LANDMARK: Any historic resource, including its site or a geographic area, listed on the Jackson County Register of Historic Landmarks[, or as otherwise described in Chapter 266].

HISTORIC REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

HISTORIC RESOURCE: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archaeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.

HOME OCCUPATION: An accessory use of a nonresidential nature, carried on in a dwelling unit, except where otherwise allowed by this ordinance, and which:

1) Is incidental to the primary occupancy of the home as a dwelling;

2) Employs only members of the family residing within the principal dwelling;

3) Is for gainful employment involving the manufacture, provision or sale of goods and/or services;

4) Does not take on an outward appearance or manifest any characteristics of a business or operation of a retail nature; and

5) Conforms to the standards specified by this ordinance for home occupations.
HORIZONTAL SURFACE ZONE: That flat, disc shaped, imaginary surface, 150 feet above the airport reference point elevation, through which no structures or uses should penetrate and which is necessary to protect the air-space.

HOTEL OR MOTEL: A temporary abiding place, containing six or more guest rooms or units, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture. [Term does not include Bed and Breakfast facility as set forth in Section 280.240.]

INSTITUTION FOR CARE OF ALCOHOLIC, NARCOTIC, OR PSYCHIATRIC PATIENTS: An establishment offering resident or out-patient treatment to alcoholic, narcotic, or psychiatric patients[. including half-way houses.]

INTENSIVE LIVESTOCK PRODUCTION: In a [Farm Residential,] Rural Residential or Suburban Residential zoning district, the raising of livestock including cattle, goats, sheep, horses, swine, poultry, or fur-bearing animals in excess of the following standards:

1) Cattle - One animal per each acre or,
2) Horses, Mules, or Donkeys - One animal per each acre or,
3) Sheep or Goats - Three animals per each acre or,
4) Swine - Two breeding animals or five barrow per each five acres or,
5) Poultry - Twenty fowl per each acre or,
6) Fur-Bearing Animals - Fifty animals per each acre.

JACKSON COUNTY REGISTER OF HISTORIC LANDMARKS: An official list of the county's historic resources which have been documented, nominated, and determined worthy of preservation due to their cultural, aesthetic, educational, architectural, or historic significance. [See Chapter 266.]

JUNK, SAVAGE, OR WRECKING YARD: Any establishment maintained, used, or operated for the storing, keeping, dismantling, salvaging, buying, or selling of:

1) Scraps or discarded pieces of metal, paper, rags, tires, bottles, and other materials.
2) Inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers and parts thereof, machinery or appliances.

All junk, wrecking, or salvage yards shall be screened from public view.
KENNEL: A facility:

1) In which dogs are given training for which a fee is charged; or

2) Operated, not for profit, and intended to provide temporary care for lost, stray, or abandoned animals; or

3) In which dogs, which are not licensed under ORS 609.100 (1), are kept, when such dogs are kept for farm use, breeding or sale; or

4) Which is a pet store; or

5) (4) Which is a business conducted for the purpose of boarding and/or sale of dogs or cats.

KINDERGARTEN: Public or private school or class for children usually from four to six years old.

LABORATORY, MANUFACTURING: Operations involving the compounding of products such as perfumes and pharmaceuticals, and the development and assembly of instruments and similar items.

LABORATORY, SCIENTIFIC TESTING-PRECISION: Facility which performs scientific tests or analysis or experimental studies.

LANDSCAPE OR PLANT NURSERY: Facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

LIGHT FABRICATION AND ASSEMBLY PROCESS: Manufacturing which does not involve the generation outside the property of noise, odor, vibration, dust or hazard. The term includes, but is not limited to, the manufacture of electronic components, jewelry, [clothing, trimming decorations and any similar item.

LIVESTOCK AUCTION PENS OR SHEDS: Facility for public sale to the highest bidder of animals, including but not limited to, horses, cows, and sheep. [Term does not include slaughtering, rendering, or tannery.

LOCAL UTILITIES: The usual electric power, telephone, gas, water, sewer drainage lines, and those in-line facilities such as gas regulating stations and water pumping stations.

LODGING OR BOARDING: See Boarding or Rooming House.
LOT: A unit of land that is created by a subdivision.

LOT AREA: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.

LOT CORNER: A lot, parcel, or portion thereof, situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot or parcel line and the rear lot or parcel line.

LOT LINE: The property line bounding a lot or parcel.

LOT LINE ADJUSTMENT: A relocation of an existing lot or parcel line.

LOT LINE, FRONT: The property line separating the lot or parcel from the [road or] street, other than an alley. In the case of a corner lot or parcel [or a lot with double frontage], the shortest property line along a street [or road which has been improved and for which addresses have already been assigned], other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

LOT LINE, REAR: A property line which is opposite and most distant from the front lot or parcel line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten feet in length within the lot or parcel, parallel to, and at a maximum distance from, the front lot or parcel line.

LOT LINE, SIDE: Any property line, not a front or rear lot or parcel line.

LOT WIDTH: The average horizontal distance between the side lot or parcel lines. Ordinarily measured parallel to the front lot or parcel line on a rectangular lot. [calculated by dividing the lot area measured in square feet by the length of the lot (e.g., the distance between the front and rear property lines excluding the flag strip) measured in feet.]

LUMBER YARD: Facility for stocking and selling lumber and other materials needed for building. [Term includes hardware and building materials and supplies.]

MACHINE OR WELDING SHOP: Facility in which material is processed by machining, cutting, grinding, welding, or similar processing. [Term includes blacksmith shop, electric motor repair, and gun shop.]

MACHINERY SALES AND SERVICE: Facility for repairing equipment and selling and/or servicing machinery.

[MAN: As used by this ordinance the word man refers generally to humans and is inclusive of both the masculine and feminine, unless the context otherwise requires.]
MAP: A diagram or drawing of a major or minor partition.

1) A "tentative map" is a map submitted as part of an application for a major partition and a minor partition. The term "preliminary map" may be applied to maps prepared for discussion purposes only. Preliminary maps are not required by this ordinance.

2) A "final map" is a map which is submitted for final review after approval of the tentative map.
MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, marine supplies, food, and marine repairs.

MARQUEE: A permanent, roofed, nonenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.

MOBILE HOME PARK: Any place where two [four] or more mobile homes are parked [located] 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.

MOBILE HOME: A structure or vehicle built on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes.

NEGOTIATE: Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation, and promotion of the sale of such land.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced or will commence on or after October 28, 1980.

NONCONFORMING LOTS OR PARCELS: Lots or parcels legally created prior to the effective date of this 1982 ordinance, and not meeting the minimum lot area, width, or access requirements of the zoning regulations.

NONCONFORMING STRUCTURE: 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.

NONCONFORMING USE: A use lawfully made prior to adoption of a zoning regulation with which the use does not conform.
NURSING HOME OR CONVALESCENT HOME: Facility providing care, rehabilitation services, and minor treatment for more than five persons under the direction of a physician, licensed by the state. May furnish basic provisions of food and laundry. [Term includes rest home, home for the aged, and sanitorium.]

OPERATOR (AGGREGATE): Any individual, public or private corporation, political subdivision, agency, board or department of this state or county, or any municipality, partnership, association, firm, trust, estate, or any other legal entity, whatsoever, that is engaged in surface mining.

[OREGON AERONAUTICS DIVISION: That division of the Oregon Department of Transportation responsible for aviation safety.]

OVERBURDEN: Soil, rock, sand, and similar materials that lie above natural deposits of minerals.

OWNER/LANDOWNER: Person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the county, or purchasing a parcel of property under written contract.

PARCEL: A unit of land created by a partition.

PARENT PARCEL: A unit of land from which parcels or lots are divided.

PARK OR PLAYGROUND: A recreation facility or park owned or operated by a private entity, public agency, or school district, and available to the general public.

PARTITION: 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 such calendar year. Partitions shall be divided into the following two classifications:

A) Major Partition: A partition which involves the creation of a road or street.

B) Minor Partition: A partition which does not involve the creation or extension of any road or street.

PET SHOP: Facility for the display and sale of small animals, fish, and birds as pets, but not involving commercial boarding or treating of any animal, fish, or bird.

PLACE OF PUBLIC ASSEMBLY: A structure or area in which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.
PRIVATE ROAD: A private road is created to provide ingress or egress to one to three lots, parcels, areas or tracts of land, and which has been approved for access purposes by the county. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not maintained by the county, nor can the county regulate its use or contract for its maintenance.

PROCESSING AND AGGREGATES: The crushing, washing, screening, weighing, sorting, stockpiling, and blending of sands, gravels, and other earth, natural materials, or precious metals, not including the manufacturing of aggregate products such as concrete pipe, bricks, concrete forms, and the like.

PUBLIC OR PRIVATE SCHOOL; OR INSTITUTION FOR SPECIAL EDUCATION: An educational institution, licensed or regulated by the state, which has a curriculum including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence; or defective, delinquent; or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.

PUBLIC ROAD/LOCAL ACCESS ROAD: A public road is a State Highway or road, or any road which has been dedicated to the use of the public for road purposes. The term "public road" does not include a road which has nominally or judicially gained a "public character" by prescriptive or adverse use, nor does the term apply to roads within the USDA Forest Service and Bureau of Land Management (BLM) road systems.

PUBLIC WATER SUPPLY: A domestic water supply source and distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit development.

RACING FACILITY, COMMERCIAL MOTORIZED: Facility for motorized races, including closed course, straight-away, and/or acceleration runs. The term also includes drag strip and go-cart tracks.

RADIO, TELEVISION, OR MICRO-WAVE TOWERS: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.
RECLAMATION: The employment in a surface mining operation of procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.

RECLAMATION PLAN: A written and graphic proposal for rehabilitation of the surface mined area, further defined as being one of the below:

1) Natural Reclamation Plan: A reclamation and/or rehabilitation process in which the primary purpose is to restore the land to a natural appearing landscape consistent with surrounding terrain. Rehabilitation to an agricultural use is considered a natural reclamation plan.

2) Second Use Plan: A reclamation and/or rehabilitation process that involves development of the land to a specific use.

RECREATION CLUB OR AREA, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the facilities as normally provided in a public park or playground.

RECREATIONAL VEHICLE: A vacation trailer, camping vehicle, or other unit with or without motive power, less than ten (10) feet wide and not more than 45 feet long, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.

RECREATIONAL VEHICLE PARK OR CAMPGROUND: An area where facilities are provided to accommodate temporary recreational trailers, motor homes, campers, and/or tents.

RECTORY: A place of residence for the pastor of a church.

RECYCLING DROPBOX: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.

REFUSE, AGGREGATE: All waste materials, soils, rock, minerals, liquid, vegetation and other materials resulting from or displaced by surface mining operations within the operating permit area.
RESIDENCE HOME FOR AGED: A facility for the care of five (5) or more persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis.

[RESIDENTIAL HOME: As provided by Oregon Revised Statutes, a residence licensed by the State for the care of five or fewer physically or mentally handicapped persons, including staff personnel, is permitted in residential or commercial zones (excluding resource lands) subject to the normal requirements for a residence. Residents and staff need not be related to each other or any other home resident. Handicapped means that a person suffers from a functional limitation in one or more major life activities.]

[RESIDENTIAL OR DAY TREATMENT FACILITY: A facility licensed by the State for the care of five or more related or unrelated persons who are physically or emotionally handicapped by functional limitations in one or more major life activities. Term includes shelter care facility.]

RESOURCE LAND: Any land that has been identified and designated on the Official Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land under the Statewide Planning Goals, the Jackson County Comprehensive Plan, and implementing ordinances. This definition shall not be construed to exclude from protection under the provisions of state or county law other identified resources which have not been zoned, such as riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or scenic areas.

RETIREMENT HOME: Facility providing living quarters, either owned or rented, to persons 62 years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.

RETAIL STORES AND SHOPS OTHER THAN DISTRICT Any establishment offering consumer goods for sale

ROADS: The following definitions apply to roads:

1) Road: The terms road, street, or highway shall include the entire area between the right-of-way lines of any public road, or the entire width of a private road easement created to provide ingress or egress to land, including a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes. Roads may be classified by their expected level of service and function as follows:

A) Principal Arterial: A road which provides for through traffic between major centers of activity in urban, suburban, and rural areas.

B) Collector: A road which is used primarily as a connector from or through local areas or districts to one or more arterials.
C) Dedicated Way: A road dedicated to the public for road purposes, shown on a map or plat approved by the County, and recorded in the records of Jackson County. Such roads are open to public use, but are not normally maintained by the county. However, the county may regulate their use.
D) **Frontage Road**: A road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way, and which provides access to abutting properties.

E) **Cul-de-sac**: A local or limited local road having only one outlet with a turn-around at the opposite end, and which is not intended to be extended or continued.

F) **Stubbed Road**: A road having only one outlet, but which is intended to be extended or continued.

G) **County Road**: A road which is part of the county road system, has been given a county road number as provided for in ORS Chapter 368, has a description on file in the office of the Department of Transportation, and is maintained by the county.

H) **Prescriptive Road**: A road which has judicially gained a "public character" by adverse use. A prescriptive road will not be considered suitable access for division purposes, unless it is improved to the applicable standards set forth in chapter 25. The county is not responsible for improving or maintaining a prescriptive road.

I) **Public Road**: A public road is a State Highway or road, or any road which has been dedicated to the use of the public for road purposes. The term "public road" does not include a road which has nominally or judicially gained a "public character" by prescriptive or adverse use, nor does the term apply to roads within the USDA Forest Service and Bureau of Land Management (BLM) road systems.

J) **Private Road**: A private road is created to provide ingress or egress to one to three lots, parcels, areas, or tracts of land, and which has been approved for access purposes by the county. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not maintained by the county, nor can the county regulate its use or contract for its maintenance.

**RODEO**: Facility for public performance which may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.

**RUNWAY**: A defined area on an airport prepared for landing and/or takeoff of aircraft along its path.
SANITATION DIVISION: The Sanitation Division of the Jackson County Department of Planning and Development.

SCHOOL, BUSINESS: A business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, commercial artist, but not including commercial trades or crafts.

SCHOOL, COMMERCIAL, TRADE OR CRAFT: A business enterprise, not a public, private, or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.

[SCHOOL, (PUBLIC/PRIVATE): An educational institution, licensed or regulated by the state, which has a curriculum, including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence, or defective, delinquent, or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.]

SECOND HAND STORE, USED FURNITURE OR RUMMAGE SHOP FACILITY (OR PAWNSHOP): Facility for the sale of second hand or used items. No outside display is permitted.

SEMINARY: An institution for the training of candidates for the priesthood, ministry, or rabbinate.

SENSITIVE FISH AND WILDLIFE HABITAT: Areas important to the survival of a species, or group of species, and habitats with a limited area.

SERVICE STATION: Commercial facility which offers petroleum [products and limited] accessory [sales of] products [for motor vehicle use, including] and limited vehicle repair services to the public.

SETBACK: The distance from a right-of-way or easement boundary of a public or private road, other easement, or from a lot line to any point of a building.

SEWERAGE FACILITY OR SEWAGE FACILITY: The sewers, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, or other wastes.

SEWERAGE FACILITY, COMMUNITY: A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot, and serves a predetermined level of development within a specific geographic area.

SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

SEWERAGE FACILITY, PUBLIC: A sewerage facility which serves two or more uses for the purpose of disposal of sewage, and is provided for or is available for public use.
SHELTER CARE FACILITY: A home licensed by the state to provide for short­
term emergency care for no more than nine children at any one time. [See also half-way house or residential/day treatment facility.]

SIGN: Any device which identifies, describes, illustrates, or otherwise
directs attention to a product, place, activity, person, institution, or
business, whether portable or affixed to a building, structure, or the
land. Each display surface of a sign shall be considered a separate sign.

1) Off-Premise Sign: 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.

2) On-Premise Sign: 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.

SLOPE EASEMENT: An area adjoining a road which is affected by the road
fill or cut, but is not within the road easement or right-of-way.

SOLAR ORIENTATION: The layout and design of parcels and siting of a
structure on building lots to take advantage of solar insolation for
optimal utilization of the sun as an energy source.

SOLID WASTE DISPOSAL SITE: 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.

STABLE, COMMERCIAL: Facility which boards, rents, or trains horses or
offers riding lessons to the public, but not including a sales barn,
auction, or similar trading activity.

START OF CONSTRUCTION: The first placement or permanent construction of a
structure (other than a mobile home) on a site, such as the pouring of
slabs or footings, or any work beyond the stage of excavation. Permanent
construction does not include land preparation, such as clearing, grading,
and filling, nor does it include the installation of street and/or
walkways; nor does it include excavation for a basement, footings, piers or
foundations, or the erection of temporary forms; nor does it include the
installation on the property of accessory buildings, such as garages or
sheds not occupied as dwelling units, or not part of the main structure.
For a structure (other than a mobile home) without a basement or poured
footings, the "start of construction" includes the first permanent framing
or assembly of the structure, or any part thereof, on its piling(s) or foundation(s). For mobile homes not within a mobile home park, "start of construction" means the placement of the mobile home on a tract of land. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site, on which the mobile home is to be placed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

[STOCK AUCTION YARD: See livestock auction, pens or sheds.]

[STREAMS, CLASS I AND II:]

[A] Class I Stream: Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the State of Oregon. Stream flows may be perennial or intermittent.

[B] Class II Stream: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the State of Oregon. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

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.

STRUCTURE: Anything constructed or erected, and having a fixed base on, or fixed connection to the ground or another structure, excluding fences less than six feet in height and uncovered patios.

STUDIO - ART, MUSIC, CERAMICS, DRAMA, [PHOTOGRAPHY,] SPEECH, DANCE, OR SIMILAR SKILLS: The instructing, coaching, or counseling in art, music, ceramics, drama, [photography,] speech, dance, or similar personal skills or arts.

STUDIO, BROADCASTING AND/OR RECORDING: Facility for broadcasting live or pre-recorded programs by radio and/or television; and/or recording on records, tapes, video tapes or other suitable recording media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals. Such facility shall not engage in production of consumer products.

SUBDIVIDE LAND: To divide an area, parcel, or tract of land into four or more lots 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 calendar year.

SUBDIVISION: The act of subdividing land, or an area or a tract of land subdivided as defined above.

SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) Before the improvement or repair is started; or,

2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

SURFACE MINING: All or any part of the process of removal, by extraction of minerals from the surface of the earth. Removal of overburden or diversion of water necessary to expose the deposit of minerals is considered part of the process. Leveling, grading, filling, or removing earth materials in conjunction with farm use, or on-site construction projects are not considered surface mining.

SWIMMING POOLS - PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family, duplex, townhouse, or apartment dwellings.

TAX LOT: A parcel, lot, or other unit of land as created by the County Assessor for the purpose of taxation.

TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT ONLY: Non-attended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

TEMPORARY: Temporary shall mean 30 days or less in any 12 month period, unless otherwise specified by a provision of this ordinance.

TEMPORARY FIELD OR CONSTRUCTION OFFICE: Temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

TEMPORARY MOBILE HOME: A mobile home which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires 24 hour care [or the person providing that care], according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

TENT: A fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.
TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.

TOWNHOUSE: A single-family dwelling unit on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two separate one-hour fire-resistive walls, or a single masonry common wall, having a two-hour fire-resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services; however, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

TRANSITIONAL SURFACE ZONES: That area necessary to protect the airport approach surfaces which extend at a ratio of seven feet horizontal, to one foot vertical, beginning at the sides of and at the same elevation as the primary and the approach surfaces, and extending to a height of 150 feet above the airport reference point elevation, except where approach surfaces extend upward and beyond the horizontal surface. A transitional zone is also established at the same 7:1 ratio.

TRANSMISSION FACILITY: Any facility constructed in two or more contiguous zoning districts of Jackson County, for the purpose of transmitting or transporting in any form, energy resources, telecommunications, persons, or goods, such as highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines, but not underground water pipelines, sewer trunk lines, and cable television facilities. This definition shall not apply to facilities which have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities may be located. In particular, the following specifically-defined types of facilities are subject to this chapter:

1) Electrical transmission facilities: carrying 115 kV or greater.

2) Gas pipelines carrying 300 p.s.i. capacity or greater.

3) New highway construction or improvements to existing highways which result in an increased traffic volume of 5,000 vehicles/day.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained, whether on a permanent or temporary basis.
UTILITY FACILITY: Those necessary appurtenances including related rights-of-way for the transmission of electric power, gas, water, sewerage, telephone and other in-line facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources.

WILDLIFE: Wild mammals, birds, reptiles, and amphibians.

WINERY, COMMERCIAL: A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and sales area.

WRECKING YARD: Any establishment maintained, used, or operated for the storing, keeping, dismantling, salvaging, buying, or selling of:

[1] Scraps or discarded pieces of metal, paper, rags, tires, bottles, and other materials.

[2] Inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers, and parts thereof; machinery or appliances.

This term also includes junk, salvage, or scrap metal yard.

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. [See also lot line, front.]

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.

YARD, REQUIRED: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

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.

00.050 INTERPRETATION OF KEY TERMS OR PHRASES:

Except as may be otherwise stated in Oregon Administrative Rules or Statutes, the Jackson County Comprehensive Plan, or its related implementing ordinances, the terms "no adverse impact or effect", "no greater adverse impact", "compatible", "will not interfere", and other similar terms contained in standards of this ordinance are not intended to be construed to establish an absolute test of noninterference or adverse effects of any type whatsoever with adjacent uses resulting from a proposed land development or division action, nor shall it be construed to shift the burden of proof to the County. The terms are intended to allow the County to consider or require use of mitigating measures which would render any potential incompatibility or adverse consequences of development to a minimal level which the County finds to be acceptable in light of the reasonable expectations of the other people who own or use property for permitted uses in the zone.
8) To ensure that the costs of developing roads, utilities, and public areas serving new developments will be substantially absorbed by the benefited persons rather than to the citizens of the county at large.

9) To ensure adequate light, air, open space and recreational areas, and to encourage better techniques and innovations in the arrangement of building sites and/or lots and parcels.

01.060 APPLICATION REQUIREMENTS, GENERALLY:

Before a plat of any subdivision, the map of any major or minor partition, or any adjustment to the boundaries of existing parcels or lots may be made and/or recorded, the person proposing such or the authorized agent shall make application on forms prescribed by the Department for approval of the proposed action, in accordance with applicable sections of this ordinance. No subdivision, plat, major or minor partition, or an adjustment of the boundaries of any existing parcel or lot may be considered for approval by any body or person empowered to review and approve such until complete, accurate, and legible applications accompanied by the required fees have been submitted. [Once an application has been denied, after local appeals have been exhausted, no reapplication may occur sooner than twelve months of the date of denial by the County, except in those instances where the proposed use or development is substantially modified or unless expressly authorized by the County at the time the decision is rendered.]

01.080 SALE OF LAND - RESTRICTIONS:

These land division regulations apply to all divisions of land as defined herein and located within the political boundaries of Jackson County, exclusive of the corporate limits of any city, and require that:

1) No person shall transfer, sell, or otherwise dispose of any lot in any subdivision by reference, exhibition, or other use of a plat of a subdivision before the plat has been approved and recorded by Jackson County. No person shall offer or negotiate to sell lots until a tentative plat has been approved.

2) No person shall transfer, sell, or otherwise dispose of any parcel in a partition for which approval is required by this ordinance until the final map has been approved and recorded by Jackson County. However, a person may offer or negotiate to sell a parcel in a partition after tentative approval has been granted.

3) No person shall create a street or road for the purpose of subdivision or partition without approval as required by these regulations. "Creation" of a street or road includes either the physical construction of the roadway, or the recordation of an instrument which would show the existence of a right-of-way or easement for road purposes.
4) No document or instrument dedicating land to public use shall be accepted for recordation unless such document or instrument bears the approval of the Board of County Commissioners.

01.090 CONFORMANCE WITH OTHER STATE AND COUNTY CODES, ORDINANCES, REGULATIONS, AND POLICIES:

1) The provisions of these regulations are minimum requirements necessary to execute a division in Jackson County. Where the requirements set forth in these regulations are less restrictive than any other requirement of this ordinance, or when a requirement of this ordinance is less restrictive than any other local ordinance or a provision of state law or State Administrative Rule, then the more restrictive shall govern.

2) Comprehensive Plan for Jackson County: A subdivision, partition, or creation of road shall conform with the Comprehensive Plan. A determination of such conformity shall be made by the [County] Department, [Heardings Council], or Board, shall be based upon consideration of all applicable portions of the Comprehensive Plan, and shall not be based solely upon a review of the land use map. The applicant is not required to provide information showing conformance with the plan. However, the [The] burden of proof in a disputed issue is upon the applicant [or appellant].

3) Zoning Regulations: A subdivision or partition shall be subject to all applicable requirements of these regulations. Where an applicant seeks the approval of any division which requires a change in zoning, the rezoning process must be completed prior to submittal of an application for division.

4) Health, Safety, and Sanitation: A subdivision or partition shall conform to all applicable state and county regulations regarding health, safety, and sanitation. The department shall not issue any permits for on-site sewage disposal systems or any well permit for any lot or parcel created in violation of these regulations or past regulations. No such permits shall be issued for the residual of the parent parcel from which lots or parcels have been illegally created until violations have been rectified and all legal requirements met.

5) Building: Structures and buildings in any subdivision or partition shall conform to applicable building codes and regulations. The County Building Official shall not allow the issuance of a building permit or mobile home set-up permit on any lot or parcel created, divided, subdivided, or partitioned in violation of this ordinance or past ordinances. No building permit shall be issued for the residual of the parent parcel from which any lots or parcels have been created in violation of the land division regulations or past ordinances until violations have been rectified and all legal requirements met.
6) Streets and Roads: A subdivision or partition shall conform to all applicable county ordinances or policies pertaining to streets, roads, or access.

[7] Illegal Uses: Uses that are in violation of county ordinances in effect prior to the effective date of this ordinance are also violations of this ordinance. Where a violation of this ordinance, any other local ordinance, state, or federal law exists on the property, the county shall not consider any plans for division or development unless such plans address the violation with a view to its resolution or mitigation.

[8] No person shall create a street or road for the purpose of subdivision or partition without approval as required by this ordinance. "Creation" of a street or road includes either the physical construction of the roadway, or the recording of an instrument which would show the existence of a right-of-way or easement for road purposes.

01.110 DECLARATION OF AUTHORITY:

1) Subdivision and Certain Major Partitions: The Jackson County Hearings Council is hereby delegated all lawful powers and functions given the Board of County Commissioners under ORS Chapter 92 with respect to consideration, requirements, and approvals of all tentative plans for subdivisions and certain major partitions, except as indicated in the resource zoning districts of the zoning regulations, and the authority to accept land for dedication to the public.

2) Minor Partitions, Certain Major Partitions, Certain Replats, and Final Map or Plat Approval: The Jackson County Department of Planning and Development, under the administration of the Planning Director, is hereby delegated all lawful powers and functions given the Board of County Commissioners under ORS Chapter 92, with respect to consideration and tentative approval of minor partitions, certain major partitions, and certain replats of subdivisions, and final approval of all maps and plats, except as indicated in the resource zoning districts of the zoning regulations, and the authority to accept land for dedication to the public.
CHAPTER 5
DESIGN AND DEVELOPMENT STANDARDS

05.010 DESIGN AND DEVELOPMENT STANDARDS:

All partitions and subdivisions shall [after October 28, 1980,] conform to the design and development standards specified in this Chapter. These standards shall be considered as the minimum appropriate for normal partition or subdivision development, and are not intended to limit the partitioner or subdivider from using higher standards of design and development. The county may require higher standards than the minimum required by this section upon a finding by the Planning Director or the Hearings Council [or Board] that the division could be modified to improve efficiency in the use of and the protection of natural features and resources. The county shall also evaluate the division in terms of its impacts on and compatibility with previously approved divisions. The evaluation shall, at a minimum, include and require appropriate modification of the proposal to ensure: that existing public and private improvements can serve existing, proposed, and potential development in the area; and the continuation of established development patterns.

05.020 ROADS:

The location, design, and improvement of roads for major partitions and subdivisions shall provide for the transportation and access needs of the community, and the division in a safe, pleasant, and convenient manner with the least possible adverse environmental affect. Consideration should be given to existing and planned roads, topographical and natural conditions, public safety, and the proposed scope and use of the development served by the road.

1) Standards: Roads shall be developed in accordance with the requirements of the Jackson County Standards and Specifications for County Roads and Chapter 25, Roads and Streets, of this ordinance. The classification of a division shall establish the appropriate road standards for the division.

2) Control Strip: The county may require that a strip of land contiguous to a road be conveyed to Jackson County for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:

A) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

B) To prevent access to the side or terminus of a road where additional width or improvement is required for future partition or subdivision activity.
C) To prevent access to the side of a road from abutting property that is not part of the division, until proportional road construction costs are conveyed to the appropriate developer.

D) To prevent access to land unsuitable for development.

E) To prevent or limit access to roads classified as arterials and collectors.

3) **Access:**

[A]) All lots [and parcels lawfully created after October 28, 1980] shall abut a state highway, state access road, county road, dedicated way, or private road for a distance of at least 25 feet, except where [lots and parcels] private roads are created [for nonresidential use] solely to provide ingress and egress to land in conjunction with the use of land zoned Forest Resource, Woodland Resource, Aggregate Resource, Exclusive Farm Use, or Open Space Reserve [and when the parcel or lot is] for forestry, mining, or agricultural purposes [provided that a deed declaration is recorded so limiting the use of the property for the purpose stated].

A parcel or lot shall also be considered to have access if the parcel or lot adjoins a Bureau of Land Management or U. S. Forest Service Road for a distance of at least 25 feet, when the following circumstances are satisfied: [The] applicant, or his authorized representative, shall show that he has applied and received approval for use of the right-of-way in conformance with the U. S. Forest Service or Bureau of Land Management requirements.

[All lots and parcels within an urban containment boundary or urban growth boundary shall abut a state highway or county road.]

B) The approved application provides for a renewable unencumbered 30 year use period. [All lots and parcels lawfully created for residential purposes between September 1, 1973 and October 28, 1980 are required to abut a public road or approved way for a distance of at least 25 feet, according to County policies and ordinances then in effect.]

C) Parcels [Lots and parcels] legally created prior to September 1, 1973, are exempt from the [access] requirements of this [ordinance.] section for the purpose of issuing development permits.

05.030 UTILITY EASEMENTS:

The dedication of easements for the placement of overhead or underground utilities, including but not limited to electric power, communication facilities, sewer lines, water lines, irrigation ditches, and gas lines
shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all maps and plats and may be located along, or centered on, parcel or lot lines or elsewhere as determined necessary by the county to provide needed facilities for the present or future development of the area. The utility shall be located within the easement.

05.040 UNDERGROUND UTILITIES:

All utilities serving a proposed division shall be placed underground where the surrounding area is presently developed, or is in the process of
developing with underground utilities. Within an adopted urban growth boundary, all divisions shall be required to place utilities underground where the city for which the urban growth boundary was drawn would impose a similar requirement within its corporate limits.

05.050 SIDEWALKS:

1) Sidewalks constructed to the standards established by the Department of Public Works shall be required as a condition of approval when the proposed division is a Class "A" division, the resultant tracts are one acre or less in size, and any one of the following findings are made:

   A) The subject property is located within one mile of a school, shopping center, recreation area, or other use likely to induce pedestrian traffic.

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

   C) The subject division is within an Urban Growth Boundary or Urban Containment Boundary.

2) Sidewalks shall not be required in divisions creating parcels or lots larger than one acre in size.

3) This section may be waived when, in the opinion of the County, sidewalks would not be necessary to accommodate pedestrian traffic.

05.060 BICYCLE PATH:

The county shall require that bicycle path rights-of-way be dedicated to the public when designated in A Comprehensive Bicycle plan for Jackson County, 1978, which may, from time to time, be revised. The county shall also require the developer to improve the lands so dedicated within and adjacent to Class "A" subdivisions, when necessary to provide bicycle access to nearby recreational areas or other bicycle routes. Bicycle paths shall be constructed to the standards set forth in section 25.090.

05.070 BICYCLE TRAFFIC:

Typically, bicycle traffic facilities, other than bicycle paths, will be sufficiently ensured by the construction of county "A" (4-lane), "B," and "C" standard roads. Where county "D" or "E" standard roads are proposed, the applicant shall be required to provide a four foot wide oil mat shoulder surface on each side of the road where the proposed road would
provide for intraurban or interurban bicycle transportation, or where a bicycle route or way is proposed within A Comprehensive Bicycle Plan for Jackson County, Oregon, August 23, 1978, which may, from time to time, be revised.

05.080 PARCELS AND LOTS:

The area, width, and layout of all parcels and lots shall meet or exceed the minimum requirements applicable. [Such requirements represent minimum design standards for average natural conditions and development.]

[Minimum lot width standards set forth in Table I, may be increased, decreased, or otherwise modified by the County if such standards are found to be inappropriate to a particular division or situation, given slope, topographic, or other natural or physical factor(s), as provided in subsection 5, below.] Reduction in parcel or lot sizes[,] where allowed by the zoning regulations[,] shall not have the effect of increasing the gross density of the tract in excess of that set forth by the applicable zoning district.

1) Lot Width Standards: The minimum average width for parcels and lots shall be determined by the appropriate classification and requirements as shown on Table I. These standards shall be in addition to the minimum area requirements of the Jackson County Zoning Regulations.

2) Length and Width of Blocks: Shall be considered on an individual basis. The county may require alteration of the block layout if it is determined that the proposal will inhibit the proper development of adjoining lands.

3) Lot Size and Design:

A) The minimum lot and parcel size shall be determined by the Jackson County Zoning Regulations.

B) Class "A" lots and parcels shall generally be designed at right angles to straight street lines, or radial to curved street lines on which the lot or parcel will face. Lots and parcels shall be designed to conform to the natural landscape within Class "B" and "C" divisions. Unusual shapes or designs may be made where topography or other natural features warrant, or where the applicant has filed a written statement of intent to maximize solar orientation of the homesites.

C) Corner lots shall have adequate width to permit enlarged building setbacks required by the Jackson County Zoning Regulations.

D) Double frontage lots or parcels are not permitted except where necessary to restrict residential access to traffic arterials or
to overcome problems of topography. For lots having double frontage and located on a traffic arterial there shall be a deed restriction creating a one foot non-access easement along the lot lines abutting the arterial, or a statement shall be placed on the final plat or map stating that no right of access to the lot will be allowed across that strip [or a control strip shall be conveyed to the county pursuant to Section 05.020(2)]. The developer may be required to construct a fence or other form of physical barrier to prevent access across this strip. Such restrictions shall be clearly labeled on the final plat or map.
TABLE 1
MINIMUM AREA & WIDTH STANDARDS FOR PARCELS AND LOTS

<table>
<thead>
<tr>
<th>Classification</th>
<th>Established Minimum Area</th>
<th>Minimum Average Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,500 sq. ft. -- with both community water system and community sewage facility.</td>
<td>50'</td>
</tr>
<tr>
<td></td>
<td>6,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>60'</td>
</tr>
<tr>
<td>A</td>
<td>8,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>70'</td>
</tr>
<tr>
<td></td>
<td>[10,000 sq. ft. -- with both community water system and community sewage facility.]</td>
<td>80'</td>
</tr>
<tr>
<td></td>
<td>1 acre --</td>
<td>100'</td>
</tr>
<tr>
<td>B</td>
<td>2.5 acres --</td>
<td>175'</td>
</tr>
<tr>
<td></td>
<td>5 acres --</td>
<td>300'</td>
</tr>
<tr>
<td></td>
<td>10 acres --</td>
<td>500'</td>
</tr>
<tr>
<td></td>
<td>20 acres --</td>
<td>600'</td>
</tr>
<tr>
<td></td>
<td>160 acres --</td>
<td>1,200'</td>
</tr>
</tbody>
</table>

Planned Unit Development (PUD) Regulations shall apply to lots or parcels created as part of a Planned Unit Development application; however the requirements for lots or parcels of this section shall serve as a general guideline.

Commercial The county shall determine the minimum dimensional standards for commercial division on the basis of the location and type of commercial activity proposed or anticipated. In determining minimum area requirements special emphasis shall be placed on access, circulation, and parking.

Industrial The county shall determine the minimum dimensional standards for industrial divisions on the basis of the type of industrial activity proposed or anticipated. Safe, efficient access and off-street loading, parking, and storage shall be required. Large basic lots may be created by the original plat to be partitioned into smaller parcels as specified needs arise.
A division of land in the Aggregate Resource district shall be shown to be appropriate for and necessary to the safe efficient extraction of material and reclamation of the site, based on specific proposed use. The minimum dimensional standards will therefore be based on the type of aggregate extraction activity proposed or anticipated.
4) **Flag Lot Divisions:** Standards governing flag lot divisions are given in Chapter 30 of this ordinance.

5) **Special Requirements:** In addition to the minimum dimensional requirements shown on Table 1, the county shall also evaluate proposed parcels or lots in terms of efficiency in the use of land and space, protection of natural environmental features (including but not limited to: wildlife habitat such as sensitive deer and elk range, the protection of agricultural and forest lands, aggregate sites, and identified natural areas), enhancement of solar orientation, and whether the division forms a convenient and functional design. Where the division would potentially create a [major or far reaching land use] conflict with any of the resources listed above, or others not so listed; or would otherwise not satisfy the above described standard, the county shall utilize the conflict resolution procedure set forth in Section 35.030 and attach such conditions as will ensure the retention of the feature. Such conditions may be in the form of, but not limited to: deed declarations, declarations of restrictions, notations on the final map or plat, property owner's agreements, and agreements for specifying the siting of future dwellings to protect natural environmental features, including wildlife habitat.

[When a land use action may create potential conflicts with sensitive fish and wildlife habitat, and where those potential conflicts will not likely represent "a major and far reaching conflict", as included in Chapter 35 of this ordinance, then the conflict shall be resolved pursuant to Section 280.110(3E). Resource conflicts not involving fish and wildlife habitat and land use actions not likely to result in "major and far reaching" land use conflicts shall be processed to ensure conformance with applicable provisions of the Comprehensive Plan and this ordinance.]

05.090 **SEWAGE DISPOSAL FACILITIES:**

1) Prior to final plat or map approval all lots and parcels in any division shall be served by an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility, unless the parcel(s) or lot(s) will not be used in a manner which will require sewage facilities and a deed declaration to that effect is recorded. Where the applicant does not show that an individual, community, or public sewage disposal facility has been approved for all proposed parcels or lots, then a deed declaration shall be recorded which indicates that the lot will not be used for residential purposes. In addition, the [The] county shall require that the [deed and] final map or plat notes that: "This property was not shown to be suitable for development [as of this date because a sewage disposal system has not been approved for this property]."

2) **Public or Community Sewerage Facilities:**
A) When a division is located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be serviced by said system, connection shall only be allowed when deemed consistent with the policies of the Public Facilities Element of the Jackson County Comprehensive Plan. Should the existing facilities be unable to service the division or development, individual sewage disposal systems may be considered if soil and other conditions are suitable for their use.
B) When a new public or community sewerage system is proposed for the division, a preliminary plan for the sewage collection and disposal system shall be submitted for approval to the State Department of Environmental Quality. The preliminary plan shall include at least the following:

i) A conceptual plan for sewage collection, treatment, and disposal facilities.

ii) A conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS Chapters 450 or 451.

05.100 WATER SUPPLY:

1) Where a domestic water source or a public or community water system will not be provided, or the applicant fails to show that such parcels or lots will have an adequate supply of potable water available, the county shall require that the final map or plat states: "At the time of final map recording, this property was not shown to be suitable for development because of a potential lack of domestic water." Generally, for an individual well, a minimum supply of 2.5 gallons/minute tested for a four-hour period is required for an individual well to serve the needs of each single family residence, excluding fire flow. Commercial or industrial structures must be evaluated for water on an individual basis.

2) Public or Community Water System: The county may require that a community or public water system be developed to serve a division when individual water systems are not feasible due to the density of the division and/or the possibility of problems concerning the long-term availability of adequate quantities of suitable water. Public or community water system plans shall be submitted to the Oregon State Health Division and the Jackson County Health Department. Plans shall be approved by the State Health Division.

3) Individual Water Systems: When a division is to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available, at time of development, a 2.5 gallons per minute supply of potable water tested for a minimum of four hour[s], which is the minimum county standard for drinking water unless the applicant follows 05.100 (1).
05.130 STORM WATER AND LAND DRAINAGE PROVISIONS:

Special provisions for storm water and land drainage may be required in any division and shall be required in all Class "A" divisions. The developer may be required to provide drainage ways of appropriate size and width to carry storm water. The following general criteria shall be used:

1) Public Storm Sewer Systems: Shall be installed in Class "A" divisions when an existing system is readily accessible. If no such outlets are within a reasonable distance, another adequate provision for storm water drainage shall be made. All storm sewer systems shall be subject to review and approval by the Public Works Director.

2) Lot Grade and Slope: Class "A" and "B" divisions shall be fashioned in such a manner that lot drainage will or can be in a direction away from the building site. Drainage patterns utilizing natural characteristics are preferred.

3) Area Drainage: Shall be considered in all divisions. All culverts and other drainage facilities must be large enough to accommodate drainage from upstream areas. The Public Works Director, or his designee, shall determine the appropriate size of each facility which will be dedicated to the public based on standard engineering practices. The potential for development throughout the watershed, as envisioned by the Comprehensive Plan shall also be considered. The Department may require that culverts and other drainage facilities be evaluated by a registered engineer to determine appropriate sizes for private roads, or may recommend sizes without incurring liability for the failure of such. For all Class "A" divisions, applicants must submit professionally prepared storm drainage plans to the Department of Public Works and receive approval of such plans prior to approval of the final map or plat. No division shall be approved where it has been determined that storm water drainage generated by the division will overload drainage facilities.

4) Flood-prone or Other Hazardous Areas: Shall be restricted from [building] development or excluded from the division in any manner deemed necessary by the county to protect the health, safety, and welfare of the present and future population of the area, and to ensure that all divisions conform with Chapter 254, Floodplain District, of the Jackson County Land Development Ordinance. The applicant may be required to utilize the planned unit development (Chapter 35) as a means of protecting the development from identified hazards. Such restrictions or exclusions shall be clearly labeled on the final map or plat. The historical high water mark [and best professional estimate of the location of the floodway and 100-year floodplain pursuant to Section 254.060 (8)] shall also be shown on the final plat or map, according to the best known information.
C) The principles of ownership, maintenance, and improvement set forth for recreation areas (subsection 1, above) shall apply.

D) All open space areas shall be clearly labeled as public or common use areas on the final plat.

05.150 LAND FOR PUBLIC PURPOSE:

1) When the county, a school district, or other public agency has expressed a definite interest in acquiring a specific portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the county shall require that those portions of the division be either dedicated for public uses as provided in section 05.140 or reserved for public acquisition for a period not to exceed six (6) months from the date of the county's tentative or conditional approval of a division. The final map or plat may be submitted for review prior to the final outcome of the negotiations provided: The area which may be acquired is shown as being in public ownership and, a separate overlay is submitted which illustrates the proposed division of the area if it is not acquired by the public.

2) Where the Jackson County Board of Commissioners deems it necessary, or where lands are located within the Bear Creek Greenway as identified on the official Bear Creek Greenway Maps, the County may require the dedication of lands for public purposes.

3) The County may accept deeds in lieu of a plat or map for the purpose of dedicating land for widening State or County roads when a division is not involved.

05.160 FIRE PROTECTION:

1) Within Class "A" and "B" divisions the following fire safety standards shall apply:

A) Fire fighting water supplies shall be installed where legally recognized fire districts have standards for the installation.

B) Where no such standards have been developed by the local fire district, the county may require improvements based upon commonly accepted designs.

2) Within a Class "C" division, the county may require improvements as suggested by the appropriate fire protection and prevention agency.

3) Structural [wild]fire protection requirements are specified in Section 280.100 of the zoning regulations.
05.170 MISCELLANEOUS PROVISIONS, FENCING, COVERING, SCREENING: When a hazardous condition exists within a Class "A" division including, but not limited to, open ditches, abrupt topographical features, traffic arterials, or water bodies, the county may require fencing or covering of the hazardous conditions adequate to protect the public. Screening in the form of fencing, walls, landscaping, or landscaped berms at the exterior boundaries of the division may be required by the County to separate identified land use conflicts or as a means of improving aesthetic values of the area as a whole.

When any of the above improvements are required by the County, the applicant shall submit a construction plan and cost estimate to the Department of Planning and Development for approval. A construction performance bond, in an amount determined sufficient by the Planning Director, shall be filed with the County Clerk, unless the work is to be completed prior to filing the final plat of recordation.

05.190 SURVEY REQUIREMENTS

1) [Final partition maps, surveys, and related monumentation shall be made by an Oregon registered land surveyor, and conform to the requirements of the Jackson County Surveyor's Office and ORS Chapter 209.] The map of Class "A" partitions and all subdivisions shall be based upon an accurate survey of all boundary lines and the centerline of proposed access easements affecting the property. The map of Class "B" or "C" partition shall be based upon an accurate survey of the boundaries of any lands proposed for dedication to the public[, all new property lines, and the centerline of all access easements]. The County may require that new property lines and the centerline of access easements be surveyed when necessary to ensure that access easements are not located on adjoining ownerships.

2) Final subdivision plats, surveys, and related monumentation shall be made by an Oregon registered surveyor, and conform to the requirements of the Jackson County Surveyor's Office. The plat shall be based upon an accurate survey conforming to the requirements of ORS 92.

05.200 MAP AND PLAT SPECIFICATIONS:

1) Tentative and Final Partition Maps and Plats: Tentative and final maps and plats may be prepared by other than an Oregon registered land surveyor. The tentative maps shall be clearly and legibly drawn in black ink on white paper. Tentative plats shall be prepared on paper or vellum to a size approved by the Department. All maps or plats shall be drawn to a standard engineer's scale in a manner which may be reproduced without loss of detail. The format of the plat or map shall be in accordance with specifications established by the Department.
2) **Final [Partition Maps and] Plats**: Final [maps and] plats shall be prepared by an Oregon registered land surveyor and drawn to a standard engineer's scale in black ink, especially formulated for polyester film, on transparent polyester film at least .003 inches thick, and 18 inches by 24 inches in size. The format of the plats shall be in accordance with specifications established by the Department and ORS Chapters 91, 92, and 209.
D) Name and address of the registered professional land surveyor if applicable.

E) Approximate courses and distances of existing property lines, proposed property lines, and, where appropriate, center line of proposed road, and approximate area of each parcel.

F) Location of all structures and improvements, including wells and installed septic systems.

G) Approximate location of areas within "A" or "B" divisions which are areas subject to inundation or storm water overflow, and the location and direction of flow of all water courses and drainage ways.

H) Location of approved usable area(s) for subsurface sewage disposal (if such exists).

I) Parcel numbers.

J) Date, northpoint, and scale. Map scale shall be 1"=100', 1"=200', 1"=300', 1"=400', 1"=500', or 1"=1,000'. The scale showing the greatest detail on a single map shall be utilized.

K) Location, width, and name of any existing proposed streets, roads, or easements on or abutting the partition. Easements shall be denoted by fine dotted lines and if already recorded, their recorded reference.

15.050 REVIEW PROCESS - TENTATIVE MAP:

Any application which is incomplete or found to be inaccurate may not be processed by the Department. If the application is not processed the applicant shall be notified in writing of the deficiencies and shall have 30 working [30] days from the postmark date of the notice to correct deficiencies. If the applicant fails to correct or complete the application within the time limit provided, it shall be denied without refund of fees.

1) Department Review:

A) The Department shall process all minor partition applications and those major partition applications where the proposed road would serve no more than three parcels, except that all divisions of land zoned Exclusive Farm Use, pursuant to Section 218.070 shall be submitted to the Board of Commissioners for approval or denial.
B) The Department shall determine which public agencies, special districts, and, in the case of major partitions which adjoining landowners should be notified regarding the application. Failure of any person, group, or agency to receive notice shall not impair the validity of the Department's decision. Parties notified pursuant to this section shall have ten [fourteen] working days from the date postmarked on the notice to submit comments and/or requests for a hearing to the Department.

C) The Department shall approve the tentative map unless there is a specific finding that the partition does not conform to the requirements of this ordinance and other applicable laws and regulations. In the case of a major partition, a request for a public hearing may be filed within ten [fourteen] working days of [from] the postmark date of the notice by an adjoining landowner, affected agency, or special district[, pursuant to Section 285.035].

D) Within [seven] five working days of a decision by the Department on a tentative map, applicants shall be notified in writing of that action. The notification shall include a copy of the major or minor partition map, clearly stamped "Approved" or "Denied" and signed and dated by the Director. An approved map shall be accompanied by a listing of attached conditions, if any. Applications which are denied shall be accompanied by a brief statement of the facts relied upon in rendering the decision. The denial of a tentative map shall only be reconsidered upon reapplication or appeal.

3) Hearings Council Review:

A) Except as provided otherwise in this ordinance, the Hearings Council shall hear all major partition applications when the proposed road would serve four or more parcels, and those major partition applications where the proposed road would serve not more than three parcels and a public hearing has been requested per 1, B, of this Section [and Section 285.035].

B) The Department shall notify the applicant of the date of the hearing and determine which public agencies, special districts, adjoining landowners, and citizen advisory committees should be notified regarding the application. Failure of any person, group, or agency to receive notice shall not impair the validity of the Hearings Council decision. Notice of the hearing shall also be published in a newspaper of general circulation at least ten calendar days prior to the date of the hearing.
C) 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 concurrently with the mailing of the Hearings Council will consider the application prior to the hearing date.

D) A decision by the Hearings Council will normally not exceed 30 working days from the date of the first hearing on the application. This time period may be extended by the applicant, the Department, or the Hearings Council.

E) Applicants shall be notified in writing within ten working days of signing of the final order by the Hearings Council on a tentative map. The notification shall include a copy of the major partition map or "Denied," and shall be signed and dated by the Director. An approved map shall be accompanied by a listing of attached conditions, if any. Applications which are denied shall be accompanied by a brief statement which 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 upon the criteria, standards, and facts set forth. Denial of the tentative map shall only be reconsidered upon reapplication or appeal (Chapter 285).

Approval of a tentative map for a minor or major partition shall remain valid for six months, within which time the final map must be prepared and submitted to the Department for review. A time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request by the applicant. Applicants not meeting these time requirements requesting further extension of time must submit a new application and tentative map, including repayment of fees.

15.060 MINOR AND MAJOR PARTITION -- FINAL APPROVAL:

1) The final partition map shall be prepared by an Oregon registered land surveyor consistent with ORS Chapters 91, 92, and 209. It shall include the following:

A) Final maps shall be prepared in accordance with section 05.200 and be drawn in black ink on 8 1/2" x 11" white paper except for those which include lands proposed for or required to be dedicated. Maps including such lands shall be drawn in black ink especially formulated for polyester film on 18" X 24" stable base polyester film with a minimum thickness of .003". No part of the map shall be closer than 1" to the edge.

B) Title block containing the words "Minor Partition" or "Major Partition."
C) Department of Planning and Development File Number.

D) Parcel configuration of the approved tentative map.

E) Requirements "G" and "I" through "X" of the tentative map requirements.

F) All courses and distances of property lines which are surveyed as required in section 05.190 and approximate area in square footage and acreage.

G) Location and description of all permanent survey monuments found or set on each proposed parcel, if any.

H) Signature lines for the Planning Director, County Assessor and County Recorder's [Clerk's] certification. A signature line for the County Surveyor shall also be included if lands are proposed for dedication to the public or a survey has been required. The map shall also include signature lines of other agencies or special districts designated by the Department or the Hearings Council.

[I) Location of all existing improvements on the final map, including dwellings and other structures, wells, and installed septic systems, if necessary to show conformance with setbacks and other requirements of approval.

2) The final map, submitted to the Department for signature, shall contain the signatures of the land surveyor, if any, the agencies, and districts required as a condition of tentative map approval.

A) Jackson County Surveyor's Approval: Maps, including lands proposed for, or required to be dedicated as a condition of tentative map approval, shall be submitted to the County Surveyor after submission, review and signatures by the Department. The County Surveyor shall determine that the roads and other lands proposed for dedication are accurately described as required by this ordinance. The County Surveyor shall collect from the applicant a fee for this service in accordance with the Jackson County Board of Commissioners' order setting forth such fees. When the County Surveyor, acting in a private capacity, submits a final map, the Public Works Department shall review such maps and collect fees in accordance with the fees ordinance.

B) Jackson County Assessor's Approval: The final map shall be submitted for review by the Jackson County Assessor prior to submission for Department approval. The Assessor shall review the proposed division to assure that all real estate taxes and all delinquent special assessments, fees, or other charges required by law to be placed upon the tax roll have been paid.
3) Major partition maps shall be accompanied by:

A) Any written certificates pertaining to improvement assurances or responsibilities [such as a road maintenance agreement prepared consistent with the requirements of this ordinance].

B) A narrative description of any easements or rights-of-way, including references to benefitted properties.

[C) Verification from the project surveyor that the physical location of the road is within the easement.

4) The Director shall review the final map to assure compliance with this ordinance. The Director shall sign the map, indicating approval, upon finding that the final map complies with all applicable requirements, and that the final map substantially conforms with the approved tentative map and any conditions imposed thereon.

5) The Director shall schedule the final map and related documents for review by the Board of Commissioners when the proposed partition will result in land(s) or right(s)-of-way being dedicated to the public. Upon a finding that all applicable requirements have been met, the Board shall declare the lands or rights-of-way to be public and shall cause such declaration to be officially recorded (refer to Chapter 50).

6) Upon approval by all signators, the original final map and related documents shall be returned to the applicant or his agent for recordation by the County Clerk and an exact autoreproduction shall be filed with the County Surveyor’s office. If the map was prepared by an Oregon registered surveyor and is based on a survey.

7) Completion of Improvements - Bonding, Other Assurances: Any and all improvement work, [shall be the responsibility of the applicant prior to submittal of a final map. This includes] including the construction of roads and the inspection of county standard roads by the Department of Public Works, [and the inspection of dedicated ways and private roads by the applicant’s Oregon registered engineer or ARCPAC5 soil scientist.] shall be the responsibility of the applicant prior to submittal of a final map. The Department shall not approve the final map or issue building permits until the improvements have been completed and accepted by the applicable agency or department unless adequate bonding [, consistent with Chapter 55.] exists to ensure installation of the improvements consistent with Chapter 55.

15.070 RECORDATION AND FILING:

The approved deeds and other documents, as may be required to be recorded by the Department[,] shall be recorded within 45 working (21 calendar) days of the Department’s approval. The Recorder [County Clerk] shall not record any map which will have the effect of partitioning property without the written authorization of the Planning Director.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
CHAPTER 20
SUBDIVISIONS

20.010 GENERAL PROVISIONS FOR SUBDIVISIONS:

Subdivisions shall be subject to the procedures and requirements set forth in this Chapter, and those of Chapter 5, Design and Development Standards. No person shall transfer, sell, or otherwise dispose of any lot in any subdivision by reference, exhibition, or other use of a plat of a subdivision before the plan has been approved by Jackson County. No person shall offer or negotiate to sell lots until a tentative plat has been approved.

20.020 PRE-APPLICATION PROCEDURE:

Persons desiring to subdivide land are advised to contact the Department of Planning and Development prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed subdivision.

20.030 APPLICATION REQUIRED:

1) Applications for subdivisions shall be submitted to the Department of Planning and Development on forms prescribed by the Department. The application shall include the following:

   A) Name and address of property contract holder or purchaser, the applicant (if not the owner), and agent.

   B) Existing land use and surrounding development patterns.

   C) Proposed land use.

   D) Approximate distance from the boundaries of the subject tract to utility lines, including both water and sewer, which could serve the development.

   E) The proposed method of sewage disposal:

      i) Where lots in a Class A or B subdivision are to be served by individual sewage systems the following information shall be submitted:

         a) Date and application number of proposed site evaluation application(s) filed with the Department's Sanitation Division and estimated date of evaluation.

         b) The distance from nearest side lot line and distance from either front or rear lot line of each approved usable area.
ii) In a Class C subdivision the provisions of section 05.090 and 20.030 (1) (I) shall be followed.

F) The type of the system is to be indicated where other than an individual sewage disposal system will be utilized, and the public agency or department which has approved or is evaluating the system shall be named.

G) The proposed method of obtaining a potable water supply. If the lots are to be served by individual wells, the following information shall be submitted:

1) Date and application number of well permit(s) issued by the Department's Sanitation Division or the location of existing wells describing the distances to property lines.

ii) Sufficient evidence to show that each parcel or lot in a Class A or B subdivision will have available at the time of development a 2.5 gallons per minute supply of potable water tested for a minimum of one [four] hour[s], which is the minimum County standard for drinking water. Such evidence may include, but is not limited to, existing pump tests and well logs. Production test information shall be required prior to final approval for any subdivision that is proposed in an area designated by the County Board of Commissioners or State Water Resources Board as having potential or known problems in the quantity of available water. A chemical and/or biological analysis shall be submitted when the subdivision is proposed for an area designated as having potential or known water quality problems.

iii) In a Class C subdivision the provisions of section 05.100 shall be followed.

H) Where other than an individual well is to be utilized, the type of the system is to be indicated and the public agency or department which has approved or is evaluating the system shall be named.

I) If the subdivision will create one or more lots which are not intended to be used in a manner which will require sewage disposal facilities and/or a potable water source, the applicant shall so state the intended use [of each such lot] and [record a covenant restricting the lot to uses which do not require such sewage disposal or a potable water source until such facilities become available in order] plane a deed restriction or a note upon recorded documents to notify those who may have an interest in the property.
H) In Class "A" divisions, where the resultant parcels or lots will be one acre in size or less, topography indicating contour intervals (as listed below), and extending at least 100 feet beyond the boundaries of the subdivision. The required contour intervals shall be five foot or smaller intervals.

I) Location of all roads or streets adjoining or being proposed to serve the subdivision, including width, length, maximum grades, and surface condition. Indicate on the plat the proposed road or street name or number, and the proposed road's status (private road, dedicated way, or county road).

J) Approximate location of areas within Class "A" and "B" divisions which are subject to inundation or storm water overflow, and all areas covered by water, and the approximate location, width, and direction of all water courses.

K) Approximate location, width, and purpose of all existing easements on and known easements abutting the tract. Easements shall be denoted by fine dotted lines, and if already of record, their recorded reference.

L) Utilities on or abutting the subdivision.

M) Location of all structures and improvements, including wells and installed septic systems.

N) Lot or land area intended to be dedicated or reserved for public use or common use of the property owners in the subdivision, with purpose of reservations clearly labeled.

O) Location of approved usable area(s) for subsurface sewage disposal or location of public or community sewer lines and easements.

PROCEDURE FOR REVIEW OF TENTATIVE PLAT:

1) Upon receipt of a subdivision application, the Department of Planning and Development shall provide notice of the tentative [plat] plat to affected county departments, public agencies, adjoining land owners, and citizen advisory committees for review and comment. The Department shall schedule a hearing before the Hearings Council at the earliest possible date. [The Director may refer subdivisions for hearing directly to the Board if, in his opinion, the complexity or public significance of an application or scheduling difficulties would cause the usual land use decision - making process to exceed time constraints imposed by state statute.] (Refer to Chapter 285 for information on public hearings.) Failure of any person, group, or agency to receive notice shall not impair the validity of the hearing.
2) The Department shall review the application and all information submitted by the applicant, and shall conduct an on-site inspection of the subject property.

3) Any application which is incomplete or found to be inaccurate may not be processed by the Department. If the application is not processed, the applicant shall be notified in writing of the deficiencies within 30 days of acceptance of the application, and have 30 working days from the postmark date of the notice to correct deficiencies. If the applicant fails to correct or complete the application within the time limit provided, it shall be denied without refund of fees. Application for lands located within an urban growth boundary acknowledged by the Land Conservation and Development Commission shall be reviewed and tentatively approved or denied within [the time] a 180 day period [specified by statute] following the date the department determines the application is complete.

4) The Department shall prepare a staff report and recommendation for action by the Hearings Council based upon conformance with state and local regulations, the County Comprehensive Plan and Land Development Ordinance, and responses from interested agencies and individuals.

5) The applicant shall be notified in writing by the Department of the action taken within 45 working days of the first hearing on the matter, or within ten working days after the Hearings Council [signing of the] final order on a tentative plat, whichever is less. This notification shall include a copy of the tentative plat clearly stamped “Approved,” “Conditionally Approved,” or “Denied,” and shall be dated and signed by the secretary of the Hearings Council.

A) An approved tentative plat shall be accompanied by a listing of attached conditions, if any. Approval of a tentative plat shall be a tentative approval, and shall not constitute acceptance of the final plat. Approval shall be binding upon the developer and Jackson County for the preparation of the final plat.

B) Applications which are denied shall be accompanied by an order of the Hearings Council which states the facts relied upon in rendering the decision. A denial of the tentative plat will only be reconsidered upon reapplication or appeal (refer to Chapter 285).

C) Approval of the tentative plat shall become null and void 12 months after the date of approval, unless the final plat is submitted pursuant to section 20.060 of this ordinance within that time period. An extension [Extensions] of time not exceeding 12 additional months may be granted by the Director or the Hearings Council [subject to Section 285.030]. A request for such an extension shall be made in writing [prior to the expiration of the original 12 months].
v) Signature lines for the approval of the:
   a) Secretary of the Hearings Council or Planning Director.
   b) Jackson County Surveyor.
   c) Chairman of the Board of Commissioners of Jackson County.
   d) Jackson County Assessor.
   e) All other agencies as may be designated by the Hearings Council, or required by ORS 92.110.
   f) Owner(s) of property being subdivided.
   g) Owner(s) of land upon whose land the proposed road(s) will be located if other than the owner of the property being subdivided.

vi) Signature lines for certification by surveyors.

2) Improvements: All final written certifications pertaining to improvements, improvement assurances, or responsibilities must accompany the final plat. The Department shall not approve the final plat until the improvements, including survey monumentation, have been completed and accepted by the applicable agency or department unless adequate bonding exists to ensure installation of the improvements consistent with Chapter 55.

3) Signatures: The subdivider shall submit the final plat for review and signature by persons, agencies, committees, and special districts required during the tentative plat review. All signatures of such persons, agencies, committees, and special districts, except the County Surveyor [and Assessor] shall be obtained by the subdivider prior to submission of the final plat to the Department of Planning and Development for review and signature by the Director. [The Board shall be the last signator of the final plat.]

A) Land in Special Districts: All plans, plats, or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, or district improvement company shall be submitted to the board of directors of the district or company. The proposal shall be endorsed before approval of such plan, plat, or replat of any subdivision by the County. If a subdivider is unable to obtain action or approval
by any district or company within 45 days, the subdivider shall notify the County in writing. The County shall serve notice on that district or company by certified mail, advising the district or company that any objections to the plan, plat, or replat must be filed in writing with the County within 20 days. Failure of the district or company to respond shall be considered as approval of such plan, plat, or replat and the County shall endorse thereon a finding that the district or company failed to act. The County may then approve such plan, plat, or replat without the approval of such district or company.

B) Jackson County Surveyor Approval: The plat must be submitted to and approved by the County Surveyor. The County Surveyor shall check the subdivision site and the plat to determine that the plat complies with the provisions of ORS 92 and the provisions of this ordinance. The County Surveyor shall collect from the subdivider a fee for this service in accordance with ORS 92 or the Jackson County Board of Commissioner's order setting forth such fees, whichever is greater.

C) Jackson County Assessor Approval: The final plat shall be submitted for review by the Jackson County Assessor. The Assessor shall review the proposed subdivision to assure that ad valorem taxes and all delinquent special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year, pursuant to ORS 92.

[D) Following proper signing of the plat by the Surveyor, Assessor, special districts, and Planning Director, the Director shall submit the plat for Board review and signature.]
20.080 RECORDATION:

The final plat and related documents shall be recorded by the subdivider in the Official Records of Jackson County, Oregon, within [seven] five working days of approval. The County [Clerk] Recorder shall not record any plat which will have the effect of subdividing property without the written authorization of the Planning Director. Recordation of any document having the effect of subdividing property without the written authorization of the Planning Director is a violation of the requirements of this ordinance.

20.090 REPLATS:

1) The Department shall review all proposed replats. The replat shall be evaluated in terms of its impacts on and compatibility with previously approved divisions. The evaluation shall, at least, include and require appropriate modification of the replat to ensure that existing public and private improvements can serve existing, proposed, and potential development in the area; and the continuation of established development patterns. The Hearings Council shall review the proposal where the proposed modification will have significant impact upon the development as it was originally recorded or approved by the county.

2) All replats shall be processed in the same manner as an application of a division occurring on lands not previously platted, except as provided for within Section 20.090(1).
CHAPTER 25
ROADS, STREETS AND BICYCLE PATHS

25.010 GENERAL ROAD AND ACCESS POLICIES:

1) Purpose: The establishment of the minimum criteria to be used in Jackson County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements may be necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

2) Criteria: Roads in Jackson County shall be designed, constructed, and maintained to:

A) Be capable of ensuring unrestricted travel to and from a property.

B) Provide adequate, safe, and legal access with minimal public cost.

C) Place the burden of the costs on the benefitted person(s).

D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.

E) Provide for drainage ways and utility services.

F) Be compatible with adjoining land uses.

G) Minimize, within the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource, [Open Space Reserve], and Woodland Resource, as designated by the Jackson County Comprehensive Plan.

H) Ensure that the new road will not interfere with forest management or harvesting practices.

I) Minimize the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.

J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk winter range, identified natural areas, and other significant natural features.
B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The county may also require the improvement of such rights-of-way or easements in a class "A" division. A temporary turn-around may be required for the resulting dead-end road.

C) Frontage roads, or double frontage parcels or lots may be required by the county when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.

D) Whenever a proposed division or development is intended to abut an arterial or collector, the county shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.

E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill.

25.020 MINIMUM REQUIREMENTS FOR COUNTY ROADS:

1) The minimum requirements for county roads are set forth within the Jackson County Standards and Specification for County Roads, August, 1976, which from time to time, may be revised. Applicants proposing to construct a county standard road should consult with the Jackson County Department of Public Works prior to submittal of the proposal. Copies of the above referenced document are available at the Public Works Department.

2) The Department of Public Works shall establish improvement requirements for county road frontage where divisions are [or the development is] proposed along an existing county road. Such requirements may include either on or off-site improvements which are found [by the Director] to be necessary and appropriate to meet increased traffic demands anticipated as a result of the proposed division [or development]. Such improvements shall be completed in a manner which will minimize long-term costs to taxpayers, and may include, but not be limited to the following:
A) Dedication of additional right-of-way or an irrevocable offer of such a dedication;

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

25.030 MINIMUM CONSTRUCTION STANDARDS FOR COUNTY ROADS:

1) The minimum construction standards for county roads are detailed within the Jackson County Standards and Specification for County Roads. Copies of the document are available at the Public Works Department.

2) County roads constructed in conjunction with divisions shall also utilize erosion control provisions, including but not limited to, seeding or hydro-mulching of cut and fill banks and limitations of slopes on road cuts and fills which are acceptable to the county.

25.035 ROAD IMPROVEMENTS WITHIN UNDEVELOPED DEDICATED OR PLATTED RIGHTS-OF-WAY

[No person shall open up, or cause any road improvements or construction within, any existing dedicated or platted road or street right-of-way within an urban growth boundary (UGB), urban containment boundary (UCB), or Suburban Residential - 1 (SR-1) zoning district, or make any alteration in it, without the written permit issued by the Director, and no person shall thereafter violate the conditions of such a permit. As a condition of the permit, the Director shall require an agreement to develop the road or street in accordance with plans and specifications accompanying such agreement, which plans and specifications shall be approved by the Director of Public Works and shall conform with the requirements of Sections 25.020 through 25.050. The agreement shall be accompanied by a performance bond with corporate surety or cash deposit, in an amount determined by the Director to be sufficient to guarantee the completion of the improvements within the time and in accordance with the approved plans. If work has not been substantially commenced within the time specified in the permit, the permit shall expire. Until the improvements are completed and approved, no development permits shall be issued for any lot or parcel to be served by the improved road or street. If the streets are parts of an undeveloped plat more than 10 years old the Director may, instead of issuing the permit, recommend vacation as provided in ORS 92.205 et. seq.]

25.040 MINIMUM REQUIREMENTS FOR DEDICATED WAYS:

[Table II and the] The following minimum requirements shall apply to any action relating to the approval of a dedicated way:

1) The location and design of a dedicated way shall conform to applicable goals and policies of the Jackson County Comprehensive Plan.

2) All dedicated ways shall be constructed to meet or exceed the construction specifications as specified in section 25.050.
3) Erosion control requirements must meet or exceed the minimum acceptable standards of this ordinance. (The civil engineer should submit tentative plans to the Department for review and approval prior to finalizing construction drawings.)

4) All dedicated ways shall be dedicated to the public and shall be maintained pursuant to a maintenance agreement, in a form to be provided by Jackson County, to be recorded with the final plat in the official records of Jackson County. The recorded maintenance agreement shall include the following elements:

A) The maintenance agreement shall be binding on all owners of parcels within the plat or map, other properties served by the dedicated way, and all interests in such property thereafter acquired. The owners shall maintain the road according to the terms of the maintenance agreement.
<table>
<thead>
<tr>
<th>AREA CLASS</th>
<th>NO OF LOTS OR PARCELS SERVED</th>
<th>MAXIMUM GRADE</th>
<th>MINIMUM WIDTH</th>
<th>LANES REQUIRED</th>
<th>MINIMUM MINIMUM SURFACE MATERIAL OR COURSE</th>
<th>MINIMUM RIGHT-OF-WAY WIDTH</th>
<th>RECOMMENDED MAXIMUM SPEED</th>
<th>MINIMUM BASE COURSE TYPE</th>
<th>SURFACE TYPE</th>
<th>TURNING RADIUS</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>1-6</td>
<td>15%</td>
<td>11 ft</td>
<td>1</td>
<td>1.5 ft.</td>
<td>40 ft.</td>
<td>Minimum 15 MPH</td>
<td>6 in. compacted thickness of 3/4&quot;-0 crushed rock or equivalent.</td>
<td>Minimum 28 ft. inside: 46 ft. Outside.</td>
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<tr>
<td>B</td>
<td>7-9</td>
<td>15%</td>
<td>10 ft</td>
<td>2</td>
<td>1.0 ft.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
</tr>
<tr>
<td>C</td>
<td>1-4</td>
<td>15%</td>
<td>11 ft</td>
<td>1</td>
<td>2.0 ft.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
</tr>
<tr>
<td>D</td>
<td>5-9</td>
<td>15%</td>
<td>10 ft</td>
<td>2</td>
<td>2.0 ft.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
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<td>Same as Above.</td>
</tr>
</tbody>
</table>

### County-Standard-Roads-Only

<table>
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<tr>
<th>AREA CLASS</th>
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<th>MAXIMUM GRADE</th>
<th>MINIMUM WIDTH</th>
<th>LANES REQUIRED</th>
<th>MINIMUM MINIMUM SURFACE MATERIAL OR COURSE</th>
<th>MINIMUM RIGHT-OF-WAY WIDTH</th>
<th>RECOMMENDED MAXIMUM SPEED</th>
<th>MINIMUM BASE COURSE TYPE</th>
<th>SURFACE TYPE</th>
<th>TURNING RADIUS</th>
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</thead>
<tbody>
<tr>
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<td>3.0 ft.</td>
<td>50 ft.</td>
<td>Same as Above.</td>
<td>8 in. compacted thickness of 1/2&quot;-0 crushed rock or equivalent.</td>
<td>Oil Mat.</td>
<td>Same as Above.</td>
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<tr>
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<td>5 or More</td>
<td>15%</td>
<td>10 ft</td>
<td>2</td>
<td>3.0 ft.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Oil Mat.</td>
<td>Same as Above.</td>
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<tr>
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<td>2</td>
<td>3.0 ft.</td>
<td>Same as Above.</td>
<td>Same as Above.</td>
<td>Oil Mat.</td>
<td>Same as Above.</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** See Sections 25.040 and 25.050 for complete standards.

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1. **Area Class A:** Within Urban Growth Boundaries and Urban Containment Boundaries, or areas zoned for one (1) acre or smaller.  
2. **Area Class B:** Zoned for 2.5 acres or smaller, excluding Class A; and Area Class C: Zoned larger than 2.5 acres in size.  
3. **Any** of the required surveys, maps, plans, and improvements of dedicated ways shall be the responsibility of the applicant/developer.  
4. **Any** of the required surveys, maps, plans, and improvements of dedicated ways shall be the responsibility of the developer.  
5. Turnouts shall be provided at 600 foot intervals, whichever is the lesser.  
6. Turnouts shall be provided at 600 foot intervals, whichever is the lesser.  
7. A county standard road, not a dedicated way, is permitted in an Urban Growth Boundary and Urban Containment Boundary. Outside of a UGB or UCB a dedicated way is permitted to serve areas zoned for Suburban Residential (SR-1) provided that said road is developed to the standards of area class B.  
8. Roads located within the Air Quality Maintenance Area (AQM) shall utilize an oil mat surface (Jackson County 0-7 asphalt penetration macadam oil mat with a minimum of three shots of oil).  
9. **NOTE:** See Sections 25.040 and 25.050 for complete standards.
25.050 MINIMUM CONSTRUCTION STANDARDS FOR DEDICATED WAYS:

1) All dedicated ways shall be designed by [an Oregon registered] a licensed civil engineer, consistent with or exceeding the minimum construction standards established in this section and the requirements of the Public Works Director. The engineer shall [file reproducible as-constructed plans with the Public Works Department. The plans must contain or be accompanied by a certification] certify that the dedicated way "as built" meets the requirements and standards of Section 25.040 and 25.050 and that materials utilized were of adequate quality. [The as-constructed plans must be accepted by the Public Works Department before the Dedicated Way is considered for acceptance by the Board.]

2) The subgrade shall be compacted to 90+ percent of maximum relative density. This standard shall be presumed to be satisfied when a wheel roll test, as described below, shows no appreciable deflection or reaction. The test shall utilize a 10 yard dump truck fully loaded with crushed rock. The wheel loads shall be placed over the entire cross-section of the road. Those areas with minimal deflection shall be proof rolled repeatedly to ensure the condition does not worsen. Areas which fail shall be recompacted or reconstructed and retested.

3) Dedicated ways shall not be utilized for through traffic, but shall be limited to internal traffic and will generally be dead-end roads with a 30 foot radius cul-de-sac or suitable turn-around.

4) The road shall be capable of supporting occasional traffic in the range of 45,000 pounds gross vehicle weight.

5) The road shall be designed for a 10 year design life, taking into consideration construction traffic. Bridges shall have a minimum 25 year design life.

6) The vertical curve shall be no shorter than 50 feet.

7) Minimum stopping distance shall be 70 feet.

8) A minimum of thirteen and one-half (13 1/2) feet of vertical clearance for the full width of the road shall be necessary.

9) Cul-de-sacs, turn-arounds, and turnouts shall be as level as possible.

10) [The applicant's Oregon registered engineer or ARCPACS soil scientist shall, where necessary to control drainage and erosion,] To ensure erosion control, the Department may require modification of cut and fill slopes as well as seeding and/or hydro-mulching of disturbed areas. (See Table II, Minimum Requirements for Dedicated Ways.)

11) The minimum travel surface may be increased by the County in wildfire hazard areas.
25.060 MINIMUM REQUIREMENTS FOR PRIVATE ROADS:

The following minimum requirements shall apply for any action relating to the approval of a private road. Additional higher standards may be required which are deemed necessary by the County to ensure that the road will reasonably provide access which conforms with the stated purposes of this Chapter:

1) Private roads shall provide access to no more than three abutting lots or parcels. A private road may serve more than three lots or parcels when the parcels are within a planned unit development and when such road is constructed to the standards for a county road, and is approved as a part of the planned unit development conditional use permit. Under no circumstances shall a private road serve other roads or areas.

2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for extension to adjacent property, or to be utilized for public road purposes in the normal development of the area.

3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

4) The County may require that the applicant post a sign stating the name of the private road and the words "Private Road, Not Dedicated for Public Use or Maintained by Jackson County" at the entrance to a private road.

5) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

6) The County may require such improvements, in addition to those specified in section 25.070, as are reasonably necessary to provide safe and adequate access to the lots and parcels.

7) The County may require that the private road being considered be established as a dedicated way or county road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.
8) All private roads shall be dead-end roads with a cul-de-sac or other suitable turn-around.

9) A private road shall directly connect only to a county or state road. However, an exception may be made for private roads connecting to a United States Forest Service or Bureau of Land Management road under the following circumstances: when the applicant, or his authorized representative, has applied for and received approval for use of the right-of-way in conformance with the U.S. Forest Service or Bureau of Land Management requirements [pursuant to the access requirements of this ordinance set forth in Section 05.020 (3)].

10) The approved application provides for a renewable, unencumbered 30 year use period.

11) 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 county shall compare the applicant’s proposed road construction specifications to the following standard, which the county may require based upon the finding that the applicant’s proposed specifications are inadequate:

A) Three inches of 3/4-0 compacted, crushed rock, or equivalent top course.

B) Three inches of 1 1/2-0 compacted, crushed rock, or equivalent base course.

C) The sub-grade [subgrade shall be] compacted to 90+ percent of maximum compaction. This standard shall be presumed to be satisfied when a wheel roll test, as described below, shows no appreciable deflection or reaction. The test shall utilize a 10 yard dump truck fully loaded with crushed rock. The wheel loads shall be placed over the entire cross-section of the road. Those areas with minimal deflection shall be proof rolled repeatedly to ensure the condition does not worsen. Areas which fail shall be recompacted or reconstructed and retested.

The county may also require that compliance with the standard proposed by the applicant or the standard specified [in subsection 10] above shall be certified by an Oregon registered engineer [or ARCPACS soil scientist].

11) The county shall require that a maintenance agreement be recorded in the records of Jackson County along with any map or plat creating a private road, and include the following terms:

A) That the agreement for maintenance shall be enforceable by any person served by the road.

B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
12) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

13) The applicant shall submit verification that the physical location of the travel surface is within the easement shown on the final map.

14) The minimum travel surface may be increased by the County in wildfire hazard areas.

25.070 MINIMUM CONSTRUCTION STANDARDS FOR PRIVATE ROADS:

1) Ten foot wide improved travel surface, with two foot shoulders on each side.

2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven feet in width, with 25 foot tapers on each end [back from its point of connection with the county or public road].

3) Cut and fill slope requirements[, drainage] and erosion control provisions [shall be determined to be adequate by the applicant's Oregon registered engineer or ARCPACS soil scientist] acceptable to the department.

4) The width of the road approach at its intersection with the county road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width [back from its point of connection with the county or public road].

5) Maximum finished grade shall be 15 percent except that it may exceed 15 percent at other than the road approach or turnaround for a maximum distance of 100 feet. Under no circumstances shall the road grade exceed 18 percent.

6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.

7) 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 275 feet at any point. If the County finds that unique topographic conditions exist in the area of the proposed private road an adjustment of this standard may be considered.
### TABLE III

**MINIMUM ROAD STANDARDS FOR PRIVATE ROADS**

<table>
<thead>
<tr>
<th>DIVISION CLASs</th>
<th>MAXIMUM # OF PARCELS TO BE SERVED</th>
<th>MAXIMUM GRADE</th>
<th>LANE WIDTH</th>
<th>LANES REQUIRED</th>
<th>MINIMUM SHOULDER WIDTH</th>
<th>MINIMUM EASEMENT WIDTH</th>
<th>RECOMMENDED DESIGN SPEED</th>
<th>TOP COURSE</th>
<th>BASE COURSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>---</td>
<td>Private Roads are Not Allowed within Class &quot;A&quot; Divisions Except as Noted ---</td>
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<tr>
<td>B</td>
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<td>15% ③</td>
<td>10</td>
<td>1 ②</td>
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<tr>
<td>C</td>
<td>3</td>
<td>15% ③</td>
<td>10</td>
<td>1 ②</td>
<td>2</td>
<td>25</td>
<td>--</td>
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</tr>
</tbody>
</table>

① "A" - Within an Urban Growth Boundary or Urban Containment Boundary, or areas zoned for one (1) acre or less.
② "B" - Zoned for 2.5 acres or smaller, excluding Class "A" divisions.
③ "C" - Zoned for larger than 2.5 acres in size.
② Turnouts shall be provided intervisibly or at 800 foot intervals, whichever is the lesser.
③ May exceed 15 percent for a distance of 100 feet, but under no circumstances shall the road grade exceed 18 percent.
④ A private road is not permitted in an Urban Growth Boundary or Urban Containment Boundary or areas zoned for less than one acre-parcel sizes. - A private road may be permitted outside UGBs or UCBs in a Suburban Residential-1 (SR-1) zone.

*Note: See Sections 25.060 and 25.070 for complete standards.*
CHAPTER 35

SPECIAL DESIGN CONSIDERATIONS

35.010 PLANNED UNIT DEVELOPMENT:

Exceptions to the standards and requirements of this ordinance may be approved by the [County] Hearing Council to allow for unique design considerations when a conditional use permit has been granted for a planned unit development. Specific map and plat requirements, as well as the requirements of all applicable state laws, shall be met. Maps or plats submitted with applications for planned unit development conditional use permits shall be filed with and considered as an integral part of the conditional use permit process.

35.020 SPECIAL SETBACKS:

The Planning Director may increase or reduce setbacks as much as fifty (50) percent of the normally required amount to improve solar orientation, protect natural resources, allow for future street widening or improvements, or for any other design improvement which the county finds to be necessary and appropriate.

35.030 MAJOR LAND USE CONFLICTS:

When in the opinion of the Board of Commissioners, major and far reaching land use conflicts would or are likely to be created by the approval of a division, or would otherwise not conform to the design and development standards set forth in Section 05.080 (5) of this ordinance, the applicant shall submit findings concerning the following factors:

1) Economic Consequences:

   A) Itemize costs which would be borne by the applicant if the resource (site) was not disturbed.

   B) Itemize expected benefits which will accrue to the community if the resource (site) is destroyed or disturbed.

2) Social Consequences:

   A) Evaluate the uniqueness of the resource (site) from a [community,] county, regional, and state perspective.

3) Energy Consequences:

   A) Itemize existing and expected energy costs resulting from failure to preserve the resource (site).
40.010 GENERALLY:

Adjustments of the boundaries of existing parcels or lots may take place based upon the requirements of this Chapter.

40.020 APPLICATION REQUIRED:

An individual who intends to adjust the boundaries of any lot or parcel within County jurisdiction shall make application to the Department of Planning and Development on forms prescribed by the Department.

1) Applicants shall submit a scale drawing on 8½" X 14" material, unless otherwise specified by the Department, showing the following:

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

   B) Scale shall be 1" : 400' unless otherwise specified by the Department.

   C) Name and address of the record owner or contract purchaser, surveyor, engineer, or agent, if any.

   D) The location of the existing property lines, lines to be adjusted, and distances to any existing structures [including installed septic systems and wells, and easements, if any].

   E) Acreage of all parcels or lots involved in the adjustment, including their resultant sizes following the adjustment.

2) The applicant shall submit a signed statement explaining the reason for the request.

40.030 REVIEW OF APPLICATION:

The Planning Director shall review each application submitted subject to this Chapter and shall approve the application if the following findings are made:

1) The proposed adjustment will not result in the creation of any more parcels or lots than previously existed.
2) The proposal will not render any lot or parcels unusable, nor shall the usefulness, utility, or viability of the lots or parcels be decreased as a result of the proposal.

3) Lots or parcels which are presently conforming with the zoning district in which they are located will not become nonconforming as a result. Minor lot line adjustments to nonconforming lots will comply with this section.

4) New property lines may cross zoning district boundaries unless the adjustment will increase the number of parcels or lots which could potentially be created from the adjusted properties based upon the density requirement of the applicable zoning districts. However, this finding shall not be required where the zoning districts require the same density.

5) The proposal will not impair the usefulness of any public or private easement.

6) The overall proposal is found to be an appropriate design, in terms of the overall development of the area.

7) The proposal will not result in violation of setbacks and building standards required for fire protection under the Uniform Building Code.

40.040 FINAL APPROVAL OF APPLICATION -- RECORDATION:

After an application for adjustment has received county approval, a copy of the approved map shall be returned to the applicant. The applicant shall record with the County [Clerk] Recorder the legal instrument(s) which implement(s) the approved adjustment shown on the map.
CHAPTER 50

REQUIREMENTS FOR DEDICATION

50.010 REQUIREMENTS:

The County, in acting on any application for a division, may require the dedication of improvements, lands, or rights-of-way for public purposes, subject to the requirements and conditions of this Chapter and other applicable sections of this ordinance.

All lands or rights-of-way proposed for dedication by the applicant or required by the County shall be clearly shown on the plat or map, and include the following statement:

"DEDICATION:

Know all men by these present that, (name(s) of owner(s)) is (are) the owner(s) of a parcel of real property situated in the Jackson County, Oregon, and has (have) caused the same to be surveyed, mapped, and platted as (name of subdivision, if a subdivision). Any public utility easement(s) as shown is (are) dedicated for public use without reservation. The road right(s)-of-way that is (are) shown on the map is (are) dedicated to the public without reservation."

A title report shall accompany the final map or plat describing ownership of the lands affected by the dedication. Lands or rights-of-way dedicated to the public may only be accepted by the Board of County Commissioners.

50.020 TYPES OF DEDICATION:

1) Any [The] County department or agency charged with acting on applications for partition or subdivision may require the dedication of irrevocable offer of dedication of land for right-of-way purposes [if necessary to carry out the purposes of this ordinance].

2) In Class "A" divisions, the County may require dedication of easements for public utilities, drainage, and other purposes which may be directly associated with public health, safety, and general welfare.

3) No document or instrument dedicating land to public use shall be accepted for recordation unless such document or instrument bears the approval of the Board of County Commissioners.
CHAPTER 55
BONDING REQUIREMENTS

55.010 COMPLETION OF IMPROVEMENTS:

1) Major and Minor Partitions:

A) Final Map Approval Without Bonding:

i) Improvements which are required as a condition of the final map approval, or are otherwise proposed for improvement by the applicant, shall be completed prior to approval of a final map or plat or placement of any dwellings on the parcels, or prior to further division off of the proposed road, or affecting the parcels or lots created by the division.

ii) The Department shall not issue building or mobile home set-up permits for any lot or parcel within a division until all improvements have been completed and accepted by the County. Where the County is not empowered to inspect and approve other public improvements, written certification of the acceptance by the appropriate agency shall be submitted to the County.

B) Final Map Approval With Bonding:

i) The Department may issue building permits where an agreement, developed in accordance with Section 55.020 of this ordinance, has been executed, except that no building permits shall be issued until all required fire safety improvements are completed. The agreement shall specify the period in which the improvements will be made and a description of the items to be completed. The Department shall not issue mobile home set-up permits, or complete the final inspection for a building permit, until all improvements have been completed and accepted by the County. Where the County is not empowered to inspect and approve improvements, written certification of the acceptance by the appropriate agency shall be submitted to the County.

2) Subdivisions:

A) Approval of a final plat shall be contingent upon either:

i) Submission of an agreement consistent with the requirements of Section 55.020, which specifies the period in which the improvements will be made and a description of the items to be completed.
ii) Completion of the improvements.

B) The Department shall not issue mobile home set-up permits or building permits for any lot or parcel within a subdivision where an agreement has been executed until all improvements have been completed and accepted by the County. Where the County is not empowered to inspect and approve improvements, written certification of the acceptance by the appropriate agency shall be submitted to the County. Where the improvements are private, the County shall require certification of compliance with the applicable standards of this ordinance by an appropriate entity.

55.020 BOND-TERMS/FORFEITURE:

1) No agreement shall be effective as an alternative to compliance unless and until the applicant/developer provides an assurance for a sufficient sum to cover all costs of included improvements, installation of required interior monuments, repair of monuments, and related County expenses. Bonding may occur in one of two forms:

A) A corporate surety bond, in a form approved by the county legal counsel and executed by a surety company authorized to transact business in the State of Oregon.

B) Cash.

The agreement shall provide for the indemnification of the County from claims of any nature arising or resulting from the performance of any acts required by the County to be done in accordance therewith, in a form acceptable to County legal counsel [who is authorized to act on behalf of the County to approve and sign such agreements].

2) The assurance shall remain in force and effect at all times, until completion of all improvements and acceptance by the director of public works or other administrative official of the applicable agency. Upon completion of independent segments of the construction, portions of the assurance shall be released by the Public Works Director, provided that the resultant assurance is adequate to complete the remaining improvements and such is so certified by the Public Works Director. Whenever a failure to perform under said agreement has not been satisfactorily rectified by the applicant/developer or his/her surety, within 30 days after notice to the surety at the offices of its authorized representative, the County at its option, may thereafter, without further notice, declare said bond or cash forfeited and cause all required construction or repair to be done.
CHAPTER 60
DIVISIONS INVOLVING JURISDICTIONAL OVERLAP

60.010 JURISDICTION:
Jackson County will not allow the creation of any new lot or parcel which lies only partially within the County's jurisdiction. Whenever any lot or parcel, which contains any area in another county or within the incorporated limits of any city, is proposed to be divided, the following regulations shall apply:

1) If that portion within a city meets the city's standards to exist as one or more separate lots or parcels, the city limits shall be used as a property line. If additional area is needed to meet the minimum requirements of the city, the city shall be encouraged to annex as much of the subject property as is necessary to assure appropriate development of the site, in keeping with the intent of this ordinance. If more than one lot or parcel will result within the city limits, the County shall not grant tentative approval of the application prior to receiving authorization from someone empowered by the city council to grant such authorization.

2) Any portion of a lot or parcel which exists in another county shall be considered to be a separate lot or parcel. No new lot or parcel shall be allowed to overlap a county line.

3) Where the proposed parcels exist wholly within a single county, but access to such parcels necessitates the crossing of a county line, the minimum requirements for access, as established within this ordinance, shall be met over the entire length of the access. Where an adjoining county would apply more stringent requirements than those set forth in this ordinance, those more stringent requirements shall apply over the entire length of the access.

4) No person shall create a street or road for the purpose of subdivision or partition without approval as required by this ordinance. "Creation" of a street or road includes either the physical construction of the roadway or the recording of an instrument which would show the existence of a right-of-way or easement for road purposes.

[60.020 CONVERSION PLAN REGULATIONS]

[Any application for a subdivision, land partition, or other land division within an established urban growth boundary shall include that jurisdiction's written approval of a Conversion Plan for the subject property, in accordance with adopted plans and consistent with proposed future zoning of the area, provided that city has Conversion Plan standards or review procedures in effect.]
Said maps and all notations, references, and data shown thereon are hereby incorporated by reference into this ordinance, and shall be as much a part of the ordinance as if all were fully described herein.

200.060 DISTRICT BOUNDARIES:

Unless otherwise specified, zoning district boundaries are section lines or subportions thereof, subdivision lines, and lot lines or center lines of streets [and roads], railroad rights-of-way, and streams or such lines extended, or physiographic, or natural features such as soil mapping units or topographic relief.

200.070 MEASUREMENTS ON ZONING MAPS:

County staff members may utilize standard engineering scales, rulers, or other measuring devices as necessary to determine distances on the Official Comprehensive Plan and Zoning Map(s). Where these measurements are disputed, aggrieved persons may appeal the staff determination to the Hearing Council, through the procedure provided in Chapter 285, providing supportive information.

200.090 PLACING CONDITIONS ON A PERMIT:

In permitting any land use action subject to review required by this ordinance, the County may impose, in addition to those standards expressly specified by this ordinance, conditions determined to be reasonably necessary to ensure compliance with the standards of the ordinance, the Comprehensive Plan, and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

1) Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.

2) Establishing a special yard or other open space or lot area or dimension.

3) Limiting the height, size, or location of a building or other structure.

4) Designating the size, number, location, and nature of vehicle access points.

5) Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way.
6) Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area/lot or truck loading area [including the number of parking spaces to be provided].

7) Limiting or otherwise designating the number, size, location, height, and lighting of signs.

8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

9) Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

10) Designating the size, height, location, and materials for a fence [, including making a determination when a fence may be required].

11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat such as winter deer and elk ranges, or other significant natural resources or natural hazards.

12) Making any other condition to permit the development of the County in conformity with the intent and purpose of these regulations and the Comprehensive Plan.

13) Requiring that public facilities are adequate to serve the proposed use.

14) Requiring the official recording of deed declarations and declarations of restrictions.

[15) Requiring additional fire safety measures to ensure public health, safety and welfare and to protect resource lands.

16) Requiring the filing of a site plan review application pursuant to Chapter 282.]
CHAPTER 210
FOREST RESOURCE (FR-160) DISTRICT

210.010 PURPOSE:
To preserve, enhance, and stabilize the primary forest land base within Jackson County, which is being used for, or offers the greatest potential for, continued production of forest products and harvesting; to provide for other uses compatible with forestry activities; to protect forest lands for forest uses; and to implement forest resource provisions of the Jackson County Comprehensive Plan.

210.020 PERMITTED USES:
The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon Department of Environmental Quality rules [Administrative Rules] governing land use, sewage disposal, noise, air, and water quality:

1) Managing, growing, and harvesting of timber and other forest products [including seed cone processing].

2) Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.

3) Agriculture, including accessory uses.

4) Parks and scenic, historic, or botanical areas.

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. Such materials must be used on the subject property or contiguous properties under the same ownership.

6) Fish hatchery, fish culture, game management or refuge area.

7) Mining exploration and mining claims.

8) Log scaling and weighing stations.

9) Water impoundments and irrigation facilities necessary for, or incidental to, another permitted use.

10) Fire prevention, detection, and suppression facilities.
11) Landing strip or heliport when used in conjunction with a permitted use.

12) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.

13) Maintenance and storage yards when used in conjunction with a permitted use, provided that locational, fire safety, or other standards which apply to that primary use are also met by the accessory use.

14) Buildings and uses of a public works, public use, or public service nature, provided that the development will be located on the least productive buildable portions of the parcel whenever possible, in order to minimize the conversion of the forest resource to nonforest use.

15) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

16) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

17) Home occupation carried on by the resident as an accessory use, provided that such use does not adversely affect forest resource management activities or constitute a fire hazard. Home occupations are subject to the standards and criteria set forth in section 280.120.

18) A [The first] single family dwelling placed on a parcel at least ten acres in size, when necessary and accessory to a forest use, and located under a permit subject to the following forest site plan review requirements [of Section 210.060]. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed. An approved site plan is not transferable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.

19) A [The first] single family dwelling [on a parcel] not in conjunction with forest uses may be approved subject to approval of [by] the Planning Director, provided the requirements of Section 210.065 are met. A single family dwelling is not in conjunction with a forest use when located on a preexisting parcel under ten acres in size or when located on a preexisting parcel greater than ten acres in size and has not been shown to be necessary for or accessory to forest use.

Amended by Emergency Ordinance #83-8, effective 4-20-83; and Permanent Ordinance #83-9, effective 7-3-83.
210.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, section 210.035, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least a 100 foot setback on all yards is maintained.

2) The following recreational uses:
   A) Playground, hunting and fishing preserves, and camps (camps).
   B) Guest ranch where the number of dwellings, guest houses or other living units do not exceed the density of the zone when located on generally unproductive lands.
   C) Commercial stable.

3) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials when not accessory to a permitted use, (and the use and operation of a mining claim,) provided that the standards of Chapter 272 are satisfied.

4) Water impoundments for other than permitted uses.

5) Personal use landing strip or heliport for other than permitted uses.

6) Church.

7) Public or private school.

8) [The following utility facilities or uses] Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:
   A) Municipal water treatment storage facility.
   B) Power and communication substations.
   C) Sewage treatment plant.
   D) Small scale solid waste disposal facility.
   E) Commercial utility facilities for the purpose of generating power for public use by sale, including power transmission lines. Facilities which require above ground transmission lines of 115 kV or greater, requiring a cleared right-of-way no wider than 50 feet, or which require a new impoundment of 1000 acre/feet or augmentation of an existing reservoir in excess of 1000 acre/feet, shall be subject to the Goal 2 Exceptions standards and Oregon
Administrative Rules (Chapter 660, Division 4) in addition to the conditional use standards of this district. Maximum use of existing rights-of-way shall be made.

Amended by Emergency Ordinance #83-8, effective 4-20-83; and Permanent Ordinance #83-9, effective 7-3-83.
9) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

10) Alteration and use of Historic Landmarks and structures, subject to the provisions of Chapter 266.

11) Bed and breakfast service as an accessory use, subject to the provisions of Section 280.240.

Additional dwellings, provided that the proposal satisfies the requirements of Section 210.040 and 210.065. Approved additional dwellings which cannot conform to parcel area requirements of this district shall not be sold separately by way of division. The sale of additional dwellings and related property land partitioning which conform to setback, parcel area, and other requirements of this district shall be allowed.

210.040 PARCEL AREA AND DENSITY REQUIREMENTS FOR DWELLINGS:

1) All dwellings and guest houses in the Forest Resource district shall be limited to a density of one dwelling per 160 acres.

2) The minimum parcel size shall be 160 acres or one-quarter section 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.
210.050 PARCEL AREA REDUCTIONS:

The county may permit the development of community buildings including churches, and buildings and uses of public works, public service, or public utility nature on reduced parcel areas when all of the following requirements are met:

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

2) The request is consistent with the Jackson County Comprehensive Plan.

3) That the property is suitable for reduction of area considering terrain, soil conditions, drainage, vegetation, fire hazard, and other similar factors.

4) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat as determined in writing by the Oregon Department of Fish and Wildlife.

210.060 FOREST SITE PLAN REVIEW REQUIREMENTS:

[1] An approved site plan is not transferrable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.

[2] Dwelling Siting Requirements:

[A] The dwelling and accessory structures shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location, and size of the parcel. To verify the above, the following shall be submitted with the building or mobile home setup permit application:

[i] Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.

[ii] A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

[a] Accurately drawn property lines clearly indicating the size and location of the parcel.

[b] Location of existing and proposed structures, roads, and other improvements.

[c] Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).
"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices [on adjacent or nearby lands] which ordinarily and necessarily produce log truck and heavy machinery traffic and noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a Forest Resource area. [In addition, fire prevention authorities may require curtailment of certain activities during the fire season.] Jackson County shall be a party to this declaration which cannot be removed or modified without written consent of the County."

**Statement of Management Objectives:**

++[A] The applicant shall submit a statement of objectives for managing the land for forest use. Forest uses include: ++ The production of trees and light processing of forest products; and ++ grazing land for livestock. This statement shall, at a minimum, include the following:

i) An accurate site plan map drawn to scale with approximate boundaries outlining forest use areas and vegetative types.

ii) A description of the existing condition of timber stands, access, density, and management needs.

iii) A plan for managing the property for forest uses which correlates to the forest use areas identified above. This plan shall show how the applicant intends to achieve the identified management objectives according to a time schedule.

iv) A statement of the adverse effects of the proposed management objectives or any special problems, adverse effects, or concerns on nontimber resources (water quality, soil conservation, stream bank erosion, wildlife and fisheries habitat).

++[B] The elements of this statement may be amended from time to time to accommodate changes in ownership, management objectives and strategies, or land uses. The statement shall be kept on permanent file in the Department.

**210.065 STANDARDS FOR APPROVAL OF A NONFOREST DWELLING IN A FOREST RESOURCE DISTRICT:**

A nonforest dwelling may be approved provided that the application conforms to the following standards and procedures:
1) Findings must be made to satisfy all of the following:

A) That the use is compatible with nearby forest uses.

B) That the use will not interfere with, or hamper, adjacent forest or farming practices.

C) That the use does not adversely alter the stability of the overall land use patterns of the area [zoned for forest or farm use].

D) That the proposed use considers forest site productivity and minimizes the loss of forest land by locating on land generally unsuitable for forest uses, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, and location and size of the parcel.

E) That the use meets the fire prevention standards as outlined in Section 280.100.

2) In addition to the above, the applicant shall submit, with a building or mobile home setup permit application, the following:

A) Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.

B) A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

i) Accurately drawn property lines clearly indicating the size and location of the parcel.

ii) Location of existing and proposed structures, roads, and other improvements.

iii) Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).

C) A nonforest dwelling proposed for location on a preexisting parcel greater than ten acres in size shall also submit a statement of management objectives consistent with Section 210.020 (2)(B). [210.060 (3)].

3) The dwelling and accessory structures will not interfere with, or hamper, adjacent forest practices. The following declaration [contained in Section 210.060 (2)(B)] shall be recorded with the county to recognize the existing and potential forest resource as the priority user.
Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of Amended by Emergency Ordinance #83-8, effective 4-20-83; and Permanent Ordinance #83-9, effective 7-3-83.
Applications received under this section shall be processed in the following manner:

A) Upon receipt of a [first] nonforest dwelling application, the Planning Director shall determine if the request satisfies the criteria in Section 210.065 (1). The Planning Director shall make findings either 

   supporting [approving] or denying the application. A denial is final unless appealed 
   to-the-Hearings-Council.

   However, at the Director's discretion any application may be forwarded to the Hearings Council for [its] their review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision and approve the application for a nonforest dwelling. [Additional forest or nonforest dwellings are subject to the conditional use review permit procedures of this ordinance.]

B) Nonforest dwellings may be approved subject to those conditions which the Planning Director or Hearings Council determine are reasonably necessary in order to ensure compliance with this section.

C) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant.
CHAPTER 212
WOODLAND RESOURCE DISTRICT

212.010 PURPOSE:

To protect, stabilize, and enhance land areas within Jackson County which have the potential of producing timber and wood fiber on smaller parcels where intensive forest management practices may be required; to encourage desirable and appropriate land uses which are consistent with Statewide Planning Goal 4, the Jackson County Comprehensive Plan, and multiple-use objectives in areas which, by reason of location, soil, topography, public ownership, and value to the community for forest, agriculture, scenic, recreation, wildlife, open space, watershed protection, or recreation, are not suited to intensive land development patterns; to provide tax incentives through special forest valuation as specified in ORS 321, or open space in ORS 308, although the application of this district does not automatically confer forest or open space land valuation; and, to acknowledge forest management practices which occur even though they may be objectionable to adjoining property owners outside and within the district.

212.020 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing regulations, the Land Development Ordinance, and Oregon Department of Environmental Quality rules [Administrative Rules] governing [land use, sewage disposal, noise, air, and water quality:

1) Managing, growing, and harvesting of timber and other forest products [including seed cone processing].

2) Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.

3) Agriculture, including accessory use.

4) Parks and scenic, historic, or botanical areas.

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. Such materials must be used on the subject property or contiguous properties under the same ownership.

6) Fish hatchery, fish-culture, game management or refuge area.
7) Mining exploration and mining claims.

8) Log scaling and weighing stations.

9) Water impoundments and irrigation facilities necessary for, or incidental to, another permitted use.

10) Fire prevention, detection, and suppression facilities.

11) Landing strip or heliport when used in conjunction with a permitted use.

12) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.

13) Maintenance and storage yards when used in conjunction with a permitted use, provided that locational, fire safety, or other standards which apply to that primary use are also met by the accessory use.

14) Buildings and uses of a public works, public use, or public service nature, provided that the development will be located on the least productive buildable portions of the parcel whenever possible, in order to minimize the conversion of the Woodland Resource to nonforest use.

15) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

16) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

17) Home occupation carried on by the resident as an accessory use, provided that such use does not adversely affect forest resource management activities or constitute a fire hazard. Home occupations are subject to the standards and criteria set forth in section 280.120.

18) [The first single] Single family dwellings [placed] on [a] parcel at least ten acres in size, when [it will be the first dwelling on said parcel and when it is determined that the dwelling will be] in conjunction with a forest use, and located on the property under a permit subject to the following forest site plan review requirements.
Additional dwellings which cannot conform to the setback-or-parcel-area requirements of this district shall not be sold separately. Partitioning and/or sale of dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed. An approved site plan is not transferable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.
19) A [The first] single family dwelling [on a parcel] not in conjunction with forest use may be approved subject to approval of [by] the Planning Director, provided the requirements of Section 212.065 [212.065 are met and provided it will be the first dwelling on the parcel]. A single family dwelling is not in conjunction with forest uses when located on a preexisting parcel under ten acres in size.

212.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below, in Section 212.035, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least 100 foot setback on all yards is maintained.

2) The following recreational uses:
   A) Playgrounds, hunting and fishing preserves, and camping [campgrounds.]
   B) Guest ranch where the number of dwellings, guest houses or other living units do not exceed the density of the zone when located on generally unproductive lands.
   C) Commercial stable.

3) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials when not accessory to a permitted use, [and the use and operation of a mining claim,] provided that the standards of Chapter 272 are met.

4) Water impoundments for other than permitted uses.

5) Personal use landing strip or heliport for other than permitted uses.

6) Church.

7) Public or private school.

8) [The following utility facilities or uses] Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:
   A) Municipal water treatment storage facility.
   B) Power and communication substations.
   C) Sewage treatment plant.
   D) Small scale solid waste disposal facility.
Commercial utility facilities for the purpose of generating power for public use by sale, including power transmission lines. Facilities which require above ground transmission lines of 115 KV or greater, requiring a cleared right-of-way no wider than 50 feet, or which require a new impoundment of 1000 acre/feet or augmentation of an existing reservoir in excess of 1000 acre/feet shall be subject to the Goal 2 Exceptions standards and Oregon Administrative Rules (Chapter 660, Division 4) in addition to the conditional use standards of this district. Maximum use of existing rights-of-way shall be made.

9) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

10) Alteration and use of Historic Landmarks [and structures,] subject to the provisions of Chapter 266.

+24(11)} Bed and breakfast service as an accessory use, subject to the provisions of Section 280.240.

+24(12)} Additional dwellings, provided that the proposal satisfies the requirements of Section 212.065 [212.065] and 212.040. [Approved additional dwellings which cannot conform to parcel area requirements of this district shall not be sold separately by way of division. The sale of additional dwellings and related property land partitioning which conform to the setback, parcel area, and other requirements of this district shall be allowed.]

212.035 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN WOODLAND RESOURCE DISTRICTS:

A conditional use may be approved only when findings can be made to satisfy all of the following:

1) That the use is compatible with forest uses in the nearby area.

2) That the use will not interfere with forest management or harvesting practices.

3) That the use does not adversely alter the stability of the overall land use pattern of the area [zoned for farm or forest use].

4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land by locating on land which is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and location and size of the tract.

5) That the use in question will meet fire protection standards of Section 280.100.

6) That the proposed use will not adversely affect [affect] sensitive fish and wildlife habitat pursuant to section 280.110 (3) (E).
212.040 PARCEL AREA AND DENSITY REQUIREMENTS FOR DWELLINGS:

1) The minimum parcel size in this district shall be 20 acres unless otherwise altered according to parcel area reduction provisions below.

2) All dwellings, including guest houses, shall not exceed a gross density of one dwelling per each 20 acres except where altered according to the provisions of section 280.110 (3) (E), concerning sensitive fish and wildlife habitat.

212.050 PARCEL AREA REDUCTIONS:

The County may permit the development of community buildings, including churches, and building and uses of public works, public services, or public utility nature on reduced parcel areas when all of the following requirements are met:

1) The proposed use of a smaller parcel would not interfere with accepted forestry or farming practices on the subject parcel or adjacent lands.

2) The request would not adversely alter the stability of the overall land use pattern for the area [zoned for farm or forest use].

3) The use would be situated upon land generally unsuitable for the production of forest or farm products, considering forest site productivity, terrain, adverse soil or land conditions, fire hazard, vegetation, location, and size of the parcel, drainage, and other similar factors.

4) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat as determined in writing by the Oregon Department of Fish and Wildlife.

212.020 [110] (212.060) FOREST SITE PLAN REVIEW REQUIREMENTS:

[1] An approved site plan is not transferrable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.

[*][2)] Dwelling Siting Requirements:

[*][A)] The dwelling and accessory structures shall be located on the least productive, buildable portion of the parcel whenever possible, taking into consideration terrain, adverse soil and land conditions, access, vegetation, location, and size of the parcel. To verify the above, the following shall be submitted with the building or mobile home setup permit application:

[*][i)] Township, range, section, tax lot number(s), size in acres, assessor’s code, and other contiguous properties under the same or family ownership.
A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

1. Accurately drawn property lines clearly indicating the size and location of the parcel.
2. Location of existing and proposed structures, roads, and other improvements.
3. Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).

The following declaration shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices [on adjacent or nearby lands] which ordinarily and necessarily produce log truck and heavy machinery traffic, and noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a Woodland Resource area. [In addition, fire prevention authorities may require curtailment of certain activities during the fire season.] Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

Statement of Management Objectives:

1. The applicant shall submit a statement of objectives for managing the land for forest use. Forest uses include:
   a. The production of trees and light processing of forest products;
   b. Grazing land for livestock. This statement shall, at a minimum, include the following:
      i. An accurate site plan map drawn to scale with approximate boundaries outlining forest use areas and vegetative types.
      ii. A description of the existing condition of timber stands, access, density, and management needs.
      iii. A plan for managing the property for forest uses which correlates to the forest use areas identified above. This plan shall show how the applicant intends to achieve the identified management objectives according to a time schedule.
A statement of the adverse effects of the proposed management objectives or any special problems or adverse effects on nontimber resources (water quality, soil conservation, stream bank erosion, wildlife and fisheries habitat).

The elements of this statement may be amended from time to time to accommodate changes in ownership, management objectives and strategies, or land uses. The statement shall be kept on permanent file in the Department.

STANDARDS FOR APPROVAL OF A NONFOREST DWELLING IN THE WOODLAND RESOURCE DISTRICT:

Single family dwellings on preexisting lots or parcel less than ten acres in size may be established provided that the application proposing the nonforest dwelling conforms to the following standards and procedures:

1) Findings must be made to satisfy all of the following:
   A) That the use is compatible with nearby forest uses.
   B) That the use will not interfere with, or hamper, adjacent forest or farming practices.
   C) That the use does not adversely alter the stability of the overall land use pattern of the area [on lands zoned for farm or forest use].
   D) That the proposed use considers forest site productivity whenever possible, and minimizes the loss of forest land by locating on land least suitable for timber production, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, and location and size of tract.
   E) That the use meets the fire protection standards as outlined in Section 280.100.

2) In addition to the above, the applicant shall submit with the building or mobile home setup permit application, the following:
   A) Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.
   B) A site plan map of the property drawn to a usable scale, or an aerial photo when available, which shows the following:
      i) Accurately drawn property lines clearly indicating the size and location of the parcel.
      ii) Location of existing and proposed structures, roads, and other improvements.
iii) Drainage, topography, physical constraints, such as steep grades or streams, and soils (if available).

3) The dwelling and accessory structures will not interfere with, or hamper, adjacent forest practices on land devoted to forest or agricultural use. The following declaration [contained in Section 212.060 (2)(B)] shall be recorded with the county to recognize the existing and potential forest resource as a preexisting and therefore a priority use:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge, accepts, and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which originally and necessarily produce noise, dust, smoke, log truck and heavy machinery traffic, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a structure in a Woodland Resource Area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

4) Applications received under this section shall be processed in the following manner:

A) Upon receipt of a [first] nonforest dwelling application, the Planning Director shall determine if the request satisfies the criteria in Section 212.055 [212.065] (1). The Planning Director shall make findings either supporting [approving] or denying the application. A denial is final unless appealed to the Hearings Council. However, at the Planning Director's discretion, any application may be forwarded to the Hearings Council for its review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision and approve the application for a nonforest dwelling. [Additional forest or nonforest dwellings are subject to the conditional use permit review procedures of this ordinance.]

B) Nonforest dwellings may be approved subject to those conditions which the Planning Director or Hearings Council determine are reasonably necessary in order to ensure compliance with this Section.

C) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant.
CHAPTER 214
OPEN SPACE RESERVE (OSR) DISTRICT

214.010 PURPOSE:
To encourage desirable and appropriate land uses in areas of the County which by reason of location, soil, topographic, or flooding characteristics, wildfire or other natural hazards, existing usage, [noise characteristics,] public ownership, or values to the community for scenic, recreation, farming, forest, wildlife, or open space are not suited to intensive land development patterns as determined by the Jackson County Comprehensive Plan and may require specific management or development techniques. Use of these districts may also allow for special assessment as open space under the provisions of Oregon Revised Statute 308. This district shall not, however, be construed as guaranteeing open space land valuation. To secure such assessment, application must be made to the County Assessor as set forth in Oregon law.

214.020 PERMITTED USES:
The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon [Administrative Rules] Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) Managing, growing, and harvesting of timber and other forest products [, including seed cone processing].

2) Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.

3) Agriculture, including accessory use.

4) Parks, scenic, historic, or botanical areas.

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. Such materials must be used on the subject property or contiguous properties under the same ownership.

6) Fish hatchery, fish culture, game management or refuge area.

7) Mining exploration and mining claims.

8) Log scaling and weighing stations.
9) Water impoundments and irrigation facilities necessary for, or incidental to, another permitted use.

10) Fire prevention, detection, and suppression facilities.

11) Landing strip or heliport when used in conjunction with a permitted use.

12) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.

13) Maintenance and storage yards when used in conjunction with a permitted use, provided that locational, fire safety, or other standards which apply to that primary use are also met by the accessory use.

14) Buildings and uses of a public works or public service nature.

15) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric, or other commercial power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

16) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

17) Home occupation carried on by the resident as an accessory use provided that such use does not adversely affect resource management activities or constitute a fire hazard, and is subject to the provisions of section 280.120.

18) The first single family dwelling [placed] on a parcel at least ten acres in size on existing or new parcels under a permit subject to the following resource site plan review requirements [of Section 214.060]. Dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately.

19) The first single family dwelling on a lot or parcel less than ten acres in size subject to Sections 214.020-(A)-(1) and 214.055 [214.060 and 214.065].

214.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below, in Section 214.035, and the provisions of Chapter 260:
1) Kennel, provided that indoor sleeping quarters are provided and at least a 100-foot setback on all yards is maintained.

2) Recreation type use, limited to:
   A) Campground, playground, hunting and fishing preserves.
   B) Guest ranch where the number of dwellings, guest houses, or other living units do not exceed the density of the zone.
   C) Commercial riding stable.

3) Excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials when not accessory to a permitted use, [and the use and operation of a mining claim,] subject to the provisions of Chapter 272.

4) Water impoundments for other than permitted uses.

5) Personal use landing strip or heliport for other than permitted uses.

6) Church.

7) Public or private school.

8) [The following utility facilities or uses] Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:
   A) Municipal water treatment storage facility.
   B) Power and communication substations.
   C) Sewage treatment plant.
   D) Small scale solid waste disposal facility.
   [E] Commercial utility facilities for the purpose of generating power for public use by sale, including power transmission lines. Facilities which require above ground transmission lines of 115 KV or greater, requiring a cleared right-of-way no wider than 50 feet, or which require a new impoundment of 1000 acre/feet or augmentation of an existing reservoir in excess of 1000 acre/feet shall be subject to the Goal 2 Exceptions standards and Oregon Administrative Rules (Chapter 660, Division 4) in addition to the conditional use standards of this district. Maximum use of existing rights-of-way shall be made.]

9) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
10) Boarding of horses for profit.

11) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

12) Golf course or country club.

13) Existing drag [Drag] strip, go-kart track, or other type of commercial motor racing facility (when located or relocated within, adjacent to, or in the immediate vicinity of the Jackson County Sports Park).

14) Bed and breakfast service as an accessory use subject to the provisions of Section 280.240.

15) Other single family dwellings, provided that the density standard of this district is maintained and subject to Section[s] 214.060 and 214.065. Dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately [by way of division]. Partitioning and/or sale of dwellings which conform to the [parcel area, setbacks, and other] standards of the Zoning and Land Division Regulations shall be allowed.

16) Residential development under the provisions of section 214.060.

214.035 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN THE OPEN SPACE RESERVE DISTRICT:

A conditional use may be approved only when findings can be made to satisfy the requirements of Section 260.040 and all of the following:

1) That the use is compatible with resource uses.

2) That the use will not interfere with nearby resource management or harvesting practices.

3) That the use will not adversely alter the stability of the overall land use pattern of the area [zoned for farm, Open Space Reserve, or forest use].

4) That the proposal considers site productivity and minimizes the loss of resource land by locating on land that is generally unsuitable for the production of forest or farm products, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and the like.

5) That the use in question will meet fire protection standards of Section 280.100.

6) The use will not adversely affect sensitive fish and wildlife habitat pursuant to section 280.110 (3) (E).

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
214.040 PARCEL AREA AND DENSITY REQUIREMENTS FOR DWELLINGS:

1) The minimum parcel size in this district shall be 20 acres unless otherwise altered according to parcel area reduction provisions below.

2) All dwellings, including guest houses, shall not exceed a gross density of one dwelling per each 20 acres except where subject to the provisions of section 280.110 (3) (E), concerning sensitive fish and wildlife habitat.

3) Where the Hearings Council has approved a conditional use under section 214.060 [214.070], density may be increased.

214.050 PARCEL AREA REDUCTIONS:

The county may permit the development of community buildings including churches, and buildings and uses of public works, public service, or public utility nature or reduced parcel areas when findings can be made to show that the proposed use:

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

2) Does not adversely alter the stability of the overall land use pattern of the area [zoned for forest, Open Space Reserve, or farm use].

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

4) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat as determined in writing by the Oregon Department of Fish and Wildlife.

214.060 SITE PLAN REVIEW REQUIREMENTS:

1) An approved site plan is not transferrable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.

2) Dwelling Siting Requirements:

   [A] The dwelling and accessory structures shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location, and size of the parcel. To verify the above, the following shall be submitted with the building or mobile home setup permit application:

   [i] Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.
A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

(a) Accurately drawn property lines clearly indicating the size and location of the parcel.
(b) Location of existing and proposed structures, roads, and other improvements.
(c) Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).

The following declaration shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near resource land, and as such may be subject to common, customary, and accepted [resource] management practices [on adjacent or nearby lands] which ordinarily and necessarily produce log truck and heavy machinery traffic, noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary resource management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a resource area. [In addition, fire prevention authorities may require curtailment of certain activities during the fire season.] Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

In areas of this district which are identified as sensitive fish and wildlife habitat, the County may limit the location of future dwellings to specific areas of the proposed new or existing parcels in order to minimize impacts upon the carrying capacity of the habitat pursuant to section 280.110 (3) (B).

Standards for Approval of a Dwelling on Preexisting Lots or Parcels Less Than Ten Acres in Size:

A dwelling may be established on preexisting lots or parcels less than ten acres in size when the proposal meets the following standards:

1) Findings must be made to satisfy all of the following:

A) That the use is compatible with nearby resource uses.
B) That the use will not interfere with, or hamper, adjacent resource practices.
C) That the use does not adversely alter the stability of the overall land use pattern of the area [zoned for farm, forest, or Open Space Reserve use].

D) That the proposed use considers site productivity and minimizes the loss of resource land whenever possible by locating on land least suitable for production, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, location, and size of tract.

E) That the use meets the fire protection standards of Section 280.100.

2) The following declaration [contained in Section 214.060 (2)(B)] shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near resource lands, and as such may be subject to common, customary and accepted management practices which ordinarily and necessarily produce log truck and heavy machinery traffic, noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary resource management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a resource area, Jackson County shall be a party to this declaration which cannot be removed or modified without written consent of the County."

3) Applications received under this section shall be processed in the following manner:

A) Upon receipt of an application [for a first dwelling], the Planning Director shall determine if the request satisfies the criteria of this section. The Planning Director shall make findings either supporting [approving] or denying the application. A denial is final unless appealed to the Hearings Council. However, at the Planning Director's discretion, any application may be forwarded to the Hearings Council for [its] review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision. [Additional dwellings are subject to the conditional use permit review procedures of this ordinance.]

B) Dwellings may be approved subject to those conditions which the Planning Director or Hearings Council determine are reasonably necessary in order to ensure compliance with this section.

C) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant.
VARIABLE DENSITY:

1) Only single family dwellings and mobile homes are permitted under this section. Mixing of mobile homes with standard single family dwellings may be permitted provided the mobile homes are either skirted with tongue and axles removed, or are placed with the chassis at [or below] grade level. Density standards may be increased by the [County] Hearing Council up to two dwellings per gross 20 acres.

2) Parcel area requirements within developments shall be not less than ten acres in size with approved individual on-site septic soil analysis and evidence of potable water supply pursuant to section 05.100 prior to final plat approval.

3) The application shall contain, at a minimum, the following:

   A) All information required under the land division regulations.
   B) A preliminary development plan outlining the existing topography and physical features, land use, proposed ownership/management, and location of open space, if any.
   C) A tentative plat [or map] of the division.
   D) Proposed agreements, provisions or covenants which govern the use, maintenance, and continued protection of the development and its open space, if any.
   E) All other information required by the zoning and land division regulations.

4) The design of a proposed division shall be consistent with the standards for a conditional use permit in this district. The [County] Hearing Council shall also determine the appropriateness of the development in terms of location of proposed lot sizes, density, dwelling sites, roads, and driveways by making findings that at a minimum address the following:

   A) The proposal will not result in dwellings, roads, or driveways being constructed on lands with slopes in excess of 35 percent.
   B) The proposal will not result in the disturbance of lands with slopes [slopes] exceeding 20 percent when the erosion hazard is classified as "high" or "very high" by the Soil Conservation Service or is identified as prone to slumping.
   C) The development will provide fire protection facilities and services as described in Section 280.100, or be within two road miles of a responding fire station.
   D) Roads shall be designed and constructed to meet, at a minimum, the minimum construction standards specified in the ordinance.
4) Exclusive Farm Use zoning, as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.

218.025 DEFINITIONS:

[FARM DWELLING: A dwelling customarily provided in conjunction with farm use if the dwelling is on a lot or parcel that is managed as part of a commercial farm operation. Includes dwellings for full time farmhands or ranchhands.]

[FARM DWELLING, RELATIVES: A dwelling on real property used for farm use if the dwelling is located on the same lot or parcel as those terms are defined in ORS 92.010, as the dwelling of the farm operator and is occupied by a relative which means a grandparent, grandchild, parent, child, brother, or sister of the farm operator or the operator’s spouse, whose such assistance in the management of the farm use is or will be required by the farm operator.]

[NONFARM DWELLING: A single-family dwelling which is not provided in conjunction with farm use.]

218.030 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules [Administrative Rules] governing [land use,] sewage disposal, [noise,] air, and water quality:

1) Farm uses [as defined in Section 00.040].

4+ (2) The propagation or harvesting of forest products.

3) Home occupations within farm dwellings or accessory farm structures subject to the operational standards and criteria set forth in Section 280.120, and the nonfarm criteria in Section 218.945 (218.120) (1,a,b).

2+ (4) Farm dwellings] dwellings [as defined in Section 218.025,] and other buildings customarily provided in conjunction with farm use. [More than one farm dwelling shall not be permitted unless substantial evidence is provided which shows conclusively that the additional farm dwelling is necessary for the operation of the commercial farm. In making the determination whether the additional farm dwelling is necessary for the farm operation, the Director shall take into consideration whether any nonfarm dwellings already existing on the farm unit may be used for that purpose.]

[A dwelling may be considered to be in conjunction with farm use or the propagation or harvesting of a forest product when located on a lot or
parcel that is managed as part of a farm operation or woodlot if the farm operation or woodlot:

[A) Consists of 20 or more acres, is appropriate for the continuation of existing commercial agriculture of the area, and is not smaller than the average farm or woodlot in the county producing at least $2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot; or

[B) Exists as a lot or parcel which is smaller than the size prescribed in subsection A, and:

[i] The lot or parcel is of sufficient size for bonafide commercial agriculture in the county for similar farm use to demonstrate through at least two years of plantings or commercial past production of food or fiber using innovative and/or intensive farming practices; and

[ii] The soil, growing season and personal resources are adequate, available and committed for the planned specific farm use; and

[iii] The markets for the farm products are demonstrable; and;

(iv) The dwelling and parcel or lot can be shown to be appropriate for the continuation of existing commercial agriculture in the area, and do not significantly change or increase the cost of or otherwise affect accepted farming practices on nearby lands zoned EFU.]

[For the purposes of this chapter, the term annual gross farm income as used in Section 218.030 (4A) may be considered synonymous with the terms "gross annual income" used in the Oregon State University Extension Service Special Report #698 entitled "Profiles of Commercial Agriculture for Southern Oregon" and with "gross farm sales" data contained in the 1978 Census of Agriculture for Jackson County prepared by the U.S. Census Bureau.]

5) The first nonfarm dwelling subject to Section 218.045 and 218.060 (4) [as defined in Section 218.025 and subject to Section 218.120].

6) Farm dwellings for relatives [as defined in Section 218.025,] subject to the following conditions:
A) The proposed dwelling is located on the farm to minimize adverse impacts on productive soils for the production of farm crops and livestock but which are not subject to natural hazards or would create significant environmental damage.

B) The applicant shall record in the records of Jackson County a declaration or restriction as set forth below and shall provide a copy of the recorded document to the Department prior to the issuance of a building permit:

"The farm dwelling for a relative which was placed or constructed on or about (date of construction or approximate date of placement of a mobile home) shall forever be a part of tax lot (specify tax lot and legal description) and as such shall not be separated from the parcel upon which the farm dwelling is situated. This restriction shall be considered permanent and shall not be revised or removed without permission of the Jackson County Board of Commissioners."

C) The applicant shall submit a statement notarized by a Notary Public which includes the names of the occupants of the dwelling and their relationship to the applicant.

218.040 CONDITIONAL USES:

The following uses are permitted if in conformance with Section 218.060, and other pertinent sections of this ordinance:

1) Commercial activities that are in conjunction with farm use.

2) Operations conducted for the exploration, mining, and processing of geothermal resources or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.

3) Private hunting and fishing preserves.

4) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
5) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill, or other similar method of initial treatment of a forest product in order to enable its shipment to market. Timber and related products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

6) The boarding of horses for profit.

7) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240 and Chapter 260.

8) Utility facilities necessary for public service including transmission and reception of communication frequencies, but not including broadcasting or recording studios.

9) Public or private schools.

10) Churches.

11) Small scale energy producing facilities in conjunction with permitted or approved conditional uses.

12) An additional nonfarm dwelling not provided in conjunction with farm use, provided that each such proposed dwelling satisfies conditions a) through d) [e], as identified in Section 218.045 [218.120] (1). It is not necessary, however, for such nonfarm dwellings to address the standards of Section 218.060 or Section 260.040, except for a deed declaration as required in Section 218.060 (2).

218.050 CONDITIONAL USES WITH ADDED STANDARDS:

The following are permitted if in conformance with Section 218.060, if findings can be made supporting a public need for the proposed use, and if findings can be made documenting that the public need is reasonably well met at the proposed location.

For purposes of this section, "reasonably well met" shall mean that a review of other appropriate properties in the County does not reveal one or more properties which are better suited to the proposed use, based upon criteria generally provided by this ordinance, plus any other relevant factors. The relative value of the alternative sites for agricultural uses should be given particular weight.

1) Commercial utility facilities for the purpose of generating power for public use by sale.
2) Golf courses.

3) Parks; [or] playgrounds[.]; or community centers.

4) Buildings [and uses] of a public works, public service, public utility, or public safety nature which are primarily intended to serve a rural population and are operated by a public entity.

218.060 STANDARDS REQUIRED OF ALL CONDITIONAL USES:

1) A conditional use may be approved by the [County] Hearings Council only when findings can be made that the proposed use meets the standards of Section 260.040 and the proposed use and/or new parcel:

A) Is compatible with farm uses described in subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243, as specified in Section 218.020; and,

B) Does not interfere with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use; and

C) Does not adversely alter the stability of the overall land use pattern of the area; and

D) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of tract, unless findings conclusively demonstrate that:

i) The proposed use will result in a more efficient and effective use of the parcel in view of its value as a natural resource.

ii) No feasible alternative sites in the area exist which shall have less impact on agricultural land.

E) The proposed use will not adversely affect sensitive fish and wildlife pursuant to section 280.110 (3) (E).

2) The following declaration of restriction, which may be modified by the [County] Hearings Council shall be recorded on the deed for all parcels used for a conditional use:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the placement of this covenant or the acceptance and recording of this instrument that the property herein described is situated near or upon land zoned Exclusive Farm Use, and as such may be subjected to common, customary, and accepted farming practices such as the operation of an orchard, feedlot, or dairy farm, any of which may engage in pesticide and herbicide spraying, weed cutting, irrigation, application of manure, fertilizer, orchard heating, and any other accepted and customary farm practices. Said
practices listed above ordinarily and necessarily produce noise, dust, spray residue, smudge smoke, vapor, and other types of visual, odor, or noise pollution which declarant accepts as a normal and necessary farming practice and as part of the risk of purchasing a structure and living in a farm area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

3) Standards governing creation of parcels for conditional uses:

A) All proposed parcels for conditional uses shall include no more land than reasonably needed to satisfy the proposed use.

B) The creation of such parcel(s) is consistent with the requirements of the Land Division Regulations.

218.070 NEW FARM PARCELS:
The Jackson County Board of Commissioners may approve a new farm parcel upon which a farm dwelling may be placed when findings can be made to document that the resultant parcels will maintain the existing commercial agricultural enterprise which exists in the area, and the division complies with ORS 215.243 as stated in Section 218.020, and the division conforms with section 218.060 (1) (E) and 280.440 (3) (E). The following criteria shall be addressed to assist in determining if these two requirements have been met:

1) The division of agricultural lands generally will be allowed if all new or resultant parcels contain at least 80 acres of irrigated lands, or at least 160 acres of nonirrigated lands; and when the record contains findings which show compliance with the criteria set forth in subparagraph 2 of this section. [Subsection 1 shall not be construed to establish a minimum parcel size for land divisions pursuant to State Statutes or Administrative Rules in Exclusive Farm Use zones.]

2) The following lists the applicable factors of ORS 215.243 and the State Agricultural Goal to be considered to determine the division's conformance with said provisions:

A) The following questions must be addressed in determining compliance with ORS 215.243:

ORS 215.243 (1) Factors:

i) Will the division allow for placement of farm dwellings and farm buildings on marginal or nonproductive soils?

ii) Will the division alter the visual, open space and scenic qualities of the area?

iii) Will the division negatively alter current farm practices on the land to be divided, taking into consideration such factors as irrigation systems, balance between irrigated pasture and winter feed lot area, and natural boundaries?
D) ORS 215.243 (2) Factor:

i) Will the proposed division create intrusion of nonagricultural uses within an agricultural area?

C) ORS 215.243 (3) Factors:

i) Will the proposed division have a negative impact on nearby farm uses or accepted farming practices in the area?

ii) Will the proposed division create a need for any noticeable expansion of community services within the area?

D) Such minimum lot sizes as are utilized for any farm uses shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area.

All of the following factors shall be considered by the Board of Commissioners in arriving at a conclusion that the division conforms to this provision of the agricultural goal:

Factors:

i) [Typical] Average ownership size of farm units zoned Exclusive Farm Use (EFU) in the County and the local geographic area surrounding the property proposed for partitioning containing three to nine square miles. The size and shape of the areas selected for analysis shall be based on similarity of farm activities, topography, and irrigation availability. Ownership of land less than ten acres in size if not part of a larger farm unit shall not be included in the average.

ii) Examination of the types of commercial farm activities in the area (including types of animals raised and crops harvested, and the size of parcels utilized in the area to produce such animals and crops).

[iii) Data contained in the 1978 Census of Agriculture by the U.S. Census Bureau and the Oregon State University Extension Service Special Report #698 entitled "Profiles of Commercial Agriculture for Southern Oregon" may be used to determine the appropriateness of the size of the parcels which would result from proposed division of agricultural land.]
STANDARDS FOR APPROVAL OF A NONFARM DWELLING [AND PARCEL] IN AN EXCLUSIVE FARM-USE DISTRICT

The first nonfarm dwelling [and parcel] may be established after making application to [approved by] the Planning Director, provided that such [the] application proposing a nonfarm dwelling [such use] conforms to all of the following standards and procedures:

1) To approve the [an] application for a nonfarm dwelling or nonfarm parcel the Planning Director must find:

(a) that the nonfarm dwelling or nonfarm parcel will be located on/contain predominantly soil capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture Soil Conservation Service on October 15, 1983.
[b) The nonfarm parcel or dwelling or activities associated with
the dwelling will not force a significant change in or
significantly increase the cost of accepted farming practices on
nearby lands devoted to farm use.]

a) Is compatible with farm uses described in subsection (2) of
ORS 245.265; and is consistent with the intent and purposes set
forth in ORS 215.243 as specified in Section 216.020.

b) Does not interfere with accepted farming practices, as defined
in paragraph (c) of subsection (2) of ORS 245.265; on adjacent
lands devoted to farm use.

c) Does not adversely alter the stability of the overall land use
pattern of the area. 

d) [c] The nonfarm dwelling parcel is] is situated upon
generally unsuitable land for the production of farm crops and
livestock, considering the terrain, adverse soil or land
conditions, drainage and flooding, vegetation, location and size
of the existing tract. (A lot or parcel shall not be considered
unsuitable solely because of its size or location if it can
reasonably be put to farm use in conjunction with other land.)

d) The nonfarm dwelling or parcel is consistent with the overall
land use pattern of and nonfarm density for the area zoned
Exclusive Farm Use.

e) [The nonfarm dwelling or parcel does] does not adversely
affect sensitive fish and wildlife habitat pursuant to section
280.110 (3) (E).

2) Applications for nonfarm dwellings[, lots, and parcels] received
under this section shall be processed in the following manner:

a) Upon receipt of a nonfarm-dwelling [the] application, the
Planning Director shall determine if the request satisfies the
criteria in Section 245.045 [218.120] (1). The Planning Director
shall make findings either supporting or denying the application.
A denial is final unless appealed [pursuant to Chapter 285].
However, at the Planning Director's discretion, any application
may be forwarded to the Hearing Council for their review and
action either supporting the Planning Director's decision or, if
findings can be made to overrule the Planning Director's decision
and approve the application for a nonfarm dwelling.

b) Nonfarm dwellings [, lots, and parcels] may be approved
subject to those conditions which the Planning Director determines
are reasonably necessary in order to ensure compliance with
Section 245.045 [218.120] (1).
c) Those applications approved by [The] Planning Director shall [at a minimum, mail a notice of the decision to approve the nonfarm dwelling application to the owners of immediately adjacent properties, including those parcels separated from the subject property by a stream, flagstrip, road, street or highway.] automatically be forwarded along with findings to the applicant and, at a minimum, to all adjacent property owners. Within [10] 20 calendar days of the decision, if no appeal has been filed [pursuant to Section 285.020], the Planning Director's decision is final.
d) If an appeal is filed, the Hearings Officer Council shall hold a full evidentiary hearing [consistent with the requirements of Chapter 285].

e) [Pursuant to ORS 215.236, building] Building permits shall not be issued for proposed dwellings which are reviewed under this section on property which is valued at true cash value for farm use under ORS 308.370[,] until the applicant has furnished the Planning Director with evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370. Such evidence shall be provided to the Planning Director within 60 [120] days of approval or the decision is void.

[f] Building permits shall not be issued until the declaration of restriction contained in Section 218.050(2) has been recorded and a copy of that recorded document is provided to the Department.

3) Standards governing creation of parcels for nonfarm dwellings:

a) Proposed parcel sizes for nonfarm dwellings shall normally be one to three acres in size, unless topography or some natural barrier or physical feature justifies an adjustment to this standard.

b) The proposed nonfarm parcel(s) will not reduce the [residual] parent farm [or nonfarm] parcel to less than ten acres in size[,] whether or not the existing parent parcel or lot is greater or less than ten acres in size, except as noted in subsection "d" below.

c) Creation of parcels shall meet all other standards of the Land Division Regulations [except as noted in subsection "d" below].

[d) The Planning Director may authorize the recording of a deed creating one nonfarm parcel for a nonfarm dwelling without an application for a major or minor partition, provided that:

[i) A deed declaration is recorded, using language and format approved by the county, which will ensure that the new nonfarm parcel and the residual parent parcel from which it is created is retained under a single ownership; and]

[ii] All other requirements of this ordinance are satisfied. Subsequent division of the nonfarm tax lot from the parent parcel may be authorized subject to approval of an application for a nonfarm division consistent with all of the requirements of Section 218.120.]
1) [A] Any dwelling on a [preexisting] parcel [or lot in an Exclusive Farm Use district] which is smaller than ten acres shall be permitted only if:

a) The dwelling meets the standards and procedures for approval of a [farm or] nonfarm dwelling in conformance with the requirements of section 248.645 of this [district; or] ordinance.

b) The parcel was created in a major partition or subdivision that was approved by the Hearings Council or Board of Commissioners between August 1, 1979, and October 27, 1980, or was otherwise reviewed [by the county] against the State Agricultural Goal prior to said August 1, 1978[,] date and found to conform to the State Agricultural Goal; [or]

c) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 21, 1979, and the date of this 1982 ordinance; [or]

d) The parcel was created in a major partition that was approved by the Jackson County Planning Department (Ordinance #80-6) between June 3, 1980, and October 27, 1980; [or]

e) The parcel was reviewed by the County and found to be consistent with Statewide Planning Goal 3.

2) One single family dwelling [Dwellings] is allowed on each parcel approved pursuant to subsections b), c), and d) above, provided all other provisions of this ordinance are met, including [shall conform to] any conditions attached when the partition or subdivision was approved[, and all other applicable provisions of this ordinance].
CHAPTER 220

FARM RESIDENTIAL (F-5) DISTRICT

220.010 PURPOSE:

The farm residential district is established in conformance with the Jackson County Comprehensive Plan in order to provide a buffer to Exclusive Farm Use zones, and to provide areas where second income type agricultural uses can continue to operate as free as possible from conflicting urban uses and influences on smaller parcels. This district is not intended as a farm use zone under the provisions of ORS 215. As such, the application of farm residential zoning shall not be construed as providing automatic farm assessment under ORS 308.375.

220.020 PERMITTED USES:

The following uses shall be permitted, subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Administrative Rules Department of Environmental Quality rules governing land use, sewage disposal, noise, air, and water quality:

1) Agriculture, including accessory use (but not including intensive livestock, poultry, game, cock, or fur-bearing animal production).

2) The first single family dwelling (on a parcel). One additional single family dwelling (may also be permitted) provided the density standard of this Chapter is satisfied. An additional dwelling which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of a separate additional dwelling which conforms to the standards of the Zoning and Land Division Regulations shall be allowed.

3) Home occupations subject to the operational standards and criteria set forth in section 280.120.

4) Agricultural produce stands, limited to produce grown on the subject parcel or contiguous parcels.

5) Orange hall or community center.

6) Managing, growing, and harvesting of timber and forest products.

7) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
§7(7) Recycling dropbox, subject to the provisions of section 268.060.

§7(8) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

220.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately [by way of division]. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

2) Farm labor camp.

3) Picnic area or guest ranch.

4) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240.

5) Licensed shelter care facility, half-way house, group home, or other related residential or day treatment facilities.

6) Solid waste disposal subject to the provisions of Chapter 268.

7) Buildings [and uses] of a public works, public service, or public utility nature including public school bus storage yards and structures, but not including other equipment storage, maintenance or repair yards, warehouses, or other related activities, unless subject to site plan review procedures set forth in Chapter 282.

8) Public or private kindergarten or day nursery.

9) Facilities for the transmission or reception of communication frequencies not including broadcast and recording studios.

10) Public or private school.

11) Church.

12) Religious retreat facility which may be comprised of a monastery, seminary, a guest room building, a chapel, and related structures subject to site plan review.
13) Cemetery.

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

15) Commercial winery.

16) Planned unit development provided that the density requirements of this chapter and the provisions of Chapter 262 are satisfied.

17) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

18) Animal clinics, animal hospitals, and kennels, provided that indoor sleeping quarters are provided for all animals. Outdoor runs for kennels shall be required to maintain a minimum of at least a 100 foot setback for all yards.

19) Fairground, rodeo ground, or commercial riding stable.

20) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials subject to the standards of Chapter 272.

21) Grange hall, fraternal or lodge building.

22) Intensive livestock, poultry, or furbearing animal production.

220.040 PARCEL AREA REQUIREMENTS:

The minimum parcel area in the farm residential district shall be five acres. The minimum parcel size may be increased by special setback requirements specified in section 280.060.

220.050 PARCEL AREA REDUCTIONS:

1) The County may permit the development of conditional uses listed in section 220.030, or agricultural produce stands, grange halls, or community buildings on smaller parcels. Smaller parcels may be allowed when the County finds that the proposed use on a smaller parcel:

   A) Does not interfere with accepted farming practices on adjacent lands devoted to farm use.

   B) Does not adversely alter the stability of the overall land use pattern of the area.

2) The Planning Director may approve a parcel area reduction for legally preexisting dwellings which are located on one parcel, pursuant to Section 258.020(3), and the Land Development Ordinance.

220.060 DENSITY:

All dwellings, including guest houses, shall not exceed a gross density of one dwelling unit per each five acres.
CHAPTER 222
RURAL RESIDENTIAL (RR-5) DISTRICT

222.010 PURPOSE:
To provide for large lot residential areas at housing densities consistent with the predominant rural character of the area, the physical capability of the land, and to accommodate hobby farm activities common to such rural areas.

222.020 PERMITTED USES:
The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing land use, sewage disposal, noise, air, and water quality:

1) [The first single] Single family dwelling [on a parcel]. 4+ One additional single family dwelling or guest house [may be permitted] provided that the density standard of this Chapter is maintained. An additional dwelling which cannot conform to the setback or parcel area requirements of this district shall not be sold separately [by way of division]. Partitioning and/or sale of a separate additional dwelling which conforms to the standards of the Zoning and Land Division Regulations shall be allowed.

2) Home occupations subject to the operational standards and criteria set forth in section 280.120.

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

4) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

5) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

6) Agricultural produce stands, limited to produce grown on the subject parcel or contiguous parcels.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
222.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, and the provisions of Chapter 260:

1) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately [by way of division]. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

2) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240 and Chapter 260.

3) Licensed shelter care facility, half-way home, group home, or other related residential or day treatment facilities.

4) Fraternal or lodge building.

5) Cemetery.

6) Buildings and uses of a public works, public service, or public utility nature, including public school bus storage yards and structures, but not including other equipment storage, maintenance, or repair yards, warehouses or other related activities, unless subject to site plan review procedures set forth in Chapter 282.

7) Church.

8) Religious retreat facility which may be comprised of a monastery, a seminary, a guest room building, a chapel, and related structures subject to site plan review.

9) Medical clinic, sanitarium, rest home, home for the aged, nursing home, convalescent home, retirement home, or institution for the care of alcoholic, narcotic, or psychiatric patients.

10) Temporary sales or development office for subdivisions.

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

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

13) Agricultural produce stands limited to produce grown on the subject parcel or contiguous parcels.

13) Recycling dropbox subject to the provisions of 268.060.
Cottage industry subject to the provisions of section 280.130. [Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or materials subject to the standards of Chapter 272.]

Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

Public or private school.

Public or private kindergarten or day nursery.

Intensive livestock, poultry, or fur bearing animal production.

Historical, botanical, or geologic areas; parks or recreation sites or museums.

Facilities for the transmission or reception of communication frequencies not including broadcast and recording studios.

Fish hatchery, fish culture, game management or refuge area.

Expansion of existing recreation resorts or campgrounds.

Planned unit development provided that the density requirements of this chapter and the provisions of Chapter 262 are satisfied.

222.040 PARCEL AREA REQUIREMENTS:

The minimum lot size in the rural residential zoning district shall be five acres except where otherwise required to accommodate setback standards as specified in section 280.060.

222.050 PARCEL AREA REDUCTION:

The County may permit the development of community buildings including churches and buildings and uses of public works, public service, or public utility nature on reduced parcel areas. The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one parcel pursuant to Section 258.020(3), and the Land Division Regulations.

222.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five acres.
CHAPTER 224

SUBURBAN RESIDENTIAL (SR-2.5 and SR-1) DISTRICTS

224.010 PURPOSE:

To provide for small acreage semi-rural homesites in areas of the County where existing land use patterns, predominant parcel sizes, and housing density and distribution reflect conformity with the existing character of the area; to provide for some variety and choice in parcel size by providing homesites of two and one-half or one acres, consistent with the availability of facilities and services and in conformance with the Jackson County Comprehensive Plan; and, to recognize unincorporated urbanizable areas inside urban growth boundaries at densities which will not preclude future in-filling after annexation to an incorporated city.

224.020 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Administrative Rules Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) The first single single family dwelling on a parcel. An additional single family dwelling provided the density standard of the district is maintained. An additional dwelling which cannot conform to the setback or parcel area requirements of this district shall not be sold separately [by way of division]. Partitioning and/or sale of a separate additional dwelling which conforms to the standards of the Zoning and Land Division Regulations shall be allowed.

2) Home occupations subject to the standards and provisions of section 280.120.

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

4) Recycling dropbox, subject to the provisions of section 268.060.

5) Agricultural produce stand, limited to produce grown on the subject property and contiguous properties.
Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

224.030 CONDITIONAL USES:

The following uses may be permitted subject to the provisions of Chapter 260 and if the standards listed below are satisfied:

1) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately [by way of division]. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

2) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240.

3) Licensed shelter care facility, half-way home, group home, or other related residential or day-treatment facilities.

4) Planned unit development provided that the density requirements of this Chapter and the provisions of Chapter 262 are satisfied.

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, unless fully conducted within an enclosed building.

8) Church.

9) Medical clinic, [sanitorium,] rest home, home for the aged, nursing home, convalescent home, or retirement home.

10) Solid waste collection site subject to the provisions of section 268.060 (2).

11) Temporary sales or development office for subdivisions, planned unit developments, or mobile home parks.

12) Golf course, country club, swimming club, tennis club, and similar uses.
13) Mobile home park, subject to the standards of Chapter 270 and section 224.040.

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

15) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

16) Public or private school.

17) Public or private kindergarten or day nursery.

224.040 PARCEL AREA AND DENSITY REQUIREMENTS:

All dwellings including mobile homes in mobile home parks, dwellings in planned unit developments, and additional dwellings shall not exceed the density requirements as noted below in the zone in which the dwellings are proposed to be located. Lot area requirements listed below shall be observed, unless special setbacks are required as specified in Chapter 280, or otherwise allowed by the [County] Hearings Council, as provided in section 224.050, or for planned unit developments as provided in Chapter 262.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>DENSITY/LOT AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-2.5</td>
<td>One dwelling per each 2.5 acres.</td>
</tr>
<tr>
<td>SR-1</td>
<td>One dwelling per 1 acre.</td>
</tr>
</tbody>
</table>

224.050 PARCEL AREA REDUCTION:

The [County] Hearings Council may permit the development of churches, community buildings, and buildings and uses of public works, public service, or public utility nature on reduced parcel areas. The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one parcel, pursuant to Section 258.020(3), and the Land Development Ordinance.
CHAPTER 226

URBAN RESIDENTIAL (UR-10, UR-8, UR-6, and UR-4.5) DISTRICTS

226.010 PURPOSE:

To encourage, provide, and protect suitable environments for single family residences within urban growth boundaries when specifically designated by the Jackson County Comprehensive Plan or urban containment boundaries, and existing urbanized areas of the County where public services and facilities will be available; and to provide planned single family residential areas at densities up to nine (9) dwellings per acre to encourage townhouse type development and to recognize existing mobile home parks.

226.020 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) [The first single] Single family dwelling [on a parcel] in UR-10, UR-8, and UR-6 districts.

4+[2)] Single family dwelling in UR-4.5 district, subject to site plan review provisions in Chapter 282.

2+[3)] Home occupations shall be permitted subject to the operational standards and criteria set forth in section 280.120.

3+[4)] Recycling dropbox subject to the provisions of section 268.060.

5) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plans, hydro-electric or other power generating facilities, not including overhead power or transmission lines, but including distribution lines. Maximum utilization of existing easements and rights-of-way shall be made.

226.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Church.

2) Cemetery.

3) Public or private elementary, junior high, or high school.
4) 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, unless fully conducted within an enclosed building.

5) Planned unit development provided that the density requirements of this Chapter and the provisions of Chapter 262 are satisfied.

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

7) Park, playground, or community center[.] owned and operated by a private entity, governmental agency, or a nonprofit community organization.

8) Mobile home park, subject to the standards of Chapter 270.

9) Solid waste collection site subject to the provisions of section 268.060 (2).

10) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

11) Day nursery or day care center.

12) Licensed shelter care facility, half-way home, group home, or other related residential or day-treatment facilities.

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**226.040 PARCEL AREA AND DENSITY REQUIREMENTS:**

The following lot area requirements shall be observed unless special setbacks are required as specified in Chapter 280.

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>LOT AREA</th>
<th>DENSITY (UNITS PER ACRE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>10,000 square feet</td>
<td>4</td>
</tr>
<tr>
<td>UR-8</td>
<td>8,000 square feet</td>
<td>5</td>
</tr>
<tr>
<td>UR-6</td>
<td>6,000 square feet</td>
<td>7</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>4,500 square feet</td>
<td>9</td>
</tr>
</tbody>
</table>
CHAPTER 228

URBAN HIGH DENSITY RESIDENTIAL (UR-H) DISTRICT

228.010 PURPOSE:

This district establishes high density residential development areas in urban locations where public services and facilities are available as determined by the Jackson County Comprehensive Plan.

228.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Administrative Rules: Department-of-Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) [The first single family dwelling on a parcel, subject to the provisions of Chapter 282.] Duplex.

2) [Duplex, multiple-family] Multiple-family dwelling or dwelling group.

3) Home occupations shall be permitted subject to the operational standards and criteria set forth in section 268.060.

4) Condominium.

5) Recycling dropbox subject to the provisions of section 280.160.

6) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities, and not including overhead power or transmission lines, but including distribution lines. Maximum utilization of existing easements and rights-of-way shall be made.

228.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.
2) Boarding or rooming house.

3) Mobile home parks, subject to the standards of Chapter 270 and the density requirements of this Chapter.

4) Planned unit development, provided that the density requirements of this Chapter and the provisions of Chapter 262 are satisfied.

5) Hospital, medical clinic, sanitarium, rest home, and home for the aged.

6) Public or private kindergarten or day nursery.

7) Public or private school, including business, technical or music school.

8) Church.

9) Community center, fraternal, [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 private entity, governmental agency, or a nonprofit community organization.

12) Golf course, swimming club, tennis club, and similar use.

228.040 LOT AREA:

The minimum lot area in the urban high density residential district shall be 6,000 square feet. For each additional dwelling unit on the same lot, the area shall be increased by a minimum of 1,450 square feet.

228.050 DENSITY:

All dwellings shall not exceed a density of thirty dwelling units per acre in this district, except that mobile homes in mobile home parks may not exceed a density of nine dwelling units per acre.

228.060 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS.

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.
CHAPTER 230
INTERCHANGE COMMERCIAL (IC) DISTRICT

230.010 PURPOSE:
This district provides for the location of tourist commercial uses which serve the traveling public. Interchange developments, as designated in the Jackson County Comprehensive Plan, are generally located at freeway interchanges and at major arterial intersections.

230.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon [Administrative Rules] Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) Service station.

2) Gift or antique shop only in conjunction with a permitted hotel, motel, and eating or drinking establishment.

3) Barber or beauty shop only in conjunction with a permitted hotel, motel, and eating or drinking establishment.

4) Hotel or motel.

5) Drinking establishment only in conjunction with a permitted hotel, motel, and eating establishment.

6) Convenience foods and sundries in conjunction with another permitted use [when the store is less than 1,000 square feet in size].

7) Eating establishments.

8) Agriculture.

9) Recycling dropbox, subject to the provisions of section 268.060.

10) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

11) Parks and bike paths.
230.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Building or structure over 45 feet in height [and convenience food store in excess of 1,000 square feet when in conjunction with another permitted use only, and to be consistent with the purpose of this district].

2) Truck stop or freight forwarding facility[, not including mini-warehouses].

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.

4) Planned unit development, subject to the provisions of Chapter 262.

5) Solid waste collection site, subject to the provisions of section 268.060 (2).

6) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

7) Antique or gift shop not in conjunction with a permitted use.

[8) Recreational vehicle campground.]

[9) Other uses not listed which are consistent with the intended purpose of this district and are complementary to an approved conditional use or an existing permitted use.]

230.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 232

RURAL SERVICE COMMERCIAL (RS) DISTRICT

232.010 PURPOSE:

This district provides for the location of small businesses and commercial services in rural areas for the convenience of local residents. The uses are intended to fit into farm and rural patterns of development, as determined by the Jackson County Comprehensive Plan, without causing land use or traffic conflicts.

232.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, implementing ordinances, and Oregon Department of Environmental Quality [Administrative] rules governing [land use,] sewage disposal, noise, air, and water quality.

1) Service station.
2) Church.
3) Feed and seed store.
4) Agricultural produce stands.
5) Bicycle repair [and incidental sales].
6) General merchandise store, not to exceed 2,500 square feet in size.
7) Retail florist shop, drug store, garden shop, bake shop not to exceed 2,500 square feet in size.
8) Barber or beauty shop.
9) Grocery store, not to exceed 2,500 square feet in size.
10) [One single] Single family dwelling when accessory to a permitted use [and subject to a deed declaration limiting its use by the owner, operator, caretaker or night watchman employed on the premises].
11) Recycling dropbox, subject to the provisions of Section 268.060.
12) Emergency medical facility.
13) Studio for art, music, photography, ceramics, drama, speech, dance, or similar skills.
14) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations,
treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

Amended by Emergency Ordinance #84-11 effective March 5, 1984, and Permanent Ordinance #84-4, adopted March 5, 1984, effective March 5, 1984.
15) Eating establishments.
16) Agriculture.
17) Parks and bike paths.
18) Nursery or day care center.
19) Appliance repair [and incidental sale of used appliances when] conducted within an enclosed building or within a yard screened from public view.
20) Business or professional office consistent with the intended purposes of this district as determined by the Director.
21) Gift or antique sales incidental and accessory to other permitted or approved conditional uses in this district.

232.030 CONDITIONAL USES:
The following uses may be permitted subject to the standards listed below and if the provisions of Chapter 260 are satisfied.

1) Motels and hotels.
2) Community center, fraternal or lodge building.
3) Buildings and uses of public works, public service, or utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
4) Building or structure over 25 feet in height.
5) Solid waste collection site subject to the provisions of Section 268.060(2).
6) Grocery store, general merchandise store, or other commercial or retail building in excess of 2,500 square feet in size, consistent with the purpose of this district.
7) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals.
8) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.
9) Park, playground, [or] campground, or community center owned and operated by a private entity, governmental agency, or nonprofit corporation.
10) Blacksmith, machine, electric motor or welding shop fully confined within an enclosed building limited to service and equipment repair.

Amended by Emergency Ordinance #84-11 effective March 5, 1984, and Permanent Ordinance #84-4, adopted March 5, 1984, effective March 5, 1984.
11) Well drilling establishments.
12) Commercial broadcasting facility and recording studio.
13) Hardware, building material, or lumber yard conducted within an enclosed yard.
14) Landscape or plant nursery.
15) Planned Unit Commercial Development, excluding residential use, subject to the provisions of Chapter 262.
16) Branch-bank [Bank.]
17) Laundromat or dry cleaning facility including pick-up and delivery or self-service coin-operated establishments, but not including a dry cleaning or laundry plant.
18) Auto, truck, equipment or farm machinery repair conducted within an enclosed building or within a yard screened from public view.
19) Other retail or service commercial use not listed but found to be consistent with the purpose of this district and the comprehensive plan.
20) Drinking Establishments.
[21] Bus Station. Does not include truck terminal and freight forwarding facility.

232.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this chapter from abutting incompatible uses including, but not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.
   B) Berms may be required when the County determines that noise abatement or additional visual screening is required.
   C) Parking lots shall be landscaped.
   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.

3) A carport or garage is exempt from site plan review only: when accessory to a preexisting dwelling; when utilized primarily for
storage and incidental repair of the occupants' automobile(s); and when
the structure is designed to accommodate not more than three vehicles.

Amended by Emergency Ordinance #84-11 effective March 5, 1984, and
Permanent Ordinance #84-4, adopted March 5, 1984, effective March 5, 1984.
NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

234.010 PURPOSE:
To designate locations for small commercial establishments, consistent with the Jackson County Comprehensive Plan, which provide basic commodities to conveniently serve the adjoining urban and suburban residential neighborhood populations' basic household needs.

234.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Administrative Rules Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) Barber or beauty shop.
2) Gift or antique shop.
3) Florist shop, garden shop, bake shop, and fruit store.
4) Convenience grocery store or vegetable market.
5) Clothing or general merchandise store.
6) Hardware store.
7) Fix-it shop [New or used appliance sales and repair, when conducted within an enclosed building.]
8) Bicycle sales and repair.
9) Drugstore.
10) Business or professional office.
11) Branch bank.
12) Laundromat or dry cleaning facility, including pickup and delivery or self-service coin operated establishments, but not including a dry cleaning or laundry plant.
13) Recycling dropbox subject to the provisions of section 268.060.

14) Nursery or day care center.

15) Studio for photography, art, music, ceramics, drama, speech, dance or similar skills.

16) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

17) Parks and bike paths.

18) Restaurants

234.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260:

1) Service station and automobile repair shop conducted within an enclosed building.

2) Drinking establishment.

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.

4) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

5) Planned unit development, subject to the provisions of Chapter 262.

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

7) [One single] Single family dwelling in conjunction with and accessory to a permitted or conditional use [subject to a deed declaration limiting it to use by the owner, operator, caretaker, and night watchman employed on the premises].

234.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this section shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:
A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped.

D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.

[3] A carport and/or garage is exempt from site plan review only when accessory to a preexisting dwelling; when utilized for the storage and incidental repair of the occupant's automobile(s); and when the structure is designed to accommodate not more than three vehicles.]
CHAPTER 236
GENERAL COMMERCIAL (GC) DISTRICT

236.010 PURPOSE:

To provide locations for larger retail service commercial centers for convenience shopping at developments along major state and county highways, consistent with the Jackson County Comprehensive Plan.

236.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Administrative Rules Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) Service station.
2) Gift or antique shop.
3) Hotel or motel.
4) Eating or drinking establishment.
5) Cabinet or carpenter shop conducted within an enclosed building.
6) Feed and seed store.
7) Florist, garden shop, or nursery.
8) Other equipment [Equipment] repair conducted within an enclosed building.
9) Gun repair.
10) Community center, fraternal or lodge building, [.] or neighborhood club.
11) Pawn shop or second hand store conducted within an enclosed building.
12) Buildings and uses of public works, public service, or public utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
13) Bank.

14) Building supply and lumberyard or hardware store conducted within an enclosed building or with a yard screened from public view.

15) Agriculture.

16) Personal service shop including barber or beauty shop, shoe repair shop, and the like.

17) Business or professional office.

18) Bake shop, fruit store, vegetable market, convenience foods and sundries, drug store or pharmacy.

19) Laundry and dry cleaning facilities including pickup and delivery or self-service coin operated establishments not including a dry cleaning or laundry plant.

20) Supermarket or grocery store.

21) Retail clothier or general merchandise store.

22) Automobile washing and polishing.

23) Auction house, but not including animal sales.

24) Farm equipment sales, service, and repairs.

25) New and used car, bicycle, boat, motorcycle, snowmobiles, truck and trailer sales, service, rental, or storage, but not including salvage or wrecking yards.

26) Rent-all.

27) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals. Outdoor runs shall be required to maintain a minimum of at least one hundred (100) foot setback on all yards.

28) Wholesale business, but not including animal slaughtering or animal rendering facility.

29) Bus storage and maintenance facility including terminal and freight forwarding facility. [Mobile home and recreational vehicle sales lot.]

30) Commercial or park and ride parking lots.
31) Mortuary.


33) Upholstery shop.

34) Other retail trade or service commercial establishment.

35) Body and fender shop fully conducted within an enclosed building, but not including salvage, junk, or wrecking yards.

36) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles.

37) [Commercial amusement] Amusement or recreational facilities.

38) Heavy equipment sales and service.

39) [One single] single family dwelling when accessory to a permitted use [and subject to a recorded deed restriction limiting to use by an owner, operator, caretaker, or night watchman employed on the premises].

40) Recycling dropbox, subject to the provisions of section 268.060.

41) Broadcasting or recording studio.

42) Parks and bike paths.

43) New or used appliance service and sales when conducted within an enclosed building.

236.030 CONDITIONAL USES:

The following uses are permitted subject to the standards listed below and the provisions of Chapter 260.

1) Building or structure over 60 feet in height.

2) Planned unit development provided that the requirements of Chapter 262 are satisfied.

3) Solid waste collection site subject to the provisions of section 268.060 (2).

4) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

5) Other uses similar to those listed in this Chapter.

6) Churches.

7) Salvage, junk, or wrecking yard fully conducted within an enclosed building.

[8) Bus/truck station and terminal.]
1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.

[3] A carport and/or garage is exempt from site plan review only when accessory to a preexisting dwelling; when utilized for the storage and incidental repair of the occupants automobile(s); and when the structure is designed to accommodate not more than three vehicles.]
CHAPTER 238

LIGHT INDUSTRIAL (LI) DISTRICT

238.010 PURPOSE:

To provide 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 consistent with the Jackson County Comprehensive Plan in recognition of their significance to the County's economy.

238.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, implementing ordinances, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:

1) Carpet shop.
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, truck terminal, and freight forwarding facility.
9) Electric motor shop.
10) Manufacture and assembly of electric, electronic, or optical instruments or devices.
11) Manufacture and assembly 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.
18) Lumber yard or building material shop.
19) Bus[/truck] storage and maintenance facility including terminal and freight forwarding facility.
20) Printing, publishing, and book binding.
21) Fuel alcohol, petroleum fuel, or other alternative energy storage facilities not including manufacturing and processing plants.
22) Buildings and uses of a public works, public service, and public utility nature, including equipment storage or repair yards, warehouses, or related activities.
23) Solid waste collection site subject to the provisions of section 268.060 (2).
24) Vocational, trade, or business schools.
25) Agriculture, excluding dwellings customarily provided in conjunction with a farm use.
26) Day nursery in conjunction with a permitted use.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
27) Farm and heavy equipment sales and service.

28) Auto, bicycle, or equipment repair conducted within an enclosed building or yard screened from public view.

29) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings.

30) Landscape or plant nursery.

31) Wholesale business, but not including animal slaughter or processing facility.

32) Single family dwelling when accessory to a permitted use[, for a night watchman or caretaker employed on the premises subject to recordation of a deed restriction; only one dwelling is allowed].

33) Recycling dropbox subject to the provisions of section 268.060.

34) Parks and bike paths.

238.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260:

1) Building or structure exceeding 60 feet in height.

2) Solid waste disposal subject to Chapter 268.

3) Planned unit industrial development limited to uses and standards contained within this Chapter and subject to the requirements of Chapter 262.

4) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals. Outdoor runs shall be required to maintain a minimum of at least 100 foot setback on all yards.

5) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.

6) Other uses similar to those listed in this Chapter.

7) Playground, or community center[, owned and operated by a private entity, governmental agency, or a nonprofit community organization.

8) Restaurant.

9) Solid waste transfer station when conducted within an enclosed building subject to the provisions of Chapter 268.
10) Flea markets within an enclosed building.

11) Facilities for the transmission and reception of communication frequencies.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
238.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses including, but not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.

[3] A carport and/or garage is exempt from site plan review only when accessory to a preexisting dwelling; when utilized for the storage and incidental repair of the occupants automobile(s); and when the structure is designed to accommodate not more than three vehicles.]
CHAPTER 240
GENERAL INDUSTRIAL (GI) DISTRICT

240.010 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 as determined by the Jackson County Comprehensive Plan.

240.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon [Administrative Rules] Department of Environmental Quality rules governing land use, sewage disposal, [noise], air, and water quality:

1) Carpet shop.
2) Body and fender shop.
3) Sheet metal shop.
4) Welding shop.
5) Well driller or sanitary service.
6) Machine or electric motor shop.
7) Bottling or cold storage plant.
8) Storage or sale yard for building material, contractor's equipment, house mover, delivery vehicles, truck terminal, and freight forwarding facility.
9) Manufacture of electric, electronic, or optical instruments or devices.
10) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressing, and other devices employed by the medical and dental professions.
11) Fuel oil distributors.
12) 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.

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

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

15) Manufacture and fabrication of concrete products within enclosed buildings.

16) Lumber yard or building material shop.

17) Bus [or truck] storage and maintenance facility including terminal [and] freight forwarding facility.

18) Printing, publishing, and book binding.

19) Fuel storage facilities, including manufacturing and processing plants.

20) Buildings and uses of a public works, public service, or public utility nature, including equipment storage or repair yards, warehouses, or related activities.

21) Solid waste transfer station when conducted within an enclosed building, and subject to provisions of Chapter 268.

22) Solid waste collection site subject to the provisions of section 268.060 (2).

23) Vocational trade or business schools.

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

25) Bike path, park, playground, or community center owned and operated by a private entity, governmental agency, or nonprofit community organization.

26) Farm [and heavy] equipment sales and service.

27) Auto or equipment repair conducted within an enclosed building or yard screened from public view.
28) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings.

29) Landscape nursery.

30) Wholesale business, but not including animal slaughter or processing facility.

31) Lumber, plywood, and hardboard manufacturing.

32) Rolling, drawing, or extruding of metals.

33) Dwelling for a caretaker or watchman employed on the premises[, accessory to the use when a deed restriction is recorded. Only one dwelling is allowed].

34) Asphalt paving mix plant.

35) Cement concrete batching plant.

36) Log decking, storage, and ponding, including facilities and operation of equipment necessary to the above when accessory to a permitted use.

37) Junk, salvage, or wrecking yard.

38) Recycling dropbox subject to the provisions of section 268.060.

240.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Solid waste disposal subject to the provisions of Chapter 268.

2) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials not accessory to a permitted use, subject to the provisions of Chapter 272.

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) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.

7) Paper and allied products manufacturing.
8) Other industrial uses not listed in section 240.020.

[9) Facilities for the transmission and reception of communication frequencies.]

240.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses including, but not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

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

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.

   [3] A carport and/or garage is exempt from site plan review only when accessory to a preexisting dwelling; when utilized for the storage and incidental repair of the occupants' automobile(s); and when the structure is designed to accommodate not more than three vehicles.]
CHAPTER 242
AIRPORT DEVELOPMENT-MIXED USE (AD-MU) DISTRICT

242.010 PURPOSE:

To encourage desirable and appropriate land uses for areas located in proximity to major airports in the County consistent with the Jackson County Comprehensive Plan. 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.

242.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon [Administrative Rules] Department of Environmental Quality rules governing [land use,] sewage disposal, [noise,] air, and water quality:

1) Service station.
2) Feed and seed store.
3) Cabinet or carpenter shop.
4) Auto or bicycle 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[,] including heavy equipment.
10) Lumber yard or building material shop.
12) Upholstery shop.
31) Truck terminal and freight forwarding facility.
32) Buildings and uses of a public works, public service, or public utility nature.
33) Recycling dropbox, subject to the provisions of section 268.060.
34) Taxi strips and runways.
35) [Only one dwelling accessory to the use for a night watchman or caretaker employed on the premises when a deed declaration is recorded so limiting it for that use.]
36) Any other use similar to those listed in this section.

242.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Stock auction yard.

2) Scrap metal or wrecking [Wrecking] yard, provided that such use is visually screened and does not constitute a glare hazard to aviation.

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

4) Planned unit industrial development, subject to the provisions of Chapter 262 and the standards imposed by this Chapter.

5) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

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

7) Solid waste transfer station when conducted within an enclosed building subject to the provisions of Chapter 268.

242.040 STANDARDS:

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 [Oregon Aeronautics Division] FAA height regulations.

   B) All structures are subject to [Oregon Aeronautics Division] FAA height regulations, and if a conflict exists with the maxi-
mum height set out in this ordinance, the lowest height limitation fixed shall govern.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
2) No glare-producing materials shall be used on the exterior of any structure, including any metal building, 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.

242.050 SETBACK AND OFF-STREET PARKING REQUIREMENTS:

1) All structures and uses shall observe the setback requirements of the Light Industrial Zoning District in Chapter 280.

2) Off-street parking requirements for commercial and industrial uses found in section 280.070 shall be observed.

242.060 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.

[3] A carport and/or garage is exempt from site plan review only when accessory to a preexisting dwelling; when utilized for the storage and incidental repair of the occupant automobile(s); and when the structure is designed to accommodate not more than three vehicles. Such structures are not exempt from the standards of Section 242.040.]
CHAPTER 244
AGGREGATE RESOURCE (AR) DISTRICT

244.010 PURPOSE:

1) To provide for development and utilization of deposits of aggregate and resource materials.

2) To provide for the protection and utilization of these resources in a manner which does not conflict with other land uses.

3) To assure economy in handling and transportation costs by locating removal, processing, and storage activities in as close proximity to the point of end use as feasible.

4) To ensure that aggregate operations are conducted in a manner consistent with the best interests of public health, safety, and welfare.

244.020 PERMITTED USES:

The following uses shall be permitted subject to compliance with Section 244.040 and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Administrative Rules governing land use, sewage disposal, noise, air, and water quality:

1) Removal, excavation, and processing of aggregate materials.

2) Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.

3) Storage of heavy equipment necessary for operation.

4) Agriculture.

5) Aggregate stockpiling.

6) Sedimentation ponds when used in conjunction with aggregate removal operations.

7) The managing, growing, and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products.

8) Parks and bike paths.

9) Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

244.030 CONDITIONAL USES:

The following uses may be permitted if found in conformance with Section 244.040 and Chapter 260 of this Ordinance.
1) All permitted uses within the designated 100 year floodplain identified in Section 244.020 (except item 2, if such uses are portable in nature; items 4, agriculture; and 7, forest uses) shall be reviewed by the Housing Council (County) to ensure floodplain requirements are met.

2) Sanitary landfill, landfill, or solid waste transfer station subject to Chapter 268.

3) Public or private parks and recreation areas may be permitted only in conjunction with reclamation of the site.

4) Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.

5) A residence for the caretaker, operator, or property owner. No more than one residence may be permitted.

6) Manufacture and fabrication of concrete and aggregate products if accessory to removal, processing, or excavation of aggregate materials.

7) Sale of products such as concrete pipe, concrete forms, and the like related to aggregate materials in conjunction with the removal, processing, or excavation of aggregate materials or in conjunction with the manufacture and fabrication of concrete and aggregate products.

8) Concrete or asphalt batch plant.

244.040 BASIC STANDARDS OF OPERATION:

[Except as otherwise noted in subsection 244.040 (7), all aggregate] aggregate operations [on lands which are zoned AR, even if preexisting,] must conform with the following standards:

1) The landowner and operator shall be [held] jointly responsible for the operation of a permitted use listed in Section 244.020 or for signing the application [for a conditional use permit].

2) The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

3) Visual Impact: Existing trees and other natural vegetation adjacent to any public park, residential development, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening shall be in the form of a fence, wall, landscaped berm, or natural vegetative cover to supplement any natural screening.

4) Water Quality: All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation,
deposit undesirable materials, or [cause more than minimal and insignificant adverse effects on] adversely affect water temperatures in any stream, drainage, creek, or river. The operator shall not cause a change in the location of any stream channel unless previously approved by all applicable state and federal agencies.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
5) Air Quality: All aggregate sites in the district shall be operated in a manner that minimizes dust, odors, or other air pollutants which would cause more than minimal and insignificant adverse effects for adversely affect land uses on adjoining properties. All roads on private land shall be maintained in a dust free condition when within 300 feet of a residence which existed as of the date of this permit or was lawfully placed or constructed thereafter. Each aggregate site shall obtain a Department of Environmental Quality Air Discharge permit when applicable.

6) Noise Control: Each aggregate site shall operate with the applicable noise standards required by the Department of Environmental Quality or other state or federal agencies.

7) Operating Setbacks: Each aggregate site within the district shall observe the following minimum operation setbacks [except where the operation is lawfully preexisting and encroachment within the prescribed setbacks has already occurred]:

A) No extraction or removal of aggregate is permitted within 25 feet of the right-of-way of public roads or easements of private roads.

B) No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use, without written consent of the property owner(s).

C) Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of another property, or within 200 feet of a residence or residential zoning district, without written consent of the property owner(s). Processing equipment, batch plants, and manufacturing and fabricating plants shall not operate within 50 feet of a public road right-of-way.

8) Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within 1,000 feet radius of the aggregate site[, to residences within one-half mile of the site,] and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice. The operating hours shall be changed as requested by the aggregate operator. The Hearings Council [County] may, at any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.
9) Slopes and Grading: Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Oregon Safe Employment Act (ORS 654.001 to 654.295 and 654.991), the Oregon Safety and Health Act of 1970 (19 U.S.C. 651 et. seq.), the Department of Geology and Mineral Industries, and the regulations of other affected agencies.

10) Land Reclamation: A land owner or an operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Department of Geology and Mineral Industries. Reclamation must return the land to natural condition or return it to a state compatible with land uses identified by the Comprehensive Plan map.

11) Nuisance Mitigation: Surface mines shall be maintained and operated consistent with the purpose of this district. The owner/operator shall be required to take reasonable steps to ensure public health, safety, and welfare through installation of fencing and locked gates, advance notice to adjacent properties of blasting or batch plant operations, and other measures necessary to mitigate attractive nuisance hazards.

244.050 MODIFICATION OF STANDARDS:

The above standards may be modified by the Hearing Council [County] after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads, only if it finds that the modified standards are more consistent with the best interests of public health, safety, and welfare as expressed in Section 244.010 (2) and (4).

244.060 EMERGENCY EXCEPTIONS:

The Department may permit the immediate initiation of a temporary aggregate operation which ordinarily would require an approved conditional use permit, if necessary to prevent potentially serious damage to property or threat to human life. The Department may permit the initiation of such an aggregate operation only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. The Department may adjust operation standards as contained in section 244.040 to ensure the protection of human life and property. An aggregate operation approved under this section shall cease once the threat to human life and property is no longer serious or imminent.
CHAPTER 250

AIRPORT APPROACH (AA) OVERLAY

250.010 PURPOSE:

This district is intended to be applied to properties which lie within the air approaches to airports [on the state system: Medford-Jackson County; Ashland Municipal; Pinehurst; and Prospect]. 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.

250.020 APPLICATION OF AIRPORT APPROACH PROVISIONS:

1) In any zoning district where an Airport Approach designation is combined with a primary district, and any conflict in regulation or procedure occurs between such zoning districts, the provisions of the Airport Approach Overlay District shall govern.

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

   A) Rules and Regulations, Medford Municipal Airport Zoning, adopted November 13, 1956 [as may hereafter be amended].

   B) Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978, or as hereafter amended.

   C) Approach and Clear Zone Plan, Ashland Municipal Airport, June 1976, or as hereafter amended.

250.030 PERMITTED USES:

The following uses are permitted unless the use would penetrate the elevations of the approach or transitional surface zones, as indicated on an adopted Approach and Clear Zone Plan for the nearby airport. Where such penetration would occur, any use allowed by this Chapter shall be required to obtain an administrative approval from the Planning Director.

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

2) Landscape nursery, cemetery, [and low intensity or open] recreation areas which do not include buildings or structures[, except as otherwise noted in Section 250.040].

3) Roadways, parking areas, and storage yards when located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach.
4) Game preserve or reservation.

5) Pipeline.

6) Underground utility wire.

7) Airports and heliports, subject to the approval of a master plan by the Board of County Commissioners, providing that FAA [Oregon Aeronautics Division] permits have been obtained or lines, towers, structures or poles do not penetrate the air space of a clear zone approach or transitional surface of an airport.

250.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL BY THE PLANNING DIRECTOR:

1) Structures or buildings accessory to a permitted use.

2) Single family dwellings or commercial or industrial uses if permitted in the primary zoning district and the requirements of this Chapter are met. A deed declaration which recognizes the preexistence of the airport shall be recorded for all single family dwellings in this district.

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

4) The uses listed in section 250.030 and 250.040, which are conditionally allowed in a primary district, shall [also] be subject to review by the Hearings Council according to the provisions of Chapter 260.

250.050 PROCEDURE:

An applicant seeking a conditional use permit or an administrative approval of from the Planning Director for a proposed use, shall meet the standards set forth in Chapters 250 and 295. Information accompanying the application shall include [submit the following information]:

1) Property boundary lines as they relate to the boundaries of the airport approach and the boundaries indicated on the map of the Approach and Clear Zone Plan for the nearby airport.

2) Location, elevation, use, and height of all existing and proposed buildings, structures, utility lines, roads, or trees where trees are taller than 35 feet.

3) A statement from the Ashland Public Works Director, when the application is within the Ashland Airport Approach Overlay District, or from the Airport Director when within the Medford-Jackson County Airport Approach Overlay District, or from the Oregon Aeronautics Division when in the Prospect or Pinehurst Airport Overlay Districts.

4) A statement from the [Oregon Aeronautics Division] Federal Aviation Administration (FAA) that the proposed use complies with their regulations [if within the Medford-Jackson County or Ashland Municipal Airport Overlay Districts].
5) In consideration of the application, the Planning Director may require the applicant to submit either or both of the following forms of additional information:

A) The maximum elevations of proposed structures based on datum of the Approach and Clear Zone Plan. Elevations shall be based upon the survey of an Oregon registered professional engineer or licensed land surveyor, accurate to plus or minus one foot shown as mean sea level elevation, or other available survey data. The accuracy of all elevations shall be certified by the surveyor or engineer.

B) A map of topographic contours at two foot intervals, showing all property within 100 feet of the proposed structure or structures for which the use permit is being sought. This map shall also bear the verification of an Oregon registered professional engineer or registered land surveyor.

250.060 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 the requirements prescribed below in relation to the Airport Approach and Clear Zone Plan in effect for the airport adjacent to or nearby a proposed use.

A) No buildings or structures may be allowed in the clear zone of any airport approach surface other than those approved by the [Oregon Aeronautics Division] FAA and the county.

B) The allowable height of any building, structure, or tree within the airport approach district shall conform to the following:

i) The ground level elevation above mean sea level, plus the height of any structure, building, or tree at its proposed location shall not penetrate any approach or transitional surface indicated on an adopted Airport Approach and Clear Zone Plan, unless specifically approved by the [Oregon Aeronautics Division] FAA and the county.

ii) Whenever the height limitations of this section differ from those of any other section of this ordinance, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

iii) The existence of any building, structure, or tree which is greater than 35 feet in height may cause the county or city (where a city airport is involved) to locate appropriate lights or
3) No use or activity shall take place within this district in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility, or otherwise create a hazard which may in any way endanger the landing, take-off, or maneuvering of aircraft using the airport.

4) No glare-producing materials shall be used on the exterior of any building or structure located within the airport approach district. Glare-reducing agents used to prepare structures or buildings in this district must be approved by the [Oregon Aeronautics Division] FAA and Jackson County.

5) The regulations prescribed by this section shall not be construed to require a property owner to remove, lower, or make other changes or alterations of any structure which legally existed prior to the effective date of this ordinance. However, such structure shall be considered nonconforming if such structure is in conflict with these regulations.

250.070 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 preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by the Oregon Department of Environmental Quality rules and regulations.

250.080 ADMINISTRATIVE APPROVAL:

The Planning Director may administratively approve an application submitted under section 250.040, provided that all requirements of section 250.060 are met. If any requirements are not met, the application must be denied, and the application shall be forwarded to the Hearings Council for its action.
CHAPTER 252
AIRPORT CONCERN (AC) OVERLAY

252.010 PURPOSE:

This district is intended to prevent the location of airspace obstructions in areas of close proximity to [the following] airports [: Medford-Jackson County; Ashland Municipal; Prospect; and Pinehurst].

252.020 APPOINTMENTS:

1) The Jackson County Planning Commission is hereby appointed to act as the Airport Zoning Commission under ORS 492.580.

2) The Jackson County Hearings Council is hereby appointed to act as the Board of Adjustment under ORS 492.650.

252.030 APPLICATION OF AIRPORT CONCERN PROVISIONS:

1) All zoning districts lying within the airport concern area [overlay boundary designated] shall be shown on the Official Comprehensive Plan and Zoning Map(s) for Jackson County with AC in parenthesis, following the primary zoning designation. [are subject to the requirements of this district, except as may be otherwise stated herein.]

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

   A) Rules and Regulations, Medford Municipal Airport Zoning, adopted November 13, 1956 [or as hereafter amended].

   B) Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978, or as hereafter amended.

   C) Approach and Clear Zone Plan, Ashland Municipal Airport, June 1976, or as hereafter amended.

3) An Airport Concern Overlay District is not legally described by metes and bounds, but is an area defined by Federal Aviation Regulations (FAR, Part 77).

252.040 PERMITTED USES:

1) The uses listed as permitted within the primary zoning district, subject to the height restrictions listed in section 252.070 and 280.050, or whichever is the more restrictive. [No application for a permitted use in this district is required provided Jackson County can conclusively determine that:

   A) The proposed structure(s) will be less than 35 feet in height.
B) The proposed structure or use will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport in question. Such structures and uses shall in any case be subject to the limitations of Section 252.070.
2) [Where the Department cannot make a conclusive determination as required in subsection 1 through issuance of zoning clearance, or where] Where a permitted use at its proposed location would penetrate the elevations of the approach, transitional, horizontal, or conical surface zones, as indicated on an Approach and Clear Zone Plan adopted by the County governing body for an airport, then such use is subject to [an application and the review procedures pursuant to Section 252.060] a conditional use permit review by the Hearings Council.

252.050 CONDITIONAL USES:

The uses listed as conditional uses within the primary zoning district are subject to the height restrictions listed in sections 252.070 and 280.050, whichever is the more restrictive, and to the provisions of Chapter 260 [and Sections 252.060 and 252.070].

252.060 PROCEDURES:

1) An applicant [proposing] for a use [for which an application is required under Sections 252.040 or 252.050] permit in this district shall submit the following information:

A) Property boundary lines as they relate to the boundaries of the airport approach and the boundaries indicated on the map of the Approach and Clear Zone Plan for the nearby airport.

B) Location, elevation, and height of all existing and proposed buildings, structures, utility lines, roads, or trees where the trees are taller than 35 feet in height.

C) A description of the proposed use.

D) A statement from the Ashland Public Works Director, when the [proposed use] application is within the Ashland Airport [Concern] Approach Overlay District, or with the Airport Director when within the Medford-Jackson County Airport [Concern] Approach Overlay District [or the Oregon Aeronautics Division when within the Airport Concern Overlay District of the Prospect or Pinehurst Airports].

E) A statement from the [Oregon Aeronautics Division] Federal Aviation Administration (FAA) that the proposed use complies with their regulations [if within the Medford-Jackson County or Ashland Municipal Airport Concern Overlay Districts].

2) In consideration of an application for a building, structure, or other use which will exceed 35 feet in height, the Planning Director may require the applicant to submit either of the following:

A) A certificate from an Oregon registered professional engineer or a registered land surveyor, which clearly states that no airspace obstruction will result from the proposed use.
ii) A map of topographic contours at two foot intervals, showing all property within 100 feet of the proposed structure or structures for which the use permit is being sought. This map shall also bear the verification of an Oregon registered land surveyor or registered professional engineer.

iii) A deed declaration which recognizes the preexistence of the airport shall be recorded for all dwellings which locate within the 55dBA noise contour of the airport.

252.070 LIMITATIONS:

1) The allowable height of any building, structure, or tree within the airport concern district shall conform to the following: The ground level elevation above mean sea level plus the height of any structure, building, use, or tree at its proposed location shall not penetrate any approach, transitional, horizontal, or conical surface of an airport as indicated on a County adopted Approach and Clear Zone Plan, unless specifically authorized by the [Oregon Aeronautics Division] FAA and [the] Jackson County[.], as part of a conditional use permit review. However, residential structures less than 20 feet in height may penetrate the transitional and conical surfaces upon approval of [the County and the Oregon Aeronautics Division] a conditional use permit by the Hearings Council.

2) Whenever the height limitations of this section differ from those of any other section of this ordinance, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

3) The existence of any building, structure, or tree which is greater than 35 feet in height may cause the county or city (where a municipal airport is involved) to locate appropriate lights or markers on the building, structure, or tree(s) as a warning to aircraft, or to top the tree to reduce its height.

4) No use or activity shall take place within this district in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; or otherwise create a hazard which may in any way endanger the landing, take-off, or maneuvering of aircraft using the airport.

5) The regulations prescribed by this district shall not be construed to require a property owner to remove, lower, or make changes or alterations of any structure which legally existed prior to the effective date of this ordinance. However, such structures shall be
considered nonconforming if such structure is in conflict with these regulations.

(6) A deed declaration which recognizes the preexistence of the airport shall be recorded for all dwellings which locate within the 55Ldn noise contour of the airport.)
2) The 100-year floodplain, otherwise known as the area of special flood hazard, identified by the Federal Emergency Management Agency in a [The] scientific and engineering report [prepared by the Federal Emergency Management Agency (FEMA)] entitled The Flood Insurance Study for Jackson County, dated June, 1980, or as is hereafter amended, or as amended along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), is hereby adopted by reference and declared to be a part of this ordinance. [These documents shall be the means for establishing the location of the 100-year floodplain, otherwise known as the area of special flood hazard, for the purposes of this ordinance.]

[3) Except as provided in Chapter 254.030, no person, firm, or corporation shall construct or emplace any buildings or structures, including mobile homes, or carry out any mining, dredging, filling, grading, paving, excavating, or drilling operations in areas bearing the flood hazard designation 'A' or 'A1' through 'A30' of the Flood Insurance Rate Map (FIRM), without first having obtained approval under this chapter. The Department of Planning and Development shall maintain an official file copy of said FIRM.]

[4) Other areas, in addition to those which have been specifically shown on Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps, which in the opinion of the Planning Director are situated in close proximity to creeks and streams, shall also be reviewed according to the provisions set forth in this chapter.

[5) The Planning Director shall be responsible for reviewing all applications for building [or mobile home setup permits and] as well as other development proposals for compliance with the requirements of this ordinance[,] making determinations[,] and to make interpretations[, where needed[,] as to the exact location of the boundaries of the 100-year floodplain [for example, where [actual field observations are at variance with] there appears to be a conflict between a mapped boundary [boundaries. The burden of proof in such determination shall rest with the affected property owner requesting such determination.] and actual field conditions]. In areas where base flood elevation profiles are available ('A14' through 'A30' FIRM zones), the closest elevation profile to the proposed use shall prevail over interpretation [determinations] made from the Flood Insurance Rate Map. The person(s) contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation but the burden of proof shall be on the person(s) contesting the interpretation of the Planning Director. [The Director's determination may be appealed under Section 285.020 of this ordinance.]

254.030 PERMITTED USES:

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

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, providing that no fill material is utilized.

6) Fences.

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

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
8) Fishing platform.

9) Incidental storage of material or equipment which 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) Bike path, park, [or] playground[,] or community center owned and operated by a private entity, governmental agency, or a nonprofit community organization.

15) Electric distribution and transmission lines provided that any fill, rip-rap, or revetments meet the standards of section 254.070.

16) [Relocation of a stream channel and] R[emoval or fill of materials for erosion and flood control purposes under the jurisdiction of the Division of State Lands [(DSL)] when that agency determines such action will not increase potential flood and erosion problems, and the Oregon Department of Fish and Wildlife determines that sensitive wildlife or fish habitat will not be adversely affected[, and the applicant utilizes the services of a professional hydrologist, Oregon registered engineer or the S.C.S. or similarly qualified agency who certifies in writing that the proposed activity will not result in an increase of the base flood. This certification requirement may be waived if the nature of the activity allows the Department to conclude that no increase in the base flood will result from the proposed activity. This certification shall also be made directly to the DSL.]

254.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:

The following uses, in areas designated as floodplain, if [If] allowed as a permitted use in the primary zoning district, [the following uses] shall be subject to administrative approval by the Planning Director [in areas designated as floodplain.] providing all requirements of this chapter are satisfied. if any requirements of this chapter are not met, the application shall be denied. Also, the following uses, if [If] allowed as a conditional use in the primary zoning district, [the following uses] shall be subject to review by the Hearings Council [pursuant to Chapter 260. If all requirements of this chapter are not met, the application shall be denied. Applications for administrative approval or conditional use shall be subject to the procedures specified in Section 254.080.]}
1) Single family dwelling or mobile home and accessory buildings.

2) Golf course, park, playground, picnic grounds, or other recreational uses with related buildings and structures.

3) Campground.
4) Replacement of dwelling in-kind (with no increase in square footage) within the floodplain including the floodway (but not including replacement of a mobile home in the floodway), providing that the standards of Section 254.070(2) are satisfied.

5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials [,] providing the additional requirements of Chapters 272 and 260 are satisfied. [and the Oregon Department of Fish and Wildlife determines in writing that sensitive fish and wildlife habitat will not be adversely affected.] In no instance shall such operation cause an increase in flooding potential or stream bank erosion adjacent to, upstream, or downstream from the operation[,] and the Oregon Department of Fish and Wildlife determines in writing that sensitive fish and wildlife habitat will not be adversely affected.

6) Landing field or heliport.

7) Marina.

8) Flood water storage impoundment.

9) Public utility building or structure.

10) Bridge or other stream crossing.

11) Commercial or industrial use.

12) Pipeline necessary for public service.

13) Removal or fill within the 100-year floodplain.

14) Placement of a recreational or camping vehicle in the floodplain subject to the standards of 280.210.

254.050 ADMINISTRATION:

†† Except as provided in Chapter 254.030, no person, firm, or corporation shall construct or emplace any buildings or structures, including mobile homes, or carry out any mining, dredging, filling, grading, paving, excavation, or drilling operations in areas bearing the flood hazard designation 'A' or 'A1' through 'A30' of the Flood Insurance Rate Map (FIRM), without first having obtained a permit for such activity. The Department of Planning and Development shall maintain an official file copy of said FIRM.

‡‡ [1] In determining this chapter, the Planning Director shall conduct [determine] all of the following prior to issuance of a [an approval of an application under this chapter:] permit[.] in completion of his assigned task of administering this section of the ordinance:
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A) **Determine** that the permit requirements of this Chapter have been satisfied, and!

B) **Ensure** that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required by law, including Section 404, of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, (Dredging and Filling Navigable Waters). and!

C) **Determine** [that] the proposed development is immediately adjacent to or located within the floodway. If located within the floodway, the encroachment provisions of 254.070(2) shall be met.

3) [2)] When base flood elevation data has not been provided by the Federal Emergency Management Agency, as provided in subsection 254.020 (2) of this Chapter, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation data available from federal, state, or other qualified, licensed engineering source in order to assure that all proposed developments comply with this Chapter. In the absence of elevation data, the special floodway setbacks, in addition to the normal yard requirements prescribed under Chapter 280, shall be established as specified in section 254.060.

4) [3)] The Planning Director shall receive from each applicant, and shall permanently file a certification of the actual, as-built elevation (above mean sea level), or elevation as determined by subsection (3) listed above, of the lowest habitable floor, including basements, for all new or substantially improved structures or flood-proofed structures. Elevations required under this provision shall be determined by an Oregon registered professional engineer, or Oregon licensed land surveyor, or other qualified professional. Floodproofing certificates shall also be submitted and filed for all flood-proofed structures.

5) **The Planning Director shall**

6) [4) The Planning Director shall notify] Notify adjacent communities and the Department of Water Resources, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

7) [5) The Planning Director shall require] Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

8) **Make interpretations**, where needed, as to the exact location of the boundaries of the 100-year floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), in areas where base flood elevation
profiles are available ('A1' through 'A30' FIRM Zones), the closest elevation profile to the proposed use shall prevail over interpretations made from the Flood Insurance Rate Map. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, but the burden of proof shall be on the person(s) contesting the interpretation of the Planning Director.

254.060 GENERAL STANDARDS:

In all designated 100-year floodplains or areas of special flood hazards, the following requirements apply:

1) All new construction and substantial improvements including structures and apparatus shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3) All new construction and substantial improvements shall be constructed using methods and practices which minimize flood damage.

4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. [Sand filter systems shall not be permitted in the floodway and shall be elevated in the 100 year floodplain.]

7) All land division proposals shall be consistent with the need to minimize flood damage, and shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage; and, base flood elevation data shall be provided for subdivision proposals and other proposed major developments.

8) Where specific elevation data are not available and the area is designated floodplain, according to the provisions of section 254.020, special floodway setback requirements shall be imposed according to the following methods:
A) A floodway shall be presumed to exist on land which abuts or is bisected by a stream or segment of a stream for which no floodway has been depicted by the Federal Emergency Management Agency. The floodway width shall be deemed to equal five times the width of the normal rainy season stream bed measured from top of bank to top of bank, or 100 feet, whichever is greater. It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream.

B) If, owing to topography or other factors, the method prescribed above does not yield a reasonable and practical measurement of the floodway, the applicant may offer other information to establish the floodway configuration more precisely in accordance with accepted engineering practices and certified by an Oregon registered engineer or surveyor.

C) To determine the base flood elevation, the applicant’s Oregon registered engineer or [Arcfacs registered Soil Scientist] land surveyor shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report shall be submitted to the Planning Director by the applicant, setting forth said elevation and citing the evidence upon which the estimate is made. Said report may be accepted or rejected by the Planning Director.

254.070 SPECIFIC STANDARDS:

1) In all areas of the 100-year floodplain, where base flood elevation data have been developed in 'A1' through 'A30' zones as depicted on the Flood Insurance Rate Map, the following specific standards apply:

A) New construction and substantial improvement of any dwelling shall have the lowest floor, including the basement, elevated one foot above the base flood elevation.

B) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

i) Be floodproofed, so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water;
ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

iii) Be certified by an Oregon registered professional engineer or architect that the standards of this subsection are satisfied.

2) In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the approximate method described in section 254.060, the following standards apply due to the velocity of flood waters which carry debris, potential projectiles, and/or have erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development which would result in any increase in flood levels during the occurrence of the base flood discharge. [New construction on an existing parcel is permitted in the floodway only if:

i) The applicant’s Oregon registered engineer certifies that the development will not result in an increase in the level of a base flood; and,

ii) The County determines that parcel size, topography, or other natural or man-made conditions prevents the new construction from occurring outside the floodway.]

B) If section 254.070 (2)(A), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 254.060 and 254.070.

[C) Building development on islands within the floodway shall be subject to the following:

i) Verification by an Oregon registered Geologist or ARCPACS registered Soil Scientist that the island is a stable landform and will not be subject to erosion during a 100-year flood.

ii) Submission of topographic information from a registered surveyor showing the topography of the area (island).

iii) Location of proposed roadway and building site.

The above information shall be utilized by the Department to determine if the development is consistent with the purpose of this district to protect health, safety, and welfare and with the
Goal and policies stated in the Natural Hazards Element of the Comprehensive Plan. For example, the depth of water over access roads must not endanger the lives of those attempting to rescue people occupying the structure. In addition, the road itself shall not be improved in such a way as to increase flood elevations or create an obstruction in the floodway.

254.075 SPECIFIC REQUIREMENTS FOR MOBILE HOMES:

1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. (Frame ties only are required if the mobile home is a doublewide or triplewide or if the mobile home bears data plates indicating it was constructed pursuant to HUD mobile home construction and safety standards instituted in June, 1976, or that construction was pursuant to State of Oregon standards between 1972 and 1976.) Specific requirements shall be that:

A) Over-the-top ties, when required, shall be provided at each of the four corners of the mobile home for mobile homes over 50 feet in length, with two additional ties per side at intermediate locations; mobile homes less than 50 feet long require one additional tie per side; or,

B) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and,

C) Any additions to the mobile home be similarly anchored.

2) The following are required for new mobile home parks; expansions to existing mobile home parks; existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement; and, for new or used mobile homes not placed in [an existing] a mobile home park:
A) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level.

B) Adequate surface drainage and access for a hauler are provided.

C) In the instance of elevation on pilings that:
   
   i) Lots are large enough to permit steps.
   
   ii) Piling foundations are placed in stable soil, not more than ten feet apart.
   
   iii) Reinforcement is provided for pilings more than six feet above the ground level.

3) No mobile home shall be placed in a floodway, except in an existing space of an existing mobile home park, and then only if standards specified in this Chapter are satisfied.

254.080 SPECIAL REQUIREMENTS [PROCEDURES] FOR ADMINISTRATIVE OR CONDITIONAL USE PERMITS:

1) An applicant seeking an administrative or conditional use permit in a floodplain district shall follow procedures set forth in Chapters 260 and 285. Plans and specifications accompanying the application shall include:

   A) Location of the property with reference to river and stream channels and flood profile elevations.

   B) Existing topography, vegetation, and uses, including location of dikes, revetments, and other flood control works.

   C) Location of proposed uses, structures, roads or other improvements.

   D) A proposed grading plan for the property when determined necessary by the County.

2) Any applicant requesting a conditional use permit in an area designated as floodplain (or otherwise subject to the conditions of this Chapter), shall bear the burden of proving compliance with these requirements.

3) No variance from the requirements of this Chapter shall be granted.
258.010 PREEXISTING STATUS PROVISIONS:

1) Except as hereafter provided, any unit of land created by [a] division [as defined by the ordinance] which was [not] in violation of any county ordinance [or statute] in effect at the time of such division, is not recognized as [a] preexisting [separate tract.] and is subject to the requirements of this ordinance. Any partition or subdivision which received tentative [map or] plat approval before October 28, 1980, may be completed in conformance with the requirements of the ordinance in effect at the time of such approval, subject, however, to any time limitations set forth in any ordinance under which such approval was given.

2) Units of land created by division which were not approved as required by any ordinance in effect at the time of division shall be considered illegal parcels. The Department shall not issue building, septic, mobile home set-up, or other development permits for such units of land unless all the requirements of this ordinance are met, including the provisions of Section 01.090.

3) Units of land created prior to October 28, 1980, which would be considered nonconforming under this ordinance, shall retain such status unless or until the parcel or lot is made conforming. Any action which results in a unit of land becoming more conforming shall constitute forfeiture of any right to the less-conforming status, but this provision shall not affect vested rights in preexisting, nonconforming uses.

[A nonconforming tax lot which has been consolidated may not be subsequently re-created unless it complies with the current requirements for a division in the district in which it is located, except when the resulting nonconforming parcel or lot: is consistent with the existing pattern of land division in the immediate area of the subject tax lot; would not be located on resource zoned land or otherwise create resource conflicts; and would not conflict with an adopted urban growth boundary agreement or urban containment boundary policy.]
4) A parcel or lot in the unincorporated area of Jackson County, which is outside of areas designated in the Comprehensive Plan as being in a floodplain or geologic hazard area or designated for urban, industrial, or commercial development, and which was lawfully created by, or transferred to, the present owner by a deed or sales contract executed after December 31, 1964; and before January 1, 1975, shall be considered a lot-of-record. Notwithstanding ORS 497.085 to 497.430, 245.243 and any other provision of law, if at the time a person acquired a lot-of-record, establishment of a single family dwelling was a permitted use on that lot-of-record, Jackson County may not deny that person a permit for a single family dwelling as a result of zoning, re zoning, adopting, or amending the Comprehensive Plan, or changing the text of the zoning code. This provision shall expire on July 1, 1985, but any building permit issued thereunder is valid until July 1, 1987.

[4) Lots-of-record defined by the Oregon Legislative Assembly in statute shall be considered to have preexisting status regarding development of a single family residence but are otherwise subject to the requirements of this ordinance and limitations imposed by statute.]
258.020 NONCONFORMING LOTS AND PARCELS:

The following provision shall apply to nonconforming lots and parcels:

1) A lot or parcel 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 ordinance requirements.

2) Preexisting lots or parcels may be rendered nonconforming as a result of a change in zoning, but nonconforming lots or parcels shall not be created through the grant of a variance or special permit, [but their configuration may be altered pursuant to Section 46.030] except as provided in section 258.058.

3) A lot or parcel which contains more than one single family dwelling and now exceeds the density requirements of the zoning district in which it is located may be divided into separate [conforming or] nonconforming [parcels] lots only if:

   A) The lot or parcel was legally created and contained more than one legally established single family dwelling prior to September 1, 1973; and

   B) The lot or parcel and dwellings have retained their preexisting nonconforming status based upon section 258.040(1). Section 258.020 (3) does not apply to mobile home parks.

   C) The subject property is not zoned Exclusive Farm Use.

[Access and parcel area requirements will not be imposed for such divisions. Structures shall maintain the maximum feasible distance from new lot lines.]

4) Setbacks shall be consistent with Section 280.050 (5), even though such nonconforming lots were created after September 1, 1973.

5) Where any division [of a legally developable parcel] is for the purpose of acquiring lands to be put to public recreational, park, or natural uses, a recorded declaration restricting use of any property less than the applicable minimum lot or parcel size for such public purpose only shall exempt such tract from any minimum lot or parcel size standard of the applicable zone [the portion of the parcel to be used for recreational, park, or natural uses shall not be required to meet access, lot width, or area requirements of this ordinance, but shall be subject to a deed declaration restricting the property to its stated use. The residual developable parcel shall not be required to meet parcel area and lot width requirements of this ordinance. However, all other standards of this ordinance applicable to the residual not dedicated to public use shall be met. Preexisting lots are also exempt from access requirements].

258.030 NONCONFORMING STRUCTURES:
The following provisions shall apply to nonconforming structures:

1) A nonconforming structure may be remodeled, repaired, replaced in-kind, or enlarged, where such work will not render the structure to be in conflict with provisions of this ordinance, such as Chapter 254 (Floodplain), or less in compliance with the requirements of the zoning district. A structure which was legally constructed within the present setback requirements of the zoning district may be expanded consistent with this chapter without a variance provided such expansion is not located closer to the property line than the existing structure and providing the applicant provides a signed and notarized statement from the adjacent property owner which states that said property owner has no objection to the expansion. If the adjacent owner objects, the applicant may submit an alteration of nonconforming use request pursuant to procedures in Section 258.050. The applicant shall make findings demonstrating compliance with subsections 258.040 (3) and (4).]
2) Except as noted in (1) above, if a nonconforming structure is damaged by fire, other casualty, or natural disaster, the structure may be repaired or reconstructed to its original square footage 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.

258.040 NONCONFORMING USES:

The following provisions shall apply to all nonconforming uses, except that aggregate and mining nonconforming uses shall only be subject to Section 258.070:

1) 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 of operations.

2) 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.

3) Alteration of a nonconforming use includes a change in the use of no greater adverse impact to the neighborhood and a change in the structure or physical improvements of no greater adverse impact to the neighborhood.

4) Generally, 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 non-conforming use, or any other change which is likely to result in a use which is any less in compliance with applicable zoning requirements. A limited increase may occur if said increase conforms with (3) above, or when necessary to comply with any lawful requirement for alteration in the use.

5) A preexisting use which is a conditional use in the zone shall be subject to the requirements of Chapter 260. [A request for alteration of a lawfully preexisting use which is not listed as a permitted or conditional use in its existing zone shall be subject to Section 258.050.]

6) Routine maintenance[, safety improvements,] and repairs which do not constitute an increase in nonconformity may be undertaken. Any maintenance or repairs legally required [of a property owner] by a government agency shall be permitted within the intent of this ordinance.
258.050 REQUESTS FOR ALTERATION OF NONCONFORMING USES:

1) [Except as provided in Section 237.060, the Department is authorized to consider applications for alteration of nonconforming uses unless a hearing is requested pursuant to Section 285.035. If a hearing is requested, it] The Planning Director is hereby authorized to sit as Hearings Officer to consider requests for alterations of nonconforming uses, except as provided in Section 237.060. 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.

2) The [County] Hearings Officer shall review all such requests for compliance with all applicable requirements of these regulations. Upon finding that the request complies with the requirements, the request shall be approved[, with appropriate conditions as required to assure compliance. Applications found inconsistent shall be denied].

3) The County may require a site plan review permit for an alteration of a nonconforming commercial, industrial, or multi-family housing use pursuant to Chapter 282. A site plan review is required when an alteration causes an increase in traffic, results in a 20 percent increase of land committed to the use, increases floor area by greater than 20 percent, increases value of property more than 50 percent, or paving is proposed in a required setback.

258.060 PREVIOUS OFFICIAL ACTIONS:

1) Any conditional use permit, variance, temporary mobile home permit, reduction of parcel size, as well as change or alteration of a nonconforming use granted or approved by the Jackson County Board of Commissioners, Hearings Council, or the Department after January, 1978, shall be considered valid and may be continued; and, if not developed, may be developed in accordance with conditions, if any, that were attached to the approval.

2) Those conditional use permits, variances, temporary mobile home permits, reduction of parcel size, and change or alteration of a nonconforming use approved prior to January of 1978, which were developed or acted upon in good faith prior to the [effective date of the 1980 zoning] adoption of this ordinance, [October 28, 1980,] and in compliance with any conditions attached thereto, shall be considered preexisting. Alterations or expansions of such actions or permits will require the submission of a new application and processing pursuant to the requirements of this ordinance [as a conditional use, permitted use, or alteration of a nonconforming use depending upon the status of the use within its current zoning district]. Such approved permits and uses which were not developed prior to the adoption of this ordinance shall be considered null and void. Uses or actions based upon such void permits shall be considered a violation of this ordinance.

3) Intent to rezone actions previously approved by the Jackson County Board of Commissioners shall continue in effect in accordance with the provisions included within the intent order.
4) Building permits and mobile home set-ups issued by the Department prior to the effective date of this 1982 ordinance shall be exempt from all provisions of this ordinance (effective after that date, but not the provisions in effect at the time of approval or any conditions for approval required by the County).

5) Septic installation permits for residential use, originally issued, renewed, or legally installed and approved prior to the adoption date of this 1982 ordinance, shall be considered as a commitment to use the land for a single-family dwelling only when one of the following requirements are met:

A) The property is within a non-resource zoning district.

B) The property is within a resource zone (OSR, WR, EFU, or FR) and the original septic installation permit was reviewed by the county and found to be in conformance with the applicable Statewide Planning Goals.

When such a situation exists, the issuance of a building permit will be made only when the dwelling meets setback, site plan review, fire safety, and all other applicable requirements of this ordinance, except minimum acreage and non-resource dwelling standards. Dwellings which do not meet the area requirements shall be considered nonconforming.

258.070 AGGREGATE AND MINING NONCONFORMING USES:

1) A use of property for aggregate removal, mining, or quarry operations, or the processing of materials therefrom, shall conclusively be presumed abandoned when all operations in connection with such use have terminated with the intent of the owner and operator not to conduct any such use in the future. For purposes of this ordinance, failure to conduct any such operations for a period of 36 consecutive months shall conclusively be presumed as intent to abandon. After abandonment, use of such property for aggregate removal, mining or quarry operations, or the processing of materials therefrom, shall be subject to all of the provisions of this ordinance except for sporadic emergency short-term use authorized by a public road agency to repair a public road, but only when the aggregate site is owned by a public agency.

2) After the effective date of this ordinance, any expanded use of property for aggregate removal, mining or quarry operations, or the processing of materials therefrom shall be subject to all of the provisions of this ordinance. For such purposes, an expanded use means:

A) Addition of new facilities or equipment not previously utilized at the site.
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CHAPTER 260

CONDITIONAL USE PERMIT

260.010 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 [County] Hearings Council in accordance with the standards and procedures set forth herein.

260.020 PREEXISTING USES:

A use which lawfully existed prior to [September 1, 1973,] 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 the purposes of this section, a "substantial alteration" is defined as being any modification of 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.

260.030 PROCEDURE:

1) A property owner or authorized agent may initiate a request for a conditional use permit by filing an application as provided for in this chapter. The application may contain requests for more than one conditional use listed in the applicable zoning district. If a hearing is requested pursuant to Section 285.035, it shall be held in accordance with the provisions of section 285.040. If a hearing is not requested, the Department is hereby authorized to deny or to approve the application with appropriate conditions which assure compliance with the provisions of this ordinance, the comprehensive plan, or other requirements of law.

2) [If a hearing is requested as provided in Chapter 285, the] The Hearings Council shall render a decision within 30 [28] calendar days after termination of the public hearing, however, such time limit may be extended upon the mutual agreement of the applicant and the Council. [In those instances where a comprehensive plan amendment is necessary in addition to the conditional use permit, the applications shall be concurrently reviewed by the Planning Commission pursuant to Section 277.020.]

3) The [County] Hearings Council shall provide the applicant with written notice of its decision [whether or not a hearing is held].

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 submittal for a period of not less than one year from the date of denial.
5) The [County] 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) Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the [County] Hearing Council may extend authorization for an additional period not to exceed one year on request. In the case of a planned unit development, the one year shall commence with approval of the final development plan instead of with approval of the planned unit development.

7) A conditional use is considered void if the use is discontinued for a period of one year.

8) Unless otherwise expressly provided in its terms or conditions, a conditional use permit shall run with the land and the rights and responsibilities conferred by it shall vest in whoever owns or lawfully possesses or controls the land. However, unless otherwise provided in the terms of such a permit, the compliance with the obligations imposed by its conditions shall be the responsibility of all the owners and successive owners of the land, and any other person who conducts or permits thereon the use authorized by the permit.

260.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

In order to grant a conditional use permit, the [County] Hearing Council must make the following findings:

1) That the permit would be in conformance with the Jackson County Comprehensive Plan for the area, 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.

2) That the location, size, design, and operating characteristics of the proposed use will have [minimal] no adverse impact on the liveability, value, or appropriate development of abutting properties and the surrounding area.

3) The permit will be in compliance with other required findings, if any, which may be listed in the zone in which the use is proposed to be located.

4) The proposed use will either provide primarily for the needs of rural residents and therefore requires a rural setting in order to function properly or the nature of the use requires a rural setting, such as an aggregate operation, even though the use may not provide primarily for the needs of rural residents.]

[Finding (4) may be waived only when:]

[A] The applicant substantiates to the satisfaction of the County, that one or more suitable alternative urban sites are not available, and the proposed location is central to the likely area of service for the proposed use; or]
[B] The proposed use is to be located within Light Industrial, General Commercial, and General Industrial zones or within Urban Growth or Urban Containment Boundaries (UGBs or UCBs).

[C] The proposed conditional use is for a single family dwelling and application of this standard is deemed inappropriate.

368.060 COMPLIANCE WITH ZONING DISTRICT PROVISIONS:

1) An approved conditional use shall comply with the standards of the district in which it is located. The Hearings Council may by their own motion modify, alter, or revoke a conditional use permit when it has been determined there has been noncompliance with conditions set forth in the order granting the permit.

2) In addition to the notice requirements of Chapter 255, a notice of this hearing shall be served on the owner of record of the property in the same manner as a summons is served under Rule 707, Oregon Rules of Civil Procedure.

3) The process for modification or revocation of a permit shall consist of either or both of the following:

   A) Enforcement of the provisions of section 290.030;

   B) A hearings process which shall consist of
i) An investigation by the Department of alleged violation of or noncompliance with the conditions of the permit.

ii) A hearing scheduled pursuant to Chapter 285 in which valid proof of a violation, or noncompliance to conditions is found by the County.

iii) Modification or revocation of a permit may occur after proper notice and such public hearing.
all conditions imposed by the County and shall be excepted from other provisions of this ordinance and the Land Division Ordinance only to the extent specified in the authorization.

2) Planned unit residential developments may be allowed by the County in the Rural Residential (RR), [Farm Residential (F-5),] Suburban Residential (SR), Urban Residential (UR), Urban High Density Residential (UR-H), and Neighborhood Commercial (NC) zoning districts when within urban growth boundaries or urban containment boundaries.

3) Planned unit commercial and light industrial developments may be allowed in the [Rural Service Commercial (RS),] Interchange Commercial (IC), General Commercial (GC), General Industrial (GI), Neighborhood Commercial (NC), Light Industrial (LI), and Airport Development-Mixed Use (AD-MU) zoning districts.

262.030 APPLICATION CONTENTS AND PROCEDURE:

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

2) Following this consultation the applicant may prepare a preliminary development plan and submit the application to the Hearings Council. In addition to the general requirements of the Land Development Ordinance, the preliminary plan shall contain the following elements:

A) Development proposal outline consisting of:

i) General schematic maps which depict:

a) The existing topography of the site, percent of slope, and contour map drawn at two (2) foot intervals.

b) Existing land used adjacent to the site, including major thoroughfares, their current design capacity, and proposed future capacity.

c) Location of public uses, including schools, parks, playgrounds, and other open spaces on the proposed site or nearby area which are needed to serve the development.

d) Common open spaces designated on the map and a written description of the proposed development and use of these spaces.

ii) A written statement which is part of the development proposal outline shall contain:
CHAPTER 266
HISTORIC LANDMARK ALLOWABLE USE PERMIT

266.010 PURPOSE:

To ensure increased protection and provide for a variety of allowable uses for historic landmarks that will encourage rehabilitation and continued preservation of the unique qualities of these nonrenewable resources. To provide for the use of those landmarks, uses which may not be permitted, or conditional uses within the zoning district.

266.030 JURISDICTION:

The Board of County Commissioners shall [may] appoint an Historic Advisory Commission which shall:

1) Review and act upon nomination applications of historic resources to the Jackson County Register of Historic Landmarks.

2) Institute and administer a program for revising the Jackson County Historical Sites Survey to provide for additions, corrections, or deletions.

3) Remove properties from the Jackson County Register of Historic Landmarks when an historic landmark has deteriorated, has been altered or destroyed, or no longer possesses its historic values.

4) Research the creation and use of a historic revolving fund to help owners improve historic sites.

5) Review and advise the Planning Commission and the Board of County Commissioners on historic aspects of plans, goals, policies, and programs that are being considered for adoption, revision, or the impact of plans, goals, policies, and programs on historic resources.

6) Review and advise the Hearing Commission [County] on the application of the Historic Landmark Allowable Use Permit (see definition) as created under the zoning regulations.

7) Advise the Hearing Commission [County] on application to move, demolish, or remodel an historic landmark that has received an Historic Landmark Allowable Use Permit.

8) Institute and administer a program to acquire a Historic Revolving Fund gift, and to hold historic easements which should include but not be limited to facades, interiors, and open spaces; and provide grants on low interest loans for repair or restoration efforts.

9) Institute and support such programs and projects as will help make the citizens of the County and its visitors aware of the County's origin, development, and historic significance (public brochures,
illustrating the County's historic resources; historic preservation policies and programs; guidelines for repairs and maintenance of historic resources).

10) Enlist citizen participation and support in continuing programs designed to recognize and preserve County heritage.

11) Develop such forms and adopt such rules and regulations as are necessary or appropriate to establish the Commission's powers and duties, and the County's historic preservation policy.

12) Take all steps necessary to preserve historic landmarks which are consistent with the public health, safety, general welfare, and policies of the County.

266.020 [266.030] AUTHORIZATION:

The County, with a recommendation of the Historic Advisory Commission, shall ensure preservation of the County's historic resources by providing for an historic landmark permit system to allow a change of use to a more intensive yet allowable use of an historic landmark. The holder of said permit shall be required to apply for a demolition or moving permit under the authorization of the county when such action is contemplated. This Chapter applies to all sites indicated in the Jackson County Historical Sites Survey, 1979, as amended, until such time as the Jackson County Register of Historic Landmarks is adopted.

The two categories, allowable use and demolition and moving, are expanded as follows:

1) Allowable Use: The County may authorize an Historic Landmark-Allowable Use Permit where it has been determined a more intensive use, not presently listed in the zoning district under permitted or conditional use, will encourage and facilitate the rehabilitation and preservation of the historic landmark.

2) Demolition, Moving, and Exterior Remodeling: Officially designated historic landmarks listed on the Jackson County Register of Historic Landmarks shall not be demolished, moved, or remodeled prior to the issuance of a permit for said purpose from the County. The decision shall be based on criteria stated under section 266.060 and 266.080.

266.040 REFERENCE:

The following documents and their performance standards are hereby adopted by reference and made a part of this ordinance:
1) Jackson County Register of Historic Landmarks.

2) State of Oregon Uniform Building Code, Chapter 41, Historical Buildings (Section 4101-4105).

3) Historic Advisory Commission.


5) The Jackson County Historical Sites Survey, 1979, as amended.

266.050 APPLICATION:

1) Historic Landmark - Allowable Use Permit: The property owner or authorized agent of an historic resource, listed in the Jackson County Historic Sites Survey, 1979, as amended, until the Jackson County Register of Historic Landmarks is adopted and supercedes the survey, requesting a change of use to a more intensive use for the landmark not presently provided for in the zoning district under the permitted or conditional uses, shall submit an application to the [County] Historic Advisory Commission, which will recommend denial or approval with conditions to the County for an Historic Landmark - Allowable Use Permit. The application with the accompanying materials shall be submitted to the Planning Department staff, prior to review by the Historic Advisory Commission and the public hearing.

The application provided for in this section shall be made on forms prescribed by the County. Applications shall be accompanied by:

A) A statement of the landmark's historic significance.

B) A description of the physical appearance and condition of the landmark.

C) A statement of need.

D) Plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be used.

E) The sizes, shapes, dimensions and locations on the lot of all existing and any known previous structures.

F) The historic, present, and intended use of each structure.

G) The existing landscape and landscape features.
H) The relationship of the property to the surrounding area.

I) Black and white, 8" X 10" photographs of the exterior of the building, locations of required exterior alterations, and an explanation clearly describing where the work is to be performed.

J) Proposed interior alterations required for the allowable use shall be shown on floor plans and specifications drawn to scale, showing the shape, size, and dimensions of all interior spaces.

K) Black and white, 8" X 10" photographs of the interior architectural features, which shall show the following: Significant architectural features; a general feeling of the spaces; locations of required interior alterations with an explanation clearly describing where the work is to be performed, and such other information as is needed to determine conformance with this ordinance.

266.060 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

1) In order [to approve] for the Historic Advisory Commission to recommend approval of an [a] Historic Landmark-Allowable Use Permit, they [the County] must find all of the following:

A) That the permit would be in conformance with the historic resources section of the Jackson County Comprehensive Plan.

B) That the existing zoning district's permitted uses do not allow for the proposed use.

C) That the proposed use is appropriate and will assist in preserving the significant physical characteristics of the historic landmark.

D) That the physical changes necessary for the proposed use will not require substantial alteration, thus diminishing the historic significance of the historic landmark.

2) Where application has been made for a demolition, moving, or exterior remodeling permit of an historic landmark, a 90 day stay of issuance shall be in order while the Historic Advisory Commission and the historic landmark owner shall prepare an economically feasible plan for preservation of the historic landmark. The possibilities of purchase of this historic landmark by interested persons, organizations, or governmental agencies shall be explored. In order to grant an historic landmark demolition, moving, or exterior remodeling permit, the [County] Historic Advisory Commission must determine that:
A) The historic landmark constitutes a hazard to the safety of the public or its occupants.

B) The improvement project is of substantial benefit to the County, cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic landmark.

C) The retention of the historic landmark would cause financial hardship to the owner which is not offset by public interest in the landmark's preservation.

266.070 CONDITIONS OF APPROVAL:

1) Historic Landmark - Allowable Use Permit: The County, upon the recommendation of the Historic Advisory Commission shall require the historic landmark owner and permit holder to apply The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior, National Park Service, Washington, D.C., January, 1980 (rev.), as adopted by reference (section 266.040). In prescribing conditions, the Historic Advisory Commission shall consider any factors relevant to the proposed use, which may include:

A) Parking.

B) Preservation of existing landscape and landscape features.

C) Access.

D) Signs.

E) Noise.

F) Open space.

G) Scenic resources.

H) Natural resources.

I) Drainage.

J) Overall long-range community effects.

K) Any other factors deemed to be relevant to the application.
266.080 HISTORIC LANDMARK DEMOLITION, MOVING, OR REMODELING PERMIT:

1) A permit is necessary for the demolition or moving of any historic landmark identified in the Jackson County Historical Sites Survey, 1979, as amended, until such time as the Jackson County Register of Historic Landmarks is adopted. An application for a demolition or moving permit shall be made to the County. The applicant shall show reasons for requesting a permit as stated under Section 266.050. The application shall provide information adequate to determine conformance with this ordinance.

2) If a designated historic landmark is to be demolished or moved, the County shall direct the Historic Advisory Commission to work with the landmark owner in recording the historic landmark and its setting by means of photographs, pictures, artifact, architectural detail salvage, written description, measured drawings, oral histories, or other means of documentation, to be kept as public property under the auspices of the Southern Oregon Historical Society.

3) A permit is required for the remodeling of an historic landmark that has received an Historic Landmark-Allowable Use Permit. An application for a remodeling permit shall be made to the County submitting the requested materials as stated in Section 266.050.
CHAPTER 268
SOLID WASTE DISPOSAL PERMIT

268.010 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, Jackson County intends:

1) To provide for the collection, storage, transfer, treatment, recycling, 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.

4) To provide a mechanism to establish a special site for the temporary collection and storage of toxic or hazardous wastes, subject to receipt of all appropriate permits or licenses required under ORS 459, and Oregon Administrative Rules, Division 63.

268.020 REFERENCE:

The following document and amendments thereto, are hereby adopted by reference and made a part of this ordinance:

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

268.030 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:

The following uses, if allowed as a permitted use in the zoning district, shall be subject to administrative approval by the Planning Director or shall be reviewed as a conditional use by the Hearings Council [County] if listed as such in the zoning district within which the use is proposed to be located:

1) Sanitary landfill.

2) Landfill.

3) Solid waste transfer station.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
2) Submit an area map at an appropriate scale and showing the general neighborhood, roads, existing structures and facilities, hazard areas, and other significant features in the area.

3) Submit a map of the proposed site showing all existing landscape features, topography with contour intervals at five feet or less, drainage features, existing structures, and existing vegetation.

4) Submit a preliminary drawing indicating the general layout and design of the project, prepared at a suitable scale, and including all roads, boundaries, walkways, proposed permanent structures and recreational areas, parking and storage areas, and other required facilities. Include approximate dimensions, where appropriate.

5) Submit a preliminary utility plan, indicating sewerage, water, solid waste, electric, natural gas (if applicable), telephone, cable television, and storm water runoff facilities.

6) Submit a conceptual landscaping plan indicating all existing vegetation to be retained and all proposed landscaping features including trees, shrubs, grass, fences, berms, open space, and so on.

7) Supplement the above plans, maps, and drawings with written proposals for domestic water supply, sewage disposal, solid waste disposal, fire protection, local school capability, and resolution of adverse impacts to neighboring uses/properties.

270.040 FINDINGS:

A decision of the Hearings Council to approve or deny a mobile home park development shall be based, at a minimum, on the following findings:

1) The proposal is consistent with section 260.030 of this chapter, and other provisions of this ordinance.

2) The proposed development shall be completed prior to siting of individual mobile homes for each approved development stage of the mobile home park.

270.050 APPROVAL OF FINAL PLANS:

Upon approval of the proposed mobile home park by the Hearings Council [or Board], the Chairman of the Hearings Council [Planning Director] shall sign unmarked copies of all approved plans, which shall be retained as part of the official record of these proceedings. Any deviation by the applicant, contractor, or subcontractor, under authority of the applicant or his agent, from the official signed plans during and after consideration, shall be cause for revocation at a public hearing of any and all permits and approvals, as provided in section 260.050.
270.070 [LIMITED] EXPANSION OF EXISTING MOBILE HOME PARKS:

1) It is recognized that [most] existing mobile home parks do not meet all the mandatory requirements for new mobile home parks [set forth in this chapter]. It is anticipated that some existing mobile home parks will not be able to meet all mandatory requirements proposed for expansion.

2) As a condition of [limited] expansion of an [a nonconforming or substantially conforming] existing park, the Hearings Council [County] shall determine the extent and nature of improvements required in the existing park [to conform with Section 270.060, Statutes and Administrative Rules, based on a detailed written description of the park's compliance with the above by the applicant]. Expansion of an existing nonconforming mobile home park will only be allowed when such expansion also includes substantial improvements in the existing mobile home park to such a degree that the existing park[,] including the expanded area[,] complies with or is substantially more in conformance with the provisions of this ordinance, and more compatible with the neighborhood in which the park is located.

3) This section expressly prohibits the Hearings Council to allow an increase in density of a [nonconforming] mobile home park which already exceeds allowable density unless the Hearings Council [County] finds that such increase is:

A) Required [That such increase is required to allow improvement of the older part of the mobile home park; and,

B) Such increase is compatible with the neighborhood; and,

C) The [A limited] increase in density is the minimum necessary to achieve the purpose of this Chapter [and the intent of the Comprehensive Plan]; and,

D) The water and sanitary facilities will be adequate to meet the needs of the park's present and future residents; and,

E) The proposed expansion is consistent with subsection 5 below.]

4) The Hearings Council [County] may require that some existing mobile homes within the park, be moved to the expansion area to make the mobile home park, as a whole, more conforming with the density standards of the zoning district and the provisions of this Chapter.

[5) Conditions for approval of a limited expansion of an existing mobile home park shall include the following, in addition to other requirements for a conditional use within the zone the park is located:]

[A) Location of Expansion: The expansion shall be allowed to occur only on the same lot or parcel and ownership as the park
currently exists. The parcel or lot must be in the same configuration at the date of expansion as it exists on the date of adoption of this subsection. Only one expansion pursuant to this section shall be permitted.]

[B) Access: The park, including the proposed expansion, must have safe and adequate access and internal circulation patterns for vehicular and pedestrian traffic. Streets or roads serving the park must be adequate in condition and capacity to serve the additional traffic.]

[C) Public Facilities: Sewerage disposal methods and community water supplies must be adequate to serve the existing units and proposed expansion. On-site septic systems and water supplies shall be subject to an inspection, for a fee paid by the applicant, to determine the feasibility of the expansion or replacement of the existing septic system on-site with an adequate repair area.]

Such information shall be submitted with the application. In no event shall an existing mobile home park be allowed to connect to a sanitary sewer or public water supply line in order to accommodate a proposed expansion unless a probable health hazard for the existing park can be found pursuant to the County's Sewer and Water Project Review Ordinance. This condition may be modified if the proposed project lies within an urban growth boundary or urban containment boundary.]

[Water supply must also be adequate for fire suppression needs, as determined by the local fire district or State Fire Marshall.]

[D) Development Standards: The expansion shall comply with the requirements of Section 270.060, Chapter 254, and other applicable provisions of this ordinance other than density. Urban development standards shall apply to expansions and overall park improvements when within an urban growth boundary (UGB) or urban containment boundary (UCB).]

[E) Size of Expansion Permitted: The expanded number of dwellings shall not exceed more than 50 percent of the existing developed spaces within the park or 20 mobile homes, whichever is the lesser. The County may decrease the actual number of spaces approved for a proposed expansion, depending on the proposed degree of improvement and conformance of the park with Section 270.060. In no event shall the County approve more spaces than is herein provided.]

[F) Resource Land Impacts: The proposed expansion shall not be allowed to adversely change or increase the cost of accepted farm or forest practice on adjacent or nearby resource zoned land. In order to mitigate the effects of urban development adjacent to resource land:

(1) A declaration of restriction shall be recorded on the deed for the property if the park is near farm or forest land
and is therefore subject to the affects of customary and accepted farm or forest practice. The applicant shall agree to provide a copy of the declaration to all existing and new residents of the park.

[2] Perimeter buffering techniques shall be employed which may include fencing, berms, landscape plantings, increased setbacks, road placements, and other measures designed to increase distance between residences and potentially conflicting resource uses.

[3] The expansion itself shall be located on generally unsuitable land for the production of farm or forest products, considering terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract unless findings can demonstrate that the proposed expansion will either have no adverse impact on adjacent or nearby resource lands and uses, or that measures proposed by the applicant will mitigate the impact to a minimal and insignificant level acceptable to the County.
8) Sale of products related to aggregate materials if in conjunction with the removal, processing, or excavation of aggregate materials, or the manufacture and fabrication of concrete and aggregate products.

9) Storage of heavy equipment necessary for the aggregate operation.

10) Sedimentation ponds.

272.050 APPLICATION AND OPERATION STANDARDS:

The following minimum application and operating standards shall be observed for each aggregate resource site operation approved by the Hearings Council in Jackson County:

1) The applicant(s) must have, or obtain, necessary permits from the Department of Geology and Mineral Industries, Department of Environmental Quality, and all other affected agencies, prior to beginning the aggregate operation. The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

2) Visual Impacts: Existing trees and other natural vegetation adjacent to any public park, residential development, or residential zoning district shall be preserved for a minimum width of 25 feet. If such trees and other vegetation are insufficient to provide a screen, screening shall be provided at the boundary of the property on which the surface mining operation is located, in the form of a fence, wall, or a landscaped berm or natural vegetative cover to supplement any screening due to a natural slope or vegetation.

3) Water Quality: All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable material, or [cause more than minimal and insignificant adverse effects on] adversely affect water temperatures in any stream, drainage, creek, or river. The applicant must provide reasonable assurance showing that the aggregate operation shall not result in stream bank erosion and shall not result in a change in the location of the stream channel, unless approved by the Jackson County Hearings Council and all applicable state and federal agencies. Each aggregate site shall obtain a Department of Environmental Quality Waste Water Discharge Permit, when applicable.

4) Surface mines shall be operated in a manner such that dust, odors, or other air pollutants will not [cause more than minimal and insignificant adverse effects on] adversely affect land uses on adjoining properties. All roads on private land which are in the Air Quality Maintenance Area (AQMA) shall be maintained in a dust free condition. All roads on private land which are outside of the Air Quality Maintenance Area shall be maintained in a dust free condition when within 300 feet of a residence.
5) Include a written description of general types of equipment used in
the operation and estimates of noise levels anticipated during
operation periods.

6) Observe the following minimum operational setback requirements
[except where the operation is lawfully preexisting and encroachment
within the following prescribed setbacks has already occurred]:

A) No extraction or removal of minerals is permitted within 25
feet from the right-of-way of public roads or easements of private
roads.

B) No extraction or removal of minerals is permitted within 50
feet of another property, nor within 200 feet of any zoning
district which lists a dwelling or a farm dwelling as a permitted
use in the zone without written consent of the adjacent owner.

C) Processing equipment, batch plants, and manufacturing and
fabricating plants shall not be operated within 50 feet of another
property or within 200 feet of a zoning district which lists a
dwelling or a farm dwelling as a permitted use in the zone without
the written consent of the adjacent owner. Processing equipment,
batch plants, and manufacturing and fabricating plants shall not
be operated within 50 feet of a public road right-of-way.

7) Unless otherwise established by the [County] Hearings Council,
operating hours shall not start before 7:00 a.m., nor continue after
6:00 p.m. daily.

8) Slopes and Grading: Excavations, both above and below water level,
shall be maintained in an operationally and environmentally safe
condition by complying with standards established by the Oregon Safe
Employment Act (ORS 654.001 to 654.295, and 654.991), the Oregon Safety
and Health Act of 1970 (19 U.S.C. 651 et. seq.), the Department of
Geology and Mineral Industries, and the regulations of other affected
agencies.

9) Flood Hazard: No debris shall be allowed to accumulate, no dikes
shall be constructed, nor shall other activities take place which may
obstruct the flow of water within a floodway, unless specifically
authorized or required by affected state agencies, and if allowed, by
the regulations of the Federal Emergency Management Agency and Chapter
254.

10) Time or Yardage Limitation: The operator shall establish either a
time duration or cubic yard limit. Continuation of aggregate mining
activity beyond the time duration, or in excess of the yardage limit
which has been found acceptable by the [County] Hearings Council, may
require a review and re-issuance of an Aggregate Site Permit by the
[County] Hearings Council.
11) Land Reclamation: A land owner or an operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Department of Geology and Mineral Industries. Reclamation must return the land to natural condition or return it to a state compatible with land uses identified by the Comprehensive Plan map.

12) Nuisance Mitigation: Surface mines shall be maintained and operated consistent with the purpose of this chapter. The owner/operator shall be required to take reasonable steps to ensure public health, safety, and welfare through installation of fencing and locked gates, advance notice to adjacent properties of blasting or batch plant operations, and other measures necessary to mitigate attractive nuisance hazards.

272.060 MODIFICATION OF STANDARDS:

The above standards may be modified by the Hearings Council [County as part of a public hearing process per Section 244.050, only if it finds that the modified standards are more consistent with the best interests of public health, safety, and welfare, and the conditional use requirements of the district in which it is located.]

272.070 REVIEW REQUIRED:

Each application for an Aggregate-Resource-Site Permit shall be co-signed by the landowner, if different from the applicant, and be submitted by the Department to the Aggregate-Site Committee for review prior to the public hearing before the Hearings Council. The committee shall issue a recommendation and findings, in writing, for consideration by the Hearings Council within ten calendar days of their receipt of the information, and same shall also be distributed to the applicant.

272.080 EMERGENCY EXCEPTION:

The Department may permit the immediate initiation of a temporary aggregate operation which ordinarily would require an approved conditional use permit if necessary to prevent potentially serious damage to property or threat to human life. The Department may permit the initiation of such an aggregate operation only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. The Department may adjust operation standards as contained in section 272.050, if it finds that it is necessary, to better ensure the protection of human life and property. An aggregate operation approved under this section shall cease once the threat to human life and property is no longer serious or imminent.
275.010 AUTHORIZATION:

The County may vary or modify requirements of the Land Development 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. A variance shall not be granted to density or lot area requirements except as may be provided for in Chapter 280.090 (4). No variance shall be granted to the provisions of Chapter 254. Variances will, under most circumstances, be limited to requirements governing lot dimensions and coverage, heights, parking areas, roads, site plans and yard setbacks [except as may be provided in Section 258.030(1)].

275.020 FINDINGS:

A variance shall be granted only if the County finds all of the following:

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, 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.

Partial satisfaction of any of the variance criteria shall be considered insufficient and the application shall be denied.
275.030 PROCEDURE:

1) When an applicant seeks relief from discretionary requirements imposed by the County, the applicant shall file an appeal pursuant to Chapter 285 rather than a variance.

2) An applicant seeking a variance [from a provision of this ordinance] shall follow procedures set forth in this chapter. [A hearing may be requested pursuant to Section 285.035. If a hearing is not scheduled in accordance with Chapter 285, the Department is authorized to approve or deny a variance application.]

3) [If a hearing is scheduled, the] the County shall render a decision within 30 working [28 calendar] 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.

4) In a case where an application for a variance has been denied, no application shall be eligible for submittal for a period of not less than 12 months from the date of denial.

5) In approving an application for a variance, the County may establish time limits within which the proposal must be completed or started and may set conditions of approval which are deemed appropriate. The County shall utilize section 200.090 and 260.040 to determine and establish the appropriate conditions of approval for the application.
277.010 ZONE CHANGE OR [PLAN AND] ORDINANCE AMENDMENT(S):

A legislative amendment to the text of [the Comprehensive Plan,] this ordinance[,] or the Official Comprehensive Plan and Zoning Map(s) may be initiated by the Board of County Commissioners or the Planning Commission. Quasi-judicial amendments to the Official Comprehensive Plan and Zoning Map(s) may be initiated by the Board of Commissioners, Planning Commission, or by application of a property owner or authorized agent. Applications for such amendments shall be filed as provided in Chapter 285.

277.020 ACTION BY PLANNING COMMISSION:

[The Planning Commission is authorized to initiate or consider amendments to the Comprehensive Plan, Land Development Ordinance, or Official Maps pursuant to Section 277.010.] Within 60 days after [After holding a public hearing on an amendment] receiving the application at a public hearing, the Planning Commission shall [forward its] recommendation to the Board of County Commissioners[.]

[The Planning Commission is also authorized to consider and conditionally approve or deny those applications which are subject to a public hearing and are contingent upon approval of a minor map amendment under a consolidated permit review process. The Commission's order of approval of the dependent application shall be contingent upon Board acceptance of its recommendation for approval of the map amendment. If the Commission or Board deny the minor map amendment, then any other application submitted concurrently and dependent upon it shall also be denied.]

A Planning Commission order denying a proposed [use or] map or text amendment shall be final unless appealed to the Board of County Commissioners as set forth in Section 285.020. The time limit may be extended upon mutual agreement of the parties having an interest in the proceedings. The Planning Commission may recommend that the area under consideration for a map amendment be enlarged or diminished.

277.030 CONSIDERATION BY BOARD OF COMMISSIONERS:

The Board of Commissioners shall hold a public hearing on a proposed text or map amendment initiated on its own motion, or upon request, and a [A] public hearing [shall be held] on [a] the proposed text or map amendment within 60 days after receipt of the recommendation of the Planning
Commission. However, such time limit may be extended upon the mutual agreement of the parties having an interest in the proceeding. In a case where the Board denies a request for an ordinance or map amendment, no further application may not be submitted for a period of not less than 12 months from the date of denial.

277.035 JOINT CONSIDERATION:

Where the public interest would best be served by such action, the Planning Commission and Board of Commissioners may hold a joint hearing on a proposed amendment. Joint hearings shall be governed by the same general rules as would otherwise apply to hearings by the bodies separately.
277.060 [277.070] MINOR MAP AMENDMENTS:

1) Minor or quasi-judicial amendments to the Official Comprehensive Plan and Zoning Map(s) are those which do not have significant impact beyond the immediate area of the proposed change.

2) Such changes shall be based upon special studies or other information which will serve as the factual basis to support the change and demonstrate compliance with the Statewide Planning Goals.

3) Public need and justification for a particular change shall be established according to the provisions of Section 277.080.

4) Minor map amendments shall be scheduled for public hearing four times per calendar year, at approximately three-month intervals. The Planning Commission may go through the process of screening applications at any time, but the actual public hearing process shall be held in groups according to a prearranged schedule. The Planning Commission may, at its own choosing, deviate from the prearranged schedule when it deems that the public would be best served by such deviation.

277.070 [277.060] STANDARDS FOR A MAJOR OR LEGISLATIVE MAP AMENDMENT:

Legislative map amendments shall:

1) Comply with all applicable Statewide Planning Goals.

2) Be consistent with the Jackson County Comprehensive Plan and ordinances.

3) In designated Areas of Special Concern, shall also comply with the provisions of Section 277.080 (4).

277.080 STANDARDS AND CRITERIA FOR MINOR MAP AMENDMENTS:

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

1) The rezoning [redesignation] conforms to the Jackson County Comprehensive Plan and complies with all applicable Statewide Planning Goals for the area in which the proposed rezoning could occur and for the County as a whole. Exceptions to Statewide Planning Goals 3 or 4, required pursuant to Oregon Administrative Rules (OAR Chapter 660, Division 4) for rezoning [redesignating] resource lands for nonresource uses, shall be based upon [the amended Statewide Planning Goal 2, Part II (Exceptions) as interpreted by Oregon Administrative Rules (OAR Chapter 660, Division 4), including criteria contained in the Goal Exceptions Element of the Comprehensive Plan.]
A) The standards set forth in Statewide Planning Goal 27, Part II (Exceptions), or

B) Criteria 4 through 10 contained in the Goal Exceptions Element of the Comprehensive Plan.

Amended by Emergency Ordinance #83-8, effective 4-20-83; and Permanent Ordinance #83-9, effective 7-3-83.
2) A public need exists for the proposed rezoning. Findings that address public need shall, at a minimum, document:

A) Whether or not additional land for a particular use is required in consideration of that amount already provided by the current zoning district within the area to be served.

B) Whether or not the timing is appropriate to provide additional land for a particular use.

3) In consideration of minor or quasi-judicial map amendments for lands with official Comprehensive Plan and Zoning Map designations as described in Section 200.040(2)+ [(A)], findings may be limited to those listed in Section 277.080(2), provided the amendment eliminates a split designation by changing a zoning district to a plan classification, such as from GI/OSR-2-9* to General Industrial (GI).

4) Minor map amendments in areas which involve an Area of Special Concern created under the provisions of 280.110 are also governed by any conditions specified by that section or the ordinance adopted by the Board of Commissioners which created the Area of Special Concern, or both, as well as the provisions of this Chapter.

5) In determining the appropriateness of the proposed rezoning, the Planning Commission 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.

277.090 STANDARDS FOR AMENDING AN ADOPTED URBAN GROWTH BOUNDARY:

In addition to the requirements contained in joint Urban Growth Boundary Management Agreements, all proposed boundary amendments must comply with applicable Statewide Planning Goals and the Jackson County Comprehensive Plan.
CHAPTER 280
SUPPLEMENTAL PROVISIONS

280.010 SIMILAR USES:

In any zoning district other than Rural Limited Industrial, Exclusive Farm Use, Forest Resource, Woodland Resource, and Open Space Reserve zones, the County may permit uses not specified in the district only when the use is consistent with the purposes and intent of the Jackson County Comprehensive Plan and zoning district in which it is proposed to be located. The administrative procedures for similar uses shall be the same as for conditional uses as specified in Chapter 260.

280.020 TEMPORARY MOBILE HOME APPROVALS:

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 for occupancy by an infirm person incapable of maintaining a residence on separate property, or by one or more individuals engaged in caring for the infirm person.

[The County may permit the use of a recreational vehicle as a temporary mobile home for a nonrenewable one year time period, provided that all requirements of this section are satisfied, and the Building Division conditions for issuance of a mobile home setup permit are met.]

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

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

A) The nature of the infirmity has been certified by a written statement from the patient’s primary care medical doctor who shall be licensed by the State of Oregon. The statement must indicate that the infirm person is not physically or mentally capable of maintaining a residence on separate property, and is dependent upon someone being close by to assist them. The application shall be denied unless the statement indicates that 24 hour care is required.

B) 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.

Amended by Ordinance No. 84-4, March 5, 1984.
L) There is someone residing on the premises who can provide the needed assistance.

280.020 (continued)

280.020(4)(F) [M] In a Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use zoning district, the [dwelling] application must [be sited to minimize adverse impacts on resource use of the subject property or adjacent properties by submitting [addressing] the appropriate application for a nonresource related dwelling along with the temporary mobile home application] meet all applicable requirements for an additional single family dwelling except management plans. Fire protection requirements of Section 280.100 are also required where applicable.

3) Notice, Request for Hearing:

[Notice requirements and requests for public hearing are governed by the requirements of Section 285.035.]

A) Upon verification of the completeness of the application, the Department shall send written notice to all property owners of record within 1,000 feet of the applicant's property. Within urban growth or urban containment boundaries said distance may be limited to 500 feet.

The notice shall state the applicant's name, the location by address and/or legal description of the property on which the mobile home is to be located, and the general nature of the application. If no request for a hearing is made to the Department within ten working days of mailing of notice, the permit shall be issued upon determination by the Department that the application complies with the requirements of this [ordinance] chapter.

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

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

2) The Department shall use the records of the County Assessor to determine property ownership for purposes of providing written notice.
+++ Failure to receive such notice shall not invalidate the proceeding.

c) The Planning Director is authorized to determine whether a request for a public hearing is valid based upon and limited to a reasonable contention by those requesting the hearing, that the applicant cannot or does not meet the conditions for issuance of a permit contained in 285-025(2)(A) through (G). Notice of the decision of the Director shall be furnished in writing to the individual(s) requesting the hearing. A decision of the Planning Director that the request for hearing is invalid may be appealed to the Hearing Council pursuant to the provisions of Chapter 285. No permit shall be issued until the 20 day appeal period has expired.
4) **Hearing Procedure:**

A) [In those instances where a hearing has been requested pursuant to Section 285.035, the] The Hearings Officer may impose whatever conditions of approval he deems necessary to ensure the protection of the public health, safety, or general welfare.

B) The Hearings Officer shall render a decision on the application within 45 working [21 calendar] days of receipt of the application. However, this time limit may be extended on the mutual agreement of the applicant and the Department.

C) The Hearings Officer shall provide the parties to the application with written notice of the decisions.

D) In a case where a temporary mobile home permit has been denied, no similar application shall be eligible for submittal for a period of not less than one year from the date of denial.

E) A denial of an application may be appealed to the Board of Commissioners, according to the provisions set forth in Chapter 285.

F) In a Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use zoning district, the application must meet all applicable requirements for an additional single family dwelling except management plans. Fire protection requirements of Section 280-400 are also required where applicable.

5) **Expiration of Permit; Renewal:**

A) A temporary mobile home permit is valid for one year from the date of issuance, and must be renewed on an annual basis. All renewal requests must comply with the conditions for issuance specified in Section 280.020(2) at the time of renewal.

B) The Department of Planning and Development shall give permittees not less than 30 calendar days written notice of the pending expiration of their permits, advising that a renewal will be required.

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

D) The permit shall not be issued until a review has been conducted by the Department to determine the continued validity of the hardship.

E) A certification of hardship must also be received from an Oregon licensed medical doctor or responsible medical agency.
6) **Revocation:** A temporary mobile home permit may be revoked by the Jackson County Hearings Council, pursuant to section 285.025, for violating the conditions of this permit. [If the permit is revoked, the Director shall require removal of the mobile home as provided in Section 280.020(2)(K).]

**280.040 VISION CLEARANCE:**

No structure, fence, wall, hedge, sign, or other obstruction to vision shall be created or allowed to grow, be placed, or maintained between the heights of three and ten feet above the street level within 20 feet of the intersection of the rights-of-way lines of two streets, of a street, and a railroad property line. The Planning Director may order the removal or modification of such sight obstructions which conflict with this section. The Director's decision shall be appealed pursuant to Chapter 285.

**280.050 HEIGHT, SETBACK, AND LOT COVERAGE REQUIREMENTS:**

1) **Purpose:** To provide minimum standards within zoning districts for the location and height of buildings and accessory structures, and to provide for additional setback requirements to buffer and protect residential and/or other land uses from noncompatible uses which may occur on adjacent lands.

2) **Height Requirements:**

A) Building height limits specified in subsection (4) of this section, shall be observed unless specified otherwise in section 280.060 of this Chapter, or in the Airport Approach (AA), Airport Concern (AC), and Airport Development-Mixed Use (AD-MU) zoning districts.

B) Except in airport zoning districts (AA, AC, or AD-MU), 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 limitation of this ordinance, except within the AA, AC, or AD-MU zoning districts.

3) **Setback Requirements:**

A) Setback requirements specified in subsection (4) of this section shall be observed unless otherwise specified in this Chapter.

B) Architectural features such as cornices, sills, caves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 18 inches into a required yard.
### Table V

**Minimum Area & Width Standards for Parcels and Lots**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Established Minimum Area</th>
<th>Minimum Average Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,500 sq. ft. -- with both community water system and community sewage facility.</td>
<td>50'</td>
</tr>
<tr>
<td></td>
<td>6,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>60'</td>
</tr>
<tr>
<td>A</td>
<td>8,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>70'</td>
</tr>
<tr>
<td></td>
<td>10,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>80'</td>
</tr>
<tr>
<td></td>
<td>1 acre --</td>
<td>100'</td>
</tr>
<tr>
<td>B</td>
<td>2.5 acres --</td>
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<tr>
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<td>5 acres --</td>
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<tr>
<td></td>
<td>10 acres --</td>
<td>500'</td>
</tr>
<tr>
<td>C</td>
<td>20 acres --</td>
<td>600'</td>
</tr>
<tr>
<td></td>
<td>160 acres --</td>
<td>1,200'</td>
</tr>
</tbody>
</table>

**Planned Unit Development (PUD)**

The standards of design of the Jackson County Zoning Regulations shall apply to lots or parcels created as part of a Planned Unit Development application; however the design requirements for lots or parcels of the Land Division Regulations shall serve as a general guideline.

**Commercial**

The County shall determine the minimum dimensional standards for commercial division on the basis of the location and type of commercial activity proposed or anticipated. In determining minimum area requirements special emphasis shall be placed on access, circulation, and parking.

**Industrial**

The County shall determine the minimum dimensional standards for industrial divisions on the basis of the type of industrial activity proposed or anticipated. Safe, efficient access and off-street loading, parking, and storage shall be required. Large basic lots may be created by the original plat to be partitioned into smaller parcels as specified needs arise.
A division of land in the Aggregate Resource district shall be shown to be appropriate for and necessary to the safe efficient extraction of material and reclamation of the site, based on a specific proposed use. The minimum dimensional standards will therefore be based on the type of aggregate extraction activity proposed or anticipated.
C) Signs as defined in this ordinance shall comply with the requirements of subsections (4) and (5) listed below.

D) For duplexes, townhouses, apartments, or condominiums, the required yard setbacks shall be maintained in a landscaped condition and shall not be used to provide required parking.

4) Minimum Requirements for Height, Setback, and Lot Coverage:

The following minimum requirements shall be applied to all permitted, conditional, and accessory structures unless specified otherwise in this ordinance. (All requirements are measured in feet.)

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>FRONT</td>
<td>SIDE</td>
</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>OSR</td>
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<td>30</td>
</tr>
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</tr>
<tr>
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</tr>
<tr>
<td>RS</td>
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<tr>
<td>NC</td>
<td>35</td>
<td>20</td>
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</tr>
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</table>
280.050 (continued)

### MAP DESIGNATION

<table>
<thead>
<tr>
<th>MAP DESIGNATION</th>
<th>BUILDING HEIGHT</th>
<th>SETBACK REQUIREMENTS</th>
<th>MAXIMUM LOT COVERAGE</th>
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<tr>
<td></td>
<td>FRONT SIDE REAR</td>
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</tr>
<tr>
<td>GC</td>
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<td>See Section 5</td>
<td></td>
</tr>
<tr>
<td>RLI</td>
<td>60 30 None</td>
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<td></td>
</tr>
<tr>
<td>LI</td>
<td>60 30 None</td>
<td>See Section 5</td>
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</tr>
<tr>
<td>AD-MU</td>
<td>35 30 None</td>
<td>See Section 5</td>
<td></td>
</tr>
<tr>
<td>GI</td>
<td>60 30 None</td>
<td>See Section 5</td>
<td></td>
</tr>
</tbody>
</table>

**[1]NOTE:** Yard setback requirements may be modified by fuelbreak requirements, special setbacks, and subsections 5, 6, and 7 of this section or other conditions for approval of a use.

**[2]NOTE:** See Section 280.050(2).

**[3]NOTE:** See Section 280.050(5C).

#### 5) Exceptions to the Minimum Setback Requirements:

A) In urban residential zoning districts (UR-10, UR-8, UR-6, UR-4.5 and UR-H), the side and rear yard setback requirements shall be increased by one-half foot for each foot by which the building exceeds 25 feet.

B) The side and rear setback requirements may be adjusted to provide for solar orientation on urban residential and urban high density residential districts. An adjustment of up to 33 percent may be administratively approved by the Planning Director for this purpose. Reductions of side setbacks in excess of 33 percent, or reductions in front yard requirements, shall be subject to Hearings Council review through the variance procedure contained in Chapter 275.

C) Where the side and/or rear yard of the following districts abut a commercial district, the yard requirements in those districts, adjacent to such commercial lot line, shall have the following minimum setback width:

1) In Light Industrial (LI) and Rural Limited Industrial (RLI) districts, the minimum side or rear yard setback shall be ten feet plus one foot for every foot by which the height of the building exceeds 15 feet.

2) In General Industrial (GI) districts, the minimum side or rear yard setback requirements shall be 40 feet plus one foot for every foot by which the height of the building exceeds 15 feet.
D) Where the side and/or rear yard of the following districts abut a residential district, then the yard setback requirements in those districts adjacent to such residential lot lines shall have the following minimum setback width:

i) In Rural Service Commercial (RS) and Neighborhood Commercial (NC) districts, the minimum side or rear yard shall be 25 feet, plus one additional foot for every foot by which the height of the building exceeds 15 feet.

ii) In General Commercial (GC), Interchange Commercial (IC), Light Industrial (LI), Airport Development-Mixed Use (AD-MU) districts, the minimum side or rear yard shall be 50 feet plus one additional foot for every foot by which the height of the building exceeds 15 feet.

iii) In General Industrial (GI) districts, the minimum side or rear yard shall be 100 feet plus two feet for every foot by which the height of the building exceeds 15 feet.

E) Nonresidential accessory farm use structures on lands zoned EFU may be placed within five feet of a side or rear yard when the Planning Director determines that the standard yard width requirement will adversely affect agricultural uses on the subject property.

6) Nonconforming Lots or Parcels:

A) Lots or parcels [lawfully] created prior to September 4, 1973, [October 28, 1980,] which do not meet the minimum area or width requirements of the zoning district in which the lot or parcel is located, shall meet the yard setback requirements of the zoning district which has the minimum lot area or width requirements with which the lot does comply. If the lot is nonconforming in both area and dimension, it shall meet whichever requirement is more restrictive.

B) Nonconforming lots shall also be required to meet the standards of section 280.060, which provides special setback requirements for buffering resource lands.

[C) Development on nonfarm parcels shall maintain setback distances consistent with the zoning district which has the lot area and width requirements which the nonfarm parcel meets or exceeds, unless different setback requirements are imposed pursuant to creation of a nonfarm parcel after November 10, 1982.]

280.060 SPECIAL SETBACK REQUIREMENTS:

1) Purpose: To provide a buffer between resource lands and adjacent districts as a means to prevent conflicts between resource and nonresource uses, the following special setbacks are promulgated:
A) Forest and Agricultural Lands Special Setback Requirements: In any nonresource zoning district, no primary, accessory, or temporary residential building or structure, shall be located within 200 feet of a Forest Resource (FR-160), Woodland Resource (WR), or Exclusive Farm Use district (EFU) district boundary.

B) Aggregate Resource Special Setback Requirements: No primary accessory or temporary residential building or structure, shall be located within 500 feet of an Aggregate Resource (AR) zoning district boundary.

2) Floodplain Setback Requirement: Where property is designated Floodplain, according to the provisions of Chapter 254, and specific elevation data necessary for the establishment of a floodway and flood fringe are not available, the procedures set forth in Section 254.060 shall apply.

3) Stream and Lake Setbacks for Fishery and Riparian Habitat: No structure other than boat landings, docks, marinas, bridges, [dams and hydroelectric facilities,] or pumping or water treatment facilities shall be located closer than 50 feet to the banks of any Class 1 stream, or 25 feet to the banks of Class 2 water courses, lakes, reservoirs, or basins which contain water at least six months of the year.

4) Exceptions to Minimum Lot or Parcel Sizes or Special Setback Requirements:

A) Lot or parcel sizes in excess of the minimum prescribed for a district may be required through the division process to satisfy special setback requirements on proposed lots or parcels.

B) Where lots or parcels, which were legally created prior to August 29, 1980, cannot accommodate required special setbacks, then the maximum amount of setback that can be achieved shall be provided between the proposed use and resource land by locating structures at the building line of the required front, rear, or side yard. Where the applicant cannot build at this location, an exception may be approved only according to the provisions of (4)(C) below.

C) The Department may approve exceptions to[, or reductions of,] the special setback requirements and require any necessary conditions if [the applicant provides] substantial findings [to] document [that] any of the following situations are determined to exist:
i) The **contiguous** resource zoned parcel contains dwellings near to the lot line of the nonresource parcel, and a reduction of the setback would not affect the resource. 

Similarly, an exception may be granted if adjacent nonresource zoned parcels contain dwellings within the prescribed setback and the County determines that a reduction of the setback consistent with dwellings on adjacent parcels will not adversely affect resource lands and uses.

ii) The prescribed setback would prohibit the placement of the dwelling on the parcel due to topography, flood hazard, or [would adversely] impact other physical or natural areas.

[iii) An intervening physical feature such as a river substantially mitigates the adverse effects of placing a residential building closer to the resource zoned parcel.]

(iv) Substantial findings by the applicant document that a reduction of the special setback will not now or in the future adversely change or increase the cost of accepted farm, forest or aggregate extraction practices on adjacent resource zoned land.

[v) The applicant can substantiate that he proposes to re-establish a lawfully preexisting dwelling within the prescribed setback on an existing foundation or mobile home pad that has been found by the Director to be committed to residential use under either nonconforming use provisions of this ordinance or vested rights doctrine.

[D) A deed declaration shall be recorded in all instances where an exception has been granted to the special setback, wherein the owner of record and any successors or heirs agree to accept the potential that incompatible resource uses may occur on the adjacent resource zoned land.]

280.070 **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 County. Parking facilities provided in conjunction with an existing use, prior to the adoption date of this ordinance, shall not be reduced below the requirements of this section.

1) **Single Family Residential Use**

Two spaces per dwelling unit.

2) **Duplex, Multi-Family, Condominium, or Residential Use.**

One and one-half spaces per dwelling unit.

3) **Hotel, Motel, or other Commercial Accommodation**

One space per guest room.
4) Institutional Use
One space per bed.

5) Place of Assembly
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 gross floor area used for meeting rooms.

6) Commercial Amusement Area:
A) Bowling Alley
Ten spaces per alley.
B) Dance hall or skating rink
One space per 200 square feet of gross floor area.

7) Commercial Use:
A) Retail Store
One space per 100 square feet of gross floor area.
B) Bank, Business, or Professional office, unless otherwise specified
One space per 400 square feet of gross floor area.

C) Repair shop or shop exclusively handling bulky merchandise
One space per 600 square feet of gross floor area.

D) Restaurant
One space per 100 square feet of gross floor area.

E) Mortuary or Funeral Home
Five spaces for each room used as a parlor or chapel.

F) Medical or Dental Clinic or Office
Six spaces per doctor or dentist.

9) Industrial Use:
A) Manufacturing Establishment
One space per 500 square feet of gross floor area.

B) Wholesale Establishment
One space per 1,000 square feet of gross floor area.

9) Mixed Occupancy Uses: Mixed use parking requirements shall be calculated on the basis of the gross floor area devoted to each use. For example, the floor area for the office of an industrial use shall be used to calculate that portion of the parking requirements. The remaining floor area of the structure shall be used to determine the parking requirements for that portion of the use.

10) Other Uses Not Specifically Listed: Where off-street parking requirements are not listed in this section for a proposed use, the County may apply the requirements for a use similar in size and operating characteristics. Where this similar use standard cannot reasonably be applied or where the standard would be inappropriate, the County may require the applicant to provide off-street parking based on a special study, or other accepted standards for such a use.

280.080 SIGN REQUIREMENTS:
The purpose of this section is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and welfare; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the Jackson County Comprehensive Plan and implementing ordinances.
B) No sign shall be erected or placed in such a manner [that it creates a traffic safety hazard or] 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.

C) Signs shall be maintained in a safe condition and good repair.

D) 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.

E) Along the following designated highways or premises, signs shall be subject to existing laws, rules, and regulations of the State of Oregon, regarding scenic highway signs and this Chapter:

   Interstate 5
   Oregon Highway 140
   Rogue Valley Highway (Also known as Pacific Highway North and South)
   Oregon Highway 227
   Oregon Highway 56
   Oregon Highway 62, including Crater Lake Avenue north of the Medford City limits.
   Oregon Highway 238
   Oregon Highway 234

F) Signs mounted on trailers, trucks, and other portable signs with an area on one side in excess of ten square feet are strictly prohibited, and no variance shall be granted authorizing such a sign.

G) Signs shall not be erected or maintained upon trees, or painted or drawn upon rocks or other natural features.

H) No sign shall have or consist of any moving, or rotating, or animated part or any flashing, fluctuating, or animated light. No sign shall incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source.
I) Not more than two directional off-premise signs may be permitted by the Hearings Council [County] as a conditional use. In approving a permit for such a sign the Hearings Council [County] shall find:

i) That the proposed sign will conform with the provisions of this ordinance, and any applicable federal or state laws, rules, or regulations.

ii) That the proposed sign is necessary due to the location of the enterprise or activity, and is not duplicated by other directional signs already in existence.

iii) That the size of the proposed off premise sign does not exceed that allowed for conditional uses in the district within which it would be located.

J) Roof signs shall not be allowed.

K) No variance to the requirements of this chapter shall be granted for the purposes of establishing on-premise and off-premise signs[, or to the size or height limitations of this section].

2) Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use Zoning Districts:

A) General Conditions:

i) The maximum height of the sign and any appurtenances shall not exceed ten feet from the ground.

ii) Signs for conditional uses shall not exceed 32 square feet in [total sign] area[, except that a sign for a Bed and Breakfast facility shall be consistent with the provisions of Section 280.240].

B) Signs Permitted:

i) Only one double-faced sign or two separate signs identifying the use or occupancy of the property on which the sign is located shall be permitted. Maximum [total] sign area shall not exceed 32 square feet in [total sign] area[, and shall not be utilized for advertisement of a home occupation[.]] or cottage industry.

Only one double-faced sign or two separate signs advertising the sale of forest or farm products shall be permitted; maximum [total] sign area shall not exceed 32 square feet[]. It is not the intent of this ordinance to prohibit temporary signs advertising agricultural and forestry products in season which comply with the height, size, and illumination requirements of this Chapter.
ii) For home occupations, one sign shall be limited to one square foot in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.

iii) Only one nonilluminated, 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 shall be permitted.

3) Specific Requirements for Signs in all Farm and Rural Residential, Suburban Residential, and Urban Residential Zoning Districts:

A) General Conditions:

i) No sign or appurtenance shall exceed ten feet in height from the ground.

ii) Signs for conditional uses shall not exceed 20 square feet in total sign area, except that a sign for a Bed and Breakfast facility shall be consistent with the provisions of Section 280.240.

B) Signs Permitted:

i) 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 20 square feet in total sign area. The design and location of these signs shall be approved by the Hearing Council [County].

ii) One name plate or sign limited as follows:

a) For a home occupation, one sign limited to one square foot in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.
b) For two-family and multi-family dwellings, and mobile home parks, not to exceed three square feet per dwelling unit, but not exceeding 18 square feet of total sign area.

iii) Only one temporary nonilluminated sign shall be permitted to advertise the sale, lease, or rental of the property on which the sign is located, but not exceeding 16 square feet of total sign area.

4) Specific Requirements for Signs in Commercial, Industrial, or Airport Development-Mixed Use Districts:

A) Four types of on-premise signs may be permitted in commercial and industrial districts:

i) One on-premise sign affixed parallel to the front of the building, and limited to one square foot of sign for each lineal foot of building frontage for each separate use, no sign to exceed 300 square feet. On other sides of a building which also face a street or common parking area, one additional on-premise sign per side may be permitted for each use, not to exceed one-quarter square foot of sign face for each lineal foot of building length along said side. No sign shall extend more than 12 inches from the surface of the building which supports it, and shall not project above the exterior wall of the building containing the use which the sign identifies. On-premise signs affixed to buildings in an RLI district shall not exceed six square feet in size.

ii) One on-premise free-standing sign may be permitted for each [separate building having] frontage on a county or state road or street to advertise lawful uses on the property[, except that only one such sign is permitted for separate buildings which are all part of a single business]. The maximum height of said sign and any appurtenances shall not exceed 25 feet from the ground or the height of the structure it advertises, whichever is the lesser.

a) Lots which contain one lawful use, or which are located in the Rural Service Commercial (RS) district, may have one free-standing sign not to exceed 75 square feet per face for a double-faced sign, or 150 square feet for a single-faced sign.

b) Where a lot contains more than one use, such free-standing sign may identify the name of the complex or center, and the uses within it. The size of such signs shall not exceed the area noted in the following table where the area varies depending on the frontage of the lot.
c) One free-standing on-premise sign is permitted in a Rural Limited Industrial zoning district provided that it shall not exceed [a total of] 32 square feet in size.

Amended by Ordinance No. 84-4, March 5, 1984.
iv) Signs or notices erected by public officers pursuant to law, administrative order, or court order.

v) Signs located within a building.

vi) Building plaques, corner stones, name plates, and similar building identification.

vii) Signs indicating membership in farm or forestry organizations.

viii) Notices posted on private property by the owner for purpose of either warning the public, or to prohibit public use of the land so posted shall be exempt from this ordinance provided each such notice does not exceed two square feet in [total sign] area, and each such notice shall be separated by at least 100 feet unless otherwise prescribed by state statute.

B) Signs subject to ordinance requirements:

i) Temporary sign in conjunction with political and civic campaigns are subject to height and illumination requirements for off-premise signs, limited to not more than 32 square feet in [total sign area] and, provided that such signs are removed within 15 calendar days following the conclusion of the campaign. Signs not removed may be removed by the County at the property owner's expense.

ii) Temporary signs identifying proposed or existing construction.

iii) Informational signs erected by the forest industry to indicate forestry activities such as Christmas trees cutting, wood cutting, tree farm, road closures, road identification, fire directionals, junction markers, recreation areas, and logging operations.

iv) On-premise directional signs shall generally be limited to six square feet in area.

v) Informational signs limited to time and temperature display, drive-up window menus, or similar such purposes as approved by the Planning Director. Such signing shall be included in the total sign area calculation for the use.

vi) Municipal or community identification or information signs leading into the municipality or community, provided such sign: a) does not create a visual obstruction for auto traffic; b) does not exceed 32 square feet [in total sign area]; c) is not illuminated; and d) does not exceed a height of 12 feet.
vii) One on-premise free standing informational sign may be erected for the purpose of identifying a publicly owned special events facility and its schedule of activities and events. Such sign shall not exceed thirty feet in height from the ground or exceed the maximum total sign area allowed in a General Commercial zone.

6) Nonconforming Signs:

Any sign existing prior to the effective date of this ordinance, which does not conform to the provisions of this ordinance with respect to number, sign surface area, location, illumination, or otherwise deviates from sign requirements, shall not be altered or replaced unless such action will result in such sign being made to conform with this ordinance and the district in which it is located, except as noted herein. The Director is expressly authorized to approve the replacement or alteration of nonconforming on-premise signs, provided that:

[A] The general requirements of all signs specified in Section 280.080 (1) are met.

[B] The proposed sign conforms to the height requirement of Section 280.080 for the zone in which it is located.

[C] The proposed sign conforms to the setback requirements of the district in which it is located, unless the applicant can demonstrate that the available conforming locations would constitute a traffic or safety hazard, or would otherwise have adverse effects upon the area in which the sign would be located. In no case shall a sign become less conforming relative to setbacks.

[D] If the nonconforming sign or use is located in a commercial or industrial zone, it shall be consistent with Section 280.080 (4), except as otherwise allowed herein.

[E] If the nonconforming sign is for a legally preexisting nonconforming use which is located outside of a commercial or industrial zoning district, replacement or alteration of one free-standing sign and one sign affixed parallel to each side of the structure facing each frontage on a state or county road or street is permitted.

[The free-standing sign shall not exceed 16 square feet per side for a double-faced sign or 32 square feet for a single-faced sign, or the size of the existing sign being altered or replaced, whichever is the lesser.]

[A sign affixed to the front of the structure shall be limited to one square foot of sign per each lineal foot of building frontage and one-quarter square foot of sign face for each lineal foot of building frontage for the area adjacent to the sign.]
building frontage facing another street or common parking area, no sign to exceed 32 square feet in total sign area or the size of the existing sign being replaced, whichever is the lesser.

[The size limitation provided herein may be modified through application for an alteration of a nonconforming use, provided that:]

[i) The applicant can document that such modification is necessary to pursue the proposed use, that the signing, as modified, will not constitute a traffic hazard, and will have no adverse effect upon the area in which the sign is to be located, including other signs.]

[ii) The height and size of the proposed sign is consistent with Section 280.080 (4) for the zone in which the use of the property would be permitted, or the size of the existing signage for the use, whichever is the lesser.]

[F) Except as provided for above in this subsection, all other nonconforming signs shall be removed from the property.]

280.090 DETERMINING PARCEL AREA AND OTHER REQUIREMENTS WHEN STREETS, ROADS, AND EASEMENTS ARE INVOLVED; WHEN A PARCEL IS SPLIT BY A ZONING DISTRICT; OR WHEN THE PARENT PARCEL IS MARGINALLY UNDER Sized FOR PARTITIONING PURPOSES:

1) Private Road or Easement: The area of a private road or road 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 only for lots or parcels 2.5 acres or larger in size.

2) County Roads or Streets, Public Roads, and Dedicated Ways:

A) 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 way, the area and width of each portion of said parcel or lot must equal or exceed the requirements of the zoning district in which it is located, and Chapter 05.070 of the Land Division Ordinance, except for class "C" divisions requiring access via a one-lane dedicated way. [County roads, streets, or dedicated ways shall not be included as a portion of the lot or parcel for the purposes of determining minimum lot or parcel area. The right-of-way line shall be used for the purpose of determining lot or parcel coverage and setback requirements.]

B) Existing Lots or Parcels: If a lot or parcel which was created prior to September 1, 1977, is crossed by a county road or state highway, 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 and width requirements of the zoning district. [Similarly, a tax lot
crossed by railroad right-of-way may be partitioned provided that it meets all other legal requirements to stand as a separate parcel, including access, with exception of the minimum parcel area and width requirements of the zoning district. In order to approve such divisions of land, it must be shown that a building site exists on the new parcels which meets all setback requirements of this ordinance for structures, walls, and on-site septic disposal systems including septic system repair areas.]
C) Lot or parcel descriptions: When the legal description of a lot or parcel includes the area within the right-of-way of a public road, 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.

3) Parcels Split by a Zoning District Boundary: The separate portions of a parcel must each contain enough acreage to meet the parcel area and density requirements of the districts in which it is located at the time of division. [A single lot or parcel which lawfully existed on October 28, 1980, and has retained the same configuration as existed on that date, may be developed or divided along the zoning district boundary subject to all requirements of this ordinance other than minimum parcel area standards.]

4) Divisions of Undersized Parcels: The Planning Director is authorized to approve [the division] creation of a parcel which deviates up to six percent from the parcel area requirements of the Farm Residential (F-5), Rural Residential (RR-5), or Suburban Residential (SR-2.5 and SR-1) zoning districts on lots which were created prior to October 28, 1980 [or the placement of a dwelling providing such approval complies with all other requirements of this ordinance]. The applicant must be able to demonstrate in writing that all reasonable efforts to obtain the requisite amount of land needed to make the proposed new lot conform to the parcel area requirements of the applicable zoning district through purchase, partitioning, or lot line adjustment, have failed, are unfeasible, or would result in making a conforming lot nonconforming, and the standards of Section 275.020 are met.

280.100 FIRE SAFETY REQUIREMENTS AND GUIDELINES:

[Note: Subsection 1 has been revised and replaced as follows]

[1] Mandatory Fire Safety Requirements: The following are mandatory standards for all buildings. Conditional uses shall meet these requirements unless a better fire prevention and suppression strategy is proposed.

A) Definitions:

The term "hazardous wildfire area", as used in this section, is an area of publicly or privately owned land, so designated by the Jackson County Board of Commissioners, which has fuel, slope, access, and related conditions which present difficult fire suppression characteristics and extreme hazard to personal property and natural resources.

A "fuelbreak" is an area maintained around buildings and structures for fire protection, which is cleared of dry brush and
grass. The fuelbreak may contain ornamental shrubbery, specimen
trees, lawn, or other plants used as ground cover, provided the
plant material does not provide a means of rapidly transmitting
fire from native growth to buildings and structures, or from
development to surrounding rural lands. A fuelbreak requires that
all land within a specified distance of the foundation of the
structure be maintained as a fuelbreak.

B) Fuelbreak:

A 100 foot fuelbreak shall be maintained in a wildfire hazard area
designated by the Board of Commissioners and in all FR, WR, OSR,
AR, and EFU zoning districts. The minimum fuelbreak in all other
areas shall be 50 feet. A fuelbreak is generally not required
within nonresource zoning districts for properties within a fire
district, and within five road miles of a responding fire station.
The Planning Director, upon the advice of the appropriate fire protection agency having jurisdiction, may approve a reduction in the width of a fuelbreak when a stream or irrigation canal, road, topographic feature or other site characteristic may serve as an adequate fuelbreak; where a better fire suppression and prevention strategy is proposed; where, because of parcel or lot configuration, a portion of the fuelbreak would be located on an adjoining property, and an adjustment of the building site is not practicable; or where a legally preexisting structure is being replaced at its original location.

C) Roof Covering:

Roof coverings shall be class A or B fire retardant as defined in the current edition of the Oregon Structural Specialty Code and Fire and Life Safety Code.

Wood roofing shakes or shingles shall not be permitted in the PR, WR, CSR, AR, and EFU districts or in a designated wildfire hazard area, except as noted in subsection 3 below. In all other districts, roof coverings shall be fire retardant as noted above, and wood roofing shakes and shingles shall be pressure treated with fire retardant.

D) The County may impose standards and conditions in addition to those specified above, when it deems it necessary to protect the public health, safety, and welfare.

2) Fire Safety Guidelines for Rural Development:

A) Areas within nonresource zoning districts which are located within rural fire protection districts, are within five road miles of a responding fire station and are not in a hazardous wildfire area, need only consider the items listed in section 1, above, as guidelines.

B) The following fire safety guidelines should be considered in all rural areas, and may be required by the [County] Hearing when necessary to protect public safety:

   i) Automated (Automatic fire) sprinkler systems for the roof and/or interior of the structure.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
ii) Roads and/or bridge access should be constructed to support a gross vehicle weight of 50,000 pounds to accommodate heavy fire fighting equipment [(see Chapter 25)].

iii) Bridge access should be constructed of non-flammable materials [(see Chapter 25)].

iv) Lakes, ponds, streams, and swimming pools should be installed with a six [minimum 2 1/2" inch size [dry standpipe assembly] equipped with a valve or pump [fittings] to enable fire equipment to draught off water for fire fighting, if the equipment cannot easily move within ten feet of the water source.

v) Public use areas such as parks, recreation sites, and picnic grounds should be designed to prevent fires which may start in them from spreading to adjacent or nearby wildlands or developments.

[vi) Emergency water storage facilities should be considered for wildfire protection. Such facilities should have a minimum capacity of 500 gallons (or a year-around source of water) with its own 20 gallon per minute pump, and an adequate length of hose with a 1/4 inch nozzle, which can reach all sides of the structures.

(The pump should utilize a generator or a manual system which can remain operational in case of fire or power failure. A pump may not be needed for the purpose of creating pressure if water is derived from a gravity-flow system and sufficient pressure is available. The pump or gravity flow system should be capable of delivering 20 gallons per minute at fifty (50) pounds per square inch pressure in order to provide a sufficient volume and pressure.)

3) Existing Dwellings Exempt from Fire Safety Provisions:

A) Dwellings in existence as of [October 29, 1980] the effective date of this ordinance are exempt from compliance with the fire safety and prevention requirements.

B) Replacement or substantial improvements of [legally] pre-existing buildings (dwellings) requires compliance with the fuelbreak and roof covering standards of this section, except as noted in subsection C below. Other mandatory fire safety provisions of this ordinance will not be required for replacement or substantial improvements unless the structure has been removed from its original site for more than one year, or the building is not being replaced at its pre-existing location. Section 266-108

[C] Wood roof coverings on pre-existing buildings and new or existing accessory structures within the fuelbreak prescribed
under this section, located in resource zones may be repaired or replaced with pressure treated fire retardant wood shakes or shingles if necessary to match the existing coverings on the dwelling.

280.110 AREAS OF SPECIAL CONCERN:

Areas of special concern may be recommended by the Planning Commission as deemed necessary to provide consistent and specific policy direction for land use actions in specified areas of Jackson County. Upon approval by the Board of County Commissioners, the maps and conditions specified in an ordinance creating areas of special concern shall guide and direct staff and/or Hearings Council or Hearings Officer review of land development actions within such areas. Areas of special concern shall be identified as such on the Jackson County Comprehensive Plan and Zoning Map(s) by the letters (ASC), and an identification number referring to the ordinance adopted by the Board of Commissioners which created the ASC may also be indicated on the map.

1) Areas of special concern generally consist of the following:

A) Areas where specific policy concern(s) must be successfully addressed by all applicants for a land division or development permit action, prior to approval by the County. Such policies may be linked in addition to the imposition of site plan review requirements specified in Chapter 282.

B) Areas in which planned unit development permits are required in order to meet a specific concern identified by the Planning Commission.
h) Sedimentation ponds when used in conjunction with aggregate removal operations.

i) Extraction of geothermal resources.

ii) All other uses within the primary zoning district shall be subject to a Conditional Use Permit. Conditional Use Permits requested within the ASC-82-2 zone shall be consistent with the Bear Creek Greenway Plan, in addition to the standards specified within Chapter 260.

E) [ASC-82-3] 87-ASC-5: This area of special concern includes all lands on which development will affect survival of wildlife.

i) Such lands are identified as:

   a) Lands identified as sensitive fish and wildlife habitat on a [site-specific] map(s) prepared by Oregon Department of Fish and Wildlife [(ODFW)] and approved by the Board.

   b) In the absence of an approved map(s), all lands in the Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use zones[,] on--which certain land development actions are specified--in--these chapters are proposed[ and which are shown to be within Black Tail Deer or Elk Winter Ranges or maps contained in the Natural and Historic Resources Element of the Comprehensive Plan shall be considered sensitive wildlife habitat, except when the ODFW indicates that the winter range is not critical to survival of the species or that existing development or partitioning have already adversely impacted habitat to the extent that habitat is no longer available.]

ii) Any [land use] action subject to review under this section shall include findings that the proposed action will have minimum impact on sensitive wildlife habitat and shall include:

   a) Consistency with maintenance of long term habitat values.

   b) Consideration of the cumulative effects of the proposed action and other development in the area on sensitive habitat.

   c) Maintenance of an overall residential density of one dwelling per 40 acres, or grouping of dwellings to achieve the same effect in areas of sensitive big game habitat, and maintain densities which are appropriate to the protection of other sensitive fish and wildlife habitat areas.
d) Consideration of comments in writing solicited from the Oregon Department of Fish and Wildlife. Such department shall be given a maximum of ten days to make such comments.
APPROXIMATE LOCATION OF
BLACK TAIL DEER WINTER RANGES

OREGON DEPT. OF FISH & WILDLIFE
SEPT. 1982
Until a map is approved under subparagraph (i) (a) above, individual parcels 20 acres or less in size, lands in rural, farm, suburban, and urban residential, or commercial and industrial zones shall be considered impacted by existing partitioning and development to the extent the habitat is no longer available.

[iii) Except as otherwise provided in this ordinance, a first dwelling on a legally created parcel shall not be subject to review under this section unless a condition of approval concerning creation of the parcel or its development requires compliance with this section.]

280.120 STANDARDS FOR HOME OCCUPATIONS:

1) Purpose: To provide standards for rural or urban home occupations which would permit the conduct of a part-time business for supplemental income purposes. Home occupations are limited to those uses which may be conducted within a residential dwelling (or [attached or detached] garage in rural areas), without changing the appearance or condition of the residence.

When a use is a home occupation, it means that the owner, lessee, or other persons residing within the dwelling may conduct the home occupation without securing special permission to do so. However, such use shall be subject to all conditions contained in this section.

It is the intent of this section to eliminate as home occupations, all uses except those that conform to the standards set forth in this section. Custom and tradition are intentionally excluded as criteria.

The following criteria shall be used to determine if a proposed accessory use qualifies as a home occupation.

A) In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted by section 280.080 (3), (B), (ii).

B) The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the property.

2) General Standards:

A) No persons other than members of the family residing on the premises shall be engaged in the occupation.

B) There shall be no signs other than a one foot square sign as permitted by section 280.080 (3), (B), (ii).

C) The use may not increase vehicular traffic flow or parking by more than one additional vehicle at a time. Any need for parking created by the conduct of such home occupation shall be met off-street in a location other than in a required front yard setback.
D) In no way shall the appearance of the structure be altered or the home occupation conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs, or the generation/emission of sounds, noises, fumes, glare, or vibrations as determined by the Planning Director, using normal senses and taking measurements from any lot line of the parcel.

E) Electrical or mechanical equipment which creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation shall be prohibited.

F) The home occupation shall clearly be incidental and secondary to the principal use of the dwelling and property as a place of residence.

G) No home occupation shall cause an increase in the use of public water, sewer, solid waste, or energy services so that the combined total use for the dwelling and home occupation exceeds the average for other residences in the area.

H) Home occupations shall not utilize in their processes, store, or warehouse materials which are by their nature highly flammable, combustible, explosive, or radioactive.

I) No home occupation shall require alteration of the structure, or involve construction features, or the use of electrical or mechanical equipment that would change the fire rating for the structure of the fire district in which the structure is located.

J) The home occupation shall be completely conducted within an enclosed building. There shall be no outside storage, display of goods, materials, supplies, or equipment of any kind related to the home occupation except as otherwise allowed in subsection (4) of this section.

3) Additional Standards for Rural Home Occupations (Outside Urban Growth Boundaries and Urban Containment Boundaries):

A) Rural home occupations may only occur outside of urban growth boundaries or urban containment boundaries.

B) A garage may be used for a rural home occupation provided that the total square footage of the garage, housing the home occupation, shall not exceed 25 percent of the total living area of the residence. Minimum building setbacks and other provisions of the respective zoning district shall be met by such garage.
4) Additional Standards for Urban Home Occupations [Within Urban Growth Boundaries or Urban Containment Boundaries]:

[A] Urban home occupations may only occur within urban containment boundaries or urban growth boundaries.

[B] (A) An urban home occupation shall be conducted only within the enclosed dwelling unit or an attached garage.

(B) Truck storage shall be limited to the vehicle and trailer used solely by the owner residing on the premises in his/her primary occupation. Storage of other such accessory equipment or fleets of trucks is prohibited.

5) Administration:

[A] Determination relative to compliance with standards of this section shall be made by the Department before notice of a violation is issued.

[B] If the Department finds, after making determinations, that there is a violation of the purpose and standards of this section, the Director shall take, or cause to be taken, lawful action to cause correction to within the limits set by such standards. Failure to obey lawful orders concerning such correction shall be punishable subject to the provisions of Chapter 290.030.

[C] Appeal from any determination of the Department regarding a requirement of section 280.120 may be made to the Hearings Council pursuant to Chapter 285.

[D] An action of the Hearings Council pursuant to this ordinance may be appealed to the Board of County Commissioners within 30 days after the Hearings Council has rendered its order. If the appeal is not filed within the 30-day period, the decision of the Hearings Council is final.
land, or to protect adjacent resource land. Such declarations shall provide that they cannot be modified or removed without the written consent of the County. Such written consent may be given by the Planning Director when the circumstances which necessitated the restrictions are removed.

280.160 ROCK CONCERTS AND SIMILAR EVENTS:

Rock concerts and similar special events pertaining to the assembly of people for short durations, not to exceed a three day event on a semi-annual basis, do not constitute a land use action which is governed by this ordinance.

280.170 BUILDING AND SEPTIC PERMITS:

No building or septic permit shall be issued until the permit application is found by the Department to comply with all appropriate policies, ordinances, and codes of Jackson County.

280.180 ILLEGAL USES:

Uses that are in violation of County ordinances in effect prior to the effective date of this ordinance are also violations of this ordinance.

280.190 STATE AND COUNTY PARK MAINTENANCE EXEMPT FROM COUNTY REVIEW:

Maintenance, rehabilitation, and minor betterment of established state or county parks and roadside rest areas which do not have land use impacts are exempt from review provisions of this ordinance.

280.210 USE OF RECREATIONAL OR CAMPING VEHICLES AND PARKS:

A camping or recreational vehicle shall not be used for other than temporary residential purposes of more than 30 days in any 12 month period. Under the following conditions a recreational vehicle or a camping vehicle may be temporarily utilized for longer periods of time:

1) When located in a recreational vehicle park or campground licensed under the provisions of ORS Chapter 446; or

2) When not more than one camping vehicle is used for recreational purposes for not more than three months in any 12 month period on property owned by the owner of said vehicle, subject to the provisions of this ordinance and health and sanitation regulations.

3) When not more than one camping vehicle is used for temporary housing for not more than six months on property owned by the owner of said vehicle only during construction of the first dwelling, subject to the provisions of this ordinance and health and sanitation regulations.

280.220 GUEST HOUSE STANDARDS:

A guest house shall meet all zoning requirements including density standards, special setback, and yard setback requirements.
280.230 PRIVATE SWIMMING POOL:

A private swimming pool, whether above or below ground, shall:

1) Comply with all required zoning setbacks for the district in which it is located; and,

2) Not be operated as a business nor maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

280.240 BED AND BREAKFAST SERVICE:

1) Intent: To provide temporary travelers' accommodations and breakfast[, for a fee, on a daily or weekly room rental basis, as an accessory use [in [an existing structure designed for and occupied as] in a single family residence[.]] for a fee, on a daily or weekly room rental basis.

2) Standards:

A) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

[The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms shall not be increased except as may be required to meet health, safety, and sanitation requirements.]

B) Off-street parking shall be provided. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

C) The number of guests shall generally be limited to six persons at any one time [and not more than two sleeping rooms] except where sanitation facilities [can be approved by the County] and [where] neighborhood [conditions will] standards would otherwise allow more. Tourist accommodation and eating facilities shall be inspected annually by Jackson County. [There must be at least five hundred square feet of gross interior floor area for each rental unit. The maximum potential rental units would be determined by dividing the gross interior floor area of the structure by 500 square feet.]

[Those facilities providing service to a greater number of guests are not considered "license exempt" under state law and must comply with state hotel/motel restaurant licensing procedures administered by the Health Department. The issuance of such licenses shall not be considered as conferring nonconforming commercial status to the use which would either allow alteration.
of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this section.)

D) One on-premise sign may be approved by the [County] Hearing Council provided that such sign is compatible with residential uses and is not more than five square feet in size.

E) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.

F) Room rentals to families or individuals shall not exceed 14 consecutive days.

[G] The Bed and Breakfast facility must be accessory to and contained within the single family dwelling occupied by the owner (e.g. not a manager).]

[H] The only meal to be provided to guests shall be breakfast and it shall only be served to guests taking lodging in the facility.

[I] The Jackson County Health Department shall examine both the water system and the sewerage disposal system, and shall conduct a general health and safety inspection of the proposed facility. The Health Department shall impose any conditions required to ensure that all necessary health and safety standards have been met. The applicant shall not initiate any construction activity and other improvements related to the bed and breakfast facility; or begin operation of the facility prior to a determination, in writing, by the Health Department that the necessary inspections have been completed and any deficiencies have been corrected.

The proprietor shall have a water quality evaluation conducted by a recognized water testing laboratory on an annual basis following the certification of adequacy by the Health Department. The results of that test shall be submitted to the Health Department with a copy to the Planning Department.]

[280.250 REGISTRATION AND LICENSING REQUIREMENTS

Individuals representing either clients or themselves in a professional capacity and wishing to testify as experts in their field on land use matters before the County, shall be licensed or registered to practice by the State of Oregon, if the state has established licensing registration or licensing procedures or standards. This provision applies generally to such professions as geology, soil science, engineering, architecture, medicine, health, surveying, and the like, and is not intended to preclude individuals or their agents from presenting testimony or applications to the County.

[280.260 STORAGE OF MOBILE HOMES

Storage of a mobile home on a parcel must be approved in writing by the Planning Department. The maximum length of time a mobile home may be
stored is six months. The applicant requesting approval of a storage permit in writing must submit a signed statement acknowledging that the mobile home will not be used for residential use. Electrical, plumbing and sewer hookup is expressly prohibited. Where the mobile home will be placed, or in those cases where the mobile home would be stored on a parcel of one acre or less in size, the Department shall require the applicant to submit a statement from adjacent property owners indicating no objection to storage of the mobile home. All normal setback standards of the district shall be met.
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CHAPTER 282

SITE PLAN REVIEW PROVISIONS

282.010 PURPOSE:

It is the purpose of the site plan review process to assure quality land use development actions: by the buffering of incompatible uses; by making adequate provisions for landscaping as a means to improve the aesthetic appearance of a project; by thorough consideration of the natural site constraints or opportunities within the initial design stages of the project; and by consideration of special public safety requirements. The site plan review process should be applied to all commercial and industrial properties, and other unique situations where special review of development proposals is warranted because of the nature of the surrounding area, nature of the proposed use, public safety concerns, and other unique conditions of the site.

282.020 SITE PLAN APPROVAL REQUIRED:

No building permit shall be issued for new construction, substantial improvement or major remodeling of any public, semi-public commercial or industrial use, duplexes, dwelling groups, or multiple family dwelling prior to the issuance of a site plan review permit in conformance with these regulations except as noted in 282.025 below. Specifically, [in addition,] a site plan review permit is required prior to:

1) New construction in districts where site plan review is required.

2) Change in use or alteration of a nonconforming use unless the Planning Director determines that provisions of this chapter have already been satisfied and an increase in required parking is not needed to serve the new use.

[2) Alteration of a nonconforming use where required in Section 259.050 (3), or the change of use of premises or land from one permitted use category to another permitted use.]

3) An expansion of a [permitted or nonconforming] use which will result in a 20 percent increase of land committed to the use.

4) Remodeling [of a permitted or nonconforming use] which will result in an increase of floor area greater than 20 percent of the existing structure on the site.

5) Remodeling [of a permitted or nonconforming use] which will result in a 50 percent increase in the true cash value of the structure.

6) Paving within a required front, side, or rear yard setback.

282.025 SITE PLAN REVIEW GENERALLY NOT REQUIRED

1) A site plan review permit is not needed when a conditional use permit or mobile home park permit is required for new construction, substantial improvement, change in use, or remodeling. Such permits shall satisfy the requirements for a site plan review permit. In reviewing such conditional use or mobile home park permits, the [County] [Heardings—Council shall, at a minimum, utilize landscaping and other requirements of this chapter in setting forth appropriate conditions for approval.

2) [Section 282.020 notwithstanding, a] A site plan review permit is not generally required for remodeling except as noted in 282.020 above [where the applicant or authorized agent can conclusively demonstrate that: the provisions of this chapter have already been satisfied; and, the proposed expansion, remodeling, or change in use can be safely accommodated by existing access and parking lot design; and an increase in parking is not needed to accommodate the intended use.]

282.030 PLANS REQUIRED, INFORMATION TO BE SUBMITTED WITH APPLICATION:

1) At the option of the applicant, a pre-application may be submitted on a form provided by the Department to determine whether an application for a site plan review is required for the proposed project; or when a site plan review is required, what information will be required in the application.

[2] The landscape element of a site plan shall be prepared by an individual registered with the American Society of Landscape Architects, or other qualified landscape design professionals as determined by the Planning Director. Normally, registered engineers, professional planning consultants, real estate agents, surveyors, and members of other professions will not be considered as qualified landscape design professionals unless the individual can demonstrate to the satisfaction of the Planning Director that training and practical experience in developing such plans allows him to be so qualified.]

† [3]) An application for site plan review shall be submitted to the Department of Planning and Development on forms prescribed by the Department.

† [4]) Each such application will normally include:

A) A scale drawing showing existing structures, general topography, percent of slope, natural features, all easements, 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 two foot intervals.

B) A site plan drawn to scale, showing the proposed number and location of all structures, including their elevations, square
footage, and intended use, as well as all other improvements, including driveways, pedestrian walks, off-street parking, loading areas, utilities 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 irrigation for landscaping and drainage are to be provided.
C) A landscape plan drawn to scale shall indicate the size, location, and types of trees, shrubs, plants, or groundcovers proposed.

282.040 GENERAL STANDARDS:

1) When parking areas/lots are proposed within required yards, adequate landscaping of such parking areas/lots shall be provided, and such landscaping shall be provided in a manner which [when feasible] generally screens vehicles from view, but provides adequate traffic visibility at all intersections and ingress/egress points, and shall be randomly placed throughout the parking area/lot.

2) Landscaping may not be required, or the required percentage reduced when in the opinion of the Planning Director any of the following conditions exist:

A) Existing vegetation adequately satisfies the needs for landscaping.

B) The buildings proposed are only a replacement for buildings destroyed by fire or other natural causes.

C) The buildings proposed are not visible from through streets

D) The area is developed with heavy industrial uses which generally lack landscaping.

E) A change or expansion of use, alteration of a nonconforming use, remodeling or paving as listed under 282.020 (2-5) is involved.

Even if any of the above situations occur, landscaping shall still be required as needed to solve buffering problems with noncommercial or nonindustrial uses.

3) The following minimum area of each project site or phase subject to site plan review shall be landscaped except as otherwise provided in subsection (2) above:
USE

A) Dwelling groups, duplexes, multi-family dwellings, single family dwellings within the Urban Residential-4.5 district, or mobile home parks of 6 or more units.

B) Dwelling groups, duplexes, multi-family dwellings, single family dwellings within the Urban Residential 4.5 zoning district, or mobile home parks of 2 through 5 units.

C) Uses allowed in LI, GI, GC, IC, RS, NC, and AD-MU zones.

*NOTE: The requirements of 282.040 may in fact require a greater percentage of landscaping than these minimums indicate.

4) The minimum percent of lot area to be landscaped shall not be concentrated in one location.

5) Additional landscaped area may be required, if necessary, to solve a screening, buffering, erosion, or fire suppression problem.

6) There shall be a minimum of 10 percent of lot area which shall be developed for usable recreation areas within multiple-family residential developments, and shall not be considered a part of the required landscaping.

7) All required setback areas abutting public streets shall be landscaped, except as otherwise noted in (1) above. Such areas may be included in area computations.

8) All open areas between the property line and the public street shall be landscaped and shall be included in the maintenance requirements, but not considered part of the required percent noted in (3) above [unless the applicant can produce a statement from the owner of the right-of-way that expansion of the road surface or other improvement activity is envisioned within five years which would make landscaping unadvisable].

9) All trash receptacles shall be fully screened from public view. The location of trash receptacles shall take into consideration the noise impacts on adjacent properties.
10) In addition to the above, the Planning Director may review for adequacy of utilities, ingress and egress to adjacent roads, and the adequacy of adjacent roads.

282.050 REVIEW BY STAFF (OF) OR THE DEPARTMENT OF PLANNING AND DEVELOPMENT:

The Board of Commissioners hereby empowers the [The Planning Director to [may] issue permits which comply with this ordinance and, when necessary, to stipulate that [expand or require] any or all of the following be submitted as a part of an application or be completed as a condition of approval of a site plan review permit[. Those items which are urban in nature will generally apply only within urban growth boundaries or urban containment boundaries:]

1) **Require the retention** [Retention] of specified trees, rocks, water ponds or courses, and other natural features. Such retained features are to be considered as required landscaped areas pursuant to Section 282.040.

2) **Require a grading** [Grading] plan and/or drainage plan for the collection and transmission of drainage waters when the size of the project or the nature of the area requires special consideration.

3) **Require specified** [Specified] sizes, placements, and grades for vehicle access.

4) **Require sidewalks** [Sidewalks], dedication of rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes. (This will normally only be a concern within urban containment boundaries or urban growth boundaries.)

5) **Require the applicant to make an irrevocable** [Irrevocable] offer of dedication of any right-of-way area needed for public use. (This will normally only be a concern within urban containment boundaries or urban growth boundaries.)

6) **Restrict[ion of structures']** heights over 35 feet and/or increase setbacks up to an additional 20 feet.

7) **Require on-site** [On-site] fire hydrants with protective barricades [and impose other fire safety measures as deemed necessary to assure public safety or to protect adjacent resource lands or uses].

8) **Require specified** [Specified] type and placement of lights for outdoor circulation and parking facilities. Generally such lighting shall not directly shine or reflect upon adjoining properties, especially if they are not commercially or industrially zoned.

9) **Require that the** [Specified] size, location, design, and lighting of all exterior signing is consistent with the purpose of this Chapter, the nature of the proposed project, and Chapter 280.
[10] Recordable covenants or consent to annex agreements to include the property in future local improvement districts for street or sidewalk improvements be executed, acknowledged, and delivered to the city if requested by the city.

[As above used, the phrase 'when necessary' means necessary for the fulfillment of the specific requirements of law or this ordinance with respect to the proposed use or development, or necessary for the protection of the public interests set out in Section 282.010 with respect to the proposed use or development. Where the only event giving rise to the requirement of site plan review is a change of use, then the exaction of right-of-way, dedication, sidewalk construction, or local improvement district covenant shall be deemed necessary when the new use increases a public burden or negative impact bearing some reasonable relationship to the need for such exaction.]
Any development subject to this Chapter shall be carried out in accordance with approved plans and conditions of the Planning Director, and shall be maintained as a continuous condition of use and occupancy. The Planning Department shall not grant a certificate of occupancy, unless and until satisfied of compliance. However, the Planning Director may order or release a temporary certificate of occupancy if:

1) There is proof that the owner has entered into a contract with a 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.

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

A violation of the conditions of approval for a site plan review shall be deemed an infraction of this ordinance, which may result in assessment of penalties according to the provisions of Section 290.030, and a revocation of the temporary certificate of occupancy.

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 Department and with continued maintenance of landscaping. No fee shall be charged for this inspection and shall be permitted renewal. Permit renewal is required only after the first year of operation and shall thereafter be unnecessary. [The Department's inspection will be conducted during the growing season to determine that plant materials have survived.] Where the Department finds renewal is not granted because of noncompliance (with conditions of approval) 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 the Department determines compliance with the conditions of approval permit renewal is granted, based upon the fact that the required landscaping has been adequately maintained.
CHAPTER 285
ADMINISTRATIVE PROVISIONS

285.010 ADMINISTRATION:
The Planning Director shall administer the provisions of the Land Development Ordinance.

285.020 APPEALS:

1) [Subject to the limitations below contained, the] The Board of Commissioners on their own motion may review any decision of the Department, Hearings Officer[, Planning Commission] or Hearings Council [, for the sole purpose of determining whether:] Any such decision may be reversed or remanded for further action only when it appears:

A) The decision is based upon a violation of or an improper interpretation of a stated policy or order of the Board, the applicable ordinances, or other law ; or

B) Improper procedures were followed ; or

C) There is no authority or jurisdiction to render the decision.

[If the Board assumes jurisdiction, it shall do so by board order no later than 14 days after the date of the decision to be reviewed, and, in no event shall the Board assume jurisdiction or take any action under this section which would violate the 120-day time limit imposed by ORS 215.428. After giving the affected parties reasonable notice and an opportunity to be heard on the existing record, the Board may reverse or modify the decision.]

2) Appeal from a [A] ruling of the Planning Director regarding a requirement of the Land Division or Zoning Regulations may be [appealed] made to [a duly appointed] the Hearings [Officer] Council unless otherwise specified in this ordinance ;. The Hearings Officer in such an appeal shall not be an employee of the Department. The appeal shall be taken by written notice filed with the Planning Department not later than 10 days after the decision or action from which the appeal is taken is mailed.] such appeals are to be filed within 20 calendar days of the action by the Director.

[The Director may refer appeals directly to the board if, in his opinion, the complexity or public significance of an application or scheduling difficulties would cause the usual land use decision-making process to exceed time constraints imposed by State Statute.]

3) A final decision of the Director made regarding a completed application for a permit or approval required under this ordinance may be appealed. No other decision of the Director may be appealed.]
[4) The Director may render advisory opinions which shall be neither appealable nor binding on the County.]

3) [5)] An action or ruling of the Planning Commission, Hearings Council, or Hearings Officer, pursuant to the Land Division or Zoning Regulations of this ordinance may be appealed to the Board of Commissioners [by a party.] Within 30 calendar days after the Planning Commission, Hearings Council, or Hearings Officer has rendered a decision- [Where an appeal is allowed by this subsection, it shall be taken by written notice filed within 10 days after the decision appealed from is signed and mailed. The Board may grant an applicant's request for extension of deadlines imposed by state statute for purposes of any appeal when the Board finds that]:

[A] All appearing parties have concurred in the request; or

[B] The Board has determined that the extension does not significantly harm the interests of the public or individuals with a legitimate interest in the application.]

[Decisions of the Planning Commission involving changes of map designation shall be appealable without regard to the time limit imposed by Oregon Revised Statutes because the statute does not apply to Comprehensive Plan amendments.]

4) Appeals shall be filed with the Department of Planning and Development and shall be submitted in writing. An aggrieved person may file an appeal subject to the requirements of this ordinance.

6) A notice of appeal shall be filed on a form acceptable to the Department, and accompanied by the required fee. Within seven days after the filing of notice of appeal, the appellant shall file with the Department a detailed written statement of grounds for the appeal explaining:

[A] How the County incorrectly interpreted this ordinance, the Comprehensive Plan, or other requirements of law; or

[B] What information in the record which was pertinent to the decision was not considered.] 

(The burden of proof on an appeal rests with the appellant. If the written statement is not provided, the appellate body may affirm the lower decision summarily.)

5) [7)] The [proper] filing of an [a notice of] appeal on an action of the Planning Commission, Hearings Council, or Hearings Officer shall stay the effective date of the decision [appealed from] of the hearings body until the Board renders a final decision [is rendered through the local appeals process]. If the appeal is not filed within the [specified time] calendar day period [and in the manner above prescribed], the decision of the Planning Commission, Hearings Council, or Hearings Officer [appealed from] shall be final.
(8) If the statement required in Subsection (4) above alleges that special circumstances or specific conditions warrant deviation from the requirements of this ordinance, then the matter shall not be processed as an appeal, but may be processed as a variance under Chapter 275, unless otherwise stated in this ordinance. The Planning Director is authorized to determine whether the matter can be processed as an appeal or as a variance.)
If an appeal is properly filed, the [designated appellate body] Board of Commissioners shall receive a report and recommendation from the designated hearings body. The designated appellate body Board of Commissioners may overrule[,] and modify conditions of, or affirm [the decision appealed from as set forth below].

Appeals shall be heard and considered only on the record of the decision from which the appeal is taken, and the arguments of parties confined to that record and the issues raised in the statement of appeal required under Section 285.020 (6). If an evidentiary public hearing has not been held, the record shall, for the purposes of an appeal consist of: the application, the decision of the Department, supporting documentary evidence placed in the file by applicant and staff prior to the decision being mailed; and the appeal statement filed pursuant to Section 285.020 (6).

If the [appellate] designated hearings body elects to overturn or modify the [previous] decision of the Planning Commission, Hearing Council, or Hearing Officer; or the Department; the designated hearings body [it] shall make a finding declaring one or more of the following:

A) That the Planning Commission, Hearing Council, Hearing Officer, or Department did not properly apply to the [tribunal] requirement[s] of this ordinance, the Comprehensive Plan, or other requirements of law.

B) That the Planning Commission, Hearing Council, Hearing Officer, or Department did not properly apply to the [tribunal] requirement[s] of this ordinance, the Comprehensive Plan, or other requirements of law.

[If the appellate body affirms the decision, it may adopt by reference the findings and conclusions previously made, may alter or delete any part of the said findings, or make additional findings, and may amend or add to any conditions imposed.]
Notice of a hearing on appeal shall be given to the same persons and in the same manner as in the case of the action appealed from, particularly as specified in Section 285.040 below.]

285.025 COMPLIANCE WITH ZONING DISTRICT PROVISIONS AND PERMIT CONDITIONS:

1) An approved use shall comply with the standards of the district in which it is located and the conditions of any permit issued under this ordinance or other law. The County may on its own motion modify, alter, suspend or revoke an approved use permit for noncompliance with conditions set forth in the permit or the order granting the permit subject to a public hearing [before the Board of Commissioners] on the matter pursuant to Section 285.040.

2) In addition to the notice requirements of this chapter, a notice of the public hearing specified in subsection 285.025(1) shall be served on the owner of record of the property, and the operator/proprietor of the use if different than the owner of record, in the same manner as a summons is served under Rule 7, Oregon Rules of Civil Procedure.

3) The process for modification or revocation of a permit shall consist of either or both of the following:
A) Enforcement of the penalty provisions of Chapter 290.

B) A hearings process which shall consist of:

i) An investigation by the Department of alleged violations of, or noncompliance with the conditions of the permit.

ii) A hearing scheduled pursuant to section 285.040, in which valid proof of a violation of, or noncompliance with, conditions is found by the hearings body.

iii) Modification or revocation of a permit may occur after proper notice and such public hearing.

285.030 APPLICATIONS:

1) Applications provided for in the Zoning Regulations shall be made on forms prescribed by the Department. 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. Applications shall be filed by the property owner or an agent authorized in writing to act in his behalf.

2) Before a plat of any subdivision, or the map of any major or minor partition, or any adjustment to the boundaries of existing parcels or lots may be made and/or recorded, the person proposing such or the authorized agent shall make application on forms prescribed by the Department for approval of the proposed action in accordance with applicable section of the Land Division Regulations.

3) Applications may be received at any time by the Department during normal business hours. An application shall not be considered officially accepted by Jackson County until it has been received and considered by the Director to be sufficiently complete for processing according to the application or appeal review procedures of this ordinance. The burden of proof for approval of an application rests with the applicant.] The Department has the authority to [may] refuse to process any application which is incomplete or found to be inaccurate in any way [, and may return it with the filing fee. Processing times established by this ordinance or by statute shall not apply to an application until the date of official acceptance. A preapplication conference with the applicants and agents may be scheduled by the Department, where appropriate, to discuss the deficiencies prior to re-submittal of the application.

[4)] The applicant shall be notified by the Department of the deficiencies [in officially accepted applications.] and the [The] applicant shall [be invited to proceed to correct such deficiencies}
within] then have [30] 20 working days from the postmark date of the notice[.] to eliminate such[. If the applicant fails to [does not] correct or complete the application within the time period involved, it shall [may] be denied without refund of fees. [Applications which are not deficient shall be processed according to procedure for review within the timeframe established by ordinance or statute unless expressly waived as authorized by law.]

†† [5]) An application may be rejected or denied [by the Planning Director] where a violation of this or other county ordinances or state law is deemed to exist[.] by the Planning Director; until such time as the violation is remedied[.] Such violations may [also] be considered sufficient grounds for denial of an application by the [County] Director, Hearings Council, Board, or other designated hearings body.

[6) If the application for a permit or approval authorized by this ordinance has been finally denied by the Director or any County hearings body and appeal rights have been exhausted or have expired, or if the application is withdrawn, no further action is authorized to be taken on the application and the proposal can be considered only on the basis of a new application subsequently filed. However, no new application for the same proposal on any part of the same premises may be considered for a period of one year after the denial or withdrawal unless substantive changes in pertinent goals, plan policies, or ordinance language has occurred; the proposed use, division or development is substantially modified; or violations have been remedied.]

[285.035 REQUEST FOR PUBLIC HEARING:]

[1) Upon verification of the completeness of an application for a parcel area reduction, road renaming, conditional use permit, variance, alteration of nonconforming use, temporary mobile home permit and any major partition involving a road serving three or less parcels outside of Exclusive Farm Use districts, the Department shall send written notice to all property owners of record consistent with the notice requirements of Section 285.040(2). The notice shall state the applicant's name, the location by address and legal description of the property, and the general nature of the application.]

[2) If no written request for a hearing on an application is made to the Department within 10 days of mailing of notice, the application may be denied or approved with or without conditions authorized by this ordinance based on a determination by the Department of the application's compliance with the requirements of this ordinance and other applicable requirements of law. The Department may, in lieu of a public hearing, conduct a conference to negotiate conditions for approval and to resolve other disputes.]

[3) When a request for a hearing has been filed within the 10 day limit, the Department may not issue a permit and shall set the application for public hearing. Generally, unless otherwise authorized by Board order or this ordinance, the Hearings Council shall consider applications involving a conditional use permit, road renaming, or for
major partitions not pertaining to the division of agricultural land, and the Hearings Officer shall consider applications for a variance, temporary mobile home permit, parcel area reductions, or alteration of a nonconforming use.

[The Director may refer matters for hearing directly to the Board if, in his opinion, the complexity or public significance of an application or scheduling difficulties would cause the usual land use decision-making process to exceed time constraints imposed by state statute.]

[The Planning Commission is also authorized to consider those applications which are submitted contingent upon, and concurrent with, a minor map amendment. Such consolidated permit reviews shall be conducted under the provisions of Chapter 277 (Amendments).]

[4] The Planning Director is authorized to determine whether a request for a public hearing is valid, based upon a reasonable contention by those requesting the hearing, that the application may not be in compliance with the Land Development Ordinance or other legal requirements necessary for issuance of a permit, or the applicant desires a hearing. Notice of the decision of the Director shall at a minimum be furnished in writing to the individual(s) requesting the hearing. A decision of the Planning Director that the request for hearing is invalid may be appealed pursuant to the provisions of Section 285.020. No permits may be issued until the appeal period has expired.]
Note: Subsection 285.040 has been deleted and replaced with the following.

1. **Hearings Rules:**

   [A] In accordance with ORS 215.412 and ORS 215.422, this section establishes rules for the conduct of hearings involving the administration of the Land Development Ordinance and other related land use ordinances. These rules are adopted for the conduct of quasi-judicial hearings on land use matters before the Board of Commissioners, Planning Commission, and the Hearings Council or Hearings Officer.

   [B] "Hearing" means any quasi-judicial hearing authorized or required by the laws of the State of Oregon and the ordinances and orders of the Jackson County Board of Commissioners relating to land use.

   [C] "Party" means any person or agency entitled to notice under this ordinance or any other person whose rights will be substantially affected by the result of the hearing and has been recognized as a party by the presiding officer at the hearing.

   [D] "Witness" means a person who is authorized by the presiding officer at a hearing to offer testimony. A witness shall not be considered a party to the hearing unless the presiding officer recognizes the witness as a party.

2. **Notice:**

   [A] Each notice of hearing required by this ordinance shall be published in a newspaper of general circulation in the County at least ten calendar days prior to the date of the hearing.

   [B] 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, or may reduce the distance to 500 feet within urban growth or urban containment boundaries. At a minimum, owners of adjacent or abutting properties will be notified. The notice of hearing shall be mailed at least ten calendar days prior to the date of the hearing. For this purpose, the last known names and addresses of the owners, as shown on the records of the County Assessor, may be used. Any other person may make written request for notice but receipt of a notice does not of itself grant such person status as a party in the hearing.

   [C] The notice shall state the date, time and place of the public hearing; provide a description of the subject property and
its location by tax lot and/or by map; state the purpose of the hearing.

[D] Written notice of the approval or denial of an application shall be given to all parties of the proceeding who submitted either oral or written testimony at the hearing.

[E] Failure of a person to receive notice prescribed in this section shall not impair the validity of the hearing.

3. Hearing Procedure

[A] Proceedings shall at all times be orderly and respectful. No person shall be heard until he states his name, address, and his specific interest in the proceedings. The presiding officer may refuse to recognize or declare out of order any person who:

[i] is disorderly, abusive or disruptive; or

[ii] takes part in or encourages audience demonstrations, such as applause, display of signs or other conduct disruptive of hearing.

[B] All parties shall be afforded opportunity to present and rebut evidence. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

[C] All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their important affairs shall be admissible. Evidence objected to may be received with rulings on admissibility reserved until issuance of a final written decision. Erroneous rulings on evidence shall not preclude or invalidate a decision unless the error can be shown to have substantially prejudiced the rights of a party. Unless required otherwise than by these rules, witnesses shall not be put under oath.

[D] Of those who appear and are heard at the time of hearing, the presiding officer shall determine who are parties and who are witnesses only, and shall give them an opportunity, if they choose, to be heard with regard to the ruling. Persons who appear by written communication only shall be accorded the status of witnesses unless they are included among those persons entitled to notice of hearing under this ordinance, or the written statement both asserts a position on the merits of an application, and establishes the person's status as a party to the satisfaction of the presiding officer.

[E] Subject to Section 285.020 (10), in cases of an appeal, the order of proceedings shall normally be as follows:

[i] Statement and evidence of staff;

[ii] In the case of an appeal to the Board, the statement and evidence of the tribunal whose decision has been appealed;
[iii) Statement and evidence in support of the application/appeal;]

[iv) Statement, evidence and rebuttal by opposition/respondent;]

[v) Rebuttal by applicant/appellant; and]

[vi) Staff analysis of testimony or evidence if deemed appropriate by the presiding officer.]

[F) The presiding officer may set reasonable time limits for oral presentation and may exclude cumulative or repetitious matter.]

[G) Exhibits shall be appropriately marked to identify the party or witness offering them and shall be preserved as a part of the record.]

[H) Except in cases of an appeal, the Planning Commission, Hearings Council, Hearings Officer, or Board of County Commissioners may recess a hearing in order to obtain additional information. In all other cases, including appeals, the hearing may be recessed in order to serve notice to other parties who may be interested in the proposal being considered, provided sufficient time exists within the constraints of processing deadlines established by Oregon Revised Statutes. Upon recessing, the date and time for continuation of the hearing shall be announced.]

[I) The tribunal may require that written material submitted after the staff report has been prepared and offered for the first time at the hearing be summarized orally, and may rely on the offerer's oral summary as being complete and accurate. If the person offering the material fails or refuses to offer an oral summary of its contents on those terms, the tribunal may reject the document(s) or summarily rule contrary to the offerer's position. The tribunal may also continue a public hearing to allow staff sufficient time to prepare a written analysis of the evidence submitted, reject the evidence or deny the application where insufficient time remains for reasonable consideration of such material prior to processing deadlines established by Oregon Revised Statutes.]

[This subsection shall not be construed to mean that additional information or evidence can be submitted for the record on appeal or following the close of the original hearing on an application.]
The Planning Director may, upon his own volition, schedule matters before the appropriate hearings body which he feels warrant special review. Any matter for which the Department would ordinarily be delegated authority for decision making may be handled in this manner. In considering such matters, the hearings body shall conduct a public hearing and shall treat such matters in the same procedural manner as appeals.
BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

Ordinance No. __________

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE #82-27, File #84-3-0A.

RECITALS:

1) ORS 215.060 and ORS 197.175 require counties to adopt zoning and land division ordinances to implement an adopted comprehensive plan.

2) The Board of County Commissioners adopted a consolidated Land Development Ordinance, Number 82-27, in the Fall of 1982.

3) As a result of numerous study sessions, the Planning Commission has recommended revisions to Ordinance No. 82-27 as amended, in order to streamline and clarify ordinance administrative procedures, and to shorten application processing time consistent with current staffing levels and the time constraints established by statute in the 1983 legislative assembly. The recommended revisions also address technical discrepancies and problems which have arisen since the ordinance was adopted.

4) The Board has been reviewing the Planning Commission and staff recommendations in several study sessions. It concludes that certain proposed amendments to the Land Development Ordinance text are a matter of public urgency, which should be enacted prior to final action on the entire set of ordinance revisions.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

SECTION 1. The Land Development Ordinance, No. 82-27 as previously amended, is hereby revised as follows:

1.1 Chapter 285 (Administrative Provisions) is amended as noted below.

A) Section 285.020, Appeals, is revised to read:

"1) Subject to the limitations below contained, the Board of Commissioners on their own motion may review any decision of the Department, Hearings Officer, Planning Commission or Hearings Council, for the sole purpose of determining whether:"

"A) The decision is based upon a violation of or an improper interpretation of a stated policy or order of the Board, the applicable ordinances, or other law; or"

ORDINANCE: File 84-3-0A
Date Typed: 5/16/84

Ef 8.2234
Ef 12.20.84
"4) A notice of appeal shall be filed in a form acceptable to the Department, and accompanied by the required fee. Within seven calendar days after the filing of the notice of appeal, the appellant shall file with the Department a detailed written statement of grounds for the appeal explaining:

"A) How the County incorrectly interpreted this ordinance, the Comprehensive Plan, or other requirements of law; or"

"B) What information in the existing record was pertinent to the decision, but was not considered."

"The burden of proof on an appeal rests with the appellant. If the written statement is not provided, the appellate body may affirm the lower decision summarily."

"5) The proper filing of a notice of appeal shall stay the effective date of the decision appealed from until a final decision is rendered through the local appeals process. If the appeal is not filed within the specified time period and in the manner above prescribed, the decision appealed from shall be final."

"6) If the statement required in Subsection (4) above alleges that special circumstances or specific conditions warrant deviation from the requirements of this ordinance, then the matter shall not be processed as an appeal, but may be processed as a variance under Chapter 275, unless otherwise stated in this ordinance. The Planning Director is authorized to determine whether the matter can be processed as an appeal or as a variance."

"7) If an appeal is properly filed, the designated appellate body shall receive a report and recommendation from the tribunal whose decision has been appealed and shall hold a public hearing. The designated appellate body may overrule, modify conditions of, or affirm the decision appealed from as set forth below."

"8) Appeals shall be heard and considered only on the record of the decision from which the appeal is taken, and the arguments of parties confined to that record and the issues raised in the statement of appeal required under Section 285.020 (4). If an evidentiary public hearing has not been held, the record shall, for the purposes of an appeal consist of: the application, the decision of the Department, supporting documentary evidence placed in the file by applicant and staff prior to the decision, and the appeal statement filed pursuant to Section 285.020 (4)."
shall not be considered officially accepted by Jackson County until it has been received and considered by the Director to be sufficiently complete for processing according to the application or appeal review procedures of this ordinance. The burden of proof for approval of an application rests with the applicant. The Department may refuse to process any application which is incomplete or inaccurate, and may return it, with the filing fee. Processing times established by this ordinance or by statute shall not apply to an application until the date of official acceptance. A preapplication conference with the applicants and agents may be scheduled by the Department, where appropriate, to discuss the deficiencies prior to re-submittal of the application."

"4) The applicant shall be notified by the Department of deficiencies in officially accepted applications. The applicant shall be invited to proceed to correct such deficiencies within 30 calendar days from the postmark date of the notice. If the applicant does not correct or complete the application within the time period involved, it may be denied without refund of fees. Applications which are not deficient shall be processed according to procedure for review within the timeframe established by ordinance or statute, unless expressly waived as authorized by law."

"5) An application may be rejected by the Planning Director where a violation of this or other county ordinances or state law is deemed to exist. Such violations may also be considered sufficient grounds for denial of an application by the County."

"6) Once an application has been denied and local appeals are exhausted, no reapplication may occur unless significantly new information is available; substantive changes in pertinent goals, plan policies, and ordinance language has occurred; the proposed use, division or development is substantially modified; or violations have been remedied. Unless expressly authorized by the County at the time the decision is rendered, no reapplication under conditions noted in this subsection may occur sooner than twelve months from the date of denial."

C) The following new section is added:

"285.035 REQUEST FOR PUBLIC HEARING:"

"1) Upon verification of the completeness of an application for a conditional use permit, variance, alteration of nonconforming use, temporary mobile home permit and any major partition involving a road serving three or less parcels outside of Exclusive Farm Use districts, the Department shall
D) Subsection 280.020 (3) pertaining to Hearings on Request for review of temporary mobile homes is hereby repealed.

E) Section 285.040 (Public Hearings) is revised as follows:

"1) Hearings Rules:"

"A)" In accordance with ORS 215.412 and ORS 215.422, this section establishes rules for the conduct of hearings involving the administration of the Land Development Ordinance and other related land use ordinances. These rules are adopted for the conduct of quasi-judicial hearings on land use matters before the Board of Commissioners, Planning Commission and the Hearings Council or Hearings Officer."

"B)" "Hearing" means any quasi-judicial hearing authorized or required by the laws of the State of Oregon and the ordinances and orders of the Jackson County Board of Commissioners relating to land use."

"C)" "Party" means any person or agency entitled to notice under this ordinance or any other person whose rights will be substantially affected by the result of the hearing and has been recognized as a party by the presiding officer at the hearing."

"D)" "Witness" means a person who is authorized by the presiding officer at a hearing to offer testimony. A witness shall not be considered a party to the hearing unless the presiding officer recognizes the witness as a party."

"2) Notice:"

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

"B)" 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, or may reduce the distance to 500 feet within urban growth or urban containment boundaries. At a minimum, owners of adjacent or abutting properties will
"D) Of those who appear and are heard at the time of hearing, the presiding officer shall determine who are parties and who are witnesses only, and shall give them an opportunity, if they choose, to be heard with regard to the ruling. Persons who appear by written communication only shall be accorded the status of witnesses unless they are included among those persons entitled to notice of hearing under this ordinance, or the written statement both asserts a position on the merits of an application, and establishes the person's status as a party to the satisfaction of the presiding officer."

"E) Subject to Section 285.020 (7), in cases of an appeal, the order of proceedings shall normally be as follows:

"i) Statement and evidence of staff;"

"ii) In the case of an appeal to the Board, the statement and evidence of the tribunal whose decision has been appealed;"

"iii) Statement and evidence in support of the application/appeal;"

"iv) Statement, evidence and rebuttal by opposition/respondent;"

"v) Rebuttal by applicant/appellant; and"

"vi) Staff analysis of testimony or evidence if deemed appropriate by the presiding officer."

"F) The presiding officer may set reasonable time limits for oral presentation and may exclude cumulative or repetitious matter."

"G) Exhibits shall be appropriately marked to identify the party or witness offering them and shall be preserved as a part of the record."

"H) The Planning Commission, Hearings Council, Hearings Officer, or Board of County Commissioners may recess a hearing in order to obtain additional information or to serve notice to other parties who may be interested in the proposal being considered, provided sufficient time exists within the constraints of processing deadlines established by Oregon Revised Statutes. Upon recessing, the date and time for continuation of the hearing shall be announced."
Part II (Exceptions) as interpreted by Oregon Administrative Rules (OAR Chapter 660, Division 4), including criteria contained in the Goal Exceptions Element of the Comprehensive Plan.

SECTION 2. The order entitled "In the Matter of Procedural Rules for the Conduct of Land Use Ordinance Administrative Hearings" dated August 3, 1978, and any other land use administrative order or ordinance which may be contradictory to Section 1.1 of this ordinance, are hereby repealed.

SECTION 3. This ordinance being necessary to the health, safety, and welfare of the people of Jackson County, an emergency is hereby declared, and it shall take effect immediately upon adoption.

SECTION 4. The procedural rules herein shall apply to all matters pending on this date hereof, except when the result would deprive someone of an opportunity to assert a substantive right.

ADOPTED this 22nd day of August, 1984, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Jerry Barnes, Chairman

APPROVED AS TO FORM:  ATTEST:

County Counsel  Nancy Mitchell

By: Recording Secretary

12-ORDINANCE; File 84-3-0A
AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT
ORDINANCE #82-27.

RECEITALS:

1) ORS 215.060 and ORS 197.175 require counties to adopt zoning and land
division ordinances to implement an adopted comprehensive plan.

2) The Board of County Commissioners adopted a consolidated Land
Development Ordinance Number 82-27 in the Fall of 1982.

3) Certain technical discrepancies and inconsistencies have been
identified in Ordinance 82-27 as amended, which the Planning Commission
has recommended be corrected, one of which pertains to public uses in an
Exclusive Farm Use district.

4) As a matter of public safety, Jackson County Fire District No. 3
desires to construct a fire station on land zoned EFU in Sam's Valley in
order to reduce response time. The existing Chapter 218 of the Land
Development Ordinance does not currently provide for such uses.

5) The Board desires to amend the ordinance to enable the Fire District
and other public entities to apply for the conditional use during the
current building season.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

SECTION 1. AMENDMENTS

The Land Development Ordinance No. 82-27 of Jackson County, as previously
amended, is hereby revised as follows:

1.1 The following use is added to Section 218.050:

"4) Buildings of a public works, public service, public utility,
or public safety nature which are primarily intended to serve a
rural population and are operated by a public entity."
SECTION 2. EMERGENCY DECLARED

2.1 This ordinance being necessary to the health, safety, and welfare of the people of Jackson County, an emergency is hereby declared, and it shall take effect immediately upon adoption.

ADOPTED this __th day of ____ , 1984, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Bank Henry, Acting Chairman

APPROVED AS TO FORM:

[Signature]

County Counsel

ATTEST:

[Signature]

Nancy Mitchell
By: Recording Secretary

2-ORDINANCE; No. 82-27
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE No. 84-1

AN ORDINANCE ESTABLISHING A RURAL LIMITED INDUSTRIAL PLAN AND ZONING DESIGNATION FOR JACKSON COUNTY BY ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT ORDINANCE, FILE #83-26-OA.

RECITALS:

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

2) The Planning Commission and Board of Commissioners have been aware for some time of the need to provide for flexibility in allowing certain industrial uses to be located in rural areas consistent with state law and the county's comprehensive plan.

3) The Planning Commission has developed a Rural Limited Industrial Plan and Zoning District to meet the perceived need. The Rural Limited Industrial Zoning District and related amendments to the Comprehensive Plan and Land Development Ordinance have been the subject of advertised Planning Commission study sessions on February 3; April 7; May 5, 11, and 19; June 23; September 15; and November 7, 1983.

4) The Planning Commission briefed the Board of Commissioners in a joint study session on July 11, 1983, and the Citizen Advisory Committees and Committee for Citizen Involvement on August 17, 1983.

5) After notice to CACs and affected agencies, a joint public hearing was held by the Board of County Commissioners and Planning Commission on October 17, 1983, which was continued for deliberation to October 24, 1983. The Commission adopted by motion and vote on November 21, 1983, a recommendation that the Board of County Commissioners adopt the RLI Plan and Zoning designation and related implementing measures.

6) The Board has considered the recommendations of its citizens, the Planning Commission, and affected agencies in public hearings and deems it in the best interest of Jackson County to amend the Jackson County Comprehensive Plan and Land Development Ordinance as herein set forth.

Now, therefore,

The Board of Commissioners of Jackson County ORDAINS:

SECTION 1. The Land Development Ordinance of Jackson County, Ordinance No. 82-27, is hereby amended by this ordinance as follows:

1-ORDINANCE; File 83-26-OA
Date Typed: 3/5/84
1.1 Section 00.040, definition of terms, is amended by deletion of the definition of Cottage Industry.

1.2 Section 200.030 is amended by addition of Chapter 237, Rural Limited Industrial, and its abbreviation RLI.

1.3 Section 220.030 is amended by the deletion of conditional use #5, Cottage Industry. Remaining subsections are renumbered sequentially.

1.4 Chapter 232, the Rural Service Commercial (RS) District is amended as set forth in the attached Exhibit A.

1.5 A new Chapter 237, Rural Limited Industrial Zoning District, is adopted by reference as set forth in the attached Exhibit B.

1.6 The first sentence of Subsection 258.050(1) is revised to read: "The Planning Director is hereby authorized to sit as Hearings Officer to consider requests for alterations of nonconforming uses, except as provided in Section 237.060.

1.7 Section 262.020(3) and Section 262.060(3)(B) are amended by the listing of Rural Service Commercial (RS) in the Planned Unit Development chapter.

1.8 Section 280.010, the Similar Use provision, is amended by addition of "Rural Limited Industrial" between "than" and "Exclusive Farm Use" in the first sentence, so that it now reads "In any zoning district other than Rural Limited Industrial, Exclusive Farm Use . . . ."

1.9 Section 280.050, Height, Setback and Lot Coverage Requirements is revised as follows:

A) Subsection (4) is amended by addition of height and setback requirements for the RLI designation consistent with the existing Light Industrial Zone.

B) Subsection (5)(C)(i) is amended by the addition of "and Rural Limited Industrial (RLI)" to this subsection.

1.10 Section 280.080, Sign Requirements, is revised as follows:

A) Subsections (2) and (3) are amended by deletion of the cottage industry sign provisions in (2B)(iii) and (3B)(ii)(b) and by renumbering remaining provisions in sequence.

B) Subsection (4A) is amended by: (1) addition of a last sentence to subsection (i) which reads: "On-premise signs affixed to buildings in an RLI district shall not exceed six square feet in size.", and (2) addition of a new subsection (ii)(c) which reads: "One free-standing on-premise sign is permitted in a Rural Limited Industrial zoning district provided that it shall not exceed 32 square feet in size."
3) Subsection 4(A) is amended by: (1) addition of a last sentence to subsection (1) which reads: "On-premise signs affixed to buildings in an RLI district shall not exceed six square feet in size.", and (2) addition of a new subsection (ii)(c) which reads: "One free-standing on-premise sign is permitted in a Rural Limited Industrial zoning district provided that it shall not exceed 32 square feet in size."

1.11 Section 280.130, Cottage Industry, provisions are hereby deleted.

1.12 Section 285.025(1) and (2) are revised to read as follows:

"1) An approved use shall comply with the standards of the district in which it is located and the conditions of any permit issued under this ordinance or other law. The County may, on its own motion modify, alter, suspend or revoke an approved use permit for noncompliance with conditions set forth in the permit or the order granting the permit subject to a public hearing on the matter pursuant to Section 285.040."

"2) In addition to the notice requirements of this chapter, a notice of the public hearing specified in subsection 285.025(1) shall be served on the owner of record of the property, and the operator/proprietor of the use if different than the owner of record, in the same manner as a summons is served under Rule 7, Oregon Rules of Civil Procedure."

1.13 Section 290.030(2B) is amended by addition of the words "Planning Commission".

1.14 The first sentence of Section 285.020 (1) is revised to read:

"1) The Board of Commissioners on their own motion may review any decision of the Department, Hearings Officer, Hearings Council, or Planning Commission."

SECTION 2. The Jackson County Comprehensive Plan adopted by Ordinance No. 80-17, as amended by Ordinance 82-26, 82-38, and 83-9, is hereby amended by this ordinance as follows:

2.1 The division entitled Map Designations Element is amended by listing Rural Limited Industrial in the subsection entitled Map Designations and Criteria on page 28, and by adoption by reference of a new Rural Limited Industrial Map Designation as set forth in the attached Exhibit C.

2.2 The division entitled Economy Element is amended by: revision of Policy 6 and its related findings and implementation strategies; and, by addition of a new Policy 8; as set forth in Exhibit D which is adopted by reference.
ADOPTED this __ day of March, 1984, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]
Jerry Bynes, Chairman

APPROVED AS TO FORM

[Signature]
County Council

ATTEST:

[Signature]
Recording Secretary

4-ORDINANCE; File 83-26-OA
CHAPTER 232

RURAL SERVICE COMMERCIAL (RS) DISTRICT

232.010 PURPOSE:

This district provides for the location of small businesses and commercial services in rural areas for the convenience of [local] county residents. The uses are included to fill any land and rural patterns of development, as determined by the Jackson County Comprehensive Plan, without causing land use or traffic conflicts.

232.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, implementing ordinances, and Oregon Department of Environmental Quality rules governing sewage disposal, [noise] air, and water quality.

1) Service station.

2) Church.

3) Feed and seed store.

4) Agricultural produce stands.

5) Art [5] bicycle equipment or farm machinery repair[,] conducted within an enclosed building or within a yard screened from public view.

6) General merchandise store, not to exceed 2,500 square feet in size.

7) [7] retail florist shop, drug store, garden shop, bake shop not to exceed 2,500 square feet in size.

8) Community center, fraternal, or lodge building [Barber or beauty shop].

9) Grocery store, not to exceed 2,500 square feet in size.

10) Single family dwelling when accessory to a permitted use.

11) Recycling drop box, subject to the provisions of Section 268.060.

12) Emergency medical facility.

13) Studio for art, music, photography, ceramics, drama, speech, dance, or similar skills.
14) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydroelectric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

15) Eating and drinking establishments.

16) Agriculture.

17) Parks and bike paths.

18) Nursery or day care center.

19) Appliance repair conducted within an enclosed building or within a yard screened from public view.

20) Business or professional office consistent with the intended purposes of this district as determined by the Director.

21) Gift or antique sales incidental and accessory to other permitted or approved conditional uses in this district.

232.030 CONDITIONAL USES:
The following uses may be permitted subject to the standards listed below and if the provisions of Chapter 260 are satisfied.

1) Motels and hotels.

2) Business or professional office [Community center, fraternal or lodge building).

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

4) Building or structure over 25 feet in height.

5) Solid waste collection site subject to the provisions of Section 268.060(2).

6) Grocery store, general merchandise store, or other commercial [or retail] building in excess of 2,500 square feet in size[, consistent with the purpose of this district].

7) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals.

8) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.
9) Park, playground, campground, or community center owned and operated by a private entity, governmental agency, or nonprofit corporation.

10) Blacksmith, [machine, electric motor] or welding shop fully confined within an enclosed building limited to service and equipment repair.

11) Well drilling establishments.

12) Commercial broadcasting facility and recording studio.

[13] Hardware, building material, or lumber yard conducted within an enclosed yard.

[14] Landscape or plant nursery.

[15] Planned Unit Commercial Development, excluding residential use, subject to the provisions of Chapter 262.

[16] Branch bank.

[17] Laundromat or dry cleaning facility including pick-up and delivery or self-service coin-operated establishments, but not including a dry cleaning or laundry plant.

[18] Auto, truck, equipment or farm machinery repair conducted within an enclosed building or within a yard screened from public view.

[19] Other retail or service commercial use not listed but found to be consistent with the purpose of this district and the comprehensive plan.


232.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this chapter from abutting incompatible uses including, but not limited to, the following:

A) Open outdoor storage is prohibited unless the use is properly screened or fenced.
B) Berms may be required when the County determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped.

D) Special setbacks shall be required between incompatible uses as provided for in Section 280.050.

[3] A carport or garage is exempt from site plan review only: when accessory to a preexisting dwelling; when utilized primarily for storage and incidental repair of the occupants' automobile(s); and when the structure is designed to accommodate not more than three vehicles.]
CHAPTER 237
RURAL LIMITED INDUSTRIAL (RLI) DISTRICT

237.010 PURPOSE:

To provide for the location of industrial uses which utilize site specific natural resources within their processes and activities or create a byproduct of substantial direct benefit to resource producing lands or uses and are more appropriately located outside an urban growth boundary or urban containment boundary. As a secondary purpose, to provide for uses which are essentially rural in nature, because of the nature of their operating characteristics and which can be made compatible with rural land uses. In either case, the rural location and the use must represent a necessary prerequisite to the development of the natural resource and must be compatible with resource management on adjoining lands and rural land uses in general. The term natural resource, as used within this district, means those materials and capacities supplied by nature which can be used by industry, including: water courses; land surface or subsurface earth and mineral deposits; vegetative cover; and naturally occurring wind, water or geothermal power sources. Natural resource, as used in this context, does not include such man-made features as transportation facilities or the exploitation of air quality resources outside the Medford-Jackson County AQMA.

237.020 ALLOWABLE USES:

Uses may be allowed by permit issued pursuant to this chapter. Uses allowed within the district must conform with the performance standards listed within Section 237.040.

237.030 APPLICATION AND REVIEW PROCEDURES:

1) Applications for a Rural Limited Industrial (RLI) map designation and/or uses shall be presented on forms prescribed by the Department. The application shall include information in sufficient detail to allow for the review of the proposal in light of the standards set forth within this chapter. The application shall include a statement from the Oregon Department of Environmental Quality (DEQ) identifying all applicable permit requirements. DEQ regulations and Oregon Administrative Rules (OAR) cited in this chapter are attached in full to the application form.

2) A preapplication conference shall be required prior to formal submission of a rural limited industrial application. The applicant shall contact the Department to schedule the conference within a thirty calendar day period for a time convenient to both the applicant and the Department. The applicant shall provide information required in the application at the conference, and shall address the performance standards of this chapter. The applicant should provide information to substantiate compliance with, or applicability of, these performance standards.
standards. Such information may include ongoing records of an operation or similar use in Oregon, special studies or professional research which will show conformance. Department staff, the applicant, and other affected agency representatives or experts as necessary, shall determine any additional application requirements and identify significant issues at the conference. The applicant shall then submit the application as prepared or modified as a result of the conference.

3) All Rural Limited Industrial uses in rural settings must be located within an RLI zoning district. If a proposed RLI use is to be located on land not zoned RLI, then the application shall be accompanied by an application for a minor comprehensive plan map amendment pursuant to Chapter 277. Conditions for the establishment of a new use shall be subject to the minor comprehensive plan map amendment criteria set forth within Section 277.080, as well as the standards contained within this chapter. All such applications shall be processed under the intent to rezone procedure specified in Section 277.040.

4) The approval of all RLI uses shall be subject to Chapter 282 (Site Plan Review Provisions) of this ordinance. The site plan shall:

   a) Include all applicable provisions of Chapter 282;

   b) Show compliance with the performance standards and criteria of this chapter; and,

   c) Identify all state or federal permit requirements and methods of control of regulated activities.

The required site plan shall be submitted within six months of initial county approval of the Rural Limited Industrial designation. The Planning Commission shall review the site plan for conformance with applicable performance standards and conditions. The Commission may approve the site plan if all applicable conditions and standards are met, if it finds that the conditions and standards adequately ensure the use to be compatible with the surrounding rural land uses. The Commission may impose additional conditions, pursuant to Section 200.090.

5) The Planning Commission shall have the authority to review and conditionally approve or deny requests for Rural Limited Industrial use permits and any subsequent changes in RLI uses. Applications proposing to change an approved Rural Limited Industrial use to another use shall, with the exception of Chapter 277, be subject to the standards and criteria set forth within this ordinance. Review of such proposals shall follow the hearings procedures specified within Section 285.040 of this ordinance.

6) County review of the proposed Rural Limited Industrial (RLI) map designation and uses will be based upon findings that the use will meet

Exhibit B, Page 2 of 10
all applicable performance standards and at least one of the following criteria:

a) The proposed use is necessary for the development or efficient utilization of a site specific rural natural resource, and placement of the industrial facility on existing industrially zoned land would create a significant impediment to the development and use of the rural natural resource;

b) The proposed use will create products, or byproducts, of direct benefit to agricultural or forest uses, or other uses of naturally occurring resources in the same general area, and is more appropriately located outside an urban growth boundary or urban containment boundary.

c) The proposed use will be hazardous or otherwise not compatible with urban industrial settings under either permitted or conditional uses.

7) In applying the above factors:

a) The following will not be considered appropriate factors for placement of an RLI zoning designation:

i) The fact that the land proposed for RLI use is less expensive than suitable industrially zoned land; or

ii) The fact that the proposed site may be presently owned by either an industry with desire to build in that location, or by a rural landowner with a contract to sell the land to an industry with desire to build in that location.

b) The fact that land may have low resource value may be considered only insofar as the actual siting of the RLI designation and proposed use must first be approved in conformance with all other standards and criteria of this district and the comprehensive plan.

8) Where the Planning Commission finds that the proposed RLI designation is not consistent with these criteria and the performance standards of Section 237.040, further consideration of the application shall only be made upon appeal. Appeals of any decision of the Planning Commission under this chapter shall be to the Board of Commissioners under Section 285.020 of this ordinance.

237.040 PERFORMANCE STANDARDS FOR ALL RURAL LIMITED INDUSTRIAL USES

Uses within the district shall conform to all of the standards listed within this section. Normally, no variance pursuant to Section 275 of the Land Development Ordinance shall be granted to any of the performance standards listed within this section. If any standard of this chapter is found to conflict with or contradict any other provision of this ordinance,
regulation or state administrative rule or statute, the more restrictive shall govern. The applicant has sole responsibility to provide sufficient information to substantiate compliance with the standards. Such information may include ongoing records of the operation or similar use, special surveys or professional research.

1) Noise Standards:

Noise levels generated on the site by new or preexisting uses shall not exceed the allowable standards set forth within the Oregon Administrative Rules Chapter 340, Division 35 and related tables. That rule, in part, prohibits a new industrial noise source on a previously unused industrial site to generate or indirectly cause an increase in the ambient statistical noise levels, L10 and L50, by more than 10dBA in any one hour, or exceed the levels specified in Table "9" of the Rule. Preexisting nonconforming industrial uses applying for a Rural Limited Industrial (RLI) designation shall be subject to the same noise limitations. Table "9" is reproduced below:

<table>
<thead>
<tr>
<th>Source: OAR 340-35-035</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDUSTRIAL AND COMMERCIAL NOISE SOURCE STANDARDS FOR QUIET AREAS</strong></td>
</tr>
<tr>
<td>Allowable Statistical Noise Levels in Any One Hour</td>
</tr>
<tr>
<td><strong>7 a.m. - 10 p.m.</strong></td>
</tr>
<tr>
<td>L50 - 50 dBA</td>
</tr>
<tr>
<td>L10 - 55 dBA</td>
</tr>
<tr>
<td>L1 - 60 dBA</td>
</tr>
</tbody>
</table>

Such measurements shall be taken at the property line, or at point(s) specified in Oregon Administrative Rules.

Conformance with the rules shall not rely upon the exceptions provisions of OAR 340-35-035(6). Compliance with the standards shall be based upon a noise report, prepared by a qualified professional engineer, which shall be submitted as a part of the initial application. The DEQ shall be requested to review the application for conformance with noise standards. If available, that review shall be considered final for the purposes of determining the applicant's compliance with these standards.

Approval of a Rural Limited Industrial use by the county shall not be binding upon the DEQ for the purposes of administering the provisions of OAR 340-35-035.

2) Vibration Standards:

Exhibit B, Page 4 of 10
No vibration other than that caused by highway vehicles, trains, and aircraft shall be permitted which is discernible without instruments at the property boundary of the use concerned. The county shall consider complaints from adjoining property owners as sufficient cause to review for conformance with this standard. If justified by further investigation, the county shall require the operator to institute remedial steps as necessary to mitigate the adverse impact.

3) Air Quality Standards:

In no case shall the proposed use exceed the following emission rates for the air contaminants listed below, except as the Oregon Department of Environmental Quality may require lower limits for the Prevention of Significant Deterioration in Class I areas (as justified in OAR 340-21-120):

<table>
<thead>
<tr>
<th>AIR CONTAMINANT</th>
<th>EMISSION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Particulate Matter (TSP)</td>
<td>5 tons 50 lbs. 10 lbs.</td>
</tr>
<tr>
<td>b) Volatile Organic Compound (VOC)</td>
<td>20 tons 200 lbs. --</td>
</tr>
<tr>
<td>c) Carbon Monoxide</td>
<td>100 tons -- --</td>
</tr>
<tr>
<td>d) Nitrogen Oxide</td>
<td>40 tons -- --</td>
</tr>
<tr>
<td>e) Sulfur Dioxide</td>
<td>40 tons -- --</td>
</tr>
<tr>
<td>f) Lead</td>
<td>0.6 tons -- --</td>
</tr>
<tr>
<td>g) Mercury</td>
<td>0.1 tons -- --</td>
</tr>
<tr>
<td>h) Beryllium</td>
<td>.0004 tons -- --</td>
</tr>
<tr>
<td>i) Asbestos</td>
<td>.007 tons -- --</td>
</tr>
<tr>
<td>j) Vinyl Chloride</td>
<td>1 ton -- --</td>
</tr>
<tr>
<td>k) Fluorides</td>
<td>3 tons -- --</td>
</tr>
<tr>
<td>l) Sulfuric Acid Mist</td>
<td>7 tons -- --</td>
</tr>
<tr>
<td>m) Hydrogen Sulfide</td>
<td>10 tons -- --</td>
</tr>
<tr>
<td>n) Total Reduced Sulfur (including hydrogen sulfide)</td>
<td>10 tons -- --</td>
</tr>
<tr>
<td>o) Reduced Sulfur Compounds (including hydrogen sulfide)</td>
<td>10 tons -- --</td>
</tr>
</tbody>
</table>

For pollutants not listed, the Oregon Department of Environmental Quality shall determine the rate that constitutes a significant emission rate.

Source: OAR 340-20-225, paragraph (22) (a and b)

Within the Non-Attainment portions of the Medford-Ashland Air Quality Maintenance Area, a use which would create emissions greater than those specified within this section may be permitted when "offsets" are obtained. Compliance with this standard shall be based upon an evaluation of materials submitted to the DEQ. The findings of the Department of Environmental Quality shall be considered final for the purposes of determining compliance with this standard. The site plan shall specify emission rates and control strategies required to meet the standards of this section.
4) Odor Standards:

The purpose of this standard is to identify and mitigate any odor-causing uses prior to the operation of the use. The Department shall submit any application for an RLI designation to the DEQ for review against the standards set forth in OAR 340-28-090. The site plan shall include plans for any odor control measures. In the event that the use is discovered to cause a nuisance by creating objectionable odors, the provisions of Section 237.070 shall apply. The county shall consider complaints from adjoining property owners as sufficient cause to review for conformance with this standard. If justified by further investigation, the county shall require the operator to institute remedial steps as necessary to mitigate the adverse impact.

5) Heat and Glare:

Except for exterior lighting, operations producing heat and glare shall normally be conducted entirely within an enclosed building. Glare produced by exterior lighting, lights of motor vehicles, and railroad trains associated with the use shall not be cast on dwellings or other buildings on adjoining properties. The approach of vehicles on public rights-of-way shall not be considered associated with the use until the beginning of turning movements onto the property upon which the use occurs. Glare from vehicles associated with the use does not terminate for purposes of this standard until turning movements off the property have been completed.

Compliance with the standard shall be based upon an internal circulation plan submitted as a part of the original application. Such plan shall also include the location of dwellings or other structures which may be impacted and mitigating measures which are designed to ensure compliance with the standard.

6) Hazardous Materials:

a) Uses of the following materials shall be allowed for research, analysis, operations, and maintenance purposes only, provided that their use is fully disclosed and an adequate plan for storage, use, and disposal is included in the site plan:

i) Radioactive materials;

ii) Toxic materials (both biological and chemical);

iii) Highly flammable materials; and,

iv) Explosives.
b) The generation of any materials classified as a hazardous waste by the DEQ shall be subject to regulation by that agency and the provisions of Chapter 268 of this ordinance. Where disposal of such materials are required, the DEQ approval of hazardous waste management plan and Solid Waste Disposal permits pursuant to Chapter 268 of this ordinance shall be obtained prior to the operation of the use.

7) Hours of Operation:

The primary activity on the site will normally occur between 6:00 a.m. and 9:00 p.m. Operation of compressor, refrigeration, and other equipment incidental to the primary activity, which is normally to be operated beyond the period specified, shall be exempt from this standard only, provided that the noise standards established under subsection 1 are met. Detailed descriptions of the equipment and justification for its operation outside of the 6:00 a.m. to 9:00 p.m. period shall be submitted as a part of the original application and site plan, or as part of any expansion or alteration of RLI uses.

8) Business Activities:

There shall be no retail sales or display of goods, materials, or supplies in conjunction with the operation of any use. Temporary storage of materials or goods utilized by or produced by the use shall be disclosed in the site plan. Wholesale trade is prohibited except for goods and materials produced at the site. Those uses listed in Chapter 232, Rural Service Commercial (RS) District chapter shall not be developed within a RLI zone.

9) Electronic Interference Standards:

Electrical or mechanical equipment which interferes with the operation of electronic equipment such as microcomputers, televisions and radios, or which causes fluctuations in line voltage outside of the boundaries of the property containing the RLI use shall be prohibited. The county shall consider complaints from adjoining property owners as sufficient cause to review for conformance with this standard. If justified by further investigation, the county shall require the operator to institute remedial steps as necessary to mitigate the adverse impact.

10) Outside Storage:

Outside storage of equipment and materials including temporary storage is permitted only when screened from view outside the property by means of a solid wall, fence, sight-obscuring hedge or vegetation planting, chainlink fence with slats, berm, or any other means of providing visual screening.

11) Public Facilities and Services:
a) Waste Water Disposal and Water Supply: Facilities for water and sewer shall be limited to those available on-site except in those instances where water and sewer lines have been previously installed and are available to the use. Sewage treatment facilities that are designed to treat a sewage flow in excess of 2500 gallons per day or have any process waste treatment system shall be certified by the Oregon Department of Environmental Quality. Such certification, if required by this section, shall be submitted as a part of the site plan.

b) Storm Drainage: The department may require drainage plans to be designed by an Oregon registered professional engineer and be submitted as a part of the site plan for the purpose of projecting the impact of a proposed use. Storm water shall be discharged into an underground storm drainage system, if available. If underground public or quasi-public storm drainage facilities are not available, the rate of storm runoff shall be managed to ensure that the risk of off-site disruption or damage is insignificant or is minimized and kept to a tolerable level acceptable to the Planning Commission after consideration of the evidence.

c) Streets and Roads: Streets and roads serving the proposed use shall be adequate in condition and capacity as certified by an Oregon registered professional engineer. Generally, county standard roads and state and federal highways will be adequate where the agency responsible for maintenance of the roadway certifies that the design capacity of the road is sufficient to accommodate the traffic generated by the proposed use. Certification of road adequacy will be submitted as a part of the site plan.

d) Fire Protection: Development plans shall include certification by the applicable fire district official or State Fire Marshall, that compliance with both the State Fire Code and locally adopted Fire Prevention Regulations have been adequately addressed. Plans shall also include and integrate any other fire safety standards which may be necessary to ensure protection of either the structure or the surrounding environment. The fire safety standards specified within Section 280.100 of this ordinance shall be utilized as a guide.

### 237.050 EXPANSIONS OF APPROVED RURAL LIMITED INDUSTRIAL USES

Uses approved subject to the procedures set forth within Section 237.040 may be expanded subject to the provisions of this section. As utilized in this section, an "expansion" is defined as: a) An alteration of the original approved site development which will result in more than a 10 percent increase in land area committed to the use; b) Remodeling which will result in an increase of floor area greater than 10 percent of the originally approved structure; and, c) Interior remodeling which will
result in more than a 50 percent increase in true cash value of the structure as determined by the Jackson County Assessor's Office or the Building Division of the Department of Planning and Development. Alterations or remodeling that do not constitute "expansion" as used in this section shall comply with other standards of this ordinance including, but not limited to, setback requirements, but are exempt from the procedural review described within this section.

1) The Planning Director is hereby empowered to sit as Hearings Officer for hearings to consider requests for expansions of approved rural limited industrial uses. Hearings shall be scheduled as necessary to provide expeditious review of such requests and shall follow procedures similar to those specified within 235.040.

2) Requests for expansion of a rural limited industrial use shall be accompanied by a site plan review application, pursuant to Chapter 258 of this ordinance. The Hearings Officer shall review all requests made pursuant to this section for compliance with the performance standards of Section 237.040 and the requirements of the site plan review chapter.

3) Upon a finding that the proposal complies with the requirements as set forth above, the request can be approved if in the specific case the standards adequately ensure the use to be compatible with the surrounding rural land use. The Hearings Officer is authorized to impose conditions which are necessary to ensure compliance with the performance standards, consistent with Section 200.090 of this ordinance. The Planning Commission shall review the decision of the Hearings Officer as a consent item on its agenda, with the authority on its own motion to set a public hearing to review the decision of the Hearings Officer.

4) Appeals of the Hearings Officer's decision shall be made to the Planning Commission. In those instances where the Planning Commission has set a public hearing to consider the proposed expansion, any subsequent modification of the Hearings Officer's decision shall be appealable to the Board.

237.060 PREEXISTING NONCONFORMING USES

1) Any proposed expansion of, or change in a nonconforming industrial use shall be accompanied by an application for a Rural Limited Industrial map designation pursuant to Section 237.040 and is subject to the performance standards, conditions and requirements as specified in this chapter. Alteration of a nonconforming industrial use pursuant to Chapter 258 shall not be permitted.

2) Any owner of a preexisting nonconforming light industrial use not proposing expansion may apply for a Rural Limited Industrial designation, subject to the requirements of this chapter.
1) Authorization of a Rural Limited Industrial Use Permit and RLI zoning district, if such designation was based upon the same use, shall be void after two years or such lesser time as the authorization may specify unless substantial construction has taken place. The Planning Commission may extend authorization for an additional one year period upon request. In the case of a phased development the two year period shall commence with the approval of the final development plan instead of with approval of the original application.

2) Approval of a rural limited industrial use permit is considered void and the use abandoned if discontinued for a period of two years. Once abandoned, as the term is used within this section, the zoning designation for the property shall revert back to its previous zoning or such other designation as the Board of Commissioners may find appropriate based upon the map designation element of the comprehensive plan.

3) Authorization for the approved use may be revoked for cause, including violation of applicable permit conditions, noncompliance with applicable performance standards, or failure to comply with any other conditions which may be within the ordinance of approval, as provided for under Section 285.025 of this ordinance.
this comprehensive plan, references are made to the funding of various projects and programs. Obviously, not all projects can receive full funding. The capital improvement program will provide a vehicle to determine long and short-range priorities and initiate perhaps the most important tool to ultimate implementation of the comprehensive plan. A more complete discussion of capital improvement programming is contained within the general implementation element.

POLICY: JACKSON COUNTY SMALL IMPLEMENT A COMPREHENSIVE AND COORDINATED CAPITAL IMPROVEMENT PROGRAM TO GUIDE THE LONG RANGE FINANCING AND PRIORITIZATION OF PUBLIC IMPROVEMENT PROJECTS.

IMPLEMENTATION STRATEGY: The policy itself is an implementation measure. From the comprehensive plan and other sources a capital needs list should be developed. This list should be reviewed and revised each time the plan itself is reviewed. Generally capital improvements programs cover a five year period beyond the capital improvement budget for the first year.

FINDING:

Many employment opportunities within certain types of businesses and industries are left undeveloped due to the firm's small size, employment characteristics, financial constraints, and in some cases, limited demand for their products. These potential businesses and industries, because of their limited scale, cannot justify the expenditure necessary to locate in a developed and/or designated commercial or industrial zone. A small number of these firms do not require the isolation and/or consolidation that most businesses and industries require. Many could be located, subject to certain conditions, within residential zoning districts. These nontraditional industries and businesses will provide an alternative form of employment for the citizens of Jackson County.

The development of cottage industries and home occupations within the residential areas of the county will result in numerous benefits, of which increased job opportunities, local control and ownership, improved utilization of local natural resources, increased value added to products which are exported, and conservation of energy are but a few. Furthermore, the make-up of the economy will be more diversified and will thus ensure greater overall economic stability without deteriorating natural amenities.
POLICY: ALLOW FOR THE DEVELOPMENT OF NON-TRADITIONAL BUSINESSES
AND INDUSTRIES WITHIN CERTAIN ZONING DISTRICTS.

IMPLEMENTATION STRATEGIES:

1) Cottage industries should be conditionally permitted
within rural census districts with five (5) acres or larger
rural census tract boundary.

3) [A)] Urban and rural home occupations shall be permitted
outright in their respective zoning districts.

FINDING:

Increased commercial and industrial development can expand and improve the
local economy. Competition for environmentally sound commercial and
industrial development is keen. Most other areas in the state and nation,
as a whole, have the same interest in attracting new development which will
alleviate their economic problems. Plant relocation is an uncommon
occurrence and it is not realistic to believe that Jackson County can
capture a disproportionately large share of enterprise with these desirable
attributes. On the other hand, the county can expect to attract its fair
share, if it proceeds on a logical course of action.

POLICY: ATTRACT NEW COMMERCIAL AND INDUSTRIAL ENTERPRISE
APPROPRIATE TO JACKSON COUNTY.

IMPLEMENTATION STRATEGIES:

A) Appropriateness as used in the above policy shall be
determined through compliance with the following criteria.

1) Utilization of the existing labor force;

2) Utilization of the existing and planned
transportation system;

3) Non-polluting nature; and,

4) Best utilization and conservation of energy and
other local natural resources.

B) Explore funding alternatives and support the promotion of
economic development such as the creation of a port district.
FINDING: Locational decisions by industrial firms are based upon consideration of numerous factors of which labor costs, distance from primary inputs, distance from final markets and shipping costs are carefully reviewed. Urban locations are sometimes inappropriate or inefficient.

An urban location may be inappropriate for a use which creates obnoxious odors or would otherwise be incompatible with urban industrial development. It is recognized that few industrial uses are inappropriate for a general industrial zoning district and only a few of these will be compatible with rural development.

A rural location of an industrial use may be appropriate when necessary to provide for the development or efficient utilization of a rural natural resource. Proposals to site an industry in rural areas to reduce transportation costs of production must be evaluated in terms of the costs for final product distribution and employee transportation costs. Total energy costs for transportation should be carefully considered.

Certain locations within rural Jackson County may allow for some locational advantages vis-a-vis other urban locations. It is not consistent with economic development goals of the incorporated communities to allow siting decisions to be governed wholly by the degree of efficiency that a rural location may possess over an urban one. Rarely are the costs, excluding land price differentials, great enough to warrant setting aside the needs of the incorporated cities for a broader and larger industrial base. If the locational advantages of rural and urban lands for firms not requiring urban level facilities were weighed based exclusively on the needs of the firm, the rural location would be chosen if for no other reason than the lower land costs. A policy to allow rural industrial development based wholly upon the efficiency of the firm could cause substantial instability in real estate markets for industrial land, which could adversely impact existing efforts to attract new industries to the Rogue Valley.

POLICY: The location of industrial uses outside of urban containment or urban growth boundaries or areas committed to industrial use shall only be permitted subject to satisfaction of the following standards:

A) The specific proposed industrial use requires a rural location for one of the following reasons:

1) The activity is not compatible with urban industrial uses. Facts showing that the use is either not permitted within any industrial zone as either a conditional use or a permitted use, or that an application for a conditional use to site within a general...
INDUSTRIAL ZONE HAS BEEN DENIED AFTER ALL APPEALS AT THE LOCAL LEVEL HAVE BEEN EXHAUSTED ARE NECESSARY TO SHOW SATISFACTION OF THIS STANDARD; OR

2) THE ACTIVITY IS NECESSARY FOR THE DEVELOPMENT OR EFFICIENT UTILIZATION OF A RURAL NATURAL RESOURCE. FACTS SHOWING THAT THE RESOURCE IN THAT LOCATION OR IN OTHERS IS NOT CURRENTLY BEING UTILIZED BY OTHER FIRMS WITHIN URBAN INDUSTRIAL SITES ARE NECESSARY TO SHOW SATISFACTION OF THIS STANDARD.

B) IF THE LOCATION IS PROPOSED TO OCCUR ON RESOURCE LANDS, ALTERNATIVE RURAL LOCATIONS WITHIN LAND COMMITTED TO NONRESOURCE USE MUST BE EVALUATED. THE AREA CONSIDERED SHOULD BE LARGE ENOUGH TO ENCOMPASS ALL SITES WITH SIMILAR CHARACTERISTICS (SUCH AS DISTANCE FROM MARKETS, LABOR AVAILABILITY, DISTANCE FROM RAW MATERIAL INPUTS, ETC). THE PROPOSED SITE MUST BE FOUND TO BE THE BEST AVAILABLE SITE KNOWN TO THE COUNTY WHICH IS SUITABLE FOR THE PROPOSED USE, TAKING INTO CONSIDERATION ALTERNATIVE SITES ON COMMITTED LANDS.

C) FINDINGS MUST BE MADE ADDRESSING THE LONG TERM ENVIRONMENTAL, ECONOMIC, SOCIAL, AND ENERGY CONSEQUENCES OF THE SPECIFIC INDUSTRIAL USE AT THE PROPOSED AND ALTERNATIVE LOCATIONS EXPLAINING WHY THE PARTICULAR ALTERNATIVE WAS CHOSEN.

D) THE PROPOSED USE MUST NOT ADVERSELY IMPACT THE RURAL NATURE OF THE SURROUNDING REGION OR SENSITIVE FISH AND WILDLIFE AREAS, AND MUST BE COMPATIBLE WITH ADJACENT USES.

IMPLEMENTATION STRATEGIES:

A) Establish a Rural Limited Industrial zoning district.
I. PURPOSE:

To provide for the location of industrial uses which utilize site specific natural resources within their processes and activities or create a byproduct of substantial direct benefit to resource producing lands or uses and are more appropriately located outside an urban growth boundary or urban containment boundary. As a secondary purpose, to provide for industrial uses which are inappropriate in an urban industrial setting because of the nature of their operating characteristics and which can be made compatible with rural land uses. In either case, the rural location and the use must represent a necessary prerequisite to the development of the natural resource and must be compatible with resource management on adjoining lands and rural land uses in general. The term natural resource, as used within this district, means those materials and capacities supplied by nature which can be used by industry including: water courses; land surface or subsurface earth and mineral deposits; vegetative cover; and naturally occurring wind, water or geothermal power sources. Natural resource, as used in this context, does not include such man-made features as transportation facilities or the exploitation of air quality resources outside the Medford-Jackson County AQMA.

II. DESCRIPTION:

Rural Limited Industrial lands are those lands outside of an urban growth boundary or urban containment boundary which meet the criteria and characteristics of this plan map designation, Comprehensive Plan policy, and the standards of the Land Development Ordinance. They contain unique site specific natural resources. Need for the specific site shall be demonstrated sufficiently to meet goal exceptions criteria.

III. ZONING DISTRICT CRITERIA AND CHARACTERISTICS:

A) Criteria:

1) Lands that meet the criteria for committed lands or are needed as described within the Goal Exceptions element.

2) Lands that are located outside of urban growth boundaries and urban containment boundaries.

3) Lands that represent a superior choice based upon:

   a) A significant site specific natural resource; or,
b) The use being incompatible in urban areas; or,

c) A direct benefit to local agricultural or forest uses or other uses of naturally occurring resources would occur.

4) Lands where the conditions of Public Facilities and Services Element, Policy 1, Category C or D would apply.

5) Lands of sufficient size and form to accommodate the proposed use including required parking and landscaping.

6) Lands where a Rural Limited Industrial use can be made compatible with adjacent land uses, and not adversely impact the rural nature of the surrounding region and sensitive fish and wildlife areas.

7) Lands that have access to state or county roads with adequate capacity for the anticipated traffic associated with the specific use or which can be improved to accommodate industrial traffic.

B) Characteristics:

1) Lands reasonably free from excessive natural hazards.

2) Lands where the proposed use will allow the efficient use of a natural resource that might otherwise not be developed and is not currently being used by other firms within urban industrial sites.
BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 84-11

AN EMERGENCY ORDINANCE ESTABLISHING A RURAL LIMITED INDUSTRIAL PLAN AND ZONING DESIGNATION FOR JACKSON COUNTY BY ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT ORDINANCE, FILE #83-26-CA.

FINDINGS:

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

2) The Planning Commission and Board of Commissioners have been aware for some time of the need to provide for flexibility in allowing certain industrial uses to be located in rural areas consistent with state law and the county's comprehensive plan.

3) The Planning Commission has developed a Rural Limited Industrial Plan and Zoning District to meet the perceived need. The Rural Limited Industrial Zoning District and related amendments to the Comprehensive Plan and Land Development Ordinance have been the subject of advertised Planning Commission study sessions on February 3; April 7; May 5, 11, and 19; June 23; September 15; and November 7, 1983.

4) The Planning Commission briefed the Board of Commissioners in a joint study session on July 11, 1983, and the Citizen Advisory Committees and Committee for Citizen Involvement on August 17, 1983.

5) After notice to CACs and affected agencies, a joint public hearing was held by the Board of County Commissioners and Planning Commission on October 17, 1983, which was continued for deliberation to October 24, 1983. The Commission adopted by motion and vote on November 21, 1983, a recommendation that the Board of County Commissioners adopt the RLI Plan and Zoning designation and related implementing measures.

6) The Board has considered the recommendations of its citizens, the Planning Commission, and affected agencies in public hearings and deems it in the best interest of Jackson County to amend the Jackson County Comprehensive Plan and Land Development Ordinance as herein set forth.

Now, therefore,

1-ORDINANCE; File 83-26-CA
Date Typed: 3/5/84
The Board of Commissioners of Jackson County ORDAINS:

SECTION 1. The Land Development Ordinance of Jackson County, Ordinance No. 82-27, is hereby amended by this ordinance as follows:

1.1 Section 00.040, definition of terms, is amended by deletion of the definition of Cottage Industry.

1.2 Section 200.030 is amended by addition of Chapter 237, Rural Limited Industrial, and its abbreviation RLI.

1.3 Section 220.030 is amended by the deletion of conditional use #5, Cottage Industry. Remaining subsections are renumbered sequentially.

1.4 Chapter 232, the Rural Service Commercial (RS) District is amended as set forth in the attached Exhibit A.

1.5 A new Chapter 237, Rural Limited Industrial Zoning District, is adopted by reference as set forth in the attached Exhibit B.

1.6 The first sentence of Subsection 258.050(1) is revised to read: "The Planning Director is hereby authorized to sit as Hearings Officer to consider requests for alterations of nonconforming uses, except as provided in Section 237.050."

1.7 Section 262.020(3) and Section 262.060(3)(B) are amended by the listing of Rural Service Commercial (RS) in the Planned Unit Development chapter.

1.8 Section 280.010, the Similar Use provision, is amended by addition of "Rural Limited Industrial" between "than" and "Exclusive Farm Use," in the first sentence, so that it now reads "In any zoning district other than Rural Limited Industrial, Exclusive Farm Use. . . ."

1.9 Section 280.050, Height, Setback and Lot Coverage Requirements is revised as follows:

A) Subsection (4) is amended by addition of height and setback requirements for the RLI designation consistent with the existing Light Industrial Zone.

B) Subsection (5)(C)(i) is amended by the addition of "and Rural Limited Industrial (RLI)" to this subsection.

1.10 Section 280.080, Sign Requirements, is revised as follows:

A) Subsections (2) and (3) are amended by deletion of the cottage industry sign provisions in (2B)(iii) and (3B)(ii)(b) and by renumbering remaining provisions in sequence.
B) Subsection 4(A) is amended by: (1) addition of a last sentence to subsection (i) which reads: "On-premise signs affixed to buildings in an RLI district shall not exceed six square feet in size.", and (2) addition of a new subsection (ii)(c) which reads: "One free-standing on-premise sign is permitted in a Rural Limited Industrial zoning district provided that it shall not exceed 32 square feet in size.".

1.11 Section 280.130, Cottage Industry, provisions are hereby deleted.

1.12 Section 285.025(1) and (2) are revised to read as follows:

"1) An approved use shall comply with the standards of the district in which it is located and the conditions of any permit issued under this ordinance or other law. The County may, on its own motion, modify, alter, suspend or revoke an approved use permit for noncompliance with conditions set forth in the permit or the order granting the permit subject to a public hearing on the matter pursuant to Section 285.040."

"2) In addition to the notice requirements of this chapter, a notice of the public hearing specified in subsection 285.025(1) shall be served on the owner of record of the property, and the operator/proprietor of the use if different than the owner of record, in the same manner as a summons is served under Rule 7, Oregon Rules of Civil Procedure."

1.13 Section 290.030(2B) is amended by addition of the words "Planning Commission".

1.14 The first sentence of Section 285.020 (1) is revised to read:

"1) The Board of Commissioners on their own motion may review any decision of the Department, Hearings Officer, Hearings Council, or Planning Commission."

SECTION 2. The Jackson County Comprehensive Plan adopted by Ordinance No. 80-17, as amended by Ordinance 82-26, 82-38, and 83-9, is hereby amended by this ordinance as follows:

2.1 The division entitled Map Designations Element is amended by listing Rural Limited Industrial in the subsection entitled Map Designations and Criteria on page 28, and by adoption by reference of a new Rural Limited Industrial Map Designation as set forth in the attached Exhibit C.

2.2 The division entitled Economy Element is amended by: revision of Policy 6 and its related findings and implementation strategies; and, by addition of a new Policy 8; as set forth in Exhibit D which is adopted by reference.
SECTION 3. Emergency Declared.

3.1 This ordinance being necessary to the health, welfare, and safety of the people of Jackson County, an emergency is declared, and it shall take effect immediately upon adoption.

ADOPTED this 5th day of March, 1984, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Jerry Barnes, Chairman

APPROVED AS TO FORM

County Counsel

ATTEST:

By: Recording Secretary

4-ORDINANCE: File 83-26-OA
CHAPTER 232
RURAL SERVICE COMMERCIAL (RS) DISTRICT

232.010 PURPOSE:

This district provides for the location of small businesses and commercial services in rural areas that are consistent with current residential use. The uses are intended to fit into farm and rural patterns of development, as determined by the Jackson County Comprehensive Plan, without causing land use or traffic conflicts.

232.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, implementing ordinances, and Oregon Department of Environmental Quality rules governing sewage disposal, [noise,] air, and water quality.

1) Service station.
2) Church.
3) Feed and seed store.
4) Agricultural produce stands.
5) Bicycle equipment or farm machinery repair[.] conducted within an enclosed building or within a yard screened from public view.
6) General merchandise store, not to exceed 2,500 square feet in size.
7) [Retail florist shop, drug store, garden shop, bake shop not to exceed 2,500 square feet in size].
8) Community center, fraternal, or lodge building [Barber or beauty shop].
9) Grocery store, not to exceed 2,500 square feet in size.
10) Single family dwelling when accessory to a permitted use.
11) Recycling dropbox, subject to the provisions of Section 268.060.
12) Emergency medical facility.
13) Studio for art, music, photography, ceramics, drama, speech, dance, or similar skills.
14) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydroelectric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

15) Eating and drinking establishments.

16) Agriculture.

17) Parks and bike paths.

[18] Nursery or day care center.

[19] Appliance repair conducted within an enclosed building or within a yard screened from public view.

[20] Business or professional office consistent with the intended purposes of this district as determined by the Director.

[21] Gift or antique sales incidental and accessory to other permitted or approved conditional uses in this district.

232.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and if the provisions of Chapter 260 are satisfied.

1) Motels and hotels.

2) Business or professional office [Community center, fraternal or lodge building].

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

4) Building or structure over 25 feet in height.

5) Solid waste collection site subject to the provisions of Section 268.060(2).

6) Grocery store, general merchandise store, or other commercial [or retail] building in excess of 2,500 square feet in size[, consistent with the purpose of this district].

7) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals.

8) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.
9) Park, playground, campground, or community center owned and operated by a private entity, governmental agency, or nonprofit corporation.

10) Blacksmith, [machine, electric motor] or welding shop fully confined within an enclosed building limited to service and equipment repair.

11) Well drilling establishments.

12) Commercial broadcasting facility and recording studio.

[13) Hardware, building material, or lumber yard conducted within an enclosed yard.]

[14) Landscape or plant nursery.]

[15) Planned Unit Commercial Development, excluding residential use, subject to the provisions of Chapter 262.]

[16) Branch bank.]

[17) Laundromat or dry cleaning facility including pick-up and delivery or self-service coin-operated establishments, but not including a dry cleaning or laundry plant.]

[18) Auto, truck, equipment or farm machinery repair conducted within an enclosed building or within a yard screened from public view.]

[19) Other retail or service commercial use not listed but found to be consistent with the purpose of this district and the comprehensive plan.]

[20) Drinking Establishments.]

232.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this chapter from abutting incompatible uses including, but not limited to, the following:

A) Open outdoor storage is prohibited unless the use is properly screened or fenced.
B) Berms may be required when the County determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped.

D) Special setbacks shall be required between incompatible uses as provided for in Section 280.050.

[3] A carport or garage is exempt from site plan review only: when accessory to a preexisting dwelling; when utilized primarily for storage and incidental repair of the occupants' automobile(s); and when the structure is designed to accommodate not more than three vehicles.
CHAPTER 237
RURAL LIMITED INDUSTRIAL (RLI) DISTRICT

237.010 PURPOSE:

To provide for the location of industrial uses which utilize site specific natural resources within their processes and activities or create a byproduct of substantial direct benefit to resource producing lands or uses and are more appropriately located outside an urban growth boundary or urban containment boundary. As a secondary purpose, to provide for industrial uses which are inappropriate in an urban industrial setting because of the nature of their operating characteristics and which can be made compatible with rural land uses. In either case, the rural location and the use must represent a necessary prerequisite to the development of the natural resource and must be compatible with resource management on adjoining lands and rural land uses in general. The term natural resource, as used within this district, means those materials and capacities supplied by nature which can be used by industry, including: water courses; land surface or subsurface earth and mineral deposits; vegetative cover; and naturally occurring wind, water or geothermal power sources. Natural resource, as used in this context, does not include such man-made features as transportation facilities or the exploitation of air quality resources outside the Medford-Jackson County AQMA.

237.020 ALLOWABLE USES:

Uses may be allowed by permit issued pursuant to this chapter. Uses allowed within the district must conform with the performance standards listed within Section 237.040.

237.030 APPLICATION AND REVIEW PROCEDURES:

1) Applications for a Rural Limited Industrial (RLI) map designation and/or uses shall be presented on forms prescribed by the Department. The application shall include information in sufficient detail to allow for the review of the proposal in light of the standards set forth within this chapter. The application shall include a statement from the Oregon Department of Environmental Quality (DEQ) identifying all applicable permit requirements. DEQ regulations and Oregon Administrative Rules (OAR) cited in this chapter are attached in full to the application form.

2) A preapplication conference shall be required prior to formal submission of a rural limited industrial application. The applicant shall contact the Department to schedule the conference within a thirty calendar day period for a time convenient to both the applicant and the Department. The applicant shall provide information required in the application at the conference, and shall address the performance standards of this chapter. The applicant should provide information to substantiate compliance with, or applicability of, these performance
standards. Such information may include ongoing records of an operation or similar use in Oregon, special studies or professional research which will show conformance. Department staff, the applicant, and other affected agency representatives or experts as necessary, shall determine any additional application requirements and identify significant issues at the conference. The applicant shall then submit the application as prepared or modified as a result of the conference.

3) All Rural Limited Industrial uses in rural settings must be located within an RLI zoning district. If a proposed RLI use is to be located on land not zoned RLI, then the application shall be accompanied by an application for a minor comprehensive plan map amendment pursuant to Chapter 277. Applications for the establishment of a new use shall be subject to the minor comprehensive plan map amendment criteria set forth within Section 277.080, as well as the standards contained within this chapter. All such applications shall be processed under the intent to rezone procedure specified in Section 277.040.

4) The approval of all RLI uses shall be subject to Chapter 282 (Site Plan Review Provisions) of this ordinance. The site plan shall:

   a) Include all applicable provisions of Chapter 282;
   
   b) Show compliance with the performance standards and criteria of this chapter; and,
   
   c) Identify all state or federal permit requirements and methods of control of regulated activities.

The required site plan shall be submitted within six months of initial county approval of the Rural Limited Industrial designation. The Planning Commission shall review the site plan for conformance with applicable performance standards and conditions. The Commission may approve the site plan if all applicable conditions and standards are met, if it finds that the conditions and standards adequately ensure the use to be compatible with the surrounding rural land uses. The Commission may impose additional conditions, pursuant to Section 200.090.

5) The Planning Commission shall have the authority to review and conditionally approve or deny requests for Rural Limited Industrial use permits and any subsequent changes in RLI uses. Applications proposing to change an approved Rural Limited Industrial use to another use shall, with the exception of Chapter 277, be subject to the standards and criteria set forth within this ordinance. Review of such proposals shall follow the hearings procedures specified within Section 285.040 of this ordinance.

6) County review of the proposed Rural Limited Industrial (RLI) map designation and uses will be based upon findings that the use will meet
all applicable performance standards and at least one of the following criteria:

a) The proposed use is necessary for the development or efficient utilization of a site specific rural natural resource, and placement of the industrial facility on existing industrially zoned land would create a significant impediment to the development and use of the rural natural resource;

b) The proposed use will create products, or byproducts, of direct benefit to agricultural or forest uses, or other uses of naturally occurring resources in the same general area, and is more appropriately located outside an urban growth boundary or urban containment boundary.

c) The proposed use will be hazardous or otherwise not compatible with urban industrial settings under either permitted or conditional uses.

7) In applying the above factors:

a) The following will not be considered appropriate factors for placement of an RLI zoning designation:

i) The fact that the land proposed for RLI use is less expensive than suitable industrially zoned land; or

ii) The fact that the proposed site may be presently owned by either an industry with desire to build in that location, or by a rural landowner with a contract to sell the land to an industry with desire to build in that location.

b) The fact that land may have low resource value may be considered only insofar as the actual siting of the RLI designation and proposed use must first be approved in conformance with all other standards and criteria of this district and the comprehensive plan.

8) Where the Planning Commission finds that the proposed RLI designation is not consistent with these criteria and the performance standards of Section 237.040, further consideration of the application shall only be made upon appeal. Appeals of any decision of the Planning Commission under this chapter shall be to the Board of Commissioners under Section 285.020 of this ordinance.

237.040 PERFORMANCE STANDARDS FOR ALL RURAL LIMITED INDUSTRIAL USES

Uses within the district shall conform to all of the standards listed within this section. Normally, no variance pursuant to Section 275 of the Land Development Ordinance shall be granted to any of the performance standards listed within this section. If any standard of this chapter is found to conflict with or contradict any other provision of this ordinance,
regulation or state administrative rule or statute, the more restrictive shall govern. The applicant has sole responsibility to provide sufficient information to substantiate compliance with the standards. Such information may include ongoing records of the operation or similar use, special surveys or professional research.

1) Noise Standards:

Noise levels generated on the site by new or preexisting uses shall not exceed the allowable standards set forth within the Oregon Administrative Rules Chapter 340, Division 35 and related tables. That rule, in part, prohibits a new industrial noise source on a previously unused industrial site to generate or indirectly cause an increase in the average ambient statistical noise levels, L10 and L50, by more than 10dBA in any one hour, or exceed the levels specified in Table "9" of the Rule. Preexisting nonconforming industrial uses applying for a Rural Limited Industrial (RLI) designation shall be subject to the same noise limitations. Table "9" is reproduced below:

<table>
<thead>
<tr>
<th>Source: OAR 340-35-035</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDUSTRIAL AND COMMERCIAL NOISE SOURCE STANDARDS FOR QUIET AREAS</strong></td>
</tr>
<tr>
<td><strong>Allowable Statistical Noise Levels in Any One Hour</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>source</th>
<th>7 a.m. - 10 p.m.</th>
<th>10 p.m. - 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>L50</td>
<td>50 dBA</td>
<td>45 dBA</td>
</tr>
<tr>
<td>L10</td>
<td>55 dBA</td>
<td>50 dBA</td>
</tr>
<tr>
<td>L1</td>
<td>60 dBA</td>
<td>55 dBA</td>
</tr>
</tbody>
</table>

Such measurements shall be taken at the property line, or at point(s) specified in Oregon Administrative Rules.

Conformance with the rules shall not rely upon the exceptions provisions of OAR 340-35-035(6). Compliance with the standards shall be based upon a noise report, prepared by a qualified professional engineer, which shall be submitted as a part of the initial application. The DEQ shall be requested to review the application for conformance with noise standards. If available, that review shall be considered final for the purposes of determining the applicant's compliance with these standards.

Approval of a Rural Limited Industrial use by the county shall not be binding upon the DEQ for the purposes of administering the provisions of OAR 340-35-035.

2) Vibration Standards:
No vibration other than that caused by highway vehicles, trains, and aircraft shall be permitted which is discernible without instruments at the property boundary of the use concerned. The county shall consider complaints from adjoining property owners as sufficient cause to review for conformance with this standard. If justified by further investigation, the county shall require the operator to institute remedial steps as necessary to mitigate the adverse impact.

3) Air Quality Standards:

In no case shall the proposed use exceed the following emission rates for the air contaminants listed below, except as the Oregon Department of Environmental Quality may require lower limits for the Prevention of Significant Deterioration in Class I areas (as delineated in OAR 340-31-120):

<table>
<thead>
<tr>
<th>AIR CONTAMINANT</th>
<th>EMISSION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual</td>
</tr>
<tr>
<td>a) Particulate Matter (TSP)</td>
<td>5 tons</td>
</tr>
<tr>
<td>b) Volatile Organic Compound (VOC)</td>
<td>20 tons</td>
</tr>
<tr>
<td>c) Carbon Monoxide</td>
<td>100 tons</td>
</tr>
<tr>
<td>d) Nitrogen Oxide</td>
<td>40 tons</td>
</tr>
<tr>
<td>e) Sulfur Dioxide</td>
<td>40 tons</td>
</tr>
<tr>
<td>f) Lead</td>
<td>0.6 tons</td>
</tr>
<tr>
<td>g) Mercury</td>
<td>0.1 tons</td>
</tr>
<tr>
<td>h) Beryllium</td>
<td>.0004 tons</td>
</tr>
<tr>
<td>i) Asbestos</td>
<td>.007 tons</td>
</tr>
<tr>
<td>j) Vinyl Chloride</td>
<td>1 ton</td>
</tr>
<tr>
<td>k) Fluorides</td>
<td>3 tons</td>
</tr>
<tr>
<td>l) Sulfuric Acid Mist</td>
<td>7 tons</td>
</tr>
<tr>
<td>m) Hydrogen Sulphide</td>
<td>10 tons</td>
</tr>
<tr>
<td>n) Total Reduced Sulfur (including hydrogen sulfide)</td>
<td>10 tons</td>
</tr>
<tr>
<td>o) Reduced Sulfur Compounds (including hydrogen sulfide)</td>
<td>10 tons</td>
</tr>
</tbody>
</table>

For pollutants not listed, the Oregon Department of Environmental Quality shall determine the rate that constitutes a significant emission rate.

Source: OAR 340-20-225, paragraph (22) (a and b)

Within the Non-Attainment portions of the Medford-Ashland Air Quality Maintenance Area, a use which would create emissions greater than those specified within this section may be permitted when "offsets" are obtained. Compliance with this standard shall be based upon an evaluation of materials submitted to the DEQ. The findings of the Department of Environmental Quality shall be considered final for the purposes of determining compliance with this standard. The site plan shall specify emission rates and control strategies required to meet the standards of this section.
4) Odor Standards:

The purpose of this standard is to identify and mitigate any odor-causing uses prior to the operation of the use. The Department shall submit any application for an RLI designation to the DEQ for review against the standards set forth in OAR 340-28-090. The site plan shall include plans for any odor control measures. In the event that the use is discovered to cause a nuisance by creating objectionable odors, the provisions of Section 237.070 shall apply. The county shall consider complaints from adjoining property owners as sufficient cause to review for conformance with this standard. If justified by further investigation, the county shall require the operator to institute remedial steps as necessary to mitigate the adverse impact.

5) Heat and Glare:

Except for exterior lighting, operations producing heat and glare shall normally be conducted entirely within an enclosed building. Glare produced by exterior lighting, lights of motor vehicles, and railroad trains associated with the use shall not be cast on dwellings or other buildings on adjoining properties. The approach of vehicles on public rights-of-way shall not be considered associated with the use until the beginning of turning movements onto the property upon which the use occurs. Glare from vehicles associated with the use does not terminate for purposes of this standard until turning movements off the property have been completed.

Compliance with the standard shall be based upon an internal circulation plan submitted as a part of the original application. Such plan shall also include the location of dwellings or other structures which may be impacted and mitigating measures which are designed to ensure compliance with the standard.

6) Hazardous Materials:

a) Uses of the following materials shall be allowed for research, analysis, operations, and maintenance purposes only, provided that their use is fully disclosed and an adequate plan for storage, use, and disposal is included in the site plan:

i) Radioactive materials;

ii) Toxic materials (both biological and chemical);

iii) Highly flammable materials; and,

iv) Explosives.
b) The generation of any materials classified as a hazardous waste by the DEQ shall be subject to regulation by that agency and the provisions of Chapter 268 of this ordinance. Where disposal of such materials are required, the DEQ approval of hazardous waste management plan and solid waste disposal permits pursuant to Chapter 268 of this ordinance shall be obtained prior to the operation of the use.

7) Hours of Operation:

The primary activity on the site will normally occur between 6:00 a.m. and 9:00 p.m. Operation of refrigeration, and other equipment incidental to the primary activity, which is necessary to be operated beyond the period specified, shall be exempt from this standard only, provided that the noise standards established under subsection 1 are met. Detailed descriptions of the equipment and justification for its operation outside of the 6:00 a.m. to 9:00 p.m. period shall be submitted as a part of the original application and site plan, or as part of any expansion or alteration of RLI uses.

8) Business Activities:

There shall be no retail sales or display of goods, materials, or supplies in conjunction with the operation of any use. Temporary storage of materials or goods utilized by or produced by the use shall be disclosed in the site plan. Wholesale trade is prohibited except for goods and materials produced at the site. Those uses listed in Chapter 232, Rural Service Commercial (RS) District chapter shall not be developed within a RLI zone.

9) Electronic Interference Standards:

Electrical or mechanical equipment which interferes with the operation of electronic equipment such as microcomputers, televisions and radios, or which causes fluctuations in line voltage outside of the boundaries of the property containing the RLI use shall be prohibited. The county shall consider complaints from adjoining property owners as sufficient cause to review for conformance with this standard. If justified by further investigation, the county shall require the operator to institute remedial steps as necessary to mitigate the adverse impact.

10) Outside Storage:

Outside storage of equipment and materials including temporary storage is permitted only when screened from view outside the property by means of a solid wall, fence, sight-obscuring hedge or vegetation planting, chainlink fence with slats, berm, or any other means of providing visual screening.

11) Public Facilities and Services:
158h

a) Waste Water Disposal and Water Supply: Facilities for water and sewer shall be limited to those available on-site except in those instances where water and sewer lines have been previously installed and are available to the use. Sewage treatment facilities that are designed to treat a sewage flow in excess of 2500 gallons per day or have any process waste treatment system shall be certified by the Oregon Department of Environmental Quality. Such certification, if required by this section, shall be submitted as a part of the site plan.

b) Storm Drainage: The department may require drainage plans to be designed by an Oregon registered professional engineer and be submitted as a part of the site plan for the purpose of projecting the impact of a proposed use. Storm water shall be discharged into an underground storm drainage system, if available. If underground public or quasi-public storm drainage facilities are not available, the rate of storm runoff shall be managed to ensure that the risk of off-site disruption or damage is insignificant or is minimized and kept to a tolerable level acceptable to the Planning Commission after consideration of the evidence.

c) Streets and Roads: Streets and roads serving the proposed use shall be adequate in condition and capacity as certified by an Oregon registered professional engineer. Generally, county standard roads and state and federal highways will be adequate where the agency responsible for maintenance of the roadway certifies that the design capacity of the road is sufficient to accommodate the traffic generated by the proposed use. Certification of road adequacy will be submitted as a part of the site plan.

d) Fire Protection: Development plans shall include certification by the applicable fire district official or State Fire Marshall, that compliance with both the State Fire Code and locally adopted Fire Prevention Regulations have been adequately addressed. Plans shall also include and integrate any other fire safety standards which may be necessary to ensure protection of either the structure or the surrounding environment. The fire safety standards specified within Section 280.100 of this ordinance shall be utilized as a guide.

237.040 EXPANSIONS OF APPROVED RURAL LIMITED INDUSTRIAL USES

Uses approved subject to the procedures set forth within Section 237.040 may be expanded subject to the provisions of this section. As utilized in this section, an "expansion" is defined as: a) An alteration of the original approved site development which will result in more than a 10 percent increase in land area committed to the use; b) Remodeling which will result in an increase of floor area greater than 10 percent of the originally approved structure; and, c) Interior remodeling which will
result in more than a 50 percent increase in true cash value of the structure as determined by the Jackson County Assessor’s Office or the Building Division of the Department of Planning and Development. Alterations or remodeling that do not constitute “expansion” as used in this section shall comply with other standards of this ordinance including, but not limited to, setback requirements, but are exempt from the procedural review described within this section.

1) The Planning Director is hereby empowered to sit as Hearings Officer for hearings to consider requests for expansions of approved rural limited industrial uses. Hearings shall be scheduled as necessary to provide expeditious review of such requests and shall follow procedures similar to those specified within 285.040.

2) Requests for expansion of a rural limited industrial use shall be accompanied by a site plan review application, pursuant to Chapter 282 of this ordinance. The Hearings Officer shall review all requests made pursuant to this section for compliance with the performance standards of Section 237.040 and the requirements of the site plan review chapter.

3) Upon a finding that the proposal complies with the requirements as set forth above, the request can be approved if in the specific case the standards adequately ensure the use to be compatible with the surrounding rural land use. The Hearings Officer is authorized to impose conditions which are necessary to ensure compliance with the performance standards, consistent with Section 200.090 of this ordinance. The Planning Commission shall review the decision of the Hearing Officer as a consent item on its agenda, with the authority on its own motion to set a public hearing to review the decision of the Hearings Officer.

4) Appeals of the Hearings Officer’s decision shall be made to the Planning Commission. In those instances where the Planning Commission has set a public hearing to consider the proposed expansion, any subsequent modification of the Hearings Officer’s decision shall be appealable to the board.

237.060 PREEXISTING NONCONFORMING USES

1) Any proposed expansion of, or change in a nonconforming industrial use shall be accompanied by an application for a Rural Limited Industrial map designation pursuant to Section 237.030 and is subject to the performance standards, conditions and requirements as specified in this chapter. Alteration of a nonconforming industrial use pursuant to Chapter 258 shall not be permitted.

2) Any owner of a preexisting nonconforming light industrial use not proposing expansion may apply for a Rural Limited Industrial designation, subject to the requirements of this chapter.
237.070 COMPLIANCE

1) Authorization of a Rural Limited Industrial Use Permit and RLI zoning district, if such designation was based upon the same use, shall be void after two years or such lesser time as the authorization may specify unless substantial construction has taken place. The Planning Commission may extend authorization for an additional one year period upon request. In the case of a phased development the two year period shall commence with the approval of the final development plan instead of with approval of the original application.

2) Approval of a rural limited industrial use permit is considered void and the use abandoned if discontinued for a period of two years. Once abandoned, as the term is used within this section, the zoning designation for the property shall revert back to its previous zoning or such other designation as the Board of Commissioners may find appropriate based upon the map designation element of the comprehensive plan.

3) Authorization for the approved use may be revoked for cause, including violation of applicable permit conditions, noncompliance with applicable performance standards, or failure to comply with any other conditions which may be within the ordinance of approval, as provided for under Section 285.025 of this ordinance.
this comprehensive plan, references are made to the funding of various
projects and programs. Obviously, not all projects can receive full
funding. The capital improvement program will provide a vehicle to
determine long and short-term priorities and initiate perhaps the most
important tool to ultimate implementation of the comprehensive plan. A
more complete discussion of capital improvement programming is contained
within the general implementation element.

FINDING: Many employment opportunities within certain types of businesses and
industries are left undeveloped due to the firm’s small size, employment
characteristics, financial constraints, and in some cases, limited demand
for their products. These potential businesses and industries, because of
their limited scale, cannot justify the expenditure necessary to locate in
a developed and/or designated commercial or industrial zone. A small
number of these firms do not require the isolation and/or consolidation
that most businesses and industries require. Many could be located,
subject to certain conditions, within residential zoning districts. These
nontraditional industries and businesses will provide an alternative form
of employment for the citizens of Jackson County.

The development of cottage industries and home occupations within the
residential areas of the county will result in numerous benefits, of which
increased job opportunities, local control and ownership, improved
utilization of local natural resources, increased value added to products
which are exported, and conservation of energy are but a few. Furthermore,
the make-up of the economy will be more diversified and will thus ensure
greater overall economic stability without deteriorating natural amenities.
FINDING:

Increased commercial and industrial development can expand and improve the local economy. Competition for environmentally sound commercial and industrial development is keen. Most other areas in the state and nation, as a whole, have the same interest in attracting new development which will alleviate their economic problems. Plant relocation is an uncommon occurrence and it is not realistic to believe that Jackson County can capture a disproportionately large share of enterprise with these desirable attributes. On the other hand, the county can expect to attract its fair share, if it proceeds on a logical course of action.

POLICY: ATTRACT NEW COMMERCIAL AND INDUSTRIAL ENTERPRISE APPROPRIATE TO JACKSON COUNTY.

IMPLEMENTATION STRATEGIES:

A) Appropriateness, as used in the above policy shall be determined through compliance with the following criteria.

1) Utilization of the existing labor force;

2) Utilization of the existing and planned transportation system;

3) Non-polluting nature; and,

4) Best utilization and conservation of energy and other local natural resources.

B) Explore funding alternatives and support the promotion of economic development such as the creation of a port district.
FINDING: Locational decisions by industrial firms are based upon consideration of numerous factors of which labor costs, distance from primary inputs, distance from final markets and shipping costs are carefully reviewed. Urban locations are sometimes inappropriate or inefficient.

An urban location may be inappropriate for a use which creates obnoxious odors or would otherwise be incompatible with urban industrial development. It is recognized that few industrial uses are inappropriate for a general industrial zoning district and only a few of these will be compatible with rural development.

A rural location of an industrial use may be appropriate when necessary to provide for the development or efficient utilization of a rural natural resource. Proposals to site an industry in rural areas to reduce transportation costs of production must be evaluated in terms of the costs for final product distribution and employee transportation costs. Total energy costs for transportation should be carefully considered.

Certain locations within rural Jackson County may allow for some locational advantages vis-a-vis other urban locations. It is not consistent with economic development goals of the incorporated communities to allow siting decisions to be governed wholly by the degree of efficiency that a rural location may possess over an urban one. Rarely are the costs, excluding land price differentials, great enough to warrant setting aside the needs of the incorporated cities for a broader and larger industrial base. If the locational advantages of rural and urban lands for firms not requiring urban level facilities were weighed based exclusively on the needs of the firm, the rural location would be chosen if for no other reason than the lower land costs. A policy to allow rural industrial development based wholly upon the efficiency of the firm could cause substantial instability in real estate markets for industrial land, which could adversely impact existing efforts to attract new industries to the Rogue Valley.

POLICY: THE LOCATION OF INDUSTRIAL USES OUTSIDE OF URBAN CONTAINMENT OR URBAN GROWTH BOUNDARIES OR AREAS COMMITTED TO INDUSTRIAL USE SHALL ONLY BE PERMITTED SUBJECT TO SATISFACTION OF THE FOLLOWING STANDARDS:

A) THE SPECIFIC PROPOSED INDUSTRIAL USE REQUIRES A RURAL LOCATION FOR ONE OF THE FOLLOWING REASONS:

1) THE ACTIVITY IS NOT COMPATIBLE WITH URBAN INDUSTRIAL USES. FACTS SHOWING THAT THE USE IS EITHER NOT PERMITTED WITHIN ANY INDUSTRIAL ZONE AS EITHER A CONDITIONAL USE OR A PERMITTED USE, OR THAT AN APPLICATION FOR A CONDITIONAL USE TO SITE WITHIN A GENERAL
INDUSTRIAL ZONE HAS BEEN DENIED AFTER ALL APPEALS AT THE LOCAL LEVEL HAVE BEEN EXHAUSTED ARE NECESSARY TO SHOW SATISFACTION OF THIS STANDARD; OR

2) THE ACTIVITY IS NECESSARY FOR THE DEVELOPMENT OR EFFICIENT UTILIZATION OF A RURAL NATURAL RESOURCE. FACTS SHOWING THAT THE RESOURCE IN THAT LOCATION OR IN OTHERS IS NOT CURRENTLY BEING UTILIZED BY OTHER FIRMS WITHIN URBAN INDUSTRIAL SITES ARE NECESSARY TO SHOW SATISFACTION OF THIS STANDARD.

B) IF THE LOCATION IS PROPOSED TO OCCUR ON RESOURCE LANDS, ALTERNATIVE RURAL LOCATIONS WITHIN LAND COMMITTED TO NONRESOURCE USE MUST BE EVALUATED. THE AREA CONSIDERED SHOULD BE LARGE ENOUGH TO ENCOMPASS ALL SITES WITH SIMILAR CHARACTERISTICS (SUCH AS DISTANCE FROM MARKETS, LABOR AVAILABILITY, DISTANCE FROM RAW MATERIAL INPUTS, ETC). THE PROPOSED SITE MUST BE FOUND TO BE THE BEST AVAILABLE SITE KNOWN TO THE COUNTY WHICH IS SUITABLE FOR THE PROPOSED USE, TAKING INTO CONSIDERATION ALTERNATIVE SITES ON COMMITTED LANDS.

C) FINDINGS MUST BE MADE ADDRESSING THE LONG TERM ENVIRONMENTAL, ECONOMIC, SOCIAL, AND ENERGY CONSEQUENCES OF THE SPECIFIC INDUSTRIAL USE AT THE PROPOSED AND ALTERNATIVE LOCATIONS EXPLAINING WHY THE PARTICULAR ALTERNATIVE WAS CHOSEN.

D) THE PROPOSED USE MUST NOT ADVERSELY IMPACT THE RURAL NATURE OF THE SURROUNDING REGION OR SENSITIVE FISH AND WILDLIFE AREAS, AND MUST BE COMPATIBLE WITH ADJACENT USES.

IMPLEMENTATION STRATEGIES:

A) Establish a Rural Limited Industrial zoning district.
I. PURPOSE:

To provide for the location of industrial uses which utilize site specific natural resources within their processes and activities or create a byproduct of substantial direct benefit to resource producing lands or uses and are more appropriately located outside an urban growth boundary or urban containment boundary. As a secondary purpose, to provide for industrial uses which are inappropriate in an urban industrial setting because of the nature of their operating characteristics and which can be made compatible with rural land uses. In either case, the rural location and the use must represent a necessary prerequisite to the development of the natural resource and must be compatible with resource management on adjoining lands and rural land uses in general. The term natural resource, as used within this district, means those materials and capacities supplied by nature which can be used by industry including: water courses; land surface or subsurface earth and mineral deposits; vegetative cover; and naturally occurring wind, water or geothermal power sources. Natural resource, as used in this context, does not include such man-made features as transportation facilities or the exploitation of air quality resources outside the Medford-Jackson County AQMA.

II. DESCRIPTION:

Rural Limited Industrial lands are those lands outside of an urban growth boundary or urban containment boundary which meet the criteria and characteristics of this plan map designation, Comprehensive Plan policy, and the standards of the Land Development Ordinance. They contain unique site specific natural resources. Need for the specific site shall be demonstrated sufficiently to meet goal exceptions criteria.

III. ZONING DISTRICT CRITERIA AND CHARACTERISTICS:

A) Criteria:

1) Lands that meet the criteria for commited lands or are needed as described within the Goal Exceptions element.

2) Lands that are located outside of urban growth boundaries and urban containment boundaries.

3) Lands that represent a superior choice based upon:

   a) A significant site specific natural resource; or,
b) The use being incompatible in urban areas; or,

c) A direct benefit to local agricultural or forest uses or other uses of naturally occurring resources would occur.

4) Lands where the conditions of Public Facilities and Services Element, Policy 1, Category C or D would apply.

5) Lands of sufficient size and form to accommodate the proposed use including required parking and landscaping.

6) Lands where a Rural Limited Industrial use can be made compatible with adjacent land uses, and not adversely impact the rural nature of the surrounding region and sensitive fish and wildlife areas.

7) Lands that have access to state or county roads with adequate capacity for the anticipated traffic associated with the specific use or which can be improved to accommodate industrial traffic.

B) Characteristics:

1) Lands reasonably free from excessive natural hazards.

2) Lands where the proposed use will allow the efficient use of a natural resource that might otherwise not be developed and is not currently being used by other firms within urban industrial sites.
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON
ORDINANCE NO. J-9

AN ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE OF 1982; FILE 83-14-0A.

RECIDTALS:

1) ORS 215.060 and ORS 197.175 require Counties to adopt zoning and subdivision ordinances to implement an adopted County Comprehensive Plan.

2) The Board of County Commissioners adopted a consolidated Land Development Ordinance, Ordinance Numbers 82-27 and 82-33 in the Fall of 1982.

3) Certain technical discrepancies and inconsistencies have been identified in the 1982 Land Development Ordinance which the Board of Commissioners desires to correct as herein set forth.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

The Land Development Ordinance No. 82-27 as modified by Ordinance No. 82-33 is hereby amended as follows:

A) Section 00.040, Definitions, is amended as follows:

  1) Page 3, Section 00.040, delete the definition of Agricultural Lands.

  2) Page 13, Section 00.040, Floodway - Regulatory: The reference to 254.060 (10) in the last line is deleted and 254.060 (8) is substituted in lieu thereof.

  3) Page 14, Section 00.040, Guest/Nude Ranch: Is revised to read as follows:

    "A vacation resort offering activities which are typical of western ranching and offering sleeping and eating accommodations in conjunction with existing ranching operations."

Dated: 4-20-83
B) Page 99, Section 210.020 (15): The first sentence of this subsection is revised to read as follows: "A single family dwelling placed on a parcel at least ten acres in size, when necessary and accessory to a forest use, and located under a permit subject to the following forest site plan review requirements..."

C) Page 101, Section 210.020 (17): The second sentence of this subsection is revised to read as follows: "A single family dwelling is not in conjunction with a forest use when located on a preexisting parcel under ten acres in size or when located on a preexisting parcel greater than ten acres in size and has not been shown to be necessary for or accessory to forest use."

D) Page 101, Section 210.030 (2, B) and page 110, Section 212.030 (2, B) are revised to read as follows:

"Guest ranch where the number of dwellings, guest houses or other living units do not exceed the density of the zone when located on generally unproductive lands."

E) Section 210.065, Standards for Approval of a Nonforest Dwelling in a Forest Resource District, is revised as follows:

1) Page 104, the first sentence of this subsection is revised to read as follows: "A nonforest dwelling may be approved provided that the application conforms to the following standards and procedures:"

2) Page 104, subsection 1D, is revised to read as follows:

"D) That the proposed use considers forest site productivity and minimizes the loss of forest land by locating on land generally unsuitable for forest uses, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, and location and size of the parcel."

3) Page 104, a new subsection 2C is added to read as follows:

"C) A nonforest dwelling proposed for location on a preexisting parcel greater than ten acres in size shall also submit a statement of management objectives consistent with Section 210.020 (16B)."
Pages 244 and 245, Section 277.080 (1), Standards and Criteria for Minor Map Amendments is revised to read as follows:

"1) The rezoning conforms to the Jackson County Comprehensive Plan and complies with all applicable Statewide Planning Goals for the area in which the proposed rezoning could occur and for the County as a whole. Exceptions to Statewide Planning Goals 3 or 4, required pursuant to Oregon Administrative Rules (OAR Chapter 660, Division 4) for rezoning resource lands for nonresource uses, shall be based upon:

   A) The mandates set forth in Statewide Planning Goal 2, Part II (Exceptions), or

   B) Criteria 1 through 10 contained in the Goal Exceptions Element of the Comprehensive Plan.

ADOPTED this 4th day of May, 1983, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]

Peter Sage, Chairman

ATTEST: APPROVED AS TO FORM:

[Signature] [Signature]
By: Recording Secretary By: County Counsel

3-ORDINANCE
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 83-7

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE OF 1982; FILE 83-13-OA.

RECITALS:

1) ORS 215.060 and ORS 197.175 require Counties to adopt zoning and subdivision ordinances to implement an adopted County Comprehensive Plan.

2) The Board of County Commissioners adopted a consolidated Land Development Ordinance, Ordinance Numbers 82-27 and 82-33 in the Fall of 1982.

3) Certain technical discrepancies and inconsistencies have been identified in the 1982 Land Development Ordinance which the Board of Commissioners desires to correct as herein set forth.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

SECTION 1. AMENDMENTS

The Land Development Ordinance No. 82-27 as modified by Ordinance No. 82-33 is hereby amended as follows:

A) Section 00.040, Definitions, is amended as follows:

1) Page 3, Section 00.040, delete the definition of Agricultural Lands.

2) Page 13, Section 00.040, Floodway - Regulatory: The reference to 254.060 (10) in the last line is deleted and 254.060 (8) is substituted in lieu thereof.

3) Page 14, Section 00.040, Guest/Dude Ranch: Is revised to read as follows:

"A vacation resort offering activities which are typical of western ranching and offering sleeping and eating accommodations in conjunction with existing ranching operations."

Date Typed: 4-20-83
B) Page 99, Section 210.020 (16): The first sentence of this subsection is revised to read as follows: "A single family dwelling placed on a parcel at least ten acres in size, when necessary and accessory to a forest use, and located under a permit subject to the following forest site plan review requirements..."

C) Page 101, Section 210.020 (17): The second sentence of this subsection is revised to read as follows: "A single family dwelling is not in conjunction with a forest use when located on a preexisting parcel under ten acres in size or when located on a preexisting parcel greater than ten acres in size and has not been shown to be necessary for or accessory to forest use."

D) Page 101, Section 210.030 (2, B) and page 110, Section 212.030 (2, B) are revised to read as follows:

"Guest ranch where the number of dwellings, guest houses or other living units do not exceed the density of the zone when located on generally unproductive lands."

E) Section 210.065, Standards for Approval of a Nonforest Dwelling in a Forest Resource District, is revised as follows:

1) Page 104, the first sentence of this subsection is revised to read as follows: "A nonforest dwelling may be approved provided that the application conforms to the following standards and procedures:"

2) Page 104, subsection 1D, is revised to read as follows:

"D) That the proposed use considers forest site productivity and minimizes the loss of forest land by locating on land generally unsuitable for forest uses, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, and location and size of the parcel."

3) Page 104, a new subsection 2C is added to read as follows:

"C) A nonforest dwelling proposed for location on a preexisting parcel greater than ten acres in size shall also submit a statement of management objectives consistent with Section 210.020 (16B)."

2-ORDINANCE
Pages 244 and 245, Section 277.080 (1), Standards and Criteria for Minor Map Amendments is revised to read as follows:

"1) The rezoning conforms to the Jackson County Comprehensive Plan and complies with all applicable Statewide Planning Goals for the area in which the proposed rezoning could occur and for the County as a whole. Exceptions to Statewide Planning Goals 3 or 4, required pursuant to Oregon Administrative Rules (OAR Chapter 660, Division 4) for rezoning resource lands for nonresource uses, shall be based upon:

A) The standards set forth in Statewide Planning Goal 2, Part II (Exceptions), or

B) Criteria 1 through 10 contained in the Goal Exceptions Element of the Comprehensive Plan.

SECTION 2. EMERGENCY CLAUSE

2.1 This ordinance being necessary to the health, safety, and welfare of the people of Jackson County, an emergency is declared, and it shall take effect immediately upon adoption.

ADOPTED this 20th day of April, 1983, at Medford, Oregon.

Peter Sage, Chairman

JACKSON COUNTY BOARD OF COMMISSIONERS

ATTEST: APPROVED AS TO FORM:

By: Recording Secretary By: County Counsel

3-ORDINANCE
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

AN ORDINANCE ADOPTING AMENDMENTS
TO THE JACKSON COUNTY LAND
DEVELOPMENT ORDINANCE OF 1982,
FILE 82-3-0A

RECORDS:

1) Pursuant to ORS 215.060 and ORS 197.175, and in conformance
with Statewide Planning Goals, Jackson County amended the Jackson County
Comprehensive Plan by Ordinance No 82-26, and adopted a Land Development
Ordinance No. 82-27, on October 20, 1982.

2) At that adoption, the Plan and Zoning Maps were not adopted
because the Board and Planning Commission had not completed deliberations
on all properties affected by legislative rezoning.

3) All deliberations having been completed, it is appropriate to
adopt the revised Plan and Zoning Maps in the form of a permanent
ordinance, and to amend the Exceptions Maps in the Comprehensive Plan,

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

The Jackson County Comprehensive Plan as amended, and the Jackson
County Land Development Ordinance, as adopted on October 20, 1982, are
hereby amended as follows:

Section 1. The Official Comprehensive Plan and Zoning Map,
consisting of 18 separate maps, is hereby adopted as set forth on maps one
through eighteen, each of which are dated contemporaneously with this
ordinance and signed by the Chairman of the Board of Commissioners. The
Plan and Zoning Map is hereby incorporated into the Jackson County
Comprehensive Plan as amended, and the Jackson County Land Development
Ordinance No. 82-27, and may be amended in accordance with the provisions
of Chapter 277 of the Jackson County Land Development Ordinance.

Section 2. The Official Comprehensive Plan and Zoning Map, which
was adopted on August 29, 1980, as part of Ordinance Nos. 80-17 and 80-18,
is hereby repealed, and replaced with the Official Comprehensive Plan and
Zoning Maps adopted in Section 1 of this ordinance.

1-ORDINANCE; File 82-3-0A
Date Typed: 12-15-82

33-3
Section 3. The Jackson County Land Development Ordinance No. 82-27, is amended as follows:

A) Page 56, Section 15.070 Change to:

"RECORDATION AND FILING:

"The approved deeds and other documents, as may be required to be recorded by the Department shall be recorded within fifteen working days of the Department's approval. The recorder shall not record any map which will have the effect of partitioning property without the written authorization of the Planning Director."

B) Add "D) Small scale solid waste disposal facility" as a conditional use in the following sections:

Page 102, Section 210.030 (8)
Page 110, Section 217.030 (8)
Page 113, Section 214.030 (8)

C) Page 119, Section 214.035 (4) is revised to read "That the proposal considers site productivity and minimizes the loss of resource land by locating on land that is generally unsuitable for the production of forest or farm products, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and the like.

D) Page 133, Section 220.020 (8) amend to read: "Small scale energy producing facility in conjunction with permitted and approved conditional uses."

E) Page 136, Section 222.020 (5) amend to read: "Small scale energy producing facility in conjunction with permitted and approved conditional uses."

F) Page 160, Section 238.020 (23) delete "Solid waste transfer station when conducted within an enclosed building subject to the provisions of Chapter 268" as a permitted use and add the use as written above as a conditional use to §9, Section 238.020, page 161, and to §7, Section 242.030, page 169.

G) Page 172, Section 244.030 (1), revise to read: "All permitted uses within the designated 100 year floodplain identified in Section 244.020 (except item 2, if such uses are portable in nature; item 4, agriculture, and 7, forest uses) shall be reviewed by the Hearings Council to ensure floodplain requirements are met."

H) Page 194, Section 254.020 (2) add: "...or as is hereafter amended," after "June, 1980," in the fourth line of the paragraph.
I) Page 221, Section 268.010 (4) revise to read: "4) To provide a mechanism to establish a special site for the temporary collection and storage of toxic or hazardous wastes, subject to receipt of all appropriate permits or licenses required under ORS 459, and Oregon Administrative Rules, Division 63."

J) Page 221, Section 268.030 amend title and introduction as follows:

"Uses Subject to Administrative Approval or Conditional Use Permits:

The following uses, if allowed as a permitted use in the zoning district, shall be subject to administrative approval by the Planning Director or shall be reviewed as a conditional use by the Hearings Council if listed as such in the zoning district within which the use is proposed to be located."

K) Page 264, Section 280.100 (l) amend the first clause of the first paragraph to read:

"(l) Mandatory Fire Safety Requirements: The following minimum standards are mandatory in rural areas outside of rural fire protection districts or within a fire protection district, but outside of five road miles of a developed, operational, and responding fire station, or within five road miles of the responding fire station and designated as a hazardous wildfire area; and in..."

L) Page 265, Section 280.100 (l) (B) amend to read:

"(B) Roof coverings shall be fire retardant, as defined in the current edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. In the Forest Resource (FR-160), Open Space Reserve (OSR), Woodland Resource (WR), and Exclusive Farm Use (EFU) districts, no wood roofing shakes or shingles shall be permitted.

"In all other zoning districts, wood roofing shakes and shingles shall be pressure treated with fire retardant."

M) Page 265, Section 280.100 (l) (C), third line change "around" to read "round." Add a new last paragraph to C:

"Emergency water storage facilities and emergency pumps are not required in the Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR) and Exclusive Farm Use (EFU) zoning districts when located less than five road miles from a responding fire station, within a Rural Fire District, and not located in a hazardous wildfire area."

N) Page 265, Section 280.100 (l), add a new D:

3-ORDINANCE; 82-3-03
"D) Hazardous Wildfire Area: Any publicly or privately owned land which is covered with grass, brush, or forest and is situated or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great damage through fire or resulting erosion."

C) Page 265, Section 280.100 (2) (A), revise to read:

"A) Areas within nonresource zoning districts which are located within rural fire protection districts, are within five road miles of a responding fire station and are not in a hazardous wildfire area, need only consider the items listed in section 1, above, as guidelines."

P) Page 161, Section 238.030, add a new section 10, Flea markets within an enclosed building.

Section 4. The express or implied repeal of any ordinance, or parts of ordinances by adoption of this ordinance, shall not be construed as abating any actions or legal proceedings now pending under or by virtue of such ordinances so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue nor as affecting the liability of any person, firm, or corporation, nor as waiving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

ADOPTED this 15th day of December, 1982.

JACKSON COUNTY BOARD OF COMMISSIONERS

Peter Sage, Chairman

ATTEST:

Donna Blazek

By: Recording Secretary

APPROVED AS TO FORM:

Michael Williams

County Counsel

4-ORDINANCE:82-3-0A
1982
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

AN ORDINANCE ADOPTING A CONSOLIDATED
LAND DEVELOPMENT ORDINANCE FOR JACKSON
COUNTY BY COMBINING THE EXISTING ZONING
AND LAND DIVISION ORDINANCES AND MAKING
VARIOUS AMENDMENTS THERETO, FILE
NO. 82-51-OA

ORDINANCE NO. 82-27

RECITALS:

1. ORS 215.060 and ORS 197.175 require counties to adopt zoning
and subdivision ordinances to implement an adopted County Comprehensive
Plan.

2. On August 29, 1980, Jackson County adopted a Zoning Ordinance,
Ordinance No. 80-18, and a Land Division Ordinance, Ordinance No. 80-19.

3. The Land Conservation and Development Commission of the State
of Oregon has by order dated May 14, 1982, noted certain changes that are
required to be made in the Jackson County Comprehensive Plan and imple­
menting ordinances in order to comply with Statewide Planning Goals 2
through 5, 9 and 12.

4. Experience with the Comprehensive Plan of 1980 and the imple­
menting ordinances have demonstrated a need for various changes to
effectively administer zoning and land division processes and to give
adequate guidance to the citizens of Jackson County.

5. Certain changes in the Zoning and Land Division Ordinances
have been proposed and recommendations made thereon by the Jackson County
Planning Commission, which changes have been reviewed in the Jackson County
Program for Citizen Involvement, and have been the subject of public
hearings on September 21 and 23, 1982, pursuant to ORS 215.060.

6. The Board of Commissioners deem it in the best interests of
Jackson County to consolidate the Zoning Ordinance and Land Division
Ordinance into one Land Development Ordinance with the necessary amendments
as hereafter set forth.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

Section 1. This ordinance adopts by reference the Land Develop­
ment Ordinance of Jackson County, a document of 197 pages, attached as
Exhibit A.

RECEIVED

NOV 8 1982
JACKSON COUNTY
PLANNING
Section 2. The document entitled "Ashland/Jackson Urban Growth Boundary Agreement" dated May 20, 1982, and executed by the City of Ashland on June 1, 1982, and Jackson County on May 25, 1982, a copy of which is attached hereto as Exhibit B to this ordinance together with all exhibits, findings, and other documents referred to and adopted as part of said agreement, is hereby adopted and made a part hereof as though specifically set forth herein.

Section 3. The Phoenix Urban Growth Boundary is hereby amended to include the entirety of Tax Lot 1000 in Section 15A of Township 38 South, Range 1 West as adopted by formal action of the City Council of the City of Phoenix and Board of County Commissioners of Jackson County on April 5, 1982. The findings of the Jackson County Board of Commissioners upon which such action was based, appear as Exhibit C to this ordinance and are hereby adopted by reference.

Section 4. Findings in support of rezoning certain property near White City and establishing an Area of Special Concern ASC-82-1, with additional developmental standards as contained in a document entitled "Proposed Legislative Findings City of Medford Property in White City" and dated September 15, 1982, are hereby adopted by reference as Exhibit D to this ordinance.

Section 5. Jackson County Ordinance Nos. 80-18, the Jackson County Zoning Ordinance, and 80-19, the Jackson County Land Division Ordinance, each dated August 29, 1980, and all amendments thereto, excepting the Plan and Zoning Map adopted thereby, are hereby repealed.

Section 6. The express or implied repeal of any ordinance, or parts of ordinances by adoption of this ordinance, shall not be construed as abating any actions or legal proceedings now pending under or by virtue of such ordinances so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue nor as affecting the liability of any person, firm or corporation, nor as waiving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

ADOPTED this 20th day of October, 1982.

JACKSON COUNTY BOARD OF COMMISSIONERS

By Peter Sage, Chairman

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:

County Counsel

RECEIVED

2-ORDINANCE; FILE 82-51-OA

32-27
EXHIBIT "B"

ASHLAND'S URBAN GROWTH BOUNDARY AGREEMENT
AND
FINDINGS OF FACT
MEMORANDUM OF AGREEMENT

THIS MEMORANDUM sets forth the agreement between the City of Ashland, "City" herein and Jackson County, "County" herein.

RECITALS:

1. City and County have each adopted an amendment to the Urban Growth Boundary Agreement which sets forth an expanded urban growth boundary north of the limits of City in Jackson County, Oregon.

2. Within the expanded Ashland Urbanizable Area and the Area of the Future Urbanization described in said agreement, Bear Creek Valley Sanitary Authority (BCVSA) has proposed a sewer project designated as Project No. 79-3. The area encompassed within said Project 79-3 was fixed by BCVSA by ordinance #80-14 dated December 23, 1980, and is hereafter referred to as the project area.

3. The City and County have in the past objected to construction of the sewage system proposed in Project 79-3, and issues raised by said objections are now pending before the Oregon Court of Appeals.

4. The Jackson County Health Officer has determined there are conditions dangerous to public health, as defined in ORS 431.705(5), in certain portions of the project area and in some tracts outside the project area. The Planning Commission has confirmed such determination, but the County has not adopted a resolution described in ORS 431.715 as part of the process to alleviate conditions dangerous to public health.

5. The Jackson County Comprehensive Plan establishes a policy for installation of a sewage system as part of a regional system inside established urban growth boundaries or outside urban growth boundaries where a health hazard is deemed to exist and connection to a regional system is determined to be the only reasonable solution after all alternatives have been evaluated for their economic, environmental and social acceptability.

6. The portion of BCVSA project 79-3 outside the revised Ashland Urban Growth Boundary contains areas with conditions deemed by the Health Officer to be dangerous to public health, and such conditions may be alleviated by construction of underground sewers. Such portions are so located that provision of sewers within the project area as part of a larger sewer project may be the most economical method of alleviating such conditions with the least environmental adverse impact.

1-MEMORANDUM OF AGREEMENT
File UGBA-7
Option 1
Therefore, the parties agree:

1. All or any portion of BCVSA Project No. 79-3 as adopted by BCVSA Ordinance No. 80-14 on December 23, 1980, or any other sewer project within the same project boundaries, may be constructed without objections by City or County, subject to the following:

   a. Such sewer facilities as constructed will provide service to those onsite system failures and problems noted in the County staff report on limited health survey presented December 7, 1981.

   b. Construction of such sewers will in no way affect, hinder or alter the right and responsibility of County to rezone county lands pursuant to statewide planning goals and the requirements set forth in Ashland v. Jackson County, 2 Or LUBA 378 (1981).

   c. Any new development within any BCVSA project boundaries shall comply with the Jackson County Comprehensive Plan and the policies contained in the Urban Growth Boundary Agreement between the City of Ashland and Jackson County.

2. Either BCVSA Project No. 79-3 may be amended or any other project may be proposed to include Tax Lots 3500, 3700 and 3800; Map No. 381E30, as shown on Jackson County's Assessor's records, without objection by City or County subject to the conditions set forth in Paragraph 1 above.

3. Nothing herein stated shall affect any legal issue now pending before the Court of Appeals.

DATED this 29th day of July, 1982.

CITY OF ASHLAND, BY

[Signature]

JACKSON COUNTY, BY

[Signature]

APPROVED as to form:

[Signature]
COUNTY COUNSEL

2-MEMORANDUM OF AGREEMENT
File UGBA-7
BEFORE THE PLANNING COMMISSION

STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF FINDINGS OF FACT IN SUPPORT OF A PLANNING COMMISSION DETERMINATION THAT A DANGER TO PUBLIC HEALTH EXISTS OR HAS THE POTENTIAL TO EXIST IN AND AROUND THE NORTH ASHLAND AREA

RECOLALS:

1) On November 4 and 5, 1981, a sanitary survey was conducted in the north Ashland area basically within the Bear Creek Valley Sanitary Authority (BCVSA) sewer project boundary number 79-3. The results of that survey are contained in the attachment to these findings.

2) The attachment also contains criteria used in rating septic system performance according to whether the system was functioning satisfactorily (A), Malfunctioning (B) or Marginally functioning with a high possibility of seasonal failure or nonobvious groundwater pollution (C). The findings of that survey are summarized as follows:

   Total number of parcels within project boundary: 57
   Total acreage within project boundary: 322.05 acres

   Undeveloped parcels (number): 22 (38.6%)
   Undeveloped parcels (acreage): 163.4 acres (50.6%)

   Parcels rated "A" (number): 15 (26.3%)
   Parcels rated "A" (acreage): 40.19 (12.4%)

   Parcels rated "B" (number): 5 (8.8%)
   Parcels rated "B" (acreage): 20.91 (6.5%)

   Parcels rated "C" (number): 15 (26.3%)
   Parcels rated "C" (acreage): 97.25 (30.2%)

3) Evaluation of those results contained in the attachments. The analysis of the survey has led the county's Supervising Sanitarians of the Planning and Health Departments to conclude that the existing and potential sanitation and water quality problems constitute a health hazard that can best be mitigated through the development of a public sewer in the area.

1-FINDINGS
Date Typed: 5/27/82
4) The county's Public Health Officer, Dr. Fukushima, in a letter to the Board of County Commissioners dated December 10, 1981, stated that "a danger to public health as defined in ORS Chapter 431...does exist in the North Ashland Survey Area." He also concluded "...that the long term solution to the problems in the North Ashland area would best be solved with a sewer system. The compromise nature of on-site repair would cause more frequent failures and further increase the dangers to public health."

THEREFORE, based upon the above Recitals, the Planning Commission finds that:

A) The evidence is sufficiently convincing to conclude that a health hazard may exist in the North Ashland Survey areas identified as 'B' and 'C' in the survey as noted in section 2 above, and

B) That sewer facilities may alleviate the conditions which are dangerous to public health.

These findings adopted this 27th day of May, 1982, at Medford, Oregon.

JACKSON COUNTY PLANNING COMMISSION

Billie Dickerson, Chairperson  Ellen Levine, Commissioner

Tim Kelley, Commissioner

Steve Brickson, Secretary
December 10, 1981

Honorable Members
Board of Commissioners
Jackson County, Oregon

RE: NORTH ASHLAND SURVEY CONCLUSIONS

Gentlemen:

On December 9, 1981, you reviewed alternative courses of action regarding solution of failing on-site systems in the North Ashland area and requested a written evaluation of the data resulting from the health survey.

The following is a written summary of the reasons for my conclusions that a "Danger to public health", as defined in ORS Chapter 431 (reproduced below), does exist in the North Ashland Survey area.

"Danger to public health" means "a condition which is conducive to the propagation of communicable or contagious disease-producing organisms and which presents a reasonably clear possibility that the public generally is being exposed to disease-caused physical suffering or illness, including a condition such as:

a) Impure or inadequate domestic water.

b) Inadequate installations for the disposal or treatment of sewage, garbage or other contaminated or putrefying waste.

c) Inadequate improvements for drainage of surface water and other fluid substances".

The conditions of verified failure and the number and nature of marginal systems designated as B and C respectively on the attached data summary do constitute,... "inadequate installation for the disposal or treatment of sewage".

In addition, it is my professional opinion that holding tanks, although legal in specified instances, are not a satisfactory long term solution for the disposal of waste water. The frequent need for pumping alone, increased potential health impacts.
The determination of a boundary of these problems should consider, at a minimum, the inclusion of parcels designated B or C. In addition I would urge elimination of holding tanks as a long term solution. There is a possibility that systems found adequate (A) could fail and then justifiably be included in an overall solution.

I believe, in conclusion, that the long term solution to the problems in the North Ashland area would best be solved with a sewer system. The compromise nature of on-site repair would cause more frequent failures and further increase the dangers to public health.

Respectfully submitted,

[Signature]
Izura Fukushima, M.D., M.P.H.
Health Officer

cc: Robert Luther, M.D.
Chairman
Jackson County Board of Health
### NORTH ASHLAND INTERCHANGE SANITARY SURVEY

**November 4-5, 1981**

<table>
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<tr>
<th>Legal Description</th>
<th>Acreage</th>
<th>Address</th>
<th>Use</th>
<th>Status</th>
<th>Pertinent History</th>
<th>Comments</th>
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<tbody>
<tr>
<td>38-1E-32-1600</td>
<td>24.59</td>
<td>Undeveloped</td>
<td></td>
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<td>38-1E-32-1500</td>
<td>5.41</td>
<td>Undeveloped</td>
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<td>38-1E-32-1501</td>
<td>10.63</td>
<td>1609 Jackson Rd.</td>
<td>One single family dwelling, barn pasture</td>
<td>C</td>
<td>Repair system installed July, 1973</td>
<td>Drainfield in low wet area; heavy vegetation, horses graze over drainfield</td>
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<td>38-1E-32-1503</td>
<td>7.16</td>
<td>Undeveloped</td>
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<tr>
<td>38-1E-32-1700</td>
<td>12.11</td>
<td>1511 N. Hwy 99</td>
<td>Single family dwelling</td>
<td>B</td>
<td>After drainfield failed, effluent piped to system on tax lot 1701</td>
<td>March, 1980 site evaluation denied. On-site repair of this system is likely to be difficult and expensive.</td>
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<td>38-1E-32-1701</td>
<td>2.40</td>
<td>1525 N. Hwy 99</td>
<td>Animal Hospital</td>
<td>A</td>
<td>On-site system also serves single family dwelling on tax lot 1700</td>
<td></td>
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<td>38-1E-32-1800</td>
<td>.40</td>
<td>1407 N. Hwy 99</td>
<td>Rental Shop</td>
<td>A</td>
<td></td>
<td>Very low flow to system</td>
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<td>38-1E-32-1900</td>
<td>.52</td>
<td>1393 N. Hwy 99</td>
<td>Tire Store</td>
<td>C</td>
<td></td>
<td>Portions of drainfield under pavement; repair would be difficult due to the very small area available</td>
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<tr>
<td>38-1E-32-2000</td>
<td>.17</td>
<td>Undeveloped</td>
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<td>Undeveloped</td>
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<td>38-1E-32-500</td>
<td>.73</td>
<td>460 Valley View Rd.</td>
<td>Exxon Station</td>
<td>B</td>
<td>Repair permit issued in 1970 but system not installed</td>
<td>Sewage backing up into building; existing system poorly designed and constructed; holding tank may be necessary</td>
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<td>38-1E-32-501</td>
<td>20.51</td>
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<td>Legal Description</td>
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<td>30-1E-31-100</td>
<td>18.70</td>
<td>461 Valley View Rd.</td>
<td>Chevron Station</td>
<td>B</td>
<td>Repeated failures; existing drainfield is off the property and is now failing</td>
<td>Installation of a holding tank is the only feasible on-site solution</td>
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<td>30-1E-31-102</td>
<td>1.47</td>
<td>60 Lowe Rd.</td>
<td>On/Off Restaurant</td>
<td>A</td>
<td>Existing system failed repeatedly; holding tank installed 1979 to reduce flow to ETA bed</td>
<td>Most of the lot is covered by building or pavement</td>
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<tr>
<td>30-1E-31-200</td>
<td>53.26</td>
<td>Undeveloped</td>
<td>Two single family dwellings</td>
<td>C</td>
<td>Existing system is old, undersized, and installed in clay soils</td>
<td>Lush, vegetation over drainfield indicates marginal operation</td>
</tr>
<tr>
<td>30-1E-31-301</td>
<td>5.32</td>
<td>Undeveloped</td>
<td>Two single family dwellings</td>
<td>C</td>
<td>Existing system failed repeatedly due to clogged distribution lines</td>
<td>System installed in rapidly draining material and very close to Bear Creek. There is strong potential for periodic contamination of Bear Creek</td>
</tr>
<tr>
<td>30-1E-31-400</td>
<td>6.00</td>
<td>Undeveloped</td>
<td>Mobile Home Park</td>
<td>C</td>
<td>1974 site evaluation approved for standard system</td>
<td>Approved site could be used for repair system in mobile home park on tax lot 600</td>
</tr>
<tr>
<td>30-1E-31-601</td>
<td>6.00</td>
<td>Undeveloped</td>
<td>Tack Shop</td>
<td>C</td>
<td>System installed in rapidly draining material under driveway</td>
<td></td>
</tr>
<tr>
<td>30-1E-31-700/1100</td>
<td>0.30</td>
<td>1980 Hwy 99 N.</td>
<td>Used Car Sales</td>
<td>C</td>
<td>Mobile home currently vacant; drainfield in area of lush vegetation with high groundwater table. Strong potential for ground water contamination.</td>
<td></td>
</tr>
<tr>
<td>30-1E-31-901</td>
<td>0.22</td>
<td>Undeveloped</td>
<td>Tack Shop</td>
<td>C</td>
<td>System installed in rapidly draining material under driveway</td>
<td></td>
</tr>
</tbody>
</table>

**NORTH ASHLAND INTERCHANGE SANITARY SURVEY**

November 4-5, 1981
<table>
<thead>
<tr>
<th>Legal Description</th>
<th>Acreage</th>
<th>Address</th>
<th>Use</th>
<th>Status</th>
<th>Pertinent History</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>38-IE-31-903</td>
<td>1.10</td>
<td>Undeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-31-904</td>
<td>1.02</td>
<td>1860 Jackson Rd.</td>
<td>Auto Repair Shop</td>
<td>C</td>
<td>Heavy traffic over drainfield; probable high groundwater table.</td>
<td>Strong potential for ground water pollution</td>
</tr>
<tr>
<td>38-IE-31-900</td>
<td>3.18</td>
<td>1679 Jackson Rd.</td>
<td>Single family dwelling</td>
<td>C</td>
<td>System installed in 1978; 1974 site evaluation approval done before water table</td>
<td>Landscape position and vegetation indicate a high groundwater table;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>problems recognized.</td>
<td>strong pollution potential</td>
</tr>
<tr>
<td>38-IE-31-1000</td>
<td>1.70</td>
<td>Undeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1100</td>
<td>2.95</td>
<td>Undeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1103</td>
<td>4.09</td>
<td>1901 N. Hwy 99</td>
<td>Shopping Center</td>
<td>A</td>
<td>Shops served by holding tanks</td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1102</td>
<td>2.75</td>
<td>1977 N. Hwy 99</td>
<td>Auto Sales</td>
<td>A</td>
<td>Holding tank</td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1101/1200/1301</td>
<td>7.14</td>
<td>2045 N. Hwy 99</td>
<td>Auto Sales</td>
<td>B</td>
<td>System currently failing; heavy discharge of effluent to ground surface</td>
<td>Drainfield in only undeveloped, untrafficked part of property; water table near surface in drainfield area</td>
</tr>
<tr>
<td>38-IE-31-1300</td>
<td>8.07</td>
<td>Undeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1400</td>
<td>0.20</td>
<td>2073/2075 N. Hwy 99</td>
<td>Restaurant</td>
<td>B</td>
<td>System installed in 1971, now discharging effluent to ground surface</td>
<td>On-site repair not feasible due to limited undeveloped area available.</td>
</tr>
<tr>
<td>38-IE-31-1600</td>
<td>25.21</td>
<td>2253 N. Hwy 99</td>
<td>Mobile Home Park with standard system</td>
<td>C</td>
<td></td>
<td>Septic system is in an area of rapidly draining material underlying by a high groundwater table; strong potential for ground water pollution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Recreation park served by holding tanks</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Description</td>
<td>Acreage</td>
<td>Address</td>
<td>Use</td>
<td>Status</td>
<td>Particular History</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>---------</td>
<td>--------------------------------</td>
<td>--------------------------</td>
<td>--------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1700</td>
<td>3.83</td>
<td>Undeveloped</td>
<td></td>
<td>C</td>
<td>Park has two drainfields - one gravity fed and one which is a pumping system. Gravity system is an overflow, used when pump fails, and discharges effluent to the ground surface. Pump system is in a low area with a high groundwater table and near Bear Creek.</td>
<td></td>
</tr>
<tr>
<td>38-IE-31-1900</td>
<td>1.02</td>
<td>Undeveloped</td>
<td></td>
<td>C</td>
<td>Strong groundwater pollution potential.</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-100</td>
<td>15.09</td>
<td>1 Corral Lane</td>
<td>Mobile Home Park</td>
<td>C</td>
<td>Three single family dwellings</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-400</td>
<td>5.5</td>
<td>2035 S. Pacific Hwy.</td>
<td>Three single family dwellings</td>
<td>C</td>
<td>Drainfield is in a low area adjacent to Bear Creek; probable high groundwater table.</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-600</td>
<td>1.31</td>
<td>2210 S. Pacific Hwy.</td>
<td>Three single family dwellings</td>
<td>C</td>
<td>Drainfield is under driveway or in low area with a high groundwater table problem. Dronefield has history of failure due to clogged lines.</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-700</td>
<td>.18</td>
<td>Undeveloped</td>
<td></td>
<td>C</td>
<td>Strong groundwater pollution potential.</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-800</td>
<td>3.34</td>
<td>2120 S. Pacific Hwy</td>
<td>Single family dwelling</td>
<td>A</td>
<td>Second Hand Store - Five Rental Cabins</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-900</td>
<td>4.94</td>
<td></td>
<td></td>
<td>A</td>
<td>Single family dwelling A</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-1200</td>
<td>.09</td>
<td>Undeveloped</td>
<td></td>
<td>A</td>
<td>Single family dwelling A</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-1300</td>
<td>.84</td>
<td>2415 Old Pacific Hwy</td>
<td>Single family dwelling</td>
<td>A</td>
<td>Single family dwelling A</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-1400</td>
<td>1.02</td>
<td>2512 S. Pacific Hwy</td>
<td>Single family dwelling</td>
<td>A</td>
<td>Single family dwelling A</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-1500</td>
<td>2.64</td>
<td>2316 S. Pacific Hwy</td>
<td>Single family dwelling</td>
<td>A</td>
<td>Single family dwelling A</td>
<td></td>
</tr>
<tr>
<td>38-IE-310-1600</td>
<td>1.38</td>
<td>2420 Talent Ave</td>
<td>Single family dwelling</td>
<td>A</td>
<td>Single family dwelling A</td>
<td></td>
</tr>
<tr>
<td>Legal Description</td>
<td>Acres</td>
<td>Address</td>
<td>Use</td>
<td>Status</td>
<td>Partient History</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------</td>
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<td>----------------------------</td>
<td>--------</td>
<td>------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>38-IE-3101-1700</td>
<td>2.95</td>
<td>2320 S. Pacific Hwy</td>
<td>Single family dwelling Taxidermist</td>
<td>C</td>
<td></td>
<td>Drainfield is in a low, wet area. Vegetation and soft soils above trenches indicate imminent failure</td>
</tr>
<tr>
<td>38-IE-250-1600</td>
<td>.79</td>
<td>2114 S. Pacific Hwy</td>
<td>Four single family dwelling</td>
<td>A/A</td>
<td>Two separate septic systems on property</td>
<td></td>
</tr>
<tr>
<td>38-IE-250-1700</td>
<td>1.10</td>
<td>2108 S. Pacific Hwy</td>
<td>Single family dwelling</td>
<td></td>
<td>No one home</td>
<td></td>
</tr>
<tr>
<td>38-IE-250-1800</td>
<td>.32</td>
<td>Undeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-250-1900/2000</td>
<td>2.11</td>
<td>2010 S. Pacific Hwy</td>
<td>Single family dwelling</td>
<td>C</td>
<td>Septic tank effluent piped to a rockfilled pit dug down to the groundwater table</td>
<td>Very strong groundwater pollution potential</td>
</tr>
<tr>
<td>38-IE-30-4400</td>
<td>7.89</td>
<td>Undeveloped</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-30-4402</td>
<td>4.40</td>
<td></td>
<td>Truck Repair</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38-IE-30-4103</td>
<td>6.24</td>
<td></td>
<td>Horse Stable</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A = Septic system functioning satisfactorily  
B = System failing or non-functional  
C = System functioning marginally
Criteria Used in Rating Septic System Performance

- System appeared to be functioning satisfactorily:
  - No evidence of effluent on the ground surface.
  - No vegetative indicators of periodic failure.
  - No record of previous unrepaired failures.
  - No adverse soil or groundwater conditions in the area of the drainfield.

- System was malfunctioning in one or more of the following ways:
  - Raw sewage and/or septic tank effluent found on the ground surface.
  - Raw sewage and/or septic tank effluent flowing into surface waters.
  - Sewage backing up into the structure.

- System is marginally functional with a strong possibility of seasonal failure and/or non-obvious groundwater pollution. Indicators of marginal performance:
  - Adverse soil and/or groundwater conditions in the area of the drainfield.
  - Heavy, lush vegetation over the drainfield.
  - Large animal or vehicle traffic over the drainfield.
  - County records show a history of previous, unrepaired failures.
  - Effluent residue from previous failure observed on ground surface.
  - Standing water (or evidence of past occurrences) found on ground surface above drainfield.

Total number of parcels within project boundary: 57
Total acreage within project boundary: 322.05 acres

Undeveloped parcels (number): 22 (38.6%)
Undeveloped parcels (acreage): 163.04 acres (50.6%)
Parcels rated "A" (number): 15 (26.3%)
Parcels rated "A" (acreage): 40.19 acres (12.5%)
Parcels rated "B" (number): 5 (8.6%)
Parcels rated "B" (acreage): 20.91 acres (6.5%)
Parcels rated "C" (number): 15 (26.3%)
Parcels rated "C" (acreage): 97.25 (30.2%)
I OVERALL GOAL: To evaluate each parcel within, and adjacent to, the BCVSA proposed sewer project in the North Ashland Interchange/Highway 99 area for conditions which may present a "Danger to Public Health" as defined ORS Chapters 222 and 431. In addition, to evaluate any such conditions with respect to their potential for direct or indirect public contact.

II SPECIFIC OBJECTIVES:

A) To evaluate all onsite sewage disposal systems in the designated survey area as to their operational status, their potential to contaminate ground water, and onsite repair alternatives.

B) To evaluate each onsite or community drinking water system as to levels of contamination, general construction deficiencies, and where possible, determine depth of aquifer utilized.

III METHODS AND MATERIALS:

A) Notification: Each property owner was notified by mail that a survey was to be conducted and that their assistance would be appreciated. (See example #1)

B) Boundary: The boundary of the survey area included the BCVSA project boundary with the addition of two parcels on Lowe Lane (209 & 239) and 2285 Hwy. 99 N. which are all adjacent to the BCVSA project boundary. These parcels were the only other parcels directly adjacent to the survey area and had single family dwellings in close proximity to the project area.

C) File Search: Prior to any field survey activities, a file search was conducted in the Planning Department and the Health Department which provided pertinent history concerning the onsite sewage disposal system (or potential system) or the onsite or community drinking water system.

D) Survey by Teams: A team approach was utilized to conduct the survey with each team consisting of the Sanitarian Supervisor (Planning or Health) and one State Health Division staff member experienced in Health Hazard Surveys. The survey was conducted in two days (November 4 and 5, 1981).

E) Each team filled out a survey data sheet for each parcel (See example #2)

F) Sewage Disposal System Evaluations:

1) Each sewage disposal system on each parcel was visually evaluated for signs of malfunctioning. The following evaluation mechanisms were used.

   a) Signs of characteristic sewage odor.

   b) Signs of vegetative indicators indicative of moist or pooled water conditions - valuable in the evaluation of "seasonal failures", those systems which fail to the ground surface when surface water or ground water saturate the drainfield area during wet weather conditions.
d) Characteristic of sewage color and/or turbidity

2) Each parcel was evaluated, within constraints (no test holes were available) for the availability or potential for onsite repair of an existing sewage disposal system or the potential for the installation of a new onsite sewage disposal system.

3) Onsite sewage disposal systems showing signs of failure were dye tested with a fluorescent dye. The dye was deposited in the sewage system (normally down the toilet) and a later evaluation, usually conducted within one week, was conducted to determine if the dye surfaced in the area of the suspected failure or any other area nearby.

4) Onsite sewage disposal systems showing signs of failure were also sampled (where possible) for the presence of bacterial indicators of human sewage.

5) Each failure was evaluated as to the potential of that sewage effluent to reach surface waters, or ground water. Slope and location of roadside ditches or streams were taken into consideration when reviewing each failure.

G) Drinking Water Systems:

Each onsite or community drinking water system was evaluated (where possible) for the following:

1) Deficiencies in the construction of the source, plumbing or associated equipment which may lead to possible contamination of the source.

2) Each system was sampled for the presence of coliform bacteria.

3) Construction deficiencies, water sample results, and potential onsite contamination sources, along with the history available concerning the system were used in the evaluation of potential ground water contamination.

IV RESULTS:

A) Summary of onsite sewage disposal system evaluation. (See "A" attached)

B) Summary of drinking water sample results. (See "B" attached)

C) Summary of bacterial tests of suspected sewage effluent. (See "C" attached)

D) Map and overlays visually indicating sewage disposal system problems with soils overlay.

V PRESENTATION OF RESULTS:

Verbal presentations by Brad Prior, R.S. - Supervising Sanitarian, Jackson County Planning Department, on the extent of onsite sewage disposal problems and repair potentials.
problems by Gary Stover, Supervising Sanitarian, Jackson County Health Department.

Verbal assessment by Dr. Taira Fukushima, Health Officer of the Health Hazard potential in the survey area.
<table>
<thead>
<tr>
<th>LEGAL DESCRIPTION</th>
<th>ADDRESS</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 1E 30 3700</td>
<td>209 Love Lane</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 30 3800</td>
<td>239 Love Lane</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31 101</td>
<td>461 Valley View Road</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31 102</td>
<td>1980 Hwy. 99 Nor.</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31 700 &amp; 800</td>
<td>1960 Hwy. 99 Nor.</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31 1101, 1200, 1301</td>
<td>2045 Hwy 99 Nor.</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31 1400</td>
<td>2075/2073 Pacific Hwy. Nor.</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31 1600</td>
<td>2253 Hwy 99</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31-B 100</td>
<td>1 Corral Lane</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31-B 400</td>
<td>2305 S. Pacific Hwy.</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31-B 600, 700</td>
<td>2210 S. Pacific Hwy.</td>
<td>Neg.</td>
</tr>
<tr>
<td></td>
<td>600,1200</td>
<td>includes Schwaben House Restaurant</td>
</tr>
<tr>
<td>38 1E 31-B 1300</td>
<td>2415 Talent Avenue</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31-B 1500</td>
<td>2316 S. Pacific Hwy.</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31-B 1600</td>
<td>2420 Talent Avenue</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 31-B 1700</td>
<td>2350 S. Pacific Highway</td>
<td>Pos. 7%</td>
</tr>
<tr>
<td>38 1E 31-B 1900</td>
<td>2285 Talent Avenue</td>
<td>Neg.</td>
</tr>
<tr>
<td>38' 1E 32 500</td>
<td>460 Valley View Road</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 32 1102, 1103</td>
<td>1977 Hwy 99</td>
<td>Neg.</td>
</tr>
<tr>
<td></td>
<td>1801 N. Hwy 99</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 32 1700</td>
<td>1151 N. Hwy 99</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 32 1701</td>
<td>1525 N. Hwy 99</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 32 1800</td>
<td>1407 Hwy 99</td>
<td>Neg.</td>
</tr>
<tr>
<td>38 1E 32 1900</td>
<td>1383 Hwy 99</td>
<td>Neg.</td>
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</tbody>
</table>

EXHIBIT E
NORTH AMERICAN SURVEY
Water Sampling Results Summary
Drink Water
"Most Probable Numbers" of Total Coliform; Fecal Coliform; Fecal Streptococcus Bacteria

(Results are in colonies of Bacteria/100ml of water sampled)

ADDRESS

1) 2075 Pacific Highway North

Suspected effluent exiting above ground, from an electrical conduit which serves the sewage lift pump in the septic tank.

2) 2073/2075 Pacific Highway North

Drainfield area shared by both facilities; located immediately behind (west) of the service station.

3) 2045 Highway 99 North

Suspected failure area located approximately two hundred feet to the west of the building, adjacent to the drainage ditch at the base of hill.

4) 2045 Highway 99 North

Fenced area, located directly behind (west) of the shop area. The sample was obtained from the pooled water in the south/east corner of the fenced area.

5) 2253 Highway 99

The sample was taken from the drainage pipe adjacent to the chlorine shed, to the south/west of the swimming pool. The sample point was near a reported drainfield area.

RESULTS

>11,000 Fecal coliform
>11,000 Fecal Strep
>11,000 Total coliform

>11,000 Fecal coliform
>11,000 Fecal Strep
>11,000 Total coliform

>11,000 Fecal coliform
>11,000 Fecal Strep
>11,000 Total coliform

= 230 Fecal coliform
360 Fecal Strep
>11,000 Total coliform

<30 Fecal coliform
250 Fecal Strep
2,400 Total coliform

( > more than)

( < less than)

Date: 11-25-81
### Results

<table>
<thead>
<tr>
<th>Location</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>TONY'S BAR &amp; GRILL:</td>
<td>Suspected effluent exiting above ground, from an electrical conduit which serves the sewage lift pump in the septic tank.</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Fecal coliform</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Fecal strep</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Total coliform</td>
</tr>
<tr>
<td>FIREBALL GAS STATION/TONY'S BAR &amp; GRILL:</td>
<td>Drainfield area shared by both facilities; located immediately behind (west) of the service station.</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Fecal coliform</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Fecal strep</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Total coliform</td>
</tr>
<tr>
<td>BOB FRINK CHEVROLET:</td>
<td>Suspected failure area located approximately two hundred feet to the west of the building, adjacent to the drainage ditch at the base of hill.</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Fecal coliform</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Fecal strep</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Total coliform</td>
</tr>
<tr>
<td>BOB FRINK CHEVROLET:</td>
<td>Fenced area, located directly behind (west) of the shop area. The sample was obtained from the pooled water in the south/east corner of the fenced area.</td>
</tr>
<tr>
<td></td>
<td>220 Fecal coliform</td>
</tr>
<tr>
<td></td>
<td>360 Fecal strep</td>
</tr>
<tr>
<td></td>
<td>&gt; 11,000 Total coliform</td>
</tr>
<tr>
<td>JACKSON HOT SPRINGS:</td>
<td>The sample was taken from the drainage pipe adjacent to the chlorine shed, to the south/west of the swimming pool. The sample point was near a reported drainfield area.</td>
</tr>
<tr>
<td></td>
<td>&lt; 30 Fecal coliform</td>
</tr>
<tr>
<td></td>
<td>230 Fecal strep</td>
</tr>
<tr>
<td></td>
<td>2,400 Total coliform</td>
</tr>
</tbody>
</table>

Date: 11-25-81
-1W-25D-1600  No file
-1W-25D-1700  No file
-1W-25D-1800  No file
-1W-25D-1900  No file
-1W-25D-2000  No file
-1E-30-4400  No records in file
-1E-30-4402  No file
-1E-30-4403  Alternative system permit number M30-29-78 issued 10/16/78 for a holding tank system to serve a commercial building complex

-1E-31-101  System installed 1964 and 1966; soil noted as clay and hardpan
Complaint filed in 1979 - system found to be failing
Repair permit issued 1979 (#15-159-79R) - installed 1979
Complaint filed Feb 1981 - system found to be failing
System continuing to fail (surfacing sewage effluent) June 1981

-1E-31-102  System installed 1968
1975 alteration application denied - not suitable site and system failing - letter sent noting failure and need to apply for repair April 1975
Application denied due to failing system - not suitable soil May 1979
Certificate of Adequacy issued for holding tank only
Alternative system permit issued 1979 #MB0-22-79

-1E-31-400  Site evaluation January 1977 denied due to unsuitable site conditions
-1E-31-500  Site evaluation 1973 approved - permit issued
Expired permit letter sent April 1975
Pre-site evaluation September 1980 for replacement of dwelling and second new dwelling
Site evaluation October 1980 denied - unsuitable site
Certificate of Adequacy approved to replace old dwelling Dec 1980

-1E-31-600  Site approval April 1972
Well permit August 1974
Added one additional mobile home space without approval 1974
Site evaluation for alteration approved Feb 1975
March 1980 complaint - system failing
Temporary repair installed April 1980 permit #15-164-80R
June-July 1981 system again noted as failing - another temporary repair permit issued permit #15-372-81A
Temporary repairs made Sept 1981

-1E-31-900  Site evaluation Dec 1974 approved
Permit issued Feb 1976
Installation completed Jan 1978

-1E-31-902  Engineered system approved Feb 1973 - installed May 1973
Alteration approved Dec 1974
Permit issued July 1972  
Holding tank application denied Dec 1972  
Holding tank June 1978  
No records  
No records  
No records  
No records  
Certificates of satisfactory completion for 3-1,500 gallon gray water hold tanks and 3 vault privies June 1977  
Failure Nov 1979 - park load higher than original system design  
No repair noted in files  
Failure noted Jan 1977 - no repair - possibly on holding tank  
Sept 1973 system approved. New mobile home hook-up approved Dec 1979  
Pre-site evaluation suggested one possible site for a sand filter  
Site evaluation etc, not shown to be followed up on.  
No records  
Repair permit for ETA no finalled  
System approved July 1973  
No records in file  
Pre-site evaluation April 1979  
Site evaluation denied March 1980 - unsuitable site  
No records in file
ASHLAND/JACKSON COUNTY URBAN GROWTH BOUNDARY AGREEMENT

BETWEEN
JACKSON COUNTY AND THE CITY OF ASHLAND
MAY 20, 1982
Preamble

Statewide Planning Goal 14, Urbanization, requires the identification of urban, urbanizable and rural land within Oregon counties and the establishment of urban growth boundaries. This section sets forth the mutually adopted urbanization program between the City and Jackson County. The program establishes an urban growth boundary, an area of future urbanization, areas of mutual planning concern, joint policies governing the urbanization of lands, and revision and administrative procedures.

The Ashland Urbanization Program, contained in the following document, and the maps, referred to as Exhibit A, shall be implemented by ordinances and comprehensive plans adopted by both bodies upon signature of the following agreement.

1. Definitions.

A) Ashland Urbanizable Area. The Ashland urbanizable area includes lands currently within the City and encompasses selected lands surrounding the City that are committed to and/or are planned for future City growth. They are more specifically shown in Exhibit A as lands enclosed by the urban growth boundary line.

B) Area of Mutual Concern. This is an area within which Ashland and Jackson County have mutual concern over land use planning decisions that occur. These areas are significant in terms of their agricultural, scenic and open space characteristics. The area also provides an important buffer between Ashland and other urban areas.
The intent of this area is not for further expansion of Ashland's Urban Growth Boundary. The area of mutual planning concern is not subject to annexation. This area shall be delineated on the County's official plan and zoning map(s).

C) Area of Future Urbanization. This is an area in which Ashland may expand its urban growth boundary in future years. This is an area of mutual planning concern, except that these areas may be thought of in the long-term as for the potential of future development of part of the City of Ashland. This area is not subject to annexation until it is brought into the urban growth boundary. Urban growth boundary expansions will usually occur in the City's area of future urbanization. However, the area may be amended by mutual consent of the parties to this agreement.

D) Contract Annexation. A process where the City, County, and other involved parties enter into a contract that permits:

1) The parties to administer urban land use regulations on the development of property while the property remains under County jurisdiction, and

2) The City to annex property developed to City densities and uses, with the improvement to appear on the County tax rolls prior to the effective date of annexation.

3) If annexation does not appear imminently feasible, upon agreement of all parties concerned, development may proceed with
the annexation data indefinite. In such case, the City shall have
the right to exercise annexation at its option.

E) Develop. To bring growth about or availability; to construct or
alter a structure; to conduct a mining operation; to make a physical
change in the use or appearance of land; to divide land into parcels;
or to create or terminate rights of access.

F) Development. The act, process or result of developing.

G) Development Proposal. Applications submitted to the county for
processing, including only land partitions and subdivisions,
conditional use permits, variances, zone changes and comprehensive plan
amendments.

H) Infill. To develop an urban use as allowed by Jackson County
Zoning Ordinance on vacant lands when such lands are generally
surrounded by and committed to urban use.

I) Provide. Prepare, plan for, and supply what is needed.

J) Rural Land. Residential areas generally comprised of parcels five
(5) acres or larger in area, or commercial or industrial areas serving
only the needs of rural populations in the County or the essential
needs of the traveling public, which are outside any urban growth
boundary, are limited in scale, and which have supporting rural
facilities and services.

K) Subdivide-Partition Lands. Is as set forth in Oregon Revised
Statutes 92.010.
L) Urban Area. A specially designated area generally committed to urban use where infill urban development may occur.

M) Urban/Public Facilities and Services. Basic facilities that are primarily planned for by local government, but which also may be provided by private enterprise, and are essential to the support of development in accordance with the City's Comprehensive Plan. Urban/public facilities and services include police protection, fire protection, sanitary facilities, public water facilities, storm drainage facilities, planning, zoning and subdivision control, health services, recreation facilities and services, energy and communication services, and community governmental services including schools and transportation.

N) Urban Growth Boundary (UGB). An urban growth boundary is a site-specific line imposed on the Official Plan and Zoning Map of Jackson County and of the City of Ashland which identifies and encompasses urban and urbanizable lands within Jackson County, according to the following definitions:

1) Urban Land. Residential areas generally comprised of parcels less than one (1) acre in size, or highly developed commercial and industrial areas in the County which are contained within incorporated cities or which contain concentrations of persons who generally reside or work in the areas, including land adjacent to and outside of incorporated cities, and which have supporting urban/public facilities and services.
2) 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 urban/public facilities and services.

2. Procedures for Annexation.

A) The urban growth boundary adopted herein for the area establishes the limits of urban growth until the year 2000.

B) City annexations shall occur only within the officially adopted urban growth boundary.

C) The City shall provide for an opportunity for the County to respond to any request for annexations.


A) Only lands within the urban growth boundary are eligible for contract annexation.

B) Lands subject to contract annexation shall meet the same burden of proof requirements as for City annexation procedures (see Chapter XII, Ashland Comprehensive Plan).

C) If all the usual urban/public facilities and services cannot be made available, but a need exists for the property to be developed to urban densities prior to all City services being made available,
contract annexation may be delayed indefinitely upon agreement by the City, County and the party to which the annexation would occur. In such a case, annexation shall occur at the City's option.

D) Infill in unincorporated urban areas as defined shall be exempt from the burden of proof required in (B) above.


A) A change in the use of urbanizable lands from land uses designated on the Jackson County Comprehensive Plan to uses shown on the City's Comprehensive Plan shall only occur upon annexation to the City or a contracted annexation between the City, County and other involved parties.

B) Development of land for uses designated on the City's Comprehensive Plan will be encouraged to occur on undeveloped land encompassed by the existing city limits prior to conversion of other lands within the boundary.

C) The City, County and affected agencies shall coordinate the planning, expansion and development of all urban/public facilities and services within the urbanizable area. Existing or new urban/public facilities and services must be adequate in condition and capacity to accommodate the additional level of growth as designated by the City's Comprehensive Plan prior to or concurrent with the land use changes.

D) Jackson County shall retain final jurisdiction over land use decisions within the unincorporated urbanizable area, and such decisions shall conform to these adopted policies.
1) Recognizing that unincorporated areas within the urban growth boundary could ultimately become part of Ashland, the City's recommendations will be given standing. The County shall administer a mutually acknowledged City/County land use policy in the urbanizable area until such time as the area is annexed.

2) The City shall be requested to respond to pending applications for land use changes in the unincorporated urbanizable area and within the area of mutual planning concern, and will be given standing for its recommendations.

3) It is mutually agreed that the County Comprehensive plan shall only provide for rural lands as defined herein within the urbanizable area. Exceptions shall be made for designated urban areas as provided herein within the urbanizable area.

4) The City shall request the County to respond to and will give the County standing for pending applications for land use changes within the incorporated area which could affect lands under County jurisdiction.


A) Use of land in the area of future urbanization as defined on Exhibit B map, shall conform to the Jackson County Comprehensive Plan, to all LCDC Goals and Guidelines, and specifically to the findings by the Land Use Board of Appeals in LUBA 80-124: City of Ashland vs. Jackson County.
6. **Policies Regarding Areas of Mutual Concern.** The following areas are defined as areas of mutual concern:

   A) The Ashland Airport approach area.

   B) Grizzly Peak and the surrounding mountains which form the view for Ashland (see Exhibit Map B).

   C) The Ashland Creek Watershed. Lands within the area of mutual concern shall remain in rural use. The County shall request a City response to all pending development proposals within the area of mutual concern. The County shall consider the City's valid interest in the land use matters before it in the areas of mutual concern.

7. **Policy Regarding Lands Zoned for Exclusive Farm Use.** The City and County acknowledge the importance of permanently protecting agricultural lands zoned Exclusive Farm Use (EFU) or lands containing predominantly class I - IV soils, other than those within the urban growth boundary, and that both jurisdictions maintain and will continue to maintain policies regarding the buffering of said agricultural lands. Development will be allowed to occur on land adjacent to lands zoned EFU or lands containing predominantly class I - IV soils when the controlling jurisdiction determines that such development has been mitigated and will be compatible with adjacent farm uses. Buffering shall occur on the urbanizable land.
adjacent to the urban growth boundary, not on the agricultural land. Buffering options may include:

A) Special setbacks for new urban construction adjacent to the urban growth boundary.

B) Acquisition by public agency.

C) Locations of roads, golf courses, or other public spaces adjacent to the agricultural land.

D) Use of vegetative screening, earth berms, and fences of sufficient height and substance to help reduce trespass of people, animals and vehicles.

In addition, a deed declaration recognizing common, customary, and accepted farming practices shall be required for all development occurring within 300 feet of agricultural lands. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to agricultural lands.


The main provider for urban facilities and services in the urban growth boundary shall be the City of Ashland, except for those areas which are within the Bear Creek Valley Sanitary Authority (BCVSA). Within this district the main provider of sewer services shall be BCVSA unless the property owners and the City agree to a withdrawal from the BCVSA
9. **Provisions for Public Services Within the Urban Growth Boundary and the Area of Future Urban Expansion.**

A) Provisions of public services within the urban growth boundary and the area of future urban expansion shall be according to policies contained in the Public Facilities Element of the Jackson County Comprehensive Plan in effect at the time such facilities are installed.

B) All County road construction and reconstruction in the urbanizable area will be coordinated between the City and County Public Works and Planning Department. Such road construction and reconstruction shall take into account future urbanization of the area.

C) All subdivision activity occurring solely through County administrative processes within the unincorporated urbanizable areas shall be platted and constructed to urban standards in compliance with the Jackson County Land Division Ordinance.

10. **Policies Regarding Unincorporated Urban Lands**

A) The areas to which these policies refer are identified on the map noted as Exhibit A as Urban Areas.

B) Within an urban area, infill development shall occur only upon annexation to the City or a contracted annexation between the city and the County and other involved parties.
C) Development in urban areas shall be to the City of Ashland's requirements and according to the uses prescribed in the City's Comprehensive Plan provided said urban development also conforms to the Jackson County Comprehensive Plan and ordinances if said development occurs prior to annexation.

D) Burden of Proof: For infill development within an urban area, there is no burden of proof required for annexation or contract annexation. The burden of proof required for a zone change to accommodate an urban use shall be the same as that required in Chapter 277 of the Jackson County Zoning Ordinance.

E) County standards for urban/public facilities shall apply to unincorporated urban areas development. However, the developers will be required to sign in favor of a future City assessment district to provide urban/public facilities. Additionally, within the jurisdiction of the Bear Creek Sanitary Authority, their construction standards shall apply for sewerage projects.


A) Major Revisions

Major revisions in boundary or policies will be considered amendments to both the City and County Comprehensive Plans, and, as such, are subject to a legislative review process.

A major revision shall include any boundary change that would necessitate revisions to the intent of City or County Plan goals,
policies, text and/or that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population or significant increases in resource or public facility impacts; qualitative changes in the land use itself, such as conversion of residential to industrial use; or spatial changes that affect large areas or many different ownerships. Any change in urbanization policies is considered a major revision.

Major revisions will be considered by the City and County at five-year intervals from the date of adoption of the urban growth boundary and urbanization policies. If the City and County governing bodies find that circumstances prevail which have a significant effect on the public health, safety or general welfare of the community, a major revision may be considered at intervals of less than five years.

A request for a major revision can be initiated by an individual or group, citizen advisory committees, affected agencies, and governing bodies. The party who seeks the revision shall be responsible for filing adequate written documentation with the City and County governing bodies. The final legislative action on major revision requests shall be based on the following factors:

1) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

2) The orderly and economic provisions of key urban/public facilities and services.
3) Maximise efficiency of land uses within the current urbanizable area.

4) Environmental, energy, economic and social consequences.

5) Compatibility of the proposed change with other elements of the City and County Comprehensive Plans.

6) The other Statewide Planning Goals.

Major revision proposals shall be subject to a mutual City and County review and an agreement process involving affected agencies, citizen advisory committees, and the general public. If the City and County cannot agree on a major revision, and until an acceptable revision is mutually reached and adopted, both jurisdictions will continue to administer existing urban growth and area of mutual planning concern boundaries and urbanization policies.

B) Minor Boundary Line Adjustments

Minor adjustments to an urban growth boundary line may be considered subject to similar procedures used by the City and County in hearing zoning requests. A minor amendment is defined as focusing on specific individual properties and not having significant impact beyond the immediate area of the change.
Application for a minor boundary line amendment can only be made by property owners, their authorized agents, or by a City or County governing body. Written applications for amendments may be filed in the office of the Jackson County Department of Planning and Development on forms prescribed by the County. The standards for processing an application are as follows:

1) Final action on minor boundary line adjustments shall be based on the same six factors required for major revision requests as listed in the preceding discussion titled "Major Revisions".

2) Applications will be reviewed by the affected City and County Planning Advisory Committees annually.

3) The applications will be reviewed at a joint City and County Planning Commission meeting held annually for the express purpose of considering minor boundary line adjustments.

4) The Planning Commissions are required to forward a recommendation and findings on each application to the City and County governing bodies for final consideration.

5) Amendments cannot be made to the urban growth boundary line unless mutually agreed to by each governing body. The County governing body shall be responsible for the preparation of the actual legal instrument which officially amends the boundary line.
C) Determination of Major and Minor Amendments

The Planning Directors for the County and City are responsible for determining whether an amendment is to be considered through a major or a minor amendment process. In the event that the Planning Directors cannot agree, the proposal will be forwarded to the City and County Planning Commissions, and, if necessary, the governing bodies or other appropriate body, until mutual agreement is reached.

The determination of the Planning Directors may be reversed by a mutual action of both the City and County Planning Commissions or governing bodies.

D) Correction of Errors

If the City Council or the County Board of Commissioners become aware of an error in either the map or the text of the mutually adopted urbanization program, both bodies may cause an immediate amendment to occur to correct the error, after mutual agreement is reached. Such a correction shall be in the form of a public hearing and an ordinance, conducted separately or jointly by both bodies, which may take effect on an emergency basis. Public hearings before the Planning Commissions shall not be required where an amendment is intended specifically to correct an error.

Generally, an error is a cartographic mistake or text misprint, omission or duplication. Such errors are not derived from new data or suggested errors made in interpretations of the attitudes of the
12. This Agreement shall be effective upon signature by the authorized representatives of both the County and the City of Ashland. In addition, the City and County commit themselves by signature of this Agreement to implementation of the above policies by adoption of Comprehensive Plans, policies, and implementing ordinances. Exhibits A and B are considered to be part of this agreement and shall be referenced and made part of adopting ordinances.

AGREEMENT accepted by the Ashland City Council this 1st day of June, 1982.

[Signature]
Mayor

Attest: [Signature]

AGREEMENT accepted by the Board of County Commissioners this 25th day of May, 1982.

[Signature]
Chairman

Attest: [Signature]
EXHIBIT "C"

FINDINGS OF BOARD OF COUNTY COMMISSIONERS

excerpted from

CITY OF PHOENIX MEETING ON
April 5, 1982
ROLAND NUCKOLS
MOTION BY PHOENIX CITY COUNCIL:

moved that the urban growth boundary line be moved to include the total of tax lot 1000 because of an error in the drawing of the original line, using the wrong boundary marker on the urban growth boundary maps. Seconded by

The motion was unanimously approved by the City Council members.

Deason felt that he could agree that an error was made based on the following findings:

1) That the intent at the settlement of the urban growth boundary was to use Anderson Creek as the urban growth boundary line concerning this tax lot and several other lots.

2) That an error was made in the location of Anderson Creek on the map.

3) That the probable location of Anderson Creek on the map would split the lot into a one-half acre/over a one-acre split. A much more severe split than the original intent.

4) It would also in fact (severely split?) lots to the north.

5) Therefore, he would suggest that in order to correct the error made by the misplacement of Anderson Creek on the map, we could allow all of tax lot 1000 to be in the urban growth boundary with the agreement from the City of Phoenix that it not be annexed until a 200 foot buffer is created on the lot, buffering the EFU land to the east.

MOTION BY BOARD OF COUNTY COMMISSIONERS

Deason moved that he would like to include his findings which are a part of the record and move that we correct the error by allowing tax lot 1000 in the urban growth boundary with the agreement that it not be annexed until a 200 foot buffer is agreed upon by both the city and county. He explained that when he is talking about a "200 foot buffer" he is talking about a document that describes the 200 foot buffer, which is agreed upon by both the city and county. Sage seconded the motion. The vote was as follows:

YES

Deason, Sage

NO

Schofield
The regular meeting was called to order by Mayor Caster. Roll call: present: Skundrick, Harris, LeKey, Paxson, Atty. Salter; absent, Skudlarek, Arney.

Minutes of last meeting approved.

Public hearing was called, for the purpose of a joint hearing with the Jackson County Commissioners, Mr. Sage, Mr. Deeson, Mr. Scjoefield, on the proposed inclusion of all the property tax lot of Mr. Rolland Nuckols, on South Pacific Hwy.

Mr. Nuckols opened the hearing by presenting atwo page written statement which he read to the session, copy of which is attached for the record. He contended that the present line, which divided his property, part within the City Urban growth boundary and part remaining with the County Jurisdiction should have included all of his property (tax Lot 1,000) in the Phoenix Urban Growth Boundary. He presented a notarized statement from Mr. E W Cissna, first Chairman of the Land Use Planning Committee, formed by the City of Phoenix to work on the Urban Growth Boundary.

Mr. Steve Erickson of the Jackson County Staff, presented the County position, objecting to the inclusion of all of Mr. Nuckol's property. He presented three documents, asking they be made part of the official minutes. After much discussion from Commissioners, Council and audience, Skundrick, seconded by LeKey, made a motion to move the Urban Growth Boundary out to a point that would include all of tax lot 1,000, within the Phoenix Urban Growth Boundary, as the present line, was not as intended to adopting the proceedings of the map and that there was an obvious error in utilizing the line marked as the Medford Irrigation Canal as the boundary line. Motion unanimously approved by Council.

After discussion by the County Commissioners, Mr. Deeson made a motion to include all of tax lot 1,000 within the Phoenix Urban Growth boundary, subject to a 200 foot buffer zone being established on Mr. Nuckol's property adjoining Jackson County Farm Zoning on the eastern boundary of Mr. Nuckol's property. Mr. Deeson and Mr. Sage voted yes; Mr. Scholfield voted no.

ORD. 540, Liquor License Quota system, was read in full by the attorney. Motion by Paxson, seconded by Harris, to accept the ordinance. Roll call vote; Paxson, Harris, Skundrick, aye. LeKey, no. As the Charter required that four Council members vote for approval of an ordinance to be read by Title only on the same night, the ordinance will be carried over to the next meeting to be read by title only.

The final contract with the Corps of Engineers was presented for approval. Mr. Harris asked if we would need to provide a metering device at the dam and was told it would not be required. Motion by Harris, seconded by Paxson, to approve the contract and authorize it to be signed by the Mayor at the official ceremony on Wednesday, April 7, 1982, at City Hall, with the Corps of Engineer officials.

Current bills approved for payment.

Two proposals from the May Festival Committee were presented by the Mayor: one, to close North B Street the day of the festival, and, two, to allow Mrs. Woodward to sign out tables to Phoenix Civic organizations.
EXHIBIT "D"

FINDINGS FOR WHITE CITY

URBAN CONTAINMENT BOUNDARY AMENDMENT
INTRODUCTION AND PURPOSE

LEGISLATIVE FINDINGS - DESCRIPTION OF FORMAT

The following report presents information and documentation supporting a Comprehensive Plan Map change from the split designation of GI (General Industrial) / OSR (Open Space Reserve) to GI. A companion document will be submitted following review of these findings which suggests, through the medium of a general site development plan and policies, appropriate conditions establishing an Area of Special Concern (ASC).

The following findings are presented in three fairly broad components. The first is an analysis of applicable Statewide Planning Goals, which includes references to the County Comprehensive Plan Goals, Policies and Implementation sections where it appears appropriate. Because the County Plan is as yet unacknowledged, the emphasis was largely on the applicable Statewide Goals.

The second component is an analysis of the "public need" issue and how it relates to the proposed map change. This section bears largely on the unique characteristics of the subject property and the weighing of competing values as embodied in the Statewide Goals.

The third component is an analysis of the mapping criteria as contained in the County Comprehensive Plan for both the GI (General Industrial) and the OSR (Open Space Reserve) map designations, showing how the subject site conforms, or fails to conform, to the criteria.

SUMMARY OF FINDINGS

An analysis of the Statewide Planning Goals presents evidence that while the subject property cannot reasonably be considered resource land, there are certain values, other than the proposed industrial use, which must be considered in the balancing act we call "land use planning". The proposed preservation of the Whetstone Creek corridor for its ecological and passive recreational values is an important part of these findings. So, too, are the efforts currently ongoing between the City and the Nature Conservancy to cooperatively ensure the preservation of a rare and important botanical habitat.

Of great importance, not only now in the throes of a serious national economic crisis, but for all time, is the ability of the Bear Creek Valley to compete successfully in the market place for a new and expanding industrial base. Essential to remaining competitive is the ability to provide a wide choice of adequately serviced industrial sites with a variety of attributes. Goal 9 is a bitter reminder to many Oregonians that placing all our eggs in one basket, as we've done in the past, will not assure our future prosperity. The probability of achieving economic diversity is maximized only when every reasonable opportunity is made available. Evidence tells us that the industrial development potential of the subject property is probably as unique as the rare Lomatium growing on the site. To inhibit or cloud the ultimate use of this fully serviced industrial site with indecisive map designations degrades our competitive edge. All indications are that removing the split designation, with
This association contains no inclusions of other soils.

Agate soils are well drained and moderately deep. They have dark brown loam surface soils and dark brown clay loam subsoils. Depth to a silica cemented hardpan ranges from 20 to 30 inches (50 to 75 cm).

Winlo soils are poorly drained and are shallow. They have very dark grayish-brown clay loam surface soils and dark brown very gravelly clay subsoils. Depth to a silica cemented hardpan ranges from 7 to 15 inches (18 to 40 cm).

This association has a class IV agricultural capability, moderate shrink-swell potential and the shallow depth to hardpan as mentioned above.

Coker clay, wet variant (Map Symbol 61A):

The Coker-Cove association consists of poorly drained, deep to somewhat deep clay soils developed from mixed alluvium.

Small areas of dark brown Carney clay are included in this association.

Coker soils are very deep and somewhat poorly drained. They have very dark gray clay surface soils and dark grayish brown clay subsoils. Depth is 60 inches (150 cm) or more.

Cove soils are deep and poorly drained. They have black clay surface soils and dark brown to very dark grayish-brown silty clay loam and clay loam subsoils. Depth is 60 inches (150 cm) or more.

This association has a Class IV agricultural capability, high shrink-swell potential and very low load bearing capabilities.

The land containing Agate-Winlo soil (Map Symbol 32A) is proposed for General Industrial (G.I.) zoning, while the Whetstone Creek corridor containing Winlo gravelly clay and Coker clay soils (Map Symbols 41A and 61A) would remain Open Space Reserve (OSR-20).

A portion of 40 acres of the subject property is leased by the City for growing hay. Sixteen acres is currently being utilized by the City for an experimental treatment process using sludge from the nearby sewage treatment plant. Recently, permission was given by the Oregon State Department of Environmental Quality (DEQ) for off-site use of sludge for fertilizer. A portion of the subject property has been used for grazing in the early spring as the soil is too dry and hard to support cattle during the remainder of the year. At present, the best grazing area along the Whetstone Creek corridor is being fenced off in order to preserve the natural wetlands.

In conclusion, it would be difficult to classify the subject property as either prime agricultural land or resource land as defined in OAR 660-04-005. Therefore, the taking of a Goal exception could be construed as not necessary.
2. The Case For an Exception

Although the foregoing supports the argument that an Exception to Goal 3 is unnecessary, the fact that the subject property does contain Class IV soils, supports minor, temporary farm type uses, and is currently zoned Open Space Reserve. The Findings required for an Exception follow:

3. Consideration of Exception Criteria

Goal 2 Exception Requirements:

660-04-020(1) If a jurisdiction determines there are compelling reasons to use resource lands for uses not allowed by the applicable goal, the justification shall be set forth in the comprehensive plan as an exception. A conclusion that it is not possible to apply the applicable goal to specific properties or situations shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the four factors in Goal 2. In addition, the conclusion shall be supported by a statement of reasons explaining why the facts found compel the conclusion that it is not possible to apply the goal to the particular properties or situations.

Findings - the four factors required in Goal 2 (OAR 660-04-020(2))

A. Why these other uses should be provided for? The subject property consisting of 500 acres is under the single ownership of the City of Medford, purchased by the city from the federal government in 1949 after closure of the Camp White Military Base for the purpose of eventual development into an industrial park.

The proposed industrial use would have a significant comparative advantage and should be considered unique based on the following facts:

1. Single ownership
2. Ability to provide large acreage parcels.
3. Available public facilities and services.
4. Rail spur and other convenient modes of transportation.
5. Nearby existing White City industrial activity and population center.

A jurisdiction could justify an exception to allow industrial development on "resource" land outside an urban growth boundary based on the above, especially when balanced with the County's economic gain from industrial use and no loss of productive resource lands. The subject property, however, is proposed for inclusion into the White City Urban Containment Boundary.

There is a recognized need for large acreage parcels of available industrial land not only in Jackson County but throughout the State of Oregon. The proposed use in comparison to past and present utilization of the subject property completely justifies industrial use in light of Jackson County's and Oregon's economic blight. The County's unemployment rate of 12.9% in June of this year is reflected by the 31.8 percentage loss in wood products employment from June 1979 to June 1982, making all efforts to stimulate economic
diversity imperative. Based on 10.0 General Industrial employees per acre, the subject site could potentially employ 5,000 citizens of Jackson County. (Refer to Medford Economic Element/draft 6/82)

9. What alternative locations within the area could be used for the proposed uses: (See Exhibits - Subject Property and Comparative Alternative Locations Map)

1. Can the proposed use be located on nonresource land that would not require an exception, including increasing density on nonresource land? If not, why not?

The following tables represent a recent inventory of vacant industrial sites in Jackson County presently zoned for General (Heavy) and Light Industrial use with and without public facilities available, with and without rail access:

**TABLE 1**

| Industrially zoned sites with public water and sewer services available: |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 0-4.9 ac          | 5-9.9 ac          | 10-19.9 ac        | 20-49.9 ac        | 50-74.9 ac        | 75+    |
| 161               | 21                | 12                | 6                 | 3                 | 0      |

| Sites zoned without services: |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 195               | 32                | 22                | 17                | 3                 |       |

The above data indicates that the market place has provided the amount and types of sites that are most frequently and easily sold. The majority of industrial land sold are sold in tracts of 10 acres or less and are zoned for light industrial uses.

Table 2, below identifies the number of sites in Table 1 with rail access, which is considered a major attraction of the subject property.

**TABLE 2**

| Industrially zoned rail access with public services, based upon the Jackson County Industrial Site Survey, May 1982. |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 0-4.9 ac          | 5-9.9 ac          | 10-19.9 ac        | 20-49.9 ac        | 50-74.9 ac        | 75+    |
| 23                | 2                 | 3                 | 3                 | 1*                | 0      |

| Industrially zoned rail access without services: |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 3                 | 1                 | 1                 | 4***              | 0                 | 1**               |

* 50 Acres
** 231 Acres
*** Does not include platted site in Gold Hill which are probably 1-10 acre lots totaling 27 acres.

From these findings it can be seen that the major advantage of the subject property lies in its ability to provide large sites with public facilities, services, and rail service.
Although there appears to be an abundance of vacant industrial land located on non-resource land in Jackson County, the vast majority of such land is zoned for less intensive light industrial use and has been parcelized into 5, 10, and 15 acre sites. Only 6 industrial sites of between 50 and 74.9 acres are vacant in the County, 3 of which are without public facilities and 1 site with services and rail access. Only 4 sites are available in excess of 75 acres none of which have available services. The subject property, (500 acres) with all public facilities and rail access is identified on the alternative sites map (See Exhibits) along with the 1 site (50 acres) currently zoned General Industrial with services and rail access. The only large site (23 acres) available with rail access but lacking services is also identified. Presently, there are no General Industrial zone sites in Jackson County in excess of 75 acres located on either resource or non-resource lands with available services and rail access.

2. Can the proposed use be located on resource land that is already committed to other uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing density on committed lands? If not, why not?

There are no comparable resource lands already committed to other uses available in Jackson County that possess available public facilities and other industrial site advantages.

3. Can the proposed use be located on other resource lands that would also require an exception, but result in fewer negative consequences and compatibility conflicts with adjacent land uses? If not, why not?

Other comparable sites, if available resource land, would undoubtedly possess the possibility of much greater negative consequences and compatibility conflicts that those of the subject site, such as adjacent agricultural or forest land activities. The problems and expense of providing adequate public services, access, power, etc. would likely be prohibitive for development.

C. What are the long-term environmental, economic, social and energy consequences to the locality, the region or the state of not applying the goal or permitting the alternative use?

The comparable alternative sites identified earlier do not contain large acreage parcels or do not have services available plus rail access as does the subject site. The advantages of using the subject area for a use not consistent with the goal (agricultural land) is as follows:

1. Single ownership
2. Large acreage parcels
3. Presently available public facilities and services
4. Rail and nearby alternative transportation
5. Proximity to existing industrial activity.
6. No loss of productive (or potentially productive) resource land. (Poor soil, economically could not support farm use).
7. Minimal adverse effects on adjacent land use.

Positive impacts include:

1. Economic diversity/employment (long term economic benefits).
2. Development costs - public water and sewer lines in place, existing rail spur and roads.
3. Minimal impact on surrounding land use.

Environmental considerations have been addressed in the Goal 5 section of this report with special attention given to botanical resources and the Whetstone Creek corridor, which will remain Open Space Reserve. In order to fully address long term environmental, economic, social, and energy consequences the subject site should be designated as an Area of Special Concern (ASC). The ability to sustain resource uses near the proposed use (primarily marginal pasture land) should present minimal problems, if any. Other impacts such as the cost of road improvements would largely be the responsibility of developers. Other considerations have been addressed in the applicable goals and other sections of this report. An Area of Special Concern designation with appropriate environmental considerations, and proper site planning should minimize any adverse consequences that may materialize from the proposed industrial use. The need for long term economic prosperity for the people of Jackson County is paramount in this consideration.

D. Are the proposed uses compatible with other adjacent uses?

Adjacent uses to the subject site include the Medford Regional Sewage Treatment Plant, the Medford Water Treatment Plant, motocross racing site, Building Management Corporation, Balteau Standard Inc., Oregon National Guard complex, small lumber mill, 45 acres of vacant industrially zoned land, pasture land south and west of the subject property, and the Medford Industrial Park (White City) to the east across Table Rock Road. The proposed use should have minimal adverse impacts on adjacent uses. A designation as of an Area of Special Concern and proper site planning for development should address any potential problems that might adversely affect the compatibility with surrounding land use and nearby resource lands.
GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open space and protect natural and scenic resources.

Natural Areas and Open Space

The subject property is located on the western portion of the Agate Desert, an area characterized by a hummocky surface of grassy mounds, with vernal pools occupying much of the rocky intermound areas. Remnants of the natural character of this environment are to be found on the subject property.

Students, wildflower enthusiasts and botanists have been frequent springtime visitors to this area to examine and study the varied flora indigenous to this unique habitat. More recently, members of the Native Plant Society have conducted surveys of the area with over 60 different species identified thus far. The most noteworthy plants inventoried are the Limnanthes floccosa ssp. grandiflora (meadow foam) and a hitherto undescribed species of Lomatium, both of which occur on the fringes of the intermound pools during the moist spring.

The following plants which are found in this environment are judged to be rare, threatened or endangered either in Oregon or nationally:

- Dowlingia bacicalupii
- Arenaria californica
- Plagiobothrys austinae
- Pogogyne ziphyroides
- Limnanthes floccosa ssp. grandiflora
- Lomatium sp. (unidentified)

One of the species indigenous to the Agate Desert, Limnanthes floccosa, is rare but is not as of yet officially classified as endangered. In recognition of the fact that this wildflower habitat constitutes a significant natural area, appropriate means should be taken to insure the protection and preservation of same.

Botanical surveys of the Agate Desert area have led to the conclusion that the best natural representation of both Limnanthes and the probable new species of Lomatium is within an approximately 50 acre area straddling the western property line of the Four Ply parcel, including approximately 35 acres of the City's subject property. A secondary site, which manifests reasonably good site characteristics for both Limnanthes and Lomatium, has been identified on approximately 20 acres of City property north of the subject site near the Water Commission facility. The secondary site, however, does not appear to have any Lomatium at this time. Other sites manifesting varying degrees of these unique characteristics will continue to be located and studied by botanists and other interested groups.

In an effort to accommodate the preservation of a unique natural area, and at the same time balance the other values represented by these vacant lands, the City of Medford is presently entertaining preliminary discussions with the
Nature Conservancy to attempt to accomplish two objectives. First, the possibility of a long term lease from the City to the Nature Conservancy of the secondary site is being discussed as a means of preserving, in perpetuity, a piece of this unique habitat. Second, the possibility of an agreement between the City and the Nature Conservancy which would allow scientific study and collection, and the erection of an exclosure fence to prevent grazing disturbance, is being discussed as a means of learning more about the possible new species of Lomatium. Such an agreement, because of the relative value of the site as a future industrial site, would necessarily be terminable by the City. (See exhibit)

In light of the City's efforts at balancing the inherent values of the subject property, taking into account the unique botanical characteristics, the Nature Conservancy has provided written endorsement of this plan map change.

Wildlife Habitat

In addition to the Agate Desert wildflower habitat discussed above, the subject parcel is transversed by Whetstone Creek, which is a natural riparian habitat that contains native grasses, trees and a number of bird and animal species.

Whetstone Creek can be considered a seasonal stream with its maximum flow and peak biotic activity occurring during the winter and spring months. Its physical characteristics and its impact on the landscape can be variable depending on the amount of fluvial activity. It is a braided stream having several meanders some of which have been cut off. The significance of these points should be obvious. Whetstone Creek is not a source for water to be utilized for activities such as irrigation nor does it have sufficient flow to carry significant quantities and sizes of debris.

Although the creek is not deeply cut into the landscape and could conceivably be diverted, filled or modified to alter its flow, its natural character, that of being a riparian habitat, should be preserved. Such preservation could be facilitated by an open space designation on the prime habitat areas and with certain development standards for surrounding lands to ensure that adjacent developments should be designed to prevent the disturbance of this habitat by any effluent and debris generated by future development activities in the area. The City supports the continuation of the existing open space reserve (OSR) designation for the Whetstone Creek corridor as defined on the attached exhibits.

Historic Areas

This subject area was once part of the short lived army installation, Camp White, which was active only during, and for a brief while after, World War II. There are currently no sites, structures or objects of historical significance located in the area.
SUPPLEMENTAL FINDINGS

ON

NATURAL AREAS: NATIVE PLANT HABITAT

I. INVENTORY

A) Natural Areas inventories have been generated by the Nature Conservancy but are not practically available.
B) Personal communication with the Nature Conservancy and the Native Plant Society indicate that portions of the Agate Desert, including portions of the subject site, are of interest because they contain one, and perhaps two, rare native plants.
C) Field studies by the Nature Conservancy and Native Plant Society indicate that while there may be other important botanical areas in the Agate Desert region, none presently manifest greater likelihood for some form of preservation than the two sites (primary and secondary) which lie within the City-owned White City tract. Of the two sites, only the primary site lies within the subject (zone change) property.
D) Following is a list of the most important plants believed to be found on the subject site:

1) Dowingia bacinaluall
2) Arenaria californica
3) Plagiobothrys austinae
4) Pogogyne zizyphoides
5) Limnanthes floccosa ssp. grandiflora
6) Lomatium sp. (unidentified)

II. CONFLICTING USES

A) Rare, threatened or endangered native plants
   1) industrial development on primary site
   2) grazing on primary site
   3) any activity which causes disruption of vernal pool micro-habitat on primary site

III. ECONOMIC, SOCIAL, ENVIRONMENTAL AND ENERGY CONSEQUENCES

A) Rare, threatened or endangered native plants
   1) ECONOMIC
      a) Industrial development, grazing or other activities would cause no measurable economic impacts on the native plant habitat.
      b) Industrial development could ultimately yield a probable 10 jobs/acre, or approximately 500 jobs on the 50 acre primary site alone, and up to 5000 jobs on the entire subject site.
2) SOCIAL

   a) Industrial development, grazing or other activities would probably result in the eventual loss of the primary site as an area suitable for botanical visitation and study.

3) ENVIRONMENTAL

   a) Industrial development, grazing or other activities would probably result in the eventual loss of an unusual botanical site representative of a disappearing habitat type which at one time probably covered much of the valley floor.

4) ENERGY: none noted

IV. CONCLUSIONS

A) Rare, threatened or endangered native plants: Because of the potential ecological/scientific value of continued study of certain native plants present on a portion of the subject site, the City of Medford, as property owners, are presently negotiating with the Nature Conservancy in an effort to provide a long term lease on the secondary botanical site, which is located just north of the subject property. The City is also willing to provide the Nature Conservancy and/or the Native Plant Society with a scientific study agreement which would facilitate access to and use of the primary botanical site, including fencing to exclude grazing. It is a possibility that through the efforts of user groups such plant(s) as may be unique to the primary site could be established on the secondary site to facilitate long term preservation and study.

The general development plan for the subject site has been drafted with a sensitivity to the primary botanical site and should facilitate the continued use of the site even if industrial development begins on other contiguous property.

It is the contention of the City of Medford that every effort has been made to resolve the conflicting use issue relative to the rare, threatened or endangered plants present on the subject site.
GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Obviously the changing of a land use designation, in itself, will not adversely impact the quality of the environment. The way, and more important, the manner in which an area develops can have a profound effect on the environment. The subject area and any existing or proposed development thereon is subject to review and compliance with all state and federal environmental standards and regulations.

Air Quality

The subject area is within the Air Quality Maintenance Area (AQMA) which comprises some 228 square miles of the floor of the Bear Creek Valley. In 1979, the Environmental Quality Commission (EQC) adopted the Medford-Ashland AQMA Off-Set Rule which requires major new emissions sources to off-set new emissions by reducing existing emissions elsewhere in the AQMA. DEQ review and monitoring, as mandated by this rule, should mitigate potential air quality problems associated with any new development in the subject area, as well as throughout the AQMA.

Increased emissions from vehicular travel and from the subject area should not be any more severe than similar volumes of travel to other developing areas of the AQMA. Proposed county-wide vehicle Inspection and Maintenance Programs are expected to have a positive effect on achieving acceptable emissions levels throughout the county.

Water Quality

As the subject area is currently served by existing water and sewer facilities (see Goal 11, Public Facilities) monitoring and maintenance of water consumption and discharge are covered under DEQ's Water Quality Management Plan for the Rogue River Basin. In addition to the regulation of these facilities through the DEQ permits issued for their operation, adequate design standards should be applied to minimize the effects of increased surface run-off inherent to developing areas. This is addressed in the ASC conditions.

Land Quality

Those areas discussed under Goals 5 and 7, specifically the Agate Desert, wildflower habitat and the riparian habitats of the Whetstone Creek and Rogue River flood plain fringes, are the primary areas of concern when discussing land resource quality. As previously mentioned, the flood plain areas should retain an open space designation to mitigate any flood hazard potential, as well as for preservation of those riparian habitats. Standards for development on adjacent lands should address the need to prevent degradation of these identified habitats.
Noise

Noise is generally described as undesired sound involving three major elements: the sound itself, the path of transmission, and the receiver. The subject area is well suited for potential industrial use from a sound impact standpoint. Any noise sources in the area must meet ambient noise standards set forth by the EQC and enforced by DEQ as measured at the nearest noise sensitive property (receiver). Paths of transmission to the nearest receivers are lengthened by the presence of open space corridors created by the Rogue River and Whetstone Creek. These natural features, constitute a buffer to the south, west and north of the site with the least impacted neighbor, the existing White City industrial area, comprising the eastern interface.

The presence of these natural buffers and compatible adjoining uses along with design features, such as sound proofing of structures and the use of berms, should allow any development in the subject area to comply with ambient noise standards and help maintain a quality environment.

Solid Waste

Any solid waste generated in the subject area shall be subject to disposal and handling procedures set forth by the EQC and DEQ in compliance with the Solid Waste Management Act.
GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

Flood Plain and Erosion

The subject area lies approximately 1,800 feet south of the Rogue River with that portion of the City's land which lies north of Kirtland Road actually occupying the 100 year flood plain. Such flood plain areas are currently designated for open space and should retain said designation to mitigate the effects of the periodic flooding. The remainder of the site is flat or gently sloping with the only potential for erosional episodes that could be considered hazardous being on those areas subject to seasonal flooding of Whetstone Creek. Only the banks could be considered subject to erosion, however, and field analysis has not produced any evidence of significant erosional activity. Erosional degradation will be minimal at best as the creek is at grade and fluvial deposits of any magnitude are not likely.

Ground Water

The agate-windlow soil type common to the Agate Desert is characterized by a shallow soil horizon over a cemented hard pan layer. This soil type combined with the relatively flat nature of the terrain gives the area a tendency to experience high groundwater from ponding. Upon development of this area, any adverse effects of high ground water potential can be mitigated by a number of means including ripping of the hard pan and special care in the engineering and construction of surface and sub-surface drainage systems.

Slope Erosion

Due to the flat nature of the terrain the subject parcel contains no known potential for slope erosion hazard.
GOAL 8 - RECREATION NEEDS

To satisfy the recreational needs of the citizens of the state and visitors.

The subject area has provided passive recreational opportunities in the form of: 1) visits to the areas containing vernal pools by students, botanists and other wildflower enthusiasts and; 2) visitations by upland and water fowl hunters to the riparian habitat of the Whetstone Creek flood plain. The Whetstone Creek corridor also provides an opportunity for non-hunters to just hike and explore this close-in natural area. An adjacent area to the north has also been used, through agreement with the city, for a motocross facility which has been developed by a local club.

These activities, with the possible exception of hunting as the area develops, should be able to continue with the retention of certain open space designations and establishment of a wildflower preserve as proposed under Goal 5 discussions of open space and natural areas.
GOAL 9 - ECONOMY OF THE STATE

To diversify and improve the economy of the state.

There is a need to diversify the local economy. Closure and cut backs in and related to the wood products industry, few housing starts, high interest rates paralyzing construction trades, and subsequent cut backs in the secondary support segment of the economy point to the need to act. The City of Medford’s White City industrial property can provide increased manufacturing activity potential in Jackson County.

Industrial land that is fully serviced, properly zoned, and immediately available can attract industrial and commercial enterprise to Jackson County.

Attributes

The subject site presents an important opportunity for economic diversification because of the following specific attributes: large parcel potential and single ownership, rail access, full spectrum of urban industrial-level public facilities and services, and proximity to several population centers capable of providing a willing and able labor force.

Current Situation

Currently, Jackson County has an unemployment rate of 12.9%. This high unemployment rate can partially be attributed to the closure of several wood products plants and other support industry and product purveyors to the wood products segment of the local economy. It is predicted by several economists that regional wood products industries will never again reach the same peak levels of employment once experienced. Industrial alternatives to wood products and related industries are necessary to help stabilize the local economy.

Resulting from the downturn of wood products manufacturing and closure and decrease in other support activities, many people are out of work. Among this group are workers with a wide range of skills. These unemployed professional and technically skilled workers provide a good supply for primary and secondary employment opportunities. The subject site could ultimately provide jobs for up to approximately 5,000 persons, based on projected employment densities.

Unlike residential siting, which is relatively undemanding, industrial siting requirements are a complex montage of criteria representing the broadest possible land use spectrum. There are almost as many possible industrial siting requirements as there are industries. Therefore, maintaining the broadest choice in the industrial land market place cannot help but optimize the opportunities for economic diversification in the industrial sector. The subject property, because of the key site attributes cited above and elsewhere in this report, represents an important niche on the spectrum of likely siting requirements for new, or expanding industrial facilities.

Summary

Considerations relating directly or indirectly to Statewide Goal 9 are contained throughout this report. Such considerations include: materials and energy.
availability; labor market factors; transportation; current market forces; resources; land availability; pollution control; social, environmental, energy and economic impacts; and the carrying capacity of the air, land and water resources of the planning area. There can be little doubt that Goal 9 would be well served by the proposed map change from OSR/GI to GI.
GOAL 11 - PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

General Comments

The thrust of Goal 11 is to ensure, through the local planning process, that the provision of public facilities and services is coordinated with planned growth and development, consistent with proposed land uses and the availability and fiscal impact of providing the facilities and services. The subject area is being proposed for inclusion within the White City Urban Containment Boundary, and in that status would need to be economically served by appropriate urban facilities and services consistent with the proposed General Industrial land use designation. Following is a brief analysis of public facilities and services considerations relative to the proposed change in plan map designation.

Sewer Service

In that the regional sewage treatment plant is sited on the Rogue River just north of the subject property, and that the White City Trunk sewer bisects the subject property, ranging in size from 66 inches diameter at the treatment plant to 33 inches diameter at the southerly property line, there exists ample capacity to provide for the development of lateral sewage collection systems serving the entire subject site. The design of such lateral gravity-flow systems can occur in a logical and efficient manner as site development occurs, providing an estimated capacity of at least 11 mgd to prospective industrial users. The City of Medford owns the White City Trunk sewer. Further development of laterals and use of this system is subject only to Jackson County's public facilities and services policies which are discussed below.

The subject property is also crossed by the upper Bear Creek Interceptor, which enters the treatment plant at a diameter of 66 inches. The City of Medford also owns a certain portion of the capacity of this system, although it is highly unlikely that this additional capacity would be needed to serve the subject site. Use of the interceptor would relate both to the County's policies and agreements with the Bear Creek Valley Sanitary Authority.

The Public Facilities and Services element of the County Comprehensive Plan designates categories of sanitation service based on criteria generally relating to location. Category B criteria include areas "...within an unincorporated urban containment boundary." The appropriate service method under category B is "conventional sewage collection and treatment as part of a regional or sub-regional system...". The specified level of service is "...new service trunks, mains, and lateral lines... designed and sized to serve existing development and in-fill within the boundary to be served." Category B type service method and level of service is appropriate to and consistent with the proposed use designation of the subject property.
Water Service

The Medford Water Commission water treatment facility lies just north of the subject property fronting on the Rogue River just upstream from the sewage treatment plant. The subject property has been included within the Water Commission's service area since 1968, at which time the area was designated for industrial water service. Subsequent development of water mains designed for industrial use has occurred on and adjacent to the subject property. The primary main is a 42" line running along the western side of the Table Rock Road right-of-way. At the intersection of Table Rock Road with the Southern Pacific Railroad spur a 16" industrial water main runs westward continuing into the heart of the subject property for a distance of about 4000 feet paralleling the railroad spur. Engineering plans for developing a loop system connecting the terminus of the 16" line with Antelope Road are on file if needed, although other system design possibilities could easily be established depending upon the pattern of industrial development. At the intersection of Table Rock Road and Antelope Road the 42" main branches into two 30" mains, one continuing southward on Table Rock Road and the other running eastward on Antelope Road. The condition and capacity of the water system serving the subject site is adequate for virtually any level of industrial use and for fire protection of industrial uses on the subject site.

The Public Facilities and Services element of the County Comprehensive Plan identifies Category B for water service methods and service levels within unincorporated urban containment boundaries. These designated methods and levels of service are appropriate for water service for the proposed land uses within the subject property.

In addition to water service available from the Medford Water Commission, the subject site has a unique opportunity to utilize the outflow from the sewage treatment plant for a variety of possible industrial uses. This source could provide over 10 million gallons per day of low cost industrial process water. The chemical and biological purity of the outflow could allow for such industrial uses as cooling and boiler use.

Police Protection

The subject property is within the unincorporated area served by the Jackson County Sheriff's Department. Police protection is presently provided to this partially developed industrial area, designated as Beat 5, on approximately a two shift basis (8 a.m. to midnight). The nearby White City residential area, designated as Beat 6, is provided with the highest level of unincorporated police service in the County, averaging one to three patrol cars on a 24-hour basis.

The possible impact of the proposed map change on police service needs could be in two categories. First, the industrial development of the subject property would likely result in some increased residential development within the White City residential area (Beat 6). This probable increase in residential growth, while essentially unpredictable in time and magnitude, could result in some additional police service needs in Beat 6. As Jackson County has taken the
official position of encouraging and supporting the incorporation of White City, it must be assumed that such incorporation would relieve the present service burden on the Sheriff's Department. Industrial development on the subject property, by adding residents to the White City area, may also act to enhance the opportunity for future incorporation.

The second possible impact on police service could be the increase in demand for police service on the industrial site, itself, (Beat 5) as industrial expansion occurs. While law enforcement needs are typically minimal for most industrial areas, Sheriff's Department records do show some occurrence of the theft and burglary in the vicinity of the subject site. Sheriff's Department records also show that industrial users in the vicinity who have utilized security measures such as fencing, lighting and alarm systems have a significantly lower incidence of attempted criminal activity. The use of security measures on the subject property will be addressed in the site design considerations as a part of the Area of Special Concern designation.

Fire Protection

The subject property lies within Fire District #3 and presently can be served by both the main fire station at 8333 Agate Road and the station on Front Street in Central Point. Response time from the Agate Road station is 3 to 5 minutes, with backup available from Central Point station in 7 to 8 minutes. In the event of an industrial fire in the White City area, equipment and personnel from both stations are immediately dispatched. Fire fighting equipment available from both stations is of an urban industrial level and includes 7 industrial capacity pumpers (4 at White City, 3 at Central Point), an aerial ladder truck (White City), and other specialized industrial fire fighting equipment.

In addition, present fire and building codes require substantial on-site fire protection capacity. Water, as well as other mechanisms, are required depending on the type of industrial use. Structures which are sprinkled (300 heads) are also required to be electrically supervised, which allows for an immediate response from the Fire District stations.

In general, Fire District #3 is prepared to meet the present and future fire protection needs of the subject site if the general industrial designation is applied.

Other Public Facilities and Services

Electrical service is available to the subject site from Pacific Power and Light Company's 12,500 volt distribution lines located on Table Rock Road and Kirtland Road. While this level of electrical service should be more than adequate for any prospective industrial users, it is possible that a new substation could be developed on or near the site to supply additional electrical energy if necessary in the future.

Natural gas service has been available from CPN since 1963. A 6 inch, 300 pound high pressure transmission line transects the subject property along Kirtland Road from Tolo Road to the west, presently serving the Medford Regional Sewage Treatment Plant, and continuing east across Table Rock Road providing service to 3M...
Corp., and other White City industrial firms. A line is proposed from the existing line at Kirtland and Table Rock Roads south along Table Rock connecting with the existing line along Antelope Road.

Storm drainage facilities will be required by the site development conditions for the subject property. It is likely that most storm water will be transmitted by means of underground pipes to the Whetstone Creek drainage way, and from there to the Rogue River. As the present site is highly impervious to storm water due to edaphic limitations, the paving and industrial utilization of the site is not likely to cause any special drainage problems.

Planning, zoning, subdivision control, and other community governmental services are presently the role of Jackson County. In the event that incorporation occurs, either the new "City of White City," could institute the necessary services, or they could contract with Jackson County, or participate in the formation of a county service district to provide certain services. It is important to note that the general industrial designation requires site plan review by the County. This process, in conjunction with the Area of Special Concern considerations, will provide opportunity for comprehensive planning, zoning and subdivision control relative to the subject site.
GOAL 12 - TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Road System

The subject property is presently served by two county roads. Kirtland Road, classified as a collector road between Table Rock Road and Blackwell Road, forms the northern boundary of the subject property, and Table Rock Road, classified as a minor arterial for its full length, lies adjacent to most of the western property line. Both of these roads are constructed on a structural section capable of supporting the heaviest of legal loads. All bridges on both roads are capable of carrying loads consistent with the capacity of the roads which they serve. Both roads have 55 mph speed limits and a maximum design capacity of approximately 15,000 average daily trips (ADT). At the present time, Kirtland Road carries approximately 2100 ADT between Table Rock Road and High Banks Road. Table Rock Road carries approximately 6,600 ADT south of Antelope Road and 5,000 ADT north of Antelope Road.

Industrial development on the subject site could yield, at a maximum, approximately 28,000 ADT, which would be distributed among several roads primarily Table Rock Road and Kirtland Road. Obviously the excess capacity which presently exists on both these roads would not be sufficient to adequately service the additional traffic. However, it must be assumed that the industrial development of the approximately 500 acre subject property will proceed slowly, and probably erratically, over a period of many years. Given this assumption, one can easily predict a number of important changes in the present transportation system. It is likely that signalization, at Table Rock Road and Kirtland Road, at Table Rock Road and Antelope Road, and at any major access points into the property, will be required at some time in the future. This signalization can be at least partially facilitated as a condition of development and/or through the formation of improvement districts. The same mechanisms can be used to facilitate road improvements, varying from turning lanes or bays to major widening and lane additions.

Long range plans call for the extension of State Highway 140 from Crater Lake Highway to the I-5 freeway near Seven Oaks. Even though this project is not a likely candidate for near term funding, it may be a viable project at some time during the development of the subject property and would serve to carry a significant amount of industrial, as well as employee traffic.

Access to Truck Transport, Air and Rail Facilities

The Interstate 5 corridor provides excellent highway access to most west coast markets. Motor freight access from the subject property to I-5 northbound is best accomplished via Kirtland Road to the Tololo Road interchange, a distance of about 4 1/2 miles. I-5 southbound is best reached via Table Rock Road to Villus Road to Hamrick Road to the Head Road interchange, a distance of about 3 1/2 miles.
The Medford-Jackson County Airport is capable of serving air freight carriers with a gross weight of 190,500 lbs (take off) on a regular basis (Boeing 727/200 Series fully loaded). Special provisions can be made for heavier loads on an irregular basis. The Airport is presently served by two major airlines, United Airlines and Pacific Express. Horizon Air, a commuter airline, also serves the Airport.

The air trade area for the Medford-Jackson County Airport includes all of Jackson County, parts of Josephine and Klamath Counties, and portions of northern California. Access to the Airport from the subject property is via Table Rock Road, a distance of about 3 miles.

The subject site is bisected by a Southern Pacific Railroad spur, making it one of the few such sites in Jackson County. Rail service can merge with mainline shipment routes with a one day layover. Rail transport is especially suitable for heavy equipment or bulk shipments to and from other west coast markets.

Public Transportation

Rogue Valley Transportation District operates a bus line adjacent to the subject site. This line connects with all main routes of RVTD linking Medford, Ashland, White City (and Jacksonville). It can be anticipated that at some time in the future public transportation could become an important linkage between the subject site and major urban areas. The increased employment at the subject site could enhance the service economics of RVTD, as well as contribute positively to air quality, energy conservation and reducing traffic congestion and associated needs.
GOAL 13 - ENERGY CONSERVATION

To conserve energy, land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

As the subject area is virtually undeveloped, opportunities for energy efficient design and construction techniques should be addressed at the time of development. The locational characteristics of the site, however, have relevancy in regard to local energy conservation policy.

The subject area is adjacent to and a western extension of the existing White City Industrial Park, an area which is a major employment district for the county. Its proximity to the major population center in the region and access to existing transportation facilities (rail and highway) are consistent with county policies and strategies under FINDING #1 of the Energy Conservation element of the Jackson County Comprehensive Plan. The site is already served by adequate water, sewer and electricity with the regional water and sewage treatment facilities actually on site. The existence of these facilities constitutes substantial energy savings compared to the cost involved in extending those facilities to other areas as need arises.

Treated water from the sewage treatment plant is currently used for some experimental agricultural irrigation on the subject parcel. However, this effluent is of a sufficient quantity and quality that it can also be utilized for heat extraction and cooling for buildings and some processes that would locate in the immediate area. Such utilization would constitute an energy savings, at the very least, in space heating and cooling requirements of future development with no environmental degradation or extra burden on the water requirements of the region.
GOAL 13 - URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use.

The delineation of unincorporated urban lands within an urban containment boundary is a mechanism adopted by Jackson County to recognize and accommodate several existing pockets of urban development which evolved prior to County zoning controls. The White City Urban Containment Boundary is identified in the Jackson County Comprehensive Plan as an area "...comprised of a broad range of urban residential, commercial and industrial land uses. The area functions as one of the two major county employment centers with a vast array of light to heavy manufacturing activities." The area contains in excess of 4,000 persons and over 1,000 acres. There presently exists considerable interest in incorporation of the White City area. The County Comprehensive Plan, in Urban Lands Goal #5, supports the incorporation of White City.

The County Plan also supports, in Urban Lands Goal #3, "...in-fill development at urban densities where adequate urban level facilities exist" within urban containment boundaries. The subject property is proposed for inclusion within the White City urban containment boundary, is presently served by urban industrial service levels, including transportation facilities, and is a likely candidate for in-fill industrial development over an extended time period. Because the nature of industrial development on the subject property will be largely consistent with the unique attributes of the property, such development is not likely to discourage industrial growth on other industrial sites within the White City urban containment boundary which manifest different site potentials and characteristics.

Other factors which are typically considered as a part of the Urbanization Goal findings, such as need for employment opportunities; economic provision for services; environmental, energy, economic and social consequences; and preservation of agricultural lands, have all been discussed in other sections of these findings.
THE NEED ISSUE

Present economic events that have taken place nationwide and their effects on the local economy necessitate the expansion and diversification of the local economic base. More specifically, we must make available viable, properly zoned, industrial lands ready for development. A need exists.

Based on recent site inventories, there exists, in general, an adequate supply of industrial lands in Jackson County. However, there are several unique and special attributes that make the subject property a candidate for a zone change from GI/QSR to GI.

Attributes

Industrial sites of at least 50 acres in size are in short supply. Currently, there exist 6 industrially zoned sites in excess of 50 acres, county-wide. Of this group of 6 industrially zoned sites, only 3 have public water and sewer. Only one of these has on-site rail service. (See Goal 2 - Exceptions)

The subject area in question is held in public ownership. The significance of this point is that property assemblage is not necessary to create large lots. Many times the process of property assemblage that involves many owners can be difficult if not impossible to achieve.

The subject area is divided by an industrial rail spur. The implications of this fact are obvious. There exists only one site in Jackson County with public services that is at least 50 acres that has access to rail. On-site rail access is necessary for the siting of many larger industrial facilities.

Proximity to the regional wastewater treatment plant makes this site attractive as it could furnish inexpensive and abundant water of high quality for industrial heating, cooling, and processing.

Geographical proximity to population centers and existing industrial activities tend to draw other industries, as small industrial manufacturing and suppliers tend to feed and gather close to larger manufacturers.

Balance

When considering the Statewide Planning Goals it becomes apparent that each Goal is in itself myopic. Consequently, achieving an acceptable level of consistency with all applicable Goals requires a balancing of economic, environmental and social values.

Environment: There is a need to achieve and sustain ecological harmony within the subject area. That is, there are several biotic habitats that could be threatened, but should be preserved by specific actions and safeguards.

Specifically, there exist several potentially threatened or rare plant species. To achieve balance, study of and preservation of important habitat is recommended. Steps
are being taken in recognition of a potential economic and biotic resource due to their unique qualities. (See Goal 5)

Whetstone Creek's relationship to the subject area presents several special considerations. It is recognized that the creek's existence is important as a riparian habitat. It supports a number of native plants and animals. Due to its unique topographical relationship to the more significant part of the subject property it would not be a candidate for a sound economical development. Therefore, given that it has no significant industrial development potential and that it is most valuable as a riparian preserve due to its topographic, botanical, and animal make up, it should be retained as OSR. Its highest resource value is that of open space reserve rather than General Industrial. This area is being recommended for OSR zoning.

It should also be mentioned that Whetstone Creek is subject to periodic flooding. By retaining this area in OSR designation and free of any development on the creek margins, ecological integrity of the creek will be retained, thereby minimizing possible flood hazards.

Socio-economic: No one would argue with the acknowledged need to diversify the economy of Jackson County. Recently it has become painfully apparent that the economy of Jackson County is distressed. The economy lacks diversity. Its singular approach to supply primary jobs by virtue of the wood products industry has proved to be disastrous. Many wood products-related industries have slumped, forcing layoffs. Subsequent to these layoffs, other support or secondary job opportunities have faltered, forcing further job reductions. It is believed by several economists that the wood products industry will never achieve the once high level of employment, stability, and prosperity it enjoyed in the past. The June 1982, unemployment rate in Jackson County was 13% according to the Oregon Department of Human Resources. The real unemployment rate is probably closer to 20%. This fact alone points to the need for diversification and need to create employment opportunities for a large, dynamic, and willing labor force.

The subject site, approximately 500 acres, could provide an estimated 5,000 jobs; assuming an employment density of 10 jobs/acre (Medford Economic Element/draft 6/82). While it would be difficult to argue that this employment impact would be immediate, the long term benefits cannot be ignored. In the balance, there is abundant evidence that the proposed use, tempered both by the Whetstone Creek and Botanical Preserve proposals, and with the added assurances of the ASC conditions, represents an optimum balancing of values.
OPEN SPACE RESERVE - Refer to County Comprehensive Plan Map Designations

*1. The subject area lacks those qualities of being either a mountainous or upland foothills area or possessing the physical quality of being sloped or rocky. It is an area of very little relief and could be characterized as being topographically flat.

*2. The area in question is neither remote nor lacking in adequate access points as it is:
   
   A. Bounded on the north and east by county developed and maintained roads; (See Goal 11)
   
   B. Not subject to high erosion, mass movement, or any other natural limitation. (See Goal 5)

*3. The subject area is poorly drained and not suited for conventional subsurface disposal. However, sewer service is available to the entire site. Storm drainage will be accommodate at the time of development.

There are no fragile soils or surficial rocky formations. The area in question is not subject to high levels of erosion. It is predominately SCS Class IV.

*4. The subject area is not a seasonal wildfire hazard area. Vegetative fuels do not accumulate in sufficient quantities.

*5. The subject area is not necessary for watershed or aquifer recharge maintenance and protection.

*6. The subject area lies below the designated contour intervals.

7. Currently the subject area is in public ownership. The City of Medford is the current owner.

*8. There exist sanitary sewer line that extend to the adjoining sewage treatment plant, as well as industrial level water service. The conditions and parameters of category B of the public facilities element apply to the subject site.

9. Currently the subject area is divided in parcels larger than 20 acres.

*10. Currently the subject area is dominated by star thistle, several annual plants, and wild grasses. Less than 1% of the site is wooded and those trees line Wheatstone Creek, an unlikely area for intense development. (See Goal 5)

* These criteria are not met by the subject site.
*11. The subject area hasn't any unique geological characteristics. On certain areas of the subject site there exists a potentially threatened plant: Limnanthes floccosa, meadow foam. There are other sites in the local area where this plant exists, as does the Agate Desert vernal-pool habitat type. (See Goal 5)

*12. The subject area isn't of high recreational value. It is neither the focal point for any developed or undeveloped recreational activity, nor does it exhibit that potential within reasonable economic means. (See Goal 8)

*13. The subject area in no way is a well established wildlife, game management, or fish habitat. No activity would appreciably disrupt the migratory routes of any indigenous animal species. (See Goal 8)

*14. The area in question cannot be considered a scenic area specifically. That is, there are no specific geographical qualities not found in and around the adjoining area. (See Goal 5)

*15. The adjoining parcels to the east are of the same physical character as the subject area. Currently, the area to the east is developed partially as industrial uses.

*16. The need issue is discussed elsewhere in this document.

GENERAL INDUSTRIAL

1. The subject property has less than a 5% topographic gradient and could be considered to be flat.

2. Currently, the properties immediately to the east are developed as light and general industrial uses.

3. Public facilities and services exist to adequately service existing and potential development consistent with the parameters and conditions of category B of the public facilities and service element. (See Goal 11)

4. The subject property is located near major, high volume transportation corridors. (See Goal 12)
   A. Highway 62 is approximately 1.5 miles east of the subject site.
   B. I-5 is located approximately 3 to 4 miles south and west of the subject site.
   C. Jackson County Airport is located 3 miles south of the subject property.
   D. Southern Pacific industrial rail spur divides the subject area.

5. There exists adequate fire protection for the subject area. (See Goal 11)

* These criteria are not met by the subject site.
6. RTDB has a bus route that passes by the subject area.

7. Specific ingress and egress points have not been established. No vehicular conflicts can be specifically identified until the subject area is more specifically planned. (The General Development Plan/ASC conditions will address this. Also see Goal 12.)

8. Currently, there exist soil limitations that inhibit drainage. This condition can be remedied by site preparation and proper engineering at the time of development. No load bearing problems exist.

9. The subject area is located within a 5 miles radius of Central Point, White City, Eagle Point, and Medford.

10. Lands with sufficient parcel size are available to accommodate allowable light industrial activities and related facilities.

11. There are adequate utilities to serve the subject area. (See Goal 11)

SUPPLEMENTAL NOTE

It should be noted that the County's most recent draft Mapping Criteria section distinguishes between and elaborates upon those aforementioned items which are in reality "Descriptive Characteristics" and those which are, in fact, "Zoning District Criteria". The preceding analysis, while done according to the older format, is entirely consistent with the most recent draft and clearly concludes that the subject site is most appropriately zoned GI rather than OSR.
Policies for the development of the Whetstone Industrial Park are contained in Chapter 280.110 (3) (C) of the Land Development Ordinance which establishes Area of Special Concern (ASC-82-1).
100 YEAR FLOOD PLAIN AND RIPARIAN HABITAT FOR WHETSTONE CREEK
November 24, 1981

John Thomson, City Manager
Medford City Hall
411 W. 8th St.
Medford, Oregon 97501

Dear Mr. Thomson:

On behalf of the Greater Medford Chamber of Commerce Economic Development Department, I want to thank you for your assistance and support in our unsuccessful attempt to locate Ross Division of Abbott Laboratories to Medford/Jackson County area. We were very close to being successful in our efforts to locate the 240 employee, $70 million dollar plant to our area. However, we came in second. In an economic development, second place is not good enough.

I am enclosing a copy of the letter from Harry Pettengill, the Corporate Facilities Planner for Abbott Laboratories. This letter explains the fundamental reasons for selecting Casa Grande, Arizona over the Medford location. There is not a lot we can do about our location in relationship to the Southern California market. However, there are things that can be done regarding increasing our available, attractive rail served sites. It is hoped that a cooperative arrangement will be reached between Jackson County and the City of Medford on the several hundred acres of industrial property owned by the City of Medford, and make it available for quality economic development in the future. If these sites would have been available we would have had one more advantage over the competition. The Economic Development Department of the Greater Medford Chamber of Commerce will continue its industrial development efforts.

Again, thank you for your assistance in this important project, and I hope I can call on you in the future to help with our economic diversification program.

Best regards,

William R. Haas, CCE
Executive Vice President
October 28, 1981

Mr. William R. Haas, CEC
304 S. Central Avenue
Medford, Oregon 97501

Dear Bill:

While we plan no public announcement until ratification at our December Board of Directors meeting, we have reached a decision point in our lengthy effort to find a plant site for our Ross Division. The plant will locate in Casa Grande, Arizona. As you know, the decision came down to a choice between your community and Casa Grande, and was a close one. I would say the factors that swung the final decision were proximity to the southern California market, and the availability of attractive, viable sites. You certainly have much to be proud of in Medford's livability, its solid infrastructure, and the quality of your work force.

I would like to thank you and your associates, especially Dwayne Moore and Gordon Dotson, for the thorough, responsive, and professional effort you mounted on our behalf. I look forward to the opportunity to work with you in the future on another project, hopefully with a better result from your perspective.

With warmest regards,

[Signature]

H. C. Pettengill, Manager
Corporate Facilities Planning

HCP:brb
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

AN EMERGENCY ORDINANCE ADOPTING A CONSOLIDATED LAND DEVELOPMENT ORDINANCE FOR JACKSON COUNTY BY COMBINING THE EXISTING ZONING AND LAND DIVISION ORDINANCES AND MAKING VARIOUS AMENDMENTS THERETO, FILE NO. 82-2-0A

ORDINANCE NO. 82-32

RECITALS:

1. ORS 215.060 and ORS 197.175 require counties to adopt zoning and subdivision ordinances to implement an adopted County Comprehensive Plan.

2. On August 29, 1980, Jackson County adopted a Zoning Ordinance, Ordinance No. 80-18, and a Land Division Ordinance, Ordinance No. 80-19.

3. The Land Conservation and Development Commission of the State of Oregon has by order dated May 14, 1982, noted certain changes that are required to be made in the Jackson County Comprehensive Plan and implementing ordinances in order to comply with Statewide Planning Goals 2 through 5, 9, and 12.

4. Experience with the Comprehensive Plan of 1980, and the implementing ordinances have demonstrated a need for various changes to effectively administer zoning and land division processes and to give adequate guidance to the citizens of Jackson County.

5. Certain changes in the Zoning and Land Division Ordinances have been proposed and recommendations made thereon by the Jackson County Planning Commission, which changes have been reviewed in the Jackson County Program for Citizen Involvement, and have been the subject of public hearings on September 21, and 23, 1982, pursuant to ORS 215.060.

6. The Board of Commissioners deem it in the best interests of Jackson County to consolidate the Zoning Ordinance and Land Division Ordinance into one Land Development Ordinance with the necessary amendments as hereafter set forth.

Now, therefore,

The Board of Commissioners of Jackson County ORDAINS:

Section 1. This ordinance adopts by reference the Land Development Ordinance of Jackson County, a document of 197 pages, attached as Exhibit A, with the following amendments:

1-ORDINANCE: File 82-2-0A
A) Page 56, Section 15.070 Change to:

"RECORDATION AND FILING:

"The approved deeds and other documents, as may be required to be recorded by the Department shall be recorded within fifteen working days of the Department's approval. The recorder shall not record any map which will have the effect of partitioning property without the written authorization of the Planning Director."

B) Add "D) Small scale solid waste disposal facility" as a conditional use in the following sections:

- Page 102, Section 210.030 (8)
- Page 110, Section 212.030 (8)
- Page 118, Section 214.030 (8)

C) Page 119, Section 214.035 (4) is revised to read "That the proposal considers site productivity and minimizes the loss of resource land by locating on land that is generally unsuitable for the production of forest or farm products, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and the like.

D) Page 133, Section 220.020 (8) amend to read: "Small scale energy producing facility in conjunction with permitted and approved conditional uses."

E) Page 136, Section 222.020 (5) amend to read: "Small scale energy producing facility in conjunction with permitted and approved conditional uses."

F) Page 160, Section 238.020 (23) delete "Solid waste transfer station when conducted within an enclosed building subject to the provisions of Chapter 268" as a permitted use and add the use as written above as a conditional use to §9, Section 238.030, page 161, and to §7, Section 242.030, page 169.

G) Page 172, Section 244.030 (1), revise to read: "All permitted uses within the designated 100 year floodplain identified in Section 244.020 (except item 2, if such uses are portable in nature; items 4, agriculture, and 7, forest uses) shall be reviewed by the Hearings Council to ensure floodplain requirements are met."

H) Page 184, Section 254.020 (2) add: "...or as is heretofore amended," after "June, 1980," in the fourth line of the paragraph.
I) Page 221, Section 268.010 (4) revise to read: "4) To provide a mechanism to establish a special site for the temporary collection and storage of toxic or hazardous wastes, subject to receipt of all appropriate permits or licenses required under ORS 459, and Oregon Administrative Rules, Division 63."

J) Page 221, Section 268.030 amend title and introduction as follows:

"Uses Subject to Administrative Approval or Conditional Use Permits:

The following uses, if allowed as a permitted use in the zoning district, shall be subject to administrative approval by the Planning Director or shall be reviewed as a conditional use by the Hearings Council if listed as such in the zoning district within which the use is proposed to be located."

K) Page 264, Section 280.100 (1) amend the first clause of the first paragraph to read:

"1) Mandatory Fire Safety Requirements: The following minimum standards are mandatory in rural areas outside of rural fire protection districts or within a fire protection district, but outside of five road miles of a developed, operational, and responding fire station, or within five road miles of the responding fire station and designated as a hazardous wildfire area; and in..."

L) Page 265, Section 280.100 (1) (B) amend to read:

"B) Roof coverings shall be fire retardant, as defined in the current edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. In the Forest Resource (FR-160), Open Space Reserve (OSR), Woodland Resource (WR), and Exclusive Farm Use (EFU) districts, no wood roofing shakes or shingles shall be permitted."

In all other zoning districts, wood roofing shakes and shingles shall be pressure treated with fire retardant."

M) Page 265, Section 280.100 (1) (C), third line change "around" to read "round." Amend last paragraph to C:

"Emergency water storage facilities and emergency pumps are not required in the Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR) and Exclusive Farm Use (EFU) zoning districts when located less than five road miles from a responding fire station, within a Rural Fire District, and not located in a hazardous wildfire area."

N) Page 265, Section 280.100 (1), add a new D:
"D) Hazardous Wildfire Area: Any publicly or privately owned land which is covered with grass, brush, or forest and is situated or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great damage through fire or resulting erosion."

Page 265, Section 280.100 (2) (A), revise to read:

"A) Areas within nonresource zoning districts which are located within rural fire protection districts, are within five road miles of a responding fire station and are not in a hazardous wildfire area, need only consider the items listed in section 1, above, as guidelines."

Section 2. The Official Comprehensive Plan and Zoning Map is hereby adopted. Said Map, consisting of 18 separate maps, each of which is dated contemporaneously with this ordinance and signed by the Chairman of the Board of Commissioners is hereby incorporated into the Jackson County Land Development Ordinance, and may be amended in accordance with the provisions of Chapter 277 thereof.

Section 3. The document entitled "Ashland/Jackson County Urban Growth Boundary Agreement" dated May 20, 1982, and executed by the City of Ashland on June 1, 1982, and Jackson County on May 25, 1982, a copy of which is attached hereto as Exhibit B to this ordinance together with all exhibits, findings, and other documents referred to and adopted as part of said agreement, is hereby adopted and made a part hereof as though specifically set forth herein.

Section 4. The Phoenix Urban Growth Boundary is hereby amended to include the entirety of Tax Lot 1000 in Section 15A of Township 38 South, Range 1 West as adopted by formal action of the City Council of the City of Phoenix and Board of County Commissioners of Jackson County on April 5, 1982. The findings of the Jackson County Board of Commissioners upon which such action was based, appear as Exhibit C to this ordinance and are hereby adopted by reference.

Section 5. Findings in support of rezoning certain property near White City and establishing an Area of Special Concern 82-ASC-2, with additional developmental standards as contained in a document entitled "Proposed Legislative Findings City of Medford Property in White City" and dated September 15, 1982, are hereby adopted by reference as Exhibit D to this ordinance.

Section 6. Jackson County Ordinance Nos. 80-18, the Jackson County Zoning Ordinance, including the Official Comprehensive Plan and Zoning Map, and 80-19, the Jackson County Land Division Ordinance, each dated August 29, 1980, and all amendments thereto, are hereby repealed.
Section 7. The express or implied repeal of any ordinance, or parts of ordinances by adopting of this ordinance, shall not be construed as abating any actions or legal proceedings now pending under or by virtue of such ordinances so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue nor as affecting the liability of any person, firm or corporation, nor as waiving any right of Jackson County under any ordinance existing on the effective date of this ordinance.

Section 8. This ordinance being necessary to the health, welfare, and safety of the people of Jackson County, an emergency is declared, and it shall take effect immediately upon adoption.

ADOPTED this 11th day of November, 1982.

JACKSON COUNTY BOARD OF COMMISSIONERS

Peter Sage, Chairman

ATTEST:

Donna Blake
By: Recording Secretary

APPROVED AS TO FORM:

[Signature]
County Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

AN EMERGENCY ORDINANCE ADOPTING A CONSOLIDATED LAND DEVELOPMENT ORDINANCE FOR JACKSON COUNTY BY COMBINING THE EXISTING ZONING AND LAND DIVISION ORDINANCES AND MAKING VARIOUS AMENDMENTS THERETO, FILE NO. 82-2-OA

ORDINANCE NO. 82-2-0A

RECITALS:

1. ORS 215.060 and ORS 197.175 require counties to adopt zoning and subdivision ordinances to implement an adopted County Comprehensive plan.

2. On August 29, 1980, Jackson County adopted a Zoning Ordinance, Ordinance No. 80-18, and a Land Division Ordinance, Ordinance No. 80-19.

3. The Land Conservation and Development Commission of the State of Oregon has by order dated May 14, 1982, noted certain changes that are required to be made in the Jackson County Comprehensive Plan and implementing ordinances in order to comply with Statewide Planning Goals 2 through 5, 9, and 12.

4. Experience with the Comprehensive Plan of 1980, and the implementing ordinances have demonstrated a need for various changes to effectively administer zoning and land division processes and to give adequate guidance to the citizens of Jackson County.

5. Certain changes in the Zoning and Land Division Ordinances have been proposed and recommendations made thereon by the Jackson County Planning Commission, which changes have been reviewed in the Jackson County Program for Citizen Involvement, and have been the subject of public hearings on September 21, and 23, 1982, pursuant to ORS 215.060.

6. The Board of Commissioners deem it in the best interests of Jackson County to consolidate the Zoning Ordinance and Land Division Ordinance into one Land Development Ordinance with the necessary amendments as hereafter set forth.

Now, therefore,

The Board of County Commissioners of Jackson County ORDAINS:

Section 1. This ordinance adopts by reference the Land Development Ordinance of Jackson County, a document of 197 pages, attached as Exhibit A, with the following amendments:

1-ORDINANCE: File 82-2-OA
I) Page 221, Section 268.010 (4) revise to read: "4) To provide a mechanism to establish a special site for the temporary collection and storage of toxic or hazardous wastes, subject to receipt of all appropriate permits or licenses required under ORS 459, and Oregon Administrative Rules, Division 63."

J) Page 221, Section 268.030 amend title and introduction as follows:

"Uses Subject to Administrative Approval or Conditional Use Permits:

"The following uses, if allowed as a permitted use in the zoning district, shall be subject to administrative approval by the Planning Director or shall be reviewed as a conditional use by the Hearings Council if listed as such in the zoning district within which the use is proposed to be located."

K) Page 264, Section 280.100 (1) amend the first clause of the first paragraph to read:

"1) Mandatory Fire Safety Requirements: The following minimum standards are mandatory in rural areas outside of rural fire protection districts or within a fire protection district, but outside of five road miles of a developed, operational, and responding fire station, or within five road miles of the responding fire station and designated as a hazardous wildfire area; and in..."

L) Page 265, Section 280.100 (1) (B) amend to read:

"B) Roof coverings shall be fire retardant, as defined in the current edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. In the Forest Resource (FR-160), Open Space Reserve (OSR), Woodland Resource (WR), and Exclusive Farm Use (EFU) districts, no wood roofing shakes or shingles shall be permitted.

"In all other zoning districts, wood roofing shakes and shingles shall be pressure treated with fire retardant."

M) Page 265, Section 280.100 (1) (C), third line change "around" to read "round." Add a new last paragraph to C:

"Emergency water storage facilities and emergency pumps are not required in the Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR) and Exclusive Farm Use (EFU) zoning districts when located less than five road miles from a responding fire station, within a Rural Fire District, and not located in a hazardous wildfire area."

N) Page 265, Section 280.100 (1), add a new D:

3-ORDINANCE; 82-2-OA
LAND DEVELOPMENT ORDINANCE for JACKSON COUNTY, OREGON

Adopted October 20, 1982, #82-27, effective December 20, 1982
Amended November 10, 1982, #82-33, effective January 10, 1982
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LAND DEVELOPMENT ORDINANCE

Chapter 00

INTRODUCTORY PROVISIONS - DEFINITIONS

00.010 TITLE:

This ordinance shall hereafter be known, cited, and referred to as the Land Development Ordinance for Jackson County, Oregon.

00.020 ORGANIZATION:

The Land Development Ordinance consists of two parts: Land Division Regulations, starting with Chapter 1; and Zoning Regulations, starting with Chapter 200.

00.030 FEES, GENERALLY:

For the purpose of partially defraying expenses involved in processing land development applications, the department shall collect fees in the amounts established by order of the Board of County Commissioners.

00.040 DEFINITION OF TERMS:

As used in the Land Division Regulations and Zoning Regulations of the Land Development Ordinance the masculine includes the feminine, and the singular includes the plural, unless the context otherwise requires. No preference or prejudice is intended through this choice of words. "May" is permissive, and "shall" is mandatory. The following definitions shall also apply:

ABANDONMENT, AGGREGATE OPERATION: The cessation of a surface mining operation for more than 24 months shall constitute the abandonment of the surface mine unless such cessation of surface mining operation was set forth in the permittee's plan of operation; or a surface mine shall be presumed abandoned if there is evidence that the operator has terminated all operations with the intent to cease all operations in the future, and the permittee fails to submit sufficient evidence within 30 days after receipt of written notification from the department that it intends to declare the operation abandoned. After abandonment, use of the property for surface mining operations shall be subject to all provisions of this ordinance.

ACCEPTED FARMING PRACTICE: The mode of operation that is common to farms of a similar nature, necessary for operation of such farms to obtain gross farm income, and customarily utilized in conjunction with farm use.
ACCESS: A legally and physically defined area available and practical for motor vehicle ingress and egress to a parcel or lot. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use shall be considered necessary to the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use. 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 an accessory use.

AGGREGATE AND MINERAL RESOURCES: Sand, gravel, rock, stone, loam, dirt, precious metals, and other earth or natural materials.

AGGREGATE SITE COMMITTEE: A committee, appointed by the Board of Commissioners, whose responsibility is to assist the county in resolving violations of county aggregate ordinances, the review of aggregate resource site permits, and the identification of potential parcels, which should be zoned Aggregate Resource. The committee consists of:

1) A staff member of the Jackson County Department of Planning and Development;

2) A staff member of the Jackson County Department of Public Works;

3) A staff representative of the Oregon Department of Fish and Wildlife;

4) A staff representative from the Soil Conservation Service;

5) A recognized representative of the aggregate industry;

6) One representative from the Jackson County Citizens Advisory Committee, in whose planning area the application pertains.

7) A staff representative from the Department of Environmental Quality.

AGGREGATE SITE COMPLETION: Termination of mining activities, including reclamation in accordance with the approved reclamation plan and/or operating permit.

AGGREGATE SITE/OPERATION: The tract of land/operation from which any aggregate materials are removed or excavated, stockpiled, or processed for sale as an industrial or commercial product by either retail, wholesale, contract purchase, or other considerations, including uses by a governmental agency. The on-site leveling, grading, filling, or removing of earth materials in conjunction with a farm use, on-site road construction, or on-site construction projects, are not considered an aggregate operation.
AGRICULTURAL LANDS: Lands which are zoned Exclusive Farm Use within the Jackson County Comprehensive Plan/Zoning Map; other lands which contain soils that have a predominant capability classification of I, II, III, or IV as identified within the July 21, 1981, Jackson County Soil Resource Ratings Table, as amended; lands which are in farm use; greenbelted lands (those lands assessed under the provisions of Oregon Revised Statutes 308.370); and lands which contain soils with a predominant capability classification of I, II, III, and IV when irrigated or proposed for inclusion within the Sam's Valley Irrigation District.

AGRICULTURAL PRODUCE STAND: A facility for the marketing of produce grown on the subject parcel or adjacent properties.

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.

AIRPORT: Any area which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant areas, together with all airport buildings and other facilities located thereon.

AIRPORT APPROACH: That area of approach and transition surface areas around airports, where special land use and height regulations are established.

AIRPORT/HELIPORT: Any area of land which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

AIRPORT HAZARD: Any structure, tree, or use of land which hinders or obstructs the airspace required for the safe operation of aircraft in or around an airport.

AIRPORT REFERENCE POINT: The highest point of an airport's usable landing area, measured in feet above mean sea level.

AIRSPACE OBSTRUCTION: Any structure, tree, land mass, smoke or steam, or use of land which penetrates a primary, transitional, horizontal, or conical surface of an airport as defined by Federal Aviation Regulations (FAR, Part 77, available through the Department of Planning and Development).
ALLOWABLE USE, HISTORIC: A use that will encourage and facilitate the preservation of an historic landmark, yet not require substantial alteration.

AMUSEMENT, COMMERCIAL: Any amusement enterprise, in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee or charge; this term includes, but is not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.

ANIMAL CLINIC OR HOSPITAL: Facility, with or without outside runs, for diagnosis, treatment, or hospitalization of animals including, but not limited to, dogs, cats, birds, cows, and horses; and, does not include boarding other than those being treated.

ANNUAL FLOOD RISK PERIOD: November through March.

ANTIQUE SHOP: An establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have value and significance as a result of age, design, or sentiment; and, when there is no outside display of such items offered for sale.

APARTMENT: Three or more contiguous dwelling units, under common ownership, each unit being occupied by not more than one family.

APARTMENT ACCESSORY USES: Permitted uses accessory to an apartment building shall include a recreation room, employee's washroom, manager's office, and laundry facilities for tenants only.

APPROACH ZONE: An imaginary surface, beginning at the end of, and at the same elevation as the primary surface and extending a specified horizontal distance along the extended runway centerline, which is necessary for the safe take-off and landing of aircraft. Precision approaches are preserved with a fifty foot horizontal to one foot vertical approach surface, 10,000 feet long, followed by a 40,000 foot long, forty to one approach surface. Visual runways have a 5,000 foot long, twenty to one approach surface.

AREA OF SHALLOW FLOODING: An area where the base flood depths range from one to three feet, a clearly defined channel does not exist, and the path of flooding is unpredictable and indeterminate. Such areas are designated AH or AO on the Flood Insurance Rate Map (FIRM).

BAR, LOUNGE, DRINKING ESTABLISHMENT OR TAVERN: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors.
BARBER AND BEAUTY SHOP: A facility, licensed by the state, where hair-cutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.

BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.

BASE FLOOD: The flood having a one percent chance of being equalled or exceeded in any given year, i.e., the 100-year flood.

BASE FLOOD ELEVATION: The crest elevation, in relation to mean sea level, expected to be reached by the base flood, also known as the regulatory flood elevation.

BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for nonmotorized traffic.

BICYCLE ROUTE: A bicycle path, as defined, that explicitly provides for bicycle travel.

BOARD: Jackson County Board of Commissioners.

BOARDING OF HORSES FOR PROFIT: Provision of food and shelter for horses for a fee. Synonymous with commercial stable.

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.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.

BUS/TRUCK STATION AND TERMINAL: Facility on a common carrier line for bus/truck docking, freight storage, and passenger loading and unloading.

CABINET AND WOODWORK SHOP, CUSTOM: Shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

CAMPING VEHICLE: Vacation trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet.
CAR WASH AND AUTO LAUNDRY: A facility for the washing and/or steam cleaning of passenger automobiles, including a self-service operation. When installed and operated in conjunction with another use, including a service station, only the equipment customarily associated with an auto laundry installed solely for the purpose of washing and cleaning of automobiles shall be permitted.

Cemetery: Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.

Church: A place of worship and religious training.

Clinic - Medical, Dental, or Optical: Facility for examining, consulting with, and treating patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment.

Clothing Manufacturing and Similar Light Manufacturing and Assembly: Operations involving cutting, sewing, forming, and packing of garments, and similar items, and including the making of millinery and clothing accessories.

Commercial Winery: A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and sales area.

Commission: The Jackson County Planning Commission.

Community Water System: A water system which serves four or more dwellings.

Common Open Space: An open area within a development, designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

Commune: A cultural or racial grouping of individuals not necessarily related by blood, marriage, or legal adoption, who are living together in single or multiple dwellings, either on a temporary or permanent basis.

Community Center (Private): A place of meeting, recreation, or social activity.
COMMUNITY CENTER (PUBLIC): A facility owned and operated by a governmental agency or a nonprofit community organization, for the purpose of public assembly, provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

COMMUNITY, WELFARE, OR HEALTH CENTER: A community service facility where social, recreational, welfare, health, or childcare assistance is provided by a public, quasi-public, tax exempt, church, or municipal agency.

CONDOMINIUM: An apartment building in which the apartments are owned individually.

CONICAL SURFACE ZONE: An area extending outward from the horizontal surface, at a ratio of twenty to one, to a height of 350 feet above the airport reference point elevation.

CONTIGUOUS: Lots, parcels, or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way. "Contiguous" does not include lots, parcels, or lots and parcels separated by a state highway or county road.

CONTRACT ANNEXATION: A binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by city action into city jurisdiction.

CONVENT OR MONASTERY: The dwelling units of a religious order or congregation which cannot exceed the density of the zoning district.

COTTAGE INDUSTRY: A small scale limited, service or light manufacturing enterprise, contained wholly within a building (see "building" definition) which:

1) Is compatible in character with primary residential structures and other permitted structures on the property and those in the general vicinity;

2) Provides employment for not more than five persons, not more than three of which may reside off the premises;

3) Is located outside of an adopted urban growth or urban containment boundary and within an RR-5 and F-5 zoning district; and

4) has a minimum lot size equal to or greater than five acres in size.

COUNCIL: The Jackson County Hearings Council.

COUNTY: Jackson County, Oregon, the legally elected or appointed officials thereof, and the Jackson County Planning Director.
COUNTY ROAD: A road which is part of the county road system and has been given a county road number as provided for in ORS Chapter 268, has a description on file in the office of the Department of Transportation, and is maintained by the county.

DAY NURSERY OR DAY CARE CENTER: An institution maintained under public or private auspices and licensed by the state, which cares on a day basis for six or more children under sixteen years of age.

DEDICATED WAY: A road dedicated to the public for road purposes, shown on a map or plat approved by the County Board of Commissioners, and recorded in the records of Jackson County. Such roads are open to public use, but are not normally maintained by the county. However, the county may regulate their use.

DEMOLITION, HISTORIC: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a historic landmark.

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: twenty dwelling units divided by five acres equals a density of four units per acre.)

DEPARTMENT: The Jackson County Department of Planning and Development and the employees thereof.

DEVELOPER: A person or other legal entity who subdivides or partitions land.

DEVELOPMENT: Any man-made change to improved or unimproved tracts of land, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area.

DIRECTOR: The Planning Director of Jackson County, Oregon, or a designee.
DIVIDE: To separate land into two or more parts for the purpose of transferring a substantial interest in land as evidenced by any of the following methods:

1) Execution of any recorded or unrecorded instrument of conveyance or contract to convey.
2) Execution of a lease for a period of more than 50 years.
3) Recording a final map for a partition or a plat for a subdivision.
4) Creation of a tax lot on the records of the County Assessor when done at a property owner's request for the purposes of land division.

DIVISION: The act or process of dividing land or a tract that has been divided. "Division" when used herein refers collectively to both partitions and subdivisions, except that the following do not constitute the partitioning or subdividing of land:

1) Any adjustment of a property line by the relocation of a common boundary where an additional lot or parcel is not created.
2) Division of land resulting from creation of cemetery lots.
3) A lease for the purpose of mining, aggregate removal, and quarrying, or the growing and harvesting of timber or other forest products, but not to include residential or recreational uses.
4) A lease for an agricultural use, as defined.
5) Creation of a condominium.
6) The sale of a lot in a recorded subdivision, including the sale of contiguous lots or property by a single owner.
7) Lien foreclosures and foreclosure of recorded contracts for the sale of real property.

DIVISION CLASSIFICATIONS: Divisions of land classified with respect to location, and intended use of the division, in order to determine proper design and development standards. These classifications are:

1) Class A Division: A division located within an urban growth boundary or urban containment boundary identified by the Comprehensive Plan for Jackson County, or within an area zoned to allow the creation of lots or parcels one acre or smaller in size.
2) Class B Division: A division located within an area zoned to allow the creation of lots or parcels two and one-half acres in size.
3) Class C Division: A division located within an area zoned to allow only the creation of lots or parcels larger than two and one-half acres in size.
DOUBLE FRONTAGE: A term used to describe a lot or parcel which has road
frontage at each end. Corner lots are not considered to have double
frontage unless they front roads on three sides. Alley access is not
considered "frontage" in this definition.

DRAG STRIP, GO-CART TRACK, OR COMMERCIAL RACING: Facility for races,
including closed course, straight-away, and/or acceleration runs.

DRIVEWAY: A road located entirely on the parcel it serves.

DRUG STORE OR PHARMACY: Facility for preparing, preserving, compounding,
and dispensing drugs and medicines; and, may include the display and sale
of other merchandise, such as cosmetics, notions, fountain service, and
similar items.

DRY CLEANER OR LAUNDRY, COMMERCIAL: A plant for cleaning garments, fabrics,
rugs, draperies, or other similar items on a commercial or bulk basis.

DRY CLEANING OR LAUNDRY SHOP, SMALL CUSTOM: An establishment for custom
cleaning only of individual garments, fabrics, rugs, draperies, or other
similar items, and not a bulk or commercial type plant.

DWELLING: Any building, shelter, or portion thereof, designed or used as a
sleeping place for one or more persons, not including vehicles, travel
trailers, or recreational vehicles.

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.

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.

DWELLING, NONFARM, NONFOREST, NONRESOURCE: A dwelling which is not in
conjunction with farm, forest, or resource use.

DWELLING, SINGLE-FAMILY: A building, designed or used for residential
purposes by not more than one family and containing one dwelling unit. A
mobile home shall be considered a single-family dwelling.
DWELLING, TWO-FAMILY OR DUPLEX: A building designed or used for residential purposes, by not more than two families, and containing not more than two contiguous dwelling units.

DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE: A dwelling located on a commercial farm, and specifically designed to accommodate individuals or families whose principal place of employment is the commercial farm. In no case may more than two dwellings be deemed to be "in conjunction with farm use," when two or more non-farm dwellings already exist on the property.

EATING AND SLEEPING ACCOMMODATIONS: Facility which offers overnight sleeping accommodations and/or restaurant accommodations to the general public; term includes hotel, motel and restaurant.

EMERGENCY MEDICAL FACILITY: A first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.

EMERGENCY WATER STORAGE FACILITY: A facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, a twenty gallon per minute well, or other reasonable means to store an emergency water supply.

ENGINE OR MOTOR REPAIR SHOP: A shop for the repair of engines or motors.

FAIRGROUNDS: An area where a fair, circus, or exhibition is held.

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.

FARM DWELLING, RELATIVES: A dwelling constructed on an agricultural unit which is occupied by a grandparent, grandchild, parent, child, brother, or sister of the farm operator or the operator’s spouse, when such relative’s assistance in the management of the agricultural unit is or will be required by the farm operator.

FARMHAND/RANCHHAND: A person employed on an agricultural unit for the sole purpose of assisting in the operation of the farm unit.
FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human 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, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3).

FEED STORE, RETAIL (LIVESTOCK, NO MILL): Facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items.

FLAG LOT: A "panhandle" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access. Access as used in this definition shall be based upon the definition of "access" set forth in this section.

FLAGPOLE: The thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.

FLOOD OR FLOODING: A general temporary condition or partial or complete inundation of normally dry land areas from:

1) The overflow of inland waters, and/or

2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP: An official map of certain portions of Jackson County entitled Flood Boundary and Floodway Map, issued by the Federal Emergency Management Agency.

FLOOD HAZARD BOUNDARY MAP: An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e., mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.
FLOOD INSURANCE: The insurance coverage provided under the federal flood insurance program.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODPLAIN 100-YEAR: The land within the county subject to a one percent chance of flooding in any given year, including the floodway and floodway fringe.

FLOODWAY FRINGE: That area of the floodplain lying outside of the floodway, but still subject to inundation by waters of a base flood.

FLOODWAY - REGULATORY: The sum of all areas depicted as lying within a "floodway" on the Flood Boundary and Floodway Map, as defined in this section, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in chapter 254.056(3), and 254.060(10) of the Jackson County Zoning Regulations.

FLOOR AREA: The maximum horizontal area of the building at the finished floor line, including any storage area.

FOOD STORE, RETAIL SALE: An establishment where diversified foods and associated items are kept and displayed for retail sales.

FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five persons in addition to the primary owner or occupant of the home.
FUEL ALCOHOL PRODUCTION: The distillation of fuel alcohol from agricultural products, by-products, or waste.

FUELBREAK: An area maintained around buildings and structures for fire protection, which is cleared of dry brush and grass. The fuelbreak may contain ornamental shrubbery, specimen trees, lawn, or other plants used as ground cover, provided the plant material does not provide a means of rapidly transmitting fire from native growth to buildings and structures, or from development to surrounding rural lands.

GARAGE: An attached or accessory structure, designed primarily for storage of the family automobile(s).

GARDEN SHOP AND PLANT SALES, DISPLAY, OR GREENHOUSE: Facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.

GOLF COURSE: A golf course, owned or controlled by a public agency or private ownership.

GROUP HOME: A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five.

GUEST HOUSE: Living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house must conform to the dwelling density and standards of the zoning district.

GUEST/DUDE RANCH: A vacation resort offering activities which are typical of western ranching and offering sleeping and eating accommodations.

HABITABLE FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

HANDCRAFT, CERAMIC SCULPTURE OR SIMILAR ART WORK: Facility to create custom, artistic or decorative objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art.

HATCHERY AND BREEDING OPERATION: Facility for hatching eggs and/or breeding of animals.
HAZARDOUS WASTE: Discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410, OAR 340-63-100 to 135, and these rules. A hazardous material is a substance this same definition applies to except that it is not a waste.

HEARINGS COUNCIL: The Hearings Council of Jackson County.

HEAVY EQUIPMENT: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

HEALTH RELATED CENTER OR SPA: A facility which offers health related treatment, education, recreation, or other resort activities, not including long-term or emergency care.

HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

HISTORIC LANDMARK: Any historic resource, including its site or a geographic area, listed on the Jackson County Register of Historic Landmarks.

HISTORIC REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

HISTORIC RESOURCE: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.

HOME OCCUPATION: An accessory use of a nonresidential nature, carried on in a dwelling unit, except where otherwise allowed by this ordinance, and which:

1) Is incidental to the primary occupancy of the home as a dwelling;

2) Employs only members of the family residing within the principal dwelling;

3) Is for gainful employment involving the manufacture, provision or sale of goods and/or services;

4) Does not take on an outward appearance or manifest any characteristics of a business or operation of a retail nature; and

5) Conforms to the standards specified by this ordinance for home occupations.
HORIZONTAL SURFACE ZONE: That flat, disc shaped, imaginary surface, 150 feet above the airport reference point elevation, through which no structures or uses should penetrate and which is necessary to protect the air-space.

HOTEL OR MOTEL: A temporary abiding place, containing six or more guest rooms or units, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture.

INSTITUTION FOR CARE OF ALCOHOLIC, NARCOTIC, OR PSYCHIATRIC PATIENTS: An establishment offering resident or out-patient treatment to alcoholic, narcotic, or psychiatric patients, including half-way houses.

INTENSIVE LIVESTOCK PRODUCTION: In a Rural Residential or Suburban Residential zoning district, the raising of livestock including cattle, goats, sheep, horses, swine, poultry, or fur-bearing animals in excess of the following standards:

1) Cattle - One animal per each acre or,
2) Horses, Mules, or Donkeys - One animal per each acre or,
3) Sheep or Goats - Three animals per each acre or,
4) Swine - Two breeding animals or five barrow per each five acres or,
5) Poultry - Twenty fowl per each acre or,
6) Fur-Bearing Animals - Fifty animals per each acre.

JACKSON COUNTY REGISTER OF HISTORIC LANDMARKS: An official list of the county's historic resources which have been documented, nominated, and determined worthy of preservation due to their cultural, aesthetic, educational, architectural, or historic significance.

JUNK, SALVAGE, OR WRECKING YARD: Any establishment maintained, used, or operated for the storing, keeping, dismantling, salvaging, buying, or selling of:

1) Scraps or discarded pieces of metal, paper, rags, tires, bottles, and other materials.
2) Inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers, and parts thereof; machinery or appliances.

All junk, wrecking, or salvage yards shall be screened from public view.
KENNEL: A facility:

1) In which dogs are given training for which a fee is charged; or

2) Operated, not for profit, and intended to provide temporary care for lost, strayed, or abandoned animals; or

3) In which dogs, which are not licensed under ORS 609.100 (1), are kept, when such dogs are kept for farm use breeding or sale; or

4) Which is a pet store; or

5) Which is a business conducted for the purpose of boarding and/or sale of dogs or cats.

KINDERGARTEN: Public or private school or class for children usually from four to six years old.

LABORATORY, MANUFACTURING: Operations involving the compounding of products such as perfumes and pharmaceuticals, and the development and assembly of instruments and similar items.

LABORATORY, SCIENTIFIC TESTING-PRECISION: Facility which performs scientific tests or analysis or experimental studies.

LANDSCAPE OR PLANT NURSERY: Facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

LIGHT FABRICATION AND ASSEMBLY PROCESS: Manufacturing which does not involve the generation outside the property of noise, odor, vibration, dust or hazard. The term includes, but is not limited to, the manufacture of electronic components, jewelry, trimming decorations and any similar item.

LIVESTOCK AUCTION PENS OR SHEDS: Facility for public sale to the highest bidder of animals, including but not limited to, horses, cows, and sheep.

LOCAL UTILITIES: The usual electric power, telephone, gas, water, sewer drainage lines, and those in-line facilities such as gas regulating stations and water pumping stations.

LODGING OR BOARDING: See Boarding or Rooming House.
LOT: A unit of land that is created by a subdivision.

LOT AREA: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.

LOT, CORNER: A lot, parcel, or portion thereof, situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot or parcel line and the rear lot or parcel line.

LOT LINE: The property line bounding a lot or parcel.

LOT LINE ADJUSTMENT: A relocation of an existing lot or parcel line.

LOT LINE, FRONT: The property line separating the lot or parcel from the street, other than an alley. In the case of a corner lot or parcel, the shortest property line along a street, other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

LOT LINE, REAR: A property line which is opposite and most distant from the front lot or parcel line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten feet in length within the lot or parcel, parallel to, and at a maximum distance from, the front lot or parcel line.

LOT LINE, SIDE: Any property line, not a front or rear lot or parcel line.

LOT WIDTH: The average horizontal distance between the side lot or parcel lines, ordinarily measured parallel to the front lot or parcel line on a rectangular lot.

LUMBER YARD: Facility for stocking and selling lumber and other materials needed for building.

MACHINE OR WELDING SHOP: Facility in which material is processed by machining, cutting, grinding, welding, or similar processing.

MACHINERY SALES AND SERVICE: Facility for repairing equipment and selling and/or servicing machinery.

MAP: A diagram or drawing of a major or minor partition.

1) A "tentative map" is a map submitted as part of an application for a major partition and a minor partition. The term "preliminary map" may be applied to maps prepared for discussion purposes only. Preliminary maps are not required by this ordinance.

2) A "final map" is a map which is submitted for final review after approval of the tentative map.
LOT: A unit of land that is created by a subdivision.

LOT AREA: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.

LOT, CORNER: A lot, parcel, or portion thereof, situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot or parcel line and the rear lot or parcel line.

LOT LINE: The property line bounding a lot or parcel.

LOT LINE ADJUSTMENT: A relocation of an existing lot or parcel line.

LOT LINE, FRONT: The property line separating the lot or parcel from the street, other than an alley. In the case of a corner lot or parcel, the shortest property line along a street, other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

LOT LINE, REAR: A property line which is opposite and most distant from the front lot or parcel line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten feet in length within the lot or parcel, parallel to, and at a maximum distance from, the front lot or parcel line.

LOT LINE, SIDE: Any property line, not a front or rear lot or parcel line.

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2) A "final map" is a map which is submitted for final review after approval of the tentative map.
MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, marine supplies, food, and marine repairs.

MARQUEE: A permanent, roofed, nonenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.

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.

MOBILE HOME: A structure or vehicle built on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes.

NEGOTIATE: Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation, and promotion of the sale of such land.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced or will commence on or after October 28, 1980.

NONCONFORMING LOTS OR PARCELS: Lots or parcels legally created prior to the effective date of this 1982 ordinance, and not meeting the minimum lot area, width, or access requirements of the zoning regulations.

NONCONFORMING STRUCTURE: 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.

NONCONFORMING USE: A use lawfully made prior to adoption of a zoning regulation with which the use does not conform.
NURSING HOME OR CONVALESCENT HOME: Facility providing care and minor
treatment for more than five persons under the direction of a physician,
licensed by the state. May furnish basic provisions of food and laundry.

OPERATOR (AGGREGATE): Any individual, public or private corporation,
political subdivision, agency, board or department of this state or county,
or any municipality, partnership, association, firm, trust, estate, or any
other legal entity, whatsoever, that is engaged in surface mining.

OVERBURDEN: Soil, rock, sand, and similar materials that lie above natural
deposits of minerals.

OWNER/LANDOWNER: Person(s), partnership, or corporation possessing fee
title to a tract of land, or shown as owner of record on the latest tax
rolls or deed records of the county, or purchasing a parcel of property
under written contract.

PARCEL: A unit of land created by a partition.

PARENT PARCEL: A unit of land from which parcels or lots are divided.

PARK OR PLAYGROUND: A recreation facility or park owned or operated by a
private entity, public agency, or school district, and available to the
general public.

PARTITION: 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 such
calendar year. Partitions shall be divided into the following two
classifications:

A) Major Partition: A partition which involves the creation of a road
or street.

B) Minor Partition: A partition which does not involve the creation
or extension of any road or street.

PET SHOP: Facility for the display and sale of small animals, fish, and
birds as pets, but not involving commercial boarding or treating of any
animal, fish, or bird.

PLACE OF PUBLIC ASSEMBLY: A structure or area in which the public may
enter for such purposes as deliberation, education, worship, shopping,
entertainment, amusement, or awaiting transportation.
planned unit development (pud): A development, as provided for in the jackson county zoning regulations, of residential, commercial, industrial, or a mixture of residential, commercial, industrial, and semi-public units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Planned unit developments should each be planned as an entity, grouping dwellings units, allowing an area for open space, mixing housing types, including mobile homes, land uses, and should be designed to preserve natural features.

planning director: The planning director of jackson county, Oregon, and his designated representatives.

plat: A diagram, drawing, replat, or other writing concerning a subdivision:

1) A "preliminary plat" is a plat submitted prior to actual application and is intended only for department review or discussion.

2) A "tentative plat" is a plat submitted as a part of an application for a subdivision.

3) A "final plat" is a plat which has been prepared for recordation after approval of the tentative plat.

4) A "replat" is an alteration of a previously recorded plat. A lot line adjustment is not a replat. A partition of an existing lot is not a replat.

potable water: Water that meets the American public health association standards for drinking. Generally, water which is sufficiently free from biological, chemical, physical, or radiological impurities, so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be palatable.

preservation, historic: The act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as on-going maintenance of the historic building materials.

primary surface: A surface, longitudinally centered, on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but, when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77, of the federal aviation regulations (FAR), for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
PRIVATE ROAD: A private road is created to provide ingress or egress to one to three lots, parcels, areas or tracts of land, and which has been approved for access purposes by the county. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not maintained by the county, nor can the county regulate its use or contract for its maintenance.

PROCESSING AND AGGREGATE: The crushing, washing, screening, weighing, sorting, stockpiling, and blending of sands, gravels, and other earth, natural materials, or precious metals, not including the manufacturing of aggregate products such as concrete pipe, bricks, concrete forms, and the like.

PUBLIC OR PRIVATE SCHOOL, OR INSTITUTION FOR SPECIAL EDUCATION: An educational institution, licensed or regulated by the state, which has a curriculum, including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence, or defective, delinquent, or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.

PUBLIC ROAD/LOCAL ACCESS ROAD: A public road is a State Highway or road, or any road which has been dedicated to the use of the public for road purposes. The term "public road" does not include a road which has nominally or judicially gained a "public character" by prescriptive or adverse use, nor does the term apply to roads within the USDA Forest Service and Bureau of Land Management (BLM) road systems.

PUBLIC WATER SUPPLY: A domestic water supply source and distribution system other than a municipal water supply system or public utility water supply system where water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit development.

RADIO, TELEVISION, OR MICRO-WAVE TOWERS: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.
RECLAMATION: The employment in a surface mining operation of procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.

RECLAMATION PLAN: A written and graphic proposal for rehabilitation of the surface mined area, further defined as being one of the below:

1) Natural Reclamation Plan: A reclamation and/or rehabilitation process in which the primary purpose is to restore the land to a natural appearing landscape consistent with surrounding terrain. Rehabilitation to an agricultural use is considered a natural reclamation plan.

2) Second Use Plan: A reclamation and/or rehabilitation process that involves development of the land to a specific use.

RECREATION CLUB OR AREA, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the facilities as normally provided in a public park or playground.

RECREATIONAL VEHICLE: A vacation trailer, camping vehicle, or other unit with or without motive power, less than ten (10) feet wide and not more than 45 feet long, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.

RECREATIONAL VEHICLE PARK OR CAMPGROUND: An area where facilities are provided to accommodate temporary recreational trailers, motor homes, campers, and/or tents.

RECTORY: A place of residence for the pastor of a church.

RECYCLING DROPBOX: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.

REFUSE, AGGREGATE: All waste materials, soil, rock, minerals, liquid, vegetation and other materials, resulting from, or displaced by, surface mining operations within the operating permit area.
RESIDENCE HOME FOR AGED: A facility for the care of five (5) or more persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis.

RESOURCE LAND: Any land that has been identified and designated on the Official Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land under the Statewide Planning Goals, the Jackson County Comprehensive Plan, and implementing ordinances. This definition shall not be construed to exclude from protection under the provisions of state or county law other identified resources which have not been zoned, such as riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or scenic areas.

RETIREMENT HOME: Facility providing living quarters, either owned or rented, to persons 62 years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.

RETAIL STORES AND SHOPS OTHER THAN LISTED: Any establishment offering consumer goods for sale.

ROADS: The following definitions apply to roads:

1) Road: The terms road, street, or highway shall include the entire area between the right-of-way lines of any public road, or the entire width of a private road easement created to provide ingress or egress to land, including a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes. Roads may be classified by their expected level of service and function as follows:

A) Principal Arterial: A road which provides for through traffic between major centers of activity in urban, suburban, and rural areas.

B) Collector: A road which is used primarily as a connector from or through local areas or districts to one or more arterials.

C) Dedicated Way: A road dedicated to the public for road purposes, shown on a map or plat approved by the County, and recorded in the records of Jackson County. Such roads are open to public use, but are not normally maintained by the county. However, the county may regulate their use.
D) **Frontage Road:** A road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way, and which provides access to abutting properties.

E) **Cul-de-sac:** A local or limited local road having only one outlet with a turn-around at the opposite end, and which is not intended to be extended or continued.

F) **Stubbed Road:** A road having only one outlet, but which is intended to be extended or continued.

G) **County Road:** A road which is part of the county road system, has been given a county road number as provided for in ORS Chapter 368, has a description on file in the office of the Department of Transportation, and is maintained by the county.

H) **Prescriptive Road:** A road which has judicially gained a "public character" by adverse use. A prescriptive road will not be considered suitable access for division purposes, unless it is improved to the applicable standards set forth in chapter 25. The county is not responsible for improving or maintaining a prescriptive road.

I) **Public Road:** A public road is a State Highway or road, or any road which has been dedicated to the use of the public for road purposes. The term "public road" does not include a road which has nominally or judicially gained a "public character" by prescriptive or adverse use, nor does the term apply to roads within the USDA Forest Service and Bureau of Land Management (BLM) road systems.

J) **Private Road:** A private road is created to provide ingress or egress to one to three lots, parcels, areas, or tracts of land, and which has been approved for access purposes by the county. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not maintained by the county, nor can the county regulate its use or contract for its maintenance.

**RODEO:** Facility for public performance which may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.

**RUNWAY:** A defined area on an airport prepared for landing and/or takeoff of aircraft along its path.
SANITATION DIVISION: The Sanitation Division of the Jackson County Department of Planning and Development.

SCHOOL, BUSINESS: A business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, commercial artist, but not including commercial trades or crafts.

SCHOOL, COMMERCIAL, TRADE OR CRAFT: A business enterprise, not a public, private, or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.

SECOND HAND STORE, USED FURNITURE OR RUMMAGE SHOP FACILITY: Facility for the sale of second hand or used items. No outside display is permitted.

SEMINARY: An institution for the training of candidates for the priesthood, ministry, or rabbinate.

SENSITIVE FISH AND WILDLIFE HABITAT: Areas important to the survival of a species, or group of species, and habitats with a limited area.

SERVICE STATION: Commercial facility which offers petroleum, accessory products, and limited vehicle repair services to the public.

SETBACK: The distance from a right-of-way or easement boundary of a public or private road, other easement, or from a lot line to any point of a building.

SEWERAGE FACILITY OR SEWAGE FACILITY: The sewers, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, or other wastes.

SEWERAGE FACILITY, COMMUNITY: A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot, and serves a predetermined level of development within a specific geographic area.

SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

SEWERAGE FACILITY, PUBLIC: A sewerage facility which serves two or more uses for the purpose of disposal of sewage, and is provided for or is available for public use.
SHELTER CARE FACILITY: A home licensed by the state to provide for short-term emergency care for no more than nine children at any one time.

SIGN: Any device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, person, institution, or business, whether portable or affixed to a building, structure, or the land. Each display surface of a sign shall be considered a separate sign.

1) Off-Premise Sign: 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.

2) On-Premise Sign: 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.

SLOPE EASEMENT: An area adjoining a road which is affected by the road fill or cut, but is not within the road easement or right-of-way.

SOLAR ORIENTATION: The layout and design of parcels and siting of a structure on building lots to take advantage of solar insolation for optimal utilization of the sun as an energy source.

SOLID WASTE DISPOSAL SITE: 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.

STABLE, COMMERCIAL: Facility which boards, rents, or trains horses or offers riding lessons to the public, but not including a sales barn, auction, or similar trading activity.

START OF CONSTRUCTION: The first placement or permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units, or not part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing
or assembly of the structure, or any part thereof, on its piling(s) or foundation(s). For mobile homes not within a mobile home park, "start of construction" means the placement of the mobile home on a tract of land. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site, on which the mobile home is to be placed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**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.

**STRUCTURE:** Anything constructed or erected, and having a fixed base on, or fixed connection to the ground or another structure, excluding fences less than six feet in height and uncovered patios.

**STUDIO - ART, MUSIC, CERAMICS, DRAMA, SPEECH, DANCE, OR SIMILAR SKILLS:** The instructing, coaching, or counseling in art, music, ceramics, drama, speech, dance, or similar personal skills or arts.

**STUDIO, BROADCASTING AND/OR RECORDING:** Facility for broadcasting live or pre-recorded programs by radio and/or television; and/or recording on records, tapes, video tapes or other suitable recording media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals. Such facility shall not engage in production of consumer products.

**SUBDIVIDE LAND:** To divide an area, parcel, or tract of land into four or more lots 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 calendar year.

**SUBDIVISION:** The act of subdividing land, or an area or a tract of land subdivided as defined above.

**SUBGRADE:** That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) Before the improvement or repair is started; or,

2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

SURFACE MINING: All or any part of the process of removal, by extraction of minerals from the surface of the earth. Removal of overburden or diversion of water necessary to expose the deposit of minerals is considered part of the process. Leveling, grading, filling, or removing earth materials in conjunction with farm use, or on-site construction projects are not considered surface mining.

SWIMMING POOLS - PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family, duplex, townhouse, or apartment dwellings.

TAX LOT: A parcel, lot, or other unit of land as created by the County Assessor for the purpose of taxation.

TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT ONLY: Non-attended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

TEMPORARY: Temporary shall mean 30 days or less in any 12 month period, unless otherwise specified by a provision of this ordinance.

TEMPORARY FIELD OR CONSTRUCTION OFFICE: Temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

TEMPORARY MOBILE HOME: A mobile home which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires 24 hour care, according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

TENT: A fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.
TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.

TOWNHOUSE: A single-family dwelling unit, on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two separate one-hour fire-resistive walls, or a single masonry common wall, having a two-hour fire-resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services; however, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

TRANSITIONAL SURFACE ZONES: That area necessary to protect the airport approach surfaces which extend at a ratio of seven feet horizontal, to one foot vertical, beginning at the sides of and at the same elevation as the primary and the approach surfaces, and extending to a height of 150 feet above the airport reference point elevation, except where approach surfaces extend upward and beyond the horizontal surface. A transitional zone is also established at the same 7:1 ratio.

TRANSMISSION FACILITY: Any facility constructed in two or more contiguous zoning districts of Jackson County, for the purpose of transmitting or transporting in any form, energy resources, telecommunications, persons, or goods, such as highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines, but not underground water pipelines, sewer trunk lines, and cable television facilities. This definition shall not apply to facilities which have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities may be located. In particular, the following specifically-defined types of facilities are subject to this chapter:

1) Electrical transmission facilities: carrying 115 kV or greater.
2) Gas pipelines carrying 300 p.s.i. capacity or greater.
3) New highway construction or improvements to existing highways which result in an increased traffic volume of 5,000 vehicles/day.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained, whether on a permanent or temporary basis.
UTILITY FACILITY: Those necessary appurtenances including related rights-of-way for the transmission of electric power, gas, water, sewerage, telephone and other in-line facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources.

WILDLIFE: Wild mammals, birds, reptiles, and amphibians.

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.

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.

YARD, REQUIRED: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

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.
CHAPTER 1
GENERAL PROVISIONS - LAND DIVISION REGULATIONS

01.010 PURPOSE:
The purpose of these regulations is to establish minimum requirements and standards necessary for efficient, safe, and attractive land division and development consistent with the physical characteristics of the county; to establish procedures to be followed in the development and approval of land divisions, related maps and plats; and to provide penalties and notice of violations. Authorization and minimum standards for this ordinance are provided by Oregon Revised Statutes (ORS) Chapters 92 and 215.

Land division is the most important factor in establishing the physical character of a growing community. Improperly designed and executed development wastes the intrinsic value of the land and can become a costly burden to the community. It is intended that these regulations and procedures will encourage the well-planned division of land while preventing land division with high future costs to those who will occupy the land, their neighbors, and the county as a whole. It is further the purpose of this ordinance:

1) To ensure that the public health, safety, convenience, and general welfare are given due consideration in the division and development of land.

2) To implement the Comprehensive Plan for Jackson County.

3) To provide a means to emphasize environmental protection and preservation of the historical and natural assets of the county.

4) To minimize, by proper design and development, the danger to life and property caused by natural hazards.

5) To ensure that lots, parcels, and development sites are of sufficient shape, size, and character for the purpose for which they will be used.

6) To ensure the establishment of adequate water supply, sewage disposal, surface water drainage, and other utilities and facilities needed for public health, safety, and convenience.

7) To ensure adequate provisions for transportation, including roads, bicycle ways, and pedestrian ways.
8) To ensure that the costs of developing roads, utilities, and public areas serving new developments will be substantially absorbed by the benefited persons rather than to the citizens of the county at large.

9) To ensure adequate light, air, open space, and recreational areas, and to encourage better techniques and innovations in the arrangement of building sites and/or lots and parcels.

01.060 APPLICATION REQUIREMENTS, GENERALLY:

Before a plat of any subdivision, the map of any major or minor partition, or any adjustment to the boundaries of existing parcels or lots may be made and/or recorded, the person proposing such or the authorized agent shall make application on forms prescribed by the Department for approval of the proposed action, in accordance with applicable sections of this ordinance. No subdivision, plat, major or minor partition, or an adjustment of the boundaries of any existing parcel or lot may be considered for approval by any body or person empowered to review and approve such until complete, accurate, and legible applications accompanied by the required fees have been submitted.

01.080 SALE OF LAND - RESTRICTIONS:

These land division regulations apply to all divisions of land as defined herein and located within the political boundaries of Jackson County, exclusive of the corporate limits of any city, and require that:

1) No person shall transfer, sell, or otherwise dispose of any lot in any subdivision by reference, exhibition, or other use of a plat of a subdivision before the plat has been approved and recorded by Jackson County. No person shall offer or negotiate to sell lots until a tentative plat has been approved.

2) No person shall transfer, sell, or otherwise dispose of any parcel in a partition for which approval is required by this ordinance until the final map has been approved and recorded by Jackson County. However, a person may offer or negotiate to sell a parcel in a partition after tentative approval has been granted.

3) No person shall create a street or road for the purpose of subdivision or partition without approval as required by these regulations. "Creation" of a street or road includes either the physical construction of the roadway, or the recordation of an instrument which would show the existence of a right-of-way or easement for road purposes.
4) No document or instrument dedicating land to public use shall be accepted for recordation unless such document or instrument bears the approval of the Board of County Commissioners.

01.090 CONFORMANCE WITH OTHER STATE AND COUNTY CODES, ORDINANCES, REGULATIONS, AND POLICIES:

1) The provisions of these regulations are minimum requirements necessary to execute a division in Jackson County. Where the requirements set forth in these regulations are less restrictive than any other requirement of this ordinance, or when a requirement of this ordinance is less restrictive than any other local ordinance or a provision of state law or State Administrative Rule, then the more restrictive shall govern.

2) Comprehensive Plan for Jackson County: A subdivision, partition, or creation of road shall conform with the Comprehensive Plan. A determination of such conformity shall be made by the Department, Hearings Council, or Board, shall be based upon consideration of all applicable portions of the Comprehensive Plan, and shall not be based solely upon a review of the land use map. The applicant is not required to provide information showing conformance with the plan. However, the burden of proof in a disputed issue is upon the applicant.

3) Zoning Regulations: A subdivision or partition shall be subject to all applicable requirements of these regulations. Where an applicant seeks the approval of any division which requires a change in zoning, the rezoning process must be completed prior to submittal of an application for division.

4) Health, Safety, and Sanitation: A subdivision or partition shall conform to all applicable state and county regulations regarding health, safety, and sanitation. The department shall not issue any permits for on-site sewage disposal systems or any well permit for any lot or parcel created in violation of these regulations or past regulations. No such permits shall be issued for the residual of the parent parcel from which lots or parcels have been illegally created until violations have been rectified and all legal requirements met.

5) Building: Structures and buildings in any subdivision or partition shall conform to applicable building codes and regulations. The County Building Official shall not allow the issuance of a building permit or mobile home set-up permit on any lot or parcel created, divided, subdivided, or partitioned in violation of this ordinance or past ordinances. No building permit shall be issued for the residual of the parent parcel from which any lots or parcels have been created in violation of the land division regulations or past ordinances until violations have been rectified and all legal requirements met.
6) Streets and Roads: A subdivision or partition shall conform to all applicable county ordinances or policies pertaining to streets, roads, or access.

01.110 DECLARATION OF AUTHORITY:

1) Subdivision and Certain Major Partitions: The Jackson County Hearings Council is hereby delegated all lawful powers and functions given the Board of County Commissioners under ORS Chapter 92 with respect to consideration, requirements, and approvals of all tentative plans for subdivisions and certain major partitions, except as indicated in the resource zoning districts of the zoning regulations, and the authority to accept land for dedication to the public.

2) Minor Partitions, Certain Major Partitions, Certain Replats, and Final Map or Plat Approval: The Jackson County Department of Planning and Development, under the administration of the Planning Director, is hereby delegated all lawful powers and functions given the Board of County Commissioners under ORS Chapter 92, with respect to consideration and tentative approval of minor partitions, certain major partitions, and certain replats of subdivisions, and final approval of all maps and plats, except as indicated in the resource zoning districts of the zoning regulations, and the authority to accept land for dedication to the public.
05.010 DESIGN AND DEVELOPMENT STANDARDS:

All partitions and subdivisions shall conform to the design and development standards specified in this Chapter. These standards shall be considered as the minimum appropriate for normal partition or subdivision development, and are not intended to limit the partitioner or subdivider from using higher standards of design and development. The county may require higher standards than the minimum required by this section upon a finding by the Planning Director or the Hearings Council that the division could be modified to improve efficiency in the use of and the protection of natural features and resources. The county shall also evaluate the division in terms of its impacts on and compatibility with previously approved divisions. The evaluation shall, at a minimum, include and require appropriate modification of the proposal to ensure: that existing public and private improvements can serve existing, proposed, and potential development in the area; and the continuation of established development patterns.

05.020 ROADS:

The location, design, and improvement of roads for major partitions and subdivisions shall provide for the transportation and access needs of the community, and the division in a safe, pleasant, and convenient manner with the least possible adverse environmental affect. Consideration should be given to existing and planned roads, topographical and natural conditions, public safety, and the proposed scope and use of the development served by the road.

1) Standards: Roads shall be developed in accordance with the requirements of the Jackson County Standards and Specifications for County Roads and Chapter 25, Roads and Streets, of this ordinance. The classification of a division shall establish the appropriate road standards for the division.

2) Control Strip: The county may require that a strip of land contiguous to a road be conveyed to Jackson County for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:

A) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

B) To prevent access to the side or terminus of a road where additional width or improvement is required for future partition or subdivision activity.
C) To prevent access to the side of a road from abutting property that is not part of the division, until proportional road construction costs are conveyed to the appropriate developer.

D) To prevent access to land unsuitable for development.

E) To prevent or limit access to roads classified as arterials and collectors.

3) Access: All lots shall abut a state highway, state access road, county road, dedicated way, or private road for a distance of at least 25 feet, except where private roads are created solely to provide ingress and egress to land in conjunction with the use of land zoned Forest Resource, Woodland Resource, Aggregate Resource, Exclusive Farm Use, or Open Space Reserve for forestry, mining, or agricultural purposes. A parcel or lot shall also be considered to have access if the parcel or lot adjoins a Bureau of Land Management or U.S. Forest Service Road for a distance of at least 25 feet, when the following circumstances are satisfied:

A) The applicant, or his authorized representative, shall show that he has applied and received approval for use of the right-of-way in conformance with the U.S. Forest Service or Bureau of Land Management requirements.

B) The approved application provides for a renewable unencumbered 30 year use period.

C) Parcels legally created prior to September 1, 1973, are exempt from the requirements of this section for the purpose of issuing development permits.

05.030 UTILITY EASEMENTS:

The dedication of easements for the placement of overhead or underground utilities, including but not limited to electric power, communication facilities, sewer lines, water lines, irrigation ditches, and gas lines shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all maps and plats and may be located along, or centered on, parcel or lot lines or elsewhere as determined necessary by the county to provide needed facilities for the present or future development of the area. The utility shall be located within the easement.

05.040 UNDERGROUND UTILITIES:

All utilities serving a proposed division shall be placed underground where the surrounding area is presently developed, or is in the process of
developing with underground utilities. Within an adopted urban growth boundary, all divisions shall be required to place utilities underground where the city for which the urban growth boundary was drawn would impose a similar requirement within its corporate limits.

05.050 SIDEWALKS:

1) Sidewalks constructed to the standards established by the Department of Public Works shall be required as a condition of approval when the proposed division is a Class "A" division, the resultant tracts are one acre or less in size, and any one of the following findings are made:

A) The subject property is located within one mile of a school, shopping center, recreation area, or other use likely to induce pedestrian traffic.

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

C) The subject division is within an Urban Growth Boundary or Urban Containment Boundary.

2) Sidewalks shall not be required in divisions creating parcels or lots larger than one acre in size.

3) This section may be waived when, in the opinion of the County, sidewalks for lands zoned commercial or industrial would not be necessary to accommodate pedestrian traffic.

05.060 BICYCLE PATH:

The county shall require that bicycle path rights-of-way be dedicated to the public when designated in a Comprehensive Bicycle Plan for Jackson County, 1978, which may, from time to time, be revised. The county shall also require the developer to improve the lands so dedicated within and adjacent to Class "A" subdivisions, when necessary to provide bicycle access to nearby recreational areas or other bicycle routes. Bicycle paths shall be constructed to the standards set forth in section 25.090.

05.070 BICYCLE TRAFFIC:

Typically, bicycle traffic facilities, other than bicycle paths, will be sufficiently ensured by the construction of county "A" (4-lane), "B," and "C" standard roads. Where county "D" or "E" standard roads are proposed, the applicant shall be required to provide a four foot wide oil mat shoulder surface on each side of the road where the proposed road would
provide for intraurban or interurban bicycle transportation, or where a bicycle route or way is proposed within a Comprehensive Bicycle Plan for Jackson County, Oregon, August 23, 1978, which may, from time to time, be revised.

05.080 PARCELS AND LOTS:

The area, width, and layout of all parcels and lots shall meet or exceed the minimum requirements applicable. Reduction in parcel or lot sizes where allowed by the zoning regulations shall not have the effect of increasing the gross density of the tract in excess of that set forth by the applicable zoning district.

1) Lot Width Standards: The minimum average width for parcels and lots shall be determined by the appropriate classification and requirements as shown on Table 1. These standards shall be in addition to the minimum area requirements of the Jackson County Zoning Regulations.

2) Length and Width of Blocks: Shall be considered on an individual basis. The county may require alteration of the block layout if it is determined that the proposal will inhibit the proper development of adjoining lands.

3) Lot Size and Design:

   A) The minimum lot and parcel size shall be determined by the Jackson County Zoning Regulations.

   B) Class "A" lots and parcels shall generally be designed at right angles to straight street lines, or radial to curved street lines on which the lot or parcel will face. Lots and parcels shall be designed to conform to the natural landscape within Class "B" and "C" divisions. Unusual shapes or designs may be made where topography or other natural features warrant, or where the applicant has filed a written statement of intent to maximize solar orientation of the homesites.

   C) Corner lots shall have adequate width to permit enlarged building setbacks required by the Jackson County Zoning Regulations.

   D) Double frontage lots or parcels are not permitted except where necessary to restrict residential access to traffic arterials or to overcome problems of topography. For lots having double frontage and located on a traffic arterial there shall be a deed restriction creating a one foot non-access easement along the lot lines abutting the arterial, or a statement shall be placed on the final plat or map stating that no right of access to the lot will be allowed across that strip. The developer may be required to construct a fence or other form of physical barrier to prevent access across this strip. Such restrictions shall be clearly labeled on the final plat or map.
TABLE 1  
MINIMUM AREA & WIDTH STANDARDS FOR PARCELS AND LOTS

<table>
<thead>
<tr>
<th>Classification</th>
<th>Established Minimum Area</th>
<th>Minimum Average Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4,500 sq. ft. -- with both community water system and community sewage facility.</td>
<td>50'</td>
</tr>
<tr>
<td>A</td>
<td>6,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>60'</td>
</tr>
<tr>
<td>A</td>
<td>8,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>80'</td>
</tr>
<tr>
<td>A</td>
<td>1 acre --</td>
<td>100'</td>
</tr>
<tr>
<td>B</td>
<td>2.5 acres --</td>
<td>175'</td>
</tr>
<tr>
<td>B</td>
<td>5 acres --</td>
<td>300'</td>
</tr>
<tr>
<td>B</td>
<td>10 acres --</td>
<td>500'</td>
</tr>
<tr>
<td>B</td>
<td>20 acres --</td>
<td>600'</td>
</tr>
<tr>
<td>B</td>
<td>160 acres --</td>
<td>1,200'</td>
</tr>
</tbody>
</table>

Planned Unit Development (PUD)  
The standards of design of the Jackson County Zoning Regulations shall apply to lots or parcels created as part of a Planned Unit Development application; however the requirements for lots or parcels of this section shall serve as a general guideline.

Commercial  
The county shall determine the minimum dimensional standards for commercial division on the basis of the location and type of commercial activity proposed or anticipated. In determining minimum area requirements special emphasis shall be placed on access, circulation, and parking.

Industrial  
The county shall determine the minimum dimensional standards for industrial divisions on the basis of the type of industrial activity proposed or anticipated. Safe, efficient access and off-street loading, parking, and storage shall be required. Large basic lots may be created by the original plat to be partitioned into smaller parcels as specified needs arise.
4) **Flag Lot Divisions:** Standards governing flag lot divisions are given in Chapter 30 of this ordinance.

5) **Special Requirements:** In addition to the minimum dimensional requirements shown on Table 1, the county shall also evaluate proposed parcels or lots in terms of efficiency in the use of land and space, protection of natural environmental features (including but not limited to: wildlife habitat such as sensitive deer and elk range, the protection of agricultural and forest lands, aggregate sites, and identified natural areas), enhancement of solar orientation, and whether the division forms a convenient and functional design. Where the division would potentially create a conflict with any of the resources listed above, or others not so listed, or would otherwise not satisfy the above described standard, the county shall utilize the conflict resolution procedure set forth in Section 35.030 and attach such conditions as will ensure the retention of the feature. Such conditions may be in the form of, but not limited to: deed declarations, declarations of restrictions, notations on the final map or plat, property owner's agreements, and agreements for specifying the siting of future dwellings to protect natural environmental features, including wildlife habitat.

**05.090 SEWAGE DISPOSAL FACILITIES:**

1) Prior to final plat or map approval all lots and parcels in any division shall be served by an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility, unless the parcel(s) or lot(s) will not be used in a manner which will require sewage facilities and a deed declaration to that effect is recorded. Where the applicant does not show that an individual, community, or public sewage disposal facility has been approved for all proposed parcels or lots, then a deed declaration shall be recorded which indicates that the lot will not be used for residential purposes. In addition, the county shall require that the final map or plat notes that: "This property was not shown to be suitable for development."

2) **Public or Community Sewerage Facilities:**

   A) When a division is located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be serviced by said system, connection shall only be allowed when deemed consistent with the policies of the Public Facilities Element of the Jackson County Comprehensive Plan. Should the existing facilities be unable to service the division or development, individual sewage disposal systems may be considered if soil and other conditions are suitable for their use.
B) When a new public or community sewerage system is proposed for the division, a preliminary plan for the sewage collection and disposal system shall be submitted for approval to the State Department of Environmental Quality. The preliminary plan shall include at least the following:

i) A conceptual plan for sewage collection, treatment, and disposal facilities.

ii) A conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS Chapters 450 or 451.

05.100 WATER SUPPLY:

1) Where a domestic water source or a public or community water system will not be provided, or the applicant fails to show that such parcels or lots will have an adequate supply of potable water available, the county shall require that the final map or plat states: "At the time of final map recording, this property was not shown to be suitable for development because of a potential lack of domestic water." Generally, for an individual well, a minimum supply of 2.5 gallons/minute tested for a one hour period is required for an individual well to serve the needs of each single family residence, excluding fire flow. Commercial or industrial structures must be evaluated for water on an individual basis.

2) **Public or Community Water System:** The county may require that a community or public water system be developed to serve a division when individual water systems are not feasible due to the density of the division and/or the possibility of problems concerning the long-term availability of adequate quantities of suitable water. Public or community water system plans shall be submitted to the Oregon State Health Division and the Jackson County Health Department. Plans shall be approved by the State Health Division.

3) **Individual Water Systems:** When a division is to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available, at time of development, a 2.5 gallons per minute supply of potable water tested for a minimum of one hour, which is the minimum county standard for drinking water unless the applicant follows 05.100 (1).
A) Production test wells shall be required prior to final approval for any division that is proposed to be located in an area designated by the County Board of Commissioners or Oregon Department of Water Resources as having potential or known problems in the quantity or quality of available water. When production test wells are required, they shall be completed prior to approval of the division. The wells shall be of sufficient number and distributional pattern to represent the total area of the division and may include wells on each proposed lot or parcel.

B) A chemical and/or biological analysis shall be required prior to final approval when a division is proposed in an area designated by the County Board of Commissioners or Oregon Department of Water Resources as having potential or known water quality problems.

05.110 NATURAL HAZARDS:

Jackson County may require special consideration and restrictions for the development or division of any area known to be dangerous for road or building development by reasons of geological conditions, excessive surface erosion, expansive soils, steep slopes, unstable subsurface conditions, groundwater ponding or seepage conditions, floodplain, wildfire potential, inundation, or stream erosion and deposition, or any other dangerous condition. The applicant may be required to utilize the planned unit development, (see Chapter 35) as a means to protect the development from identified hazards. Development of areas located within a designated floodway, or which may be found to be subject to flooding by the Director, shall be subject to the requirements of Chapter 254 of the Jackson County Zoning Regulations. The county may require that special development recommendations and/or restrictions be made a matter of public record. If the restrictions are considered permanent they shall be shown on the plat or map. If temporary in nature, final approval of the plat or map shall be withheld until the condition is corrected.

05.120 GRADING, EXCAVATION, AND CLEARING:

Grading and clearing by mechanical equipment for road and/or development purposes including driveways may be restricted or regulated at the time of conditional, tentative, or final approval if there is a finding that such grading or clearing presents a threat of pollution, contamination, or silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation, and clearing shall be avoided when detrimental to soil stability and erosion control.
05.130 STORM WATER AND LAND DRAINAGE PROVISIONS:

Special provisions for storm water and land drainage may be required in any division and shall be required in all Class "A" divisions. The developer may be required to provide drainage ways of appropriate size and width to carry storm water. The following general criteria shall be used:

1) **Public Storm Sewer Systems:** Shall be installed in Class "A" divisions when an existing system is readily accessible. If no such outlets are within a reasonable distance, another adequate provision for storm water drainage shall be made. All storm sewer systems shall be subject to review and approval by the Public Works Director.

2) **Lot Grade and Slope:** Class "A" and "B" divisions shall be fashioned in such a manner that lot drainage will or can be in a direction away from the building site. Drainage patterns utilizing natural characteristics are preferred.

3) **Area Drainage:** Shall be considered in all divisions. All culverts and other drainage facilities must be large enough to accommodate drainage from upstream areas. The Public Works Director, or his designee, shall determine the appropriate size of each facility which will be dedicated to the public based on standard engineering practices. The potential for development throughout the watershed, as envisioned by the Comprehensive Plan shall also be considered. The Department may require that culverts and other drainage facilities be evaluated by a registered engineer to determine appropriate sizes for private roads, or may recommend sizes without incurring liability for the failure of such. For all Class "A" divisions, applicants must submit professionally prepared storm drainage plans to the Department of Public Works and receive approval of such plans prior to approval of the final map or plat. No division shall be approved where it has been determined that storm water drainage generated by the division will overload drainage facilities.

4) **Flood-prone or Other Hazardous Areas:** Shall be restricted from development or excluded from the division in any manner deemed necessary by the county to protect the health, safety, and welfare of the present and future population of the area, and to ensure that all divisions conform with Chapter 254, Floodplain District, of the Jackson County Land Development Ordinance. The applicant may be required to utilize the planned unit development (Chapter 35) as a means of protecting the development from identified hazards. Such restrictions or exclusions shall be clearly labeled on the final map or plat. The historical high water mark shall also be shown on the final plat or map, according to the best known information.
5) **Dedication of Drainage Easements:** If an "A" division is traversed by an existing or planned watercourse, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially to the lines of such watercourse, and of such width as will be adequate for the purpose of carrying water and providing access to the watercourse for vector control or maintenance vehicles.

**05.140 PUBLIC USES:**

When the subdivider proposes that certain land or area in a subdivision be reserved or dedicated for public or common use, the County Board of Commissioners may accept such property. The County may require the dedication of land to the public by the subdivider where it is deemed that a substantial adverse impact on public facilities, such as schools, will result.

1) **Recreation Areas:**

   A) Areas reserved or dedicated for recreation purposes shall be of suitable size, dimension, topography, accessibility, and general character for the intended recreation purpose.

   B) All applications involving proposed recreation areas shall be submitted to the Jackson County Parks and Recreation Department for review and recommendation.

   C) The area, if approved, shall be shown and marked on the final plat as "dedicated for public parks and recreation purposes."

   D) A developer may develop and improve recreation areas for common and exclusive use of persons residing in a subdivision. However, adequate provisions must exist guaranteeing improvement and permanent maintenance of the area, and assuring that the area will not fall into county ownership as a result of tax foreclosure.

2) **Open Space:**

   A) Natural or landscaped open space may be reserved or dedicated for public use or common use of persons residing in the subdivision.

   B) Areas set aside as natural open space shall not be improved. If improvements are to be installed, such area shall be considered a recreation area.
C) The principles of ownership, maintenance, and improvement set forth for recreation areas (subsection 1, above) shall apply.

D) All open space areas shall be clearly labeled as public or common use areas on the final plat.

05.150 LAND FOR PUBLIC PURPOSE:

1) When the county, a school district, or other public agency has expressed a definite interest in acquiring a specific portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the county shall require that those portions of the division be either dedicated for public uses as provided in section 05.140 or reserved for public acquisition for a period not to exceed six (6) months from the date of the county's tentative or conditional approval of a division. The final map or plat may be submitted for review prior to the final outcome of the negotiations provided: The area which may be acquired is shown as being in public ownership; and, a separate overlay is submitted which illustrates the proposed division of the area if it is not acquired by the public.

2) Where the Jackson County Board of Commissioners deems it necessary, or where lands are located within the Bear Creek Greenway as identified on the official Bear Creek Greenway Maps, the County may require the dedication of lands for public purposes.

05.160 FIRE PROTECTION:

1) Within Class "A" and "B" divisions the following fire safety standards shall apply:

   A) Fire fighting water supplies shall be installed where legally recognized fire districts have standards for the installation.

   B) Where no such standards have been developed by the local fire district, the county may require improvements based upon commonly accepted designs.

2) Within a Class "C" division, the county may require improvements as suggested by the appropriate fire protection and prevention agency.

3) Structural fire protection requirements are specified in Section 280.100 of the zoning regulations.
05.170 MISCELLANEOUS PROVISIONS, FENCING, COVERING, SCREENING: When a hazardous condition exists within a Class "A" division including, but not limited to, open ditches, abrupt topographical features, traffic arterials, or water bodies, the county may require fencing or covering of the hazardous conditions adequate to protect the public. Screening in the form of fencing, walls, landscaping, or landscaped berms at the exterior boundaries of the division may be required by the County to separate identified land use conflicts or as a means of improving aesthetic values of the area as a whole.

When any of the above improvements are required by the County, the applicant shall submit a construction plan and cost estimate to the Department of Planning and Development for approval. A construction performance bond, in an amount determined sufficient by the Planning Director, shall be filed with the County Clerk unless the work is to be completed prior to filing the final plat of recordation.

05.190 SURVEY REQUIREMENTS

1) The map of Class "A" partition and all subdivisions shall be based upon an accurate survey of all boundary lines and the centerline of proposed access easements affecting the property. The map of Class "B" or "C" partition shall be based upon an accurate survey of the boundaries of any lands proposed for dedication to the public. The County may require that new property lines and the centerline of access easements be surveyed when necessary to ensure that access easements are not located on adjoining ownerships.

2) Final subdivision plats, surveys, and related monumentation shall be made by an Oregon registered surveyor, and conform to the requirements of the Jackson County Surveyor's Office. The plat shall be based upon an accurate survey conforming to the requirements of ORS 92.

05.200 MAP AND PLAT SPECIFICATIONS:

1) Tentative and Final Partition Maps and Plats: Tentative and final maps and plats may be prepared by other than an Oregon registered land surveyor. The tentative maps shall be clearly and legibly drawn in black ink on white paper. Tentative plats shall be prepared on paper or vellum to a size approved by the Department. All maps or plats shall be drawn to a standard engineer's scale in a manner which may be reproduced without loss of detail. The format of the plat or map shall be in accordance with specifications established by the Department.
2) Final Plats: Final plats shall be prepared by an Oregon registered land surveyor and drawn to a standard engineer's scale in black ink, especially formulated for polyester film, on transparent polyester film at least .003 inches thick, and 18 inches by 24 inches in size. The format of the plats shall be in accordance with specifications established by the Department and ORS Chapters 91, 92, and 209.
CHAPTER 15
MINOR AND MAJOR PARTITIONS

15.010 GENERAL PROVISIONS AND JURISDICTION FOR MINOR AND MAJOR PARTITIONS:

Persons desiring to partition land are encouraged to contact the Department of Planning and Development prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed partition.

Minor and major land partitioning shall be subject to the procedures and requirements set forth in this Chapter and those of Chapter 5, Design and Development Standards.

No person shall transfer, sell, or otherwise dispose of any parcel in a partition for which approval is required by this ordinance until the final map has been recorded. However, a person may offer or negotiate to sell a parcel in a partition following tentative approval being granted.

15.030 APPLICATION REQUIRED:

1) Applications for major and minor partitions shall be submitted to the Department of Planning and Development on forms prescribed by the Department. The application shall include the following:

A) Name and address of property contract holder or purchaser, the applicant, if not the owner, and authorized agent.

B) Existing land use and surrounding development patterns.

C) Proposed land use.

D) Approximate distance from the boundaries of the subject tract to utility lines, including both water and sewer, that could serve the development.

E) The proposed method of sewage disposal. If the parcels are to be served by individual sewage systems, the following information shall be submitted:

   i) Date and application number of proposed site evaluation application(s) filed with the Department's Sanitation Division and estimated date of evaluation; or,

   ii) The distance from nearest side parcel line and distance from either front or rear parcel lines of each approved usable area; or,
iii) Submit a deed declaration pursuant to section 05.090 and 15.030 (1) (I).

F) The type of the system where other than an individual sewage disposal system will be utilized. The public agency or department which has approved or is evaluating the system shall be named.

G) The proposed method of obtaining a potable water supply. If the parcels are to be served by individual wells, the procedures in section 05.100 and (I) of this section shall be followed.

H) Where other than an individual well is to be utilized, the type of the system is to be indicated and the public agency or department which has approved or is evaluating the system shall be named.

I) If the partition will create one or more parcels which are not intended to be used in a manner which will require sewage disposal facilities and/or a potable water source, the applicant shall so state the intended use and place a deed restriction or a note upon the recorded documents to notify those who may have an interest in the property.

J) Use and purpose of any easements located or to be located within the partition, if any.

K) Purpose and description of any land areas or improvements, other than utilities, set aside for public use or common use of persons residing in the division, including a maintenance or property owner agreement, if any.

L) Copies of any proposed property or homeowner agreements, bylaws, or covenants, and any petitions proposing to create special service districts.

M) Fire rating of the area (per the State Forestry Department or local fire district) and description of all measures which will be taken to reduce fire hazards.

N) A declaration stating that all information submitted is true and complete, to the best knowledge of the applicant.
O) Major partition applications, in addition to the above, shall include the following:

i) Description of the type of road or street that is proposed to serve the partition, including width, typical cross-section, grades, radius of curves, proposed status (i.e. a private road, dedicated way, etc.), name (as appropriate), relationship to existing roads or streets in the area, projected timetable for construction of any road or street (refer to Chapter 25 for design standards), and the parcels to be served by such road.

ii) Names of owners, other than the applicant, upon whose land any portion of the proposed road or way would be located:

   a) Written acknowledgement from each such owner stating his willingness to either: dedicate the land to the county in the case of a dedicated way or county road, or execute an instrument conveying to the applicant the right to construct and maintain a private road on the owner's land.

   b) In the case of a private road or a dedicated way, written acknowledgement by each such owner of his knowledge that the road described in the application may not be used for legal access to any parcel of land not described in the application.

iii) The draft of all documents relating to establishment and maintenance of common roads, water or sewage systems, if any.

15.040 TENTATIVE MAP REQUIREMENTS:

1) Tentative Map - minor or major applications shall be accompanied by a tentative map which may be prepared by other than an Oregon registered land surveyor and shall include the following:

   A) Information drawn clearly and legibly in black ink to a size approved by the Department on white paper or vellum.

   B) Title block containing the words "Minor Partition - Tentative" or "Major Partition - Tentative."

   C) Tax lot designations from the records of the Jackson County Assessor. One quarter section, section, township, range, and county.
D) Name and address of the registered professional land surveyor if applicable.

E) Approximate courses and distances of existing property lines, proposed property lines, and, where appropriate, center line of proposed road, and approximate area of each parcel.

F) Location of all structures and improvements, including wells and installed septic systems.

G) Approximate location of areas within "A" or "B" divisions which are areas subject to inundation or storm water overflow, and the location and direction of flow of all water courses and drainage ways.

H) Location of approved usable area(s) for subsurface sewage disposal (if such exists).

I) Parcel numbers.

J) Date, northpoint, and scale. Map scale shall be 1"=100', 1"=200', 1"=300', 1"=400', 1"=500', or 1"=1,000'. The scale showing the greatest detail on a single map shall be utilized.

K) Location, width, and name of any existing proposed streets, roads, or easements on or abutting the partition. Easements shall be denoted by fine dotted lines and if already recorded, their recorded reference.

**15.050 REVIEW PROCESS - TENTATIVE MAP:**

Any application which is incomplete or found to be inaccurate may not be processed by the Department. If the application is not processed the applicant shall be notified in writing of the deficiencies and shall have 20 working days from the postmark date of the notice to correct deficiencies. If the applicant fails to correct or complete the application within the time limit provided, it shall be denied without refund of fees.

1) Department Review:

A) The Department shall process all minor partition applications and those major partition applications where the proposed road would serve no more than three parcels.
15.050 (continued)

B) The Department shall determine which public agencies, special districts, and, in the case of major partitions which adjoining landowners should be notified regarding the application. Failure of any person, group, or agency to receive notice shall not impair the validity of the Department's decision. Parties notified pursuant to this section shall have ten working days from the date postmarked on the notice to submit comments and/or requests for a hearing to the Department.

C) The Department shall approve the tentative map unless there is a specific finding that the partition does not conform to the requirements of this ordinance and other applicable laws and regulations. In the case of a major partition, a request for a public hearing may be filed within ten working days of the postmark date of the notice by an adjoining landowner, affected agency, or special district.

D) Within five working days of a decision by the Department on a tentative map, applicants shall be notified in writing of that action. The notification shall include a copy of the major or minor partition map, clearly stamped "Approved" or "Denied" and signed and dated by the Director. An approved map shall be accompanied by a listing of attached conditions, if any. Applications which are denied shall be accompanied by a brief statement of the facts relied upon in rendering the decision. The denial of a tentative map shall only be reconsidered upon reaplication or appeal.

3) Hearings Council Review:

A) Except as provided otherwise in this ordinance, the Hearings Council shall hear all major partition applications when the proposed road would serve four or more parcels, and those major partition applications where the proposed road would serve not more than three parcels and a public hearing has been requested per 1), B), of this section.

B) The Department shall notify the applicant of the date of the hearing and determine which public agencies, special districts, adjoining landowners, and citizen advisory committees should be notified regarding the application. Failure of any person, group, or agency to receive notice shall not impair the validity of the Hearings Council decision. Notice of the hearing shall also be published in a newspaper of general circulation at least ten calendar days prior to the date of the hearing.
C) 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 working days prior to the meeting at which the Hearings Council will consider the application.

D) A decision by the Hearings Council will normally not exceed 30 working days from the date of the first hearing on the application. This time period may be extended by the applicant, the Department, or the Hearings Council.

E) Applicants shall be notified in writing within ten working days of the final order by the Hearings Council on a tentative map. The notification shall include a copy of the major partition map clearly stamped "Approved" or "Denied," and shall be signed and dated by the Director. An approved map shall be accompanied by a listing of attached conditions, if any. Applications which are denied shall be accompanied by a brief statement which 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 upon the criteria, standards, and facts set forth. Denial of the tentative map shall only be reconsidered upon reapplication or appeal (Chapter 285).

Approval of a tentative map for a minor or major partition shall remain valid for six months, within which time the final map must be prepared and submitted to the Department for review. A time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request by the applicant. Applicants not meeting these time requirements must submit a new application and tentative map, including repayment of fees.

15.060 MINOR AND MAJOR PARTITION -- FINAL APPROVAL:

1) The final partition shall include the following:

A) Final maps shall be prepared in accordance with section 05.200 and be drawn in black ink on 8½" x 14" white paper except for those which include lands proposed for, or required to be dedicated. Maps including such lands shall be drawn in black ink especially formulated for polyester film on 18" x 24" stable base polyester film with a minimum thickness of .003". No part of the map shall be closer than 1" to the edge.

B) Title block containing the words "Minor Partition" or "Major Partition."
C) Department of Planning and Development File Number.

D) Parcel configuration of the approved tentative map.

E) Requirements "G" and "I" through "K" of the tentative map requirements.

F) All courses and distances of property lines which are surveyed as required in section 05.190 and approximate area in square footage and acreage.

G) Location and description of all permanent survey monuments found or set on each proposed parcel, if any.

H) Signature lines for the Planning Director, County Assessor, and County Recorder's certification. A signature line for the County Surveyor shall also be included if lands are proposed for dedication to the public or a survey has been required. The map shall also include signature lines of other agencies or special districts designated by the Department or the Hearings Council.

2) The final map, submitted to the Department for signature, shall contain the signatures of the land surveyor, if any, the agencies, and districts required as a condition of tentative map approval.

A) Jackson County Surveyor's Approval: Maps, including lands proposed for, or required to be dedicated as a condition of tentative map approval, shall be submitted to the County Surveyor after submission, review and signatures by the Department. The County Surveyor shall determine that the roads and other lands proposed for dedication are accurately described as required by this ordinance. The County Surveyor shall collect from the applicant a fee for this service in accordance with the Jackson County Board of Commissioners' order setting forth such fees. When the County Surveyor, acting in a private capacity, submits a final map, the Public Works Department shall review such maps and collect fees in accordance with the fees ordinance.

B) Jackson County Assessor's Approval: The final map shall be submitted for review by the Jackson County Assessor prior to submission for Department approval. The Assessor shall review the proposed division to assure that ad valorem taxes and all delinquent special assessments, fees, or other charges required by law to be placed upon the tax roll have been paid.
3) Major partition maps shall be accompanied by:

A) Any written certificates pertaining to improvement assurances or responsibilities.

B) A narrative description of any easements or rights-of-way, including references to benefitted properties.

4) The Director shall review the final map to assure compliance with this ordinance. The Director shall sign the map, indicating approval, upon finding that the final map complies with all applicable requirements, and that the final map substantially conforms with the approved tentative map and any conditions imposed thereon.

5) The Director shall schedule the final map and related documents for review by the Board of Commissioners when the proposed partition will result in land(s) or right(s)-of-way being dedicated to the public. Upon a finding that all applicable requirements have been met, the Board shall declare the lands or rights-of-way to be public and shall cause such declaration to be officially recorded (refer to Chapter 50).

6) Upon approval by all signators, the original final map and related documents shall be returned to the applicant or his agent. An exact autopositive shall be filed with the County Surveyor's office if the map was prepared by an Oregon registered surveyor and is based on a survey.

7) Completion of Improvements - Bonding, Other Assurances: Any and all improvement work, including the construction of roads and the inspection of county standard roads by the Department of Public Works, shall be the responsibility of the applicant prior to submittal of a final map. The Department shall not approve the final map or issue building permits until the improvements have been completed and accepted by the applicable agency or department unless adequate bonding exists to ensure installation of the improvements consistent with Chapter 55.

15.070 RECORDATION AND FILING:

The approved deeds and other documents, as may be required to be recorded by the Department, shall be recorded within 15 working days of the Department's approval. The Recorder shall not record any map which will have the effect of partitioning property without the written authorization of the Planning Director.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
CHAPTER 20
SUBDIVISIONS

20.010 GENERAL PROVISIONS FOR SUBDIVISIONS:

Subdivisions shall be subject to the procedures and requirements set forth in this Chapter, and those of Chapter 5, Design and Development Standards. No person shall transfer, sell, or otherwise dispose of any lot in any subdivision by reference, exhibition, or other use of a plat of a subdivision before the plan has been approved by Jackson County. No person shall offer or negotiate to sell lots until a tentative plan has been approved.

20.020 PRE-APPLICATION PROCEDURE:

Persons desiring to subdivide land are advised to contact the Department of Planning and Development prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed subdivision.

20.030 APPLICATION REQUIRED:

1) Applications for subdivisions shall be submitted to the Department of Planning and Development on forms prescribed by the Department. The application shall include the following:

A) Name and address of property contract holder or purchaser, the applicant (if not the owner), and agent.

B) Existing land use and surrounding development patterns.

C) Proposed land use.

D) Approximate distance from the boundaries of the subject tract to utility lines, including both water and sewer, which could serve the development.

E) The proposed method of sewage disposal:

i) Where lots in a Class A or B subdivision are to be served by individual sewage systems the following information shall be submitted:

a) Date and application number of proposed site evaluation application(s) filed with the Department's Sanitation Division and estimated date of evaluation.

b) The distance from nearest side lot line and distance from either front or rear lot line of each approved usable area.
ii) In a Class C subdivision the provisions of section 05.090 and 20.030 (I) (I) shall be followed.

F) The type of the system is to be indicated where other than an individual sewage disposal system will be utilized, and the public agency or department which has approved or is evaluating the system shall be named.

G) The proposed method of obtaining a potable water supply. If the lots are to be served by individual wells, the following information shall be submitted:

i) Date and application number of well permit(s) issued by the Department's Sanitation Division or the location of existing wells describing the distances to property lines.

ii) Sufficient evidence to show that each parcel or lot in a Class A or B subdivision will have available at the time of development a 2.5 gallons per minute supply of potable water tested for a minimum of one hour, which is the minimum County standard for drinking water. Such evidence may include, but is not limited to, existing pump tests and well logs. Production test information shall be required prior to final approval for any subdivision that is proposed in an area designated by the County Board of Commissioners or State Water Resources Board as having potential or known problems in the quantity of available water. A chemical and/or biological analysis shall be submitted when the subdivision is proposed for an area designated as having potential or known water quality problems.

iii) In a Class C subdivision the provisions of section 05.100 shall be followed.

H) Where other than an individual well is to be utilized, the type of the system is to be indicated and the public agency or department which has approved or is evaluating the system shall be named.

I) If the subdivision will create one or more lots which are not intended to be used in a manner which will require sewage disposal facilities and/or a potable water source, the applicant shall state the intended use and place a deed restriction or a note upon recorded documents to notify those who may have an interest in the property.
J) A sketch showing an overall plan for the division of the property if the proposed subdivision may be further divided at a future time. (Note: The sketch is nonbinding and will only be utilized for discussion purposes between the Department and the applicant.)

K) Description of the type of road or street that is proposed to serve the subdivision, including width, typical cross-section, grades, radius of curves, projected traffic volumes, proposed status, name (as appropriate), relationship to existing roads or streets in the area, and a projected timetable for construction of any road or streets (refer to Chapter 25 for design standards).

L) Names of owners, other than the applicant, upon whose land any portion of the proposed road or way would be located:

i) Written acknowledgement from each such owner stating his willingness to either: dedicate the land to the county in the case of a dedicated way or county road, or execute an instrument conveying to the applicant the right to construct and maintain a private road on the owner’s land.

ii) In the case of a private road or a dedicated way, written acknowledgement by each such owner of his knowledge that the road described in the application may not be used for legal access to any parcel of land not described in the application.

M) The draft of all documents relating to establishment and maintenance of common roads, water, or sewage systems, if any.

N) Number of lots in the subdivision and indication of approximate lot sizes (smallest, largest, and average size).

O) Description of any general site preparations such as land clearing, grading, or filling, but excluding activities related to roads or utilities, detailing how and when such work is to be accomplished, including methods of disposal of wastes, if any.

P) Use and purpose of any easements located, or to be located within the subdivision.

Q) Purpose and description of any land areas or improvements, other than utilities, set aside for public use or common use of persons residing in the division, including a maintenance or property owner agreement, if any.
R) Copies of any proposed property or homeowner agreements, bylaws or covenants, and any petitions proposing to create special service districts.

S) Fire rating of the area (per the State Forestry Department or local fire district) and description of all measures which will be taken to reduce fire hazards.

T) A declaration stating that all information submitted is true and complete, to the best knowledge of the applicant.

20.040 TENTATIVE PLAT REQUIREMENTS:

1) Subdivision applications shall be accompanied by fifteen (15) copies of a tentative plat which conforms to the requirements of Chapter 5, section 05.190 and 05.200, and include the following:

A) Tentative plats shall be prepared in black India ink upon white paper, 18 inches by 24 inches in size, unless another size is authorized by the Department.

B) Date, northpoint, section, township, range, and tax lot designation of the Jackson County Assessor.

C) Scale shall be 1" : 100', or other appropriate scale as indicated by the Department.

D) Vicinity map at an appropriate scale showing relationship to nearest major highway or county road.

E) The title block shall contain the proposed name of the subdivision, the words "Tentative Plat", and show the name, address, and number of the registered land surveyor. The name of the subdivision shall not duplicate, be similar to, or resemble in pronunciation the name of any other subdivision in Jackson County. 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. The plat of addition must continue the block numbers of the original subdivision.

F) Approximate courses and distances of the exterior boundaries of the subdivision, and approximate course and distance of proposed property lines in the subdivision.

G) Approximate acreage or square footage of each proposed lot in the subdivision and proposed lot and block numbers.
H) In Class "A" divisions, where the resultant parcels or lots will be one acre in size or less, topography indicating contour intervals (as listed below), and extending at least 100 feet beyond the boundaries of the subdivision. The required contour intervals shall be five foot or smaller intervals.

I) Location of all roads or streets adjoining or being proposed to serve the subdivision, including width, length, maximum grades, and surface condition. Indicate on the plat the proposed road or street name or number, and the proposed road’s status (private road, dedicated way, or county road).

J) Approximate location of areas within Class "A" and "B" divisions which are subject to inundation or storm water overflow, or all areas covered by water, and the approximate location, width, and direction of all water courses.

K) Approximate location, width, and purpose of all existing easements on and known easements abutting the tract. Easements shall be denoted by fine dotted lines, and if already of record, their recorded reference.

L) Utilities on or abutting the subdivision.

M) Location of all structures and improvements, including wells and installed septic systems.

N) Lot or land area intended to be dedicated or reserved for public use or common use of the property owners in the subdivision, with purpose of reservations clearly labeled.

O) Location of approved usable area(s) for subsurface sewage disposal or location of public or community sewer lines and easements.

20.050 PROCEDURE FOR REVIEW OF TENTATIVE PLAT:

1) Upon receipt of a subdivision application, the Department of Planning and Development shall provide notice of the tentative plan to affected county departments, public agencies, adjoining land owners, and citizen advisory committees for review and comment. The Department shall schedule a hearing before the Hearings Council at the earliest possible date. (Refer to Chapter 285 for information on public hearings.) Failure of any person, group, or agency to receive notice shall not impair the validity of the hearing.
2) The Department shall review the application and all information submitted by the applicant, and shall conduct an on-site inspection of the subject property.

3) Any application which is incomplete or found to be inaccurate may not be processed by the Department. If the application is not processed, the applicant shall be notified in writing of the deficiencies within 30 days of acceptance of the application, and have 20 working days from the postmark date of the notice to correct deficiencies. If the applicant fails to correct or complete the application within the time limit provided, it shall be denied without refund of fees. Application for lands located within an urban growth boundary acknowledged by the Land Conservation and Development Commission shall be reviewed and tentatively approved or denied within a 180 day period following the date the department determines the application is complete.

4) The Department shall prepare a staff report and recommendation for action by the Hearings Council based upon conformance with state and local regulations, the County Comprehensive Plan and Land Development Ordinance, and responses from interested agencies and individuals.

5) The applicant shall be notified in writing by the Department of the action taken within 45 working days of the first hearing on the matter, or within ten working days after the Hearings Council final order on a tentative plat, whichever is less. This notification shall include a copy of the tentative plat clearly stamped "Approved," "Conditionally Approved," or "Denied," and shall be dated and signed by the secretary of the Hearings Council.

A) An approved tentative plat shall be accompanied by a listing of attached conditions, if any. Approval of a tentative plat shall be a tentative approval, and shall not constitute acceptance of the final plat. Approval shall be binding upon the developer and Jackson County for the preparation of the final plat.

B) Applications which are denied shall be accompanied by an order of the Hearings Council which states the facts relied upon in rendering the decision. A denial of the tentative plat will only be reconsidered upon reapplication or appeal (refer to Chapter 265).

C) Approval of the tentative plat shall become null and void 12 months after the date of approval, unless the final plat is submitted pursuant to section 20.060 of this ordinance within that time period. An extension of time not exceeding 12 additional months may be granted by the Director or the Hearings Council. A request for such an extension shall be made in writing.
20.060 REQUIREMENTS FOR FINAL PLAT APPROVAL:

Upon receipt of approval of the tentative plat, the subdivider shall comply with the standards and conditions set forth by the Hearings Council and shall have prepared a final plat. The final plat shall conform to the tentative plat, except where necessary to comply with conditions imposed by the Hearings Council.

1) The final plat shall be prepared by an Oregon registered land surveyor according to the following requirements:

A) The size shall be 18" X 24" with no part of the plat being closer than one inch to the edge. The material shall be stable base polyester film with a minimum thickness of .003".

B) Drawn with black ink, especially formulated for polyester film.

C) The plat shall be of a scale ensuring that the approvals signed thereon, dedications thereof, and affidavit of the surveyor are clearly legible. The plat may be placed on as many sheets as necessary, but an index page shall be included for plats placed on two or more sheets.

D) Title block containing the name of the subdivision, legal description by section, one-quarter section, township, range, and county, and containing the following information:

i) Date, northpoint, and scale.

ii) Number of each block and lot in the subdivision and area of each lot in square feet or acres.

iii) Location, name, width, and size, as applicable, of roads, streets, and easements within the subdivision and immediately adjacent thereto, and recording number of any official record which is pertinent.

iv) The length and bearings of all property lines, easements, roads, and streets including arc length, radius, and central angle (delta) of all curves. All dimensions shall be in feet and decimals of a foot to the nearest hundredth.
v) Signature lines for the approval of the:
   a) Secretary of the Hearings Council or Planning Director.
   b) Jackson County Surveyor.
   c) Chairman of the Board of Commissioners of Jackson County.
   d) Jackson County Assessor.
   e) All other agencies as may be designated by the Hearings Council, or required by ORS 92.110.
   f) Owner(s) of property being subdivided.
   g) Owner(s) of land upon whose land the proposed road(s) will be located if other than the owner of the property being subdivided.

vi) Signature lines for certification by surveyors.

2) Improvements: All final written certifications pertaining to improvements, improvement assurances, or responsibilities must accompany the final plat. The Department shall not approve the final plat until the improvements, including survey monumentation, have been completed and accepted by the applicable agency or department unless adequate bonding exists to ensure installation of the improvements consistent with Chapter 55.

3) Signatures: The subdivider shall submit the final plat for review and signature by persons, agencies, committees, and special districts required during the tentative plat review. All signatures of such persons, agencies, committees, and special districts, except the County Surveyor, shall be obtained by the subdivider prior to submission of the final plat to the Department of Planning and Development for review and signature by the Director.

A) Land in Special Districts: All plans, plats, or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, or district improvement company shall be submitted to the board of directors of the district or company. The proposal shall be endorsed before approval of such plan, plat, or replat of any subdivision by the County. If a subdivider is unable to obtain action or approval
by any district or company within 45 days, the subdivider shall notify the County in writing. The County shall serve notice on that district or company by certified mail, advising the district or company that any objections to the plan, plat, or replat must be filed in writing with the County within 20 days. Failure of the district or company to respond shall be considered as approval of such plan, plat, or replat and the County shall endorse thereon a finding that the district or company failed to act. The County may then approve such plan, plat, or replat without the approval of such district or company.

B) Jackson County Surveyor Approval: The plat must be submitted to and approved by the County Surveyor. The County Surveyor shall check the subdivision site and the plat to determine that the plat complies with the provisions of ORS 92 and the provisions of this ordinance. The County Surveyor shall collect from the subdivider a fee for this service in accordance with ORS 92 or the Jackson County Board of Commissioner's order setting forth such fees, whichever is greater.

C) Jackson County Assessor Approval: The final plat shall be submitted for review by the Jackson County Assessor. The Assessor shall review the proposed subdivision to assure that ad valorem taxes and all delinquent special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year, pursuant to ORS 92.

20.070 FINAL PLAT REVIEW:

The subdivider shall submit the final plat with related written documents to the Department of Planning and Development for review. The Department shall review the plat and documents for compliance with this ordinance, and conformity with approved tentative plat and conditions which were attached. The Director shall sign the plat and other related documents as necessary upon finding that all requirements have been met, including all other required signatures except the County Surveyor. The plat and related documents shall be filed by the applicant with the County Clerk within five working days of the County's approval. An exact autopenitive of the approved map shall also be filed at the Jackson County Surveyor's office.
20.080 RECORDATION:

The final plat and related documents shall be recorded by the subdivider in the Official Records of Jackson County, Oregon, within five working days of approval. The County Recorder shall not record any plat which will have the effect of subdividing property without the written authorization of the Planning Director. Recordation of any document having the effect of subdividing property without the written authorization of the Planning Director is a violation of the requirements of this ordinance.

20.090 REPLATS:

1) The Department shall review all proposed replats. The replat shall be evaluated in terms of its impacts on and compatibility with previously approved divisions. The evaluation shall, at least, include and require appropriate modification of the replat to ensure that existing public and private improvements can serve existing, proposed, and potential development in the area; and the continuation of established development patterns. The Hearings Council shall review the proposal where the proposed modification will have significant impact upon the development as it was originally recorded or approved by the county.

2) All replats shall be processed in the same manner as an application of a division occurring on lands not previously platted, except as provided for within Section 20.090(1).
CHAPTER 25
ROADS, STREETS AND BICYCLE PATHS

25.010 GENERAL ROAD AND ACCESS POLICIES:

1) **Purpose:** The establishment of the minimum criteria to be used in Jackson County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements may be necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

2) **Criteria:** Roads in Jackson County shall be designed, constructed, and maintained to:

   A) Be capable of ensuring unrestricted travel to and from a property.
   B) Provide adequate, safe, and legal access with minimal public cost.
   C) Place the burden of the costs on the benefitted person(s).
   D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.
   E) Provide for drainage ways and utility services.
   F) Be compatible with adjoining land uses.
   G) Minimize, within the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource, and Woodland Resource, as designated by the Jackson County Comprehensive Plan.
   H) Ensure that the new road will not interfere with forest management or harvesting practices.
   I) Minimize the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.
   J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk winter range, identified natural areas, and other significant natural features.
3) Standards, Generally:

A) The following are a variety of types or forms of access used to gain ingress and egress to property within Jackson County:

i) County Roads

ii) State Highways

iii) Dedicated Ways

iv) Flag Lots

v) Ways of Necessity (Gateway Road)

vi) Public Agency Roads

vii) Private Roads

viii) Prescriptive Roads

B) Publicly dedicated and maintained roads provide superior access.

C) Flag lots may provide access, but can hinder future development of the surrounding area.

D) Private roads function best if they are designed to serve a predetermined, limited amount of development.

E) Paved roads are safer, less of a nuisance, and cheaper to maintain than gravel roads.

F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.

G) Dedicated ways or county roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.

4) Standards, Specifically:

A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuations of their centerline.
B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The county may also require the improvement of such rights-of-way or easements in a class "A" division. A temporary turn-around may be required for the resulting dead-end road.

C) Frontage roads, or double frontage parcels or lots may be required by the county when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.

D) Whenever a proposed division or development is intended to abut an arterial or collector, the county shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.

E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill.

25.020 MINIMUM REQUIREMENTS FOR COUNTY ROADS:

1) The minimum requirements for county roads are set forth within the Jackson County Standards and Specification for County Roads, August, 1976, which from time to time, may be revised. Applicants proposing to construct a county standard road shall consult with the Jackson County Department of Public Works prior to submittal of the proposal. Copies of the above referenced document are available at the Public Works Department.

2) The Department of Public Works shall establish improvement requirements for county road frontage where divisions are proposed along an existing county road. Such requirements may include either on or off-site improvements which are found to be necessary and appropriate to meet increased traffic demands anticipated as a result of the proposed division. Such improvements shall be completed in a manner which will minimize long-term costs to taxpayers, and may include, but not be limited to the following:
A) Dedication of additional right-of-way or an irrevocable offer of such a dedication;

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

25.030 MINIMUM CONSTRUCTION STANDARDS FOR COUNTY ROADS:

1) The minimum construction standards for county roads are detailed within the Jackson County Standards and Specification for County Roads. Copies of the document are available at the Public Works Department.

2) County roads constructed in conjunction with divisions shall also utilize erosion control provisions, including but not limited to, seeding or hydro-mulching of cut and fill banks and limitations of slopes on road cuts and fills which are acceptable to the county.

25.040 MINIMUM REQUIREMENTS FOR DEDICATED WAYS:

The following minimum requirements shall apply to any action relating to the approval of a dedicated way:

1) The location and design of a dedicated way shall conform to applicable goals and policies of the Jackson County Comprehensive Plan.

2) All dedicated ways shall be constructed to meet or exceed the construction specifications as specified in section 25.050.

3) Erosion control requirements must meet or exceed the minimum acceptable standards of this ordinance. (The civil engineer should submit tentative plans to the Department for review and approval prior to finalizing construction drawings.)

4) All dedicated ways shall be dedicated to the public and shall be maintained pursuant to a maintenance agreement, in a form to be provided by Jackson County, to be recorded with the final plat in the official records of Jackson County. The recorded maintenance agreement shall include the following elements:

   A) The maintenance agreement shall be binding on all owners of parcels within the plat or map, other properties served by the dedicated way, and all interests in such property thereafter acquired. The owners shall maintain the road according to the terms of the maintenance agreement.
B) Jackson County shall be a party to the agreement, and such agreement may not be modified or terminated without written consent of Jackson County.

C) Any person who is party to the agreement, or any interested public body who believes the dedicated way is impassable to emergency vehicles, may file a written complaint with the County Board of Commissioners. The Board shall direct the Director of Public Works to investigate the complaint and submit a report to the Board. This report shall contain an evaluation of the condition of the road and particularly whether the road's condition meets a minimum standard for maintenance of such roads. The report shall also set forth an estimation of the costs, including all likely administrative costs, necessary to bring the road up to a passable condition. The Board shall hold a public hearing at which interested parties may appear. Notice of the hearing shall be given to the property owners benefitted by the road.

D) When, in the opinion of the County Board of Commissioners, the road constitutes a hazard to public safety or is impassable to emergency vehicles, based upon the testimony at the hearing, the Board by its order may:

   i) Declare the owners in default of the maintenance agreement; and either

   ii) Direct the Department of Public Works to undertake the road work which, in the opinion of the Director of Public Works, is necessary to bring the road up to a passable condition, and allocate the costs as estimated by the engineer pursuant to paragraph C) above; or

   iii) Initiate proceedings to improve the road as provided in ORS 371.605 et. seq.

E) The county may collect the assessed costs from the owners either prior to or upon completion of the maintenance work.

5) In no event shall the duties or liabilities of Jackson County be greater than those provided in ORS 368.031.
### Table II

**Minimum Requirements for Uncontrolled Intersections**

<table>
<thead>
<tr>
<th>AREA CLASS</th>
<th>NO. OF LANES</th>
<th>GRADE WIDTH</th>
<th>LANDS REQUIRED</th>
<th>MINIMUM SHOULDER WIDTH</th>
<th>MINIMUM ROADWAY WIDTH</th>
<th>MINIMUM ROADWAY SPEED</th>
<th>OTHER REQUIRED WIDTH</th>
<th>MINIMUM SURFACE TYPE</th>
<th>SURFACE TYPE</th>
<th>TURNING RADIUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>1-6</td>
<td>15%</td>
<td>12 ft. 1</td>
<td>1.5 ft. 1</td>
<td>3 in. compacted</td>
<td>40 ft. 4</td>
<td>--</td>
<td>Minimum (type)</td>
<td>Gravel or equivalent</td>
<td>Minimum 28 ft.</td>
</tr>
<tr>
<td>C</td>
<td>7-9</td>
<td>15%</td>
<td>12 ft. 2</td>
<td>1.0 ft. 2</td>
<td>Same as above</td>
<td>50 ft. 5</td>
<td>Minimum (type)</td>
<td>Gravel or equivalent</td>
<td>Minimum 28 ft.</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>1-4</td>
<td>15%</td>
<td>11 ft. 1</td>
<td>2 ft. 1</td>
<td>Same as above</td>
<td>50 ft. 5</td>
<td>Minimum (type)</td>
<td>Gravel or equivalent</td>
<td>Minimum 28 ft.</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>5-9</td>
<td>15%</td>
<td>10 ft. 2</td>
<td>3 ft. 2</td>
<td>Same as above</td>
<td>50 ft. 5</td>
<td>Minimum (type)</td>
<td>Gravel or equivalent</td>
<td>Minimum 28 ft.</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>1-4</td>
<td>15%</td>
<td>10 ft. 2</td>
<td>3 ft. 2</td>
<td>Same as above</td>
<td>50 ft. 5</td>
<td>Minimum (type)</td>
<td>Gravel or equivalent</td>
<td>Minimum 28 ft.</td>
<td></td>
</tr>
</tbody>
</table>

### County Standard Roads Only

#### A/C 10-12

| 12% | 10 ft. 2 | 3 ft. 2 | Same as above | Same as above | 50 ft. 5 | Minimum (type) | Gravel or equivalent |

### County Standard Roads Only

#### A

<table>
<thead>
<tr>
<th>5 or More</th>
<th>16 or More</th>
</tr>
</thead>
</table>

#### B/C

| 15% | 15% | 3 ft. 2 | Same as above | 50 ft. 5 | Oil Mat | Same as above |

---

1. **Area Class A** - Within Urban Growth Boundaries and Urban Containment Boundaries, or areas zoned for small home or smaller;
2. **Area Class B** - Zoned for 2.5 acres or smaller, excluding Class A; and **Area Class C** - Zoned larger than 2.5 acres in size.
3. Surveys shall be provided intervally or at 600 foot intervals, whichever is the lesser.
4. Any or all required surveys, plans, and improvements of dedicated ways shall be the responsibility of the applicant/developer or existing owners. No funds of the county shall be expended for any of the above items.
5. May be reduced to two (2) feet with the approval of the Public Works Director.
6. This standard does not apply within Urban Growth Boundaries; County Road Standards Apply.
7. Roads located within the Air Quality Maintenance Area (AQMA) shall utilize an oil mat surface (Jackson County 0-7 asphalt penetration macadam oil mat with a minimum of three shots of oil).
25.050 MINIMUM CONSTRUCTION STANDARDS FOR DEDICATED WAYS:

1) All dedicated ways shall be designed by a licensed civil engineer, consistent with or exceeding the minimum construction standards established in this section and the requirements of the Public Works Director. The engineer shall certify that the dedicated way "as built" meets the requirements and standards of Section 25.040 and 25.050 and that materials utilized were of adequate quality.

2) The subgrade shall be compacted to 90% percent of maximum relative density. This standard shall be presumed to be satisfied when a wheel roll test, as described below, shows no appreciable deflection or reaction. The test shall utilize a 10 yard dump truck fully loaded with crushed rock. The wheel loads shall be placed over the entire cross-section of the road. Those areas with minimal deflection shall be proof rolled repeatedly to ensure the condition does not worsen. Areas which fail shall be recompacted or reconstructed and retested.

3) Dedicated ways shall not be utilized for through traffic, but shall be limited to internal traffic and will generally be dead-end roads with a 30 foot radius cul-de-sac or suitable turn-around.

4) The road shall be capable of supporting occasional traffic in the range of 45,000 pounds gross vehicle weight.

5) The road shall be designed for a 10 year design life, taking into consideration construction traffic. Bridges shall have a minimum 25 year design life.

6) The vertical curve shall be no shorter than 50 feet.

7) Minimum stopping distance shall be 70 feet.

8) A minimum of thirteen and one-half (13½) feet of vertical clearance for the full width of the road shall be necessary.

9) Cul-de-sacs, turn-arounds, and turnouts shall be as level as possible.

10) To ensure erosion control, the Department may require modification of cut and fill slopes as well as seeding and/or hydro-mulching of disturbed areas. (See Table II, Minimum Requirements for Dedicated Ways.)

11) The minimum travel surface may be increased by the County in wildfire hazard areas.
25.060 MINIMUM REQUIREMENTS FOR PRIVATE ROADS:

The following minimum requirements shall apply for any action relating to the approval of a private road. Additional higher standards may be required which are deemed necessary by the County to ensure that the road will reasonably provide access which conforms with the stated purposes of this Chapter:

1) Private roads shall provide access to no more than three abutting lots or parcels. A private road may serve more than three lots or parcels when the parcels are within a planned unit development and when such road is constructed to the standards for a county road, and is approved as a part of the planned unit development conditional use permit. Under no circumstances shall a private road serve other roads or areas.

2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for extension to adjacent property, or to be utilized for public road purposes in the normal development of the area.

3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

4) The County may require that the applicant post a sign stating the name of the private road and the words "Private Road, Not Dedicated for Public Use or Maintained by Jackson County" at the entrance to a private road.

5) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

6) The County may require such improvements, in addition to those specified in section 25.070, as are reasonably necessary to provide safe and adequate access to the lots and parcels.

7) The County may require that the private road being considered be established as a dedicated way or county road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.
8) All private roads shall be dead-end roads with a cul-de-sac or other suitable turn-around.

9) A private road shall directly connect only to a county or state road. However, an exception may be made for private roads connecting to a United States Forest Service or Bureau of Land Management road under the following circumstances:

   A) When the applicant, or his authorized representative, has applied for and received approval for use of the right-of-way in conformance with the U.S. Forest Service or Bureau of Land Management requirements.

   B) The approved application provides for a renewable, unencumbered 30 year use period.

10) 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 County shall compare the applicant's proposed road construction specifications to the following standard, which the County may require based upon the finding that the applicant's proposed specifications are inadequate:

   A) Three inches of 3/4-0 compacted, crushed rock, or equivalent top course.

   B) Three inches of 1 1/2-0 compacted, crushed rock, or equivalent base course.

   C) The sub-grade compacted to 90+ percent of maximum compaction. The County may also require that compliance with the standard proposed by the applicant or the standard specified above be certified by an Oregon registered engineer.

11) The County shall require that a maintenance agreement be recorded in the records of Jackson County along with any map or plat creating a private road, and include the following terms:

   A) That the agreement for maintenance shall be enforceable by any person served by the road.

   B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
12) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

13) The applicant shall submit verification that the physical location of the travel surface is within the easement shown on the final map.

14) The minimum travel surface may be increased by the County in wildfire hazard areas.

25.070 MINIMUM CONSTRUCTION STANDARDS FOR PRIVATE ROADS:

1) Ten foot wide improved travel surface, with two foot shoulders on each side.

2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven feet in width, with 25 foot tapers on each end.

3) Cut and fill slope requirements and erosion control provisions acceptable to the Department.

4) The width of the road approach at its intersection with the county road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width.

5) Maximum finished grade shall be 15 percent except that it may exceed 15 percent at other than the road approach or turnaround for a maximum distance of 100 feet. Under no circumstances shall the road grade exceed 18 percent.

6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.

7) 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 275 feet at any point. If the County finds that unique topographic conditions exist in the area of the proposed private road an adjustment of this standard may be considered.
### TABLE III

**MINIMUM ROAD STANDARDS FOR PRIVATE ROADS**

<table>
<thead>
<tr>
<th>DIVISION CLASS</th>
<th>MAXIMUM # OF PARCELS TO BE SERVED</th>
<th>MAXIMUM GRADE WIDTH</th>
<th>LANE LINES REQUIRED</th>
<th>MINIMUM SHOULDER WIDTH</th>
<th>EASEMENT WIDTH</th>
<th>RECOMMENDED DESIGN SPEED</th>
<th>TOP COURSE</th>
<th>BASE COURSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Private Roads are Not Allowed within Class &quot;A&quot; Divisions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>3</td>
<td>15%</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>25</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>C</td>
<td>3</td>
<td>15%</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>25</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

1. "A" - Within an Urban Growth Boundary or Urban Containment Boundary, or areas zoned for one (1) acre or less.

2. "B" - Zoned for 2.5 acres or smaller, excluding Class "A" divisions.

3. "C" - Zoned for larger than 2.5 acres in size.

4. Turnouts shall be provided intervisibly or at 800 foot intervals.

5. May exceed 15 percent for a distance of 100 feet, but under no circumstances shall the road grade exceed 18 percent.
8) 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. If unique topographic conditions exist in the area of the proposed private road an adjustment of this standard may be considered.

9) A private road shall not be extended off another private road, although a single approved private road may fork.

10) All culverts shall be designed to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. A typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are recommended with eight inch diameter being the absolute minimum. Engineering shall be required for stream, river, and other large waterway crossings.

25.080 MINIMUM REQUIREMENTS FOR BICYCLE PATHS:

1) Bicycle paths are facilities with exclusive rights-of-way for bicycle use, with cross flows by motorists minimized.

2) Sidewalks are not considered bicycle paths.

3) Bicycle paths shall be designed by a licensed civil engineer, registered in the State of Oregon.

4) Bicycle paths shall be inspected and approved by the Department of Public Works.

25.090 MINIMUM CONSTRUCTION STANDARDS FOR BICYCLE PATHS:

1) Bicycle paths shall be designed in a similar manner to a highway, with consideration given to the quality of the sub-grade, anticipated loads, design speed, and drainage.

2) The minimum paved width for a two-way bike path shall be eight feet. The minimum paved width for a one-way bike path shall be five feet.
TABLE IV

MINIMUM REQUIREMENTS FOR BICYCLE PATHS ①

<table>
<thead>
<tr>
<th>MINIMUM RIGHT-OF-WAY WIDTH</th>
<th>MAXIMUM GRADE</th>
<th>LANE WIDTH</th>
<th>NUMBER OF LANES</th>
<th>SHOULDER LEVELING COURSE</th>
<th>MINIMUM BASE COURSE</th>
<th>SURFACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Feet</td>
<td>5% ②</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1&quot; compacted thickness</td>
<td>3&quot; compacted thickness of 1½&quot;-0 crushed rock or equivalent</td>
</tr>
</tbody>
</table>

① For further information and a more detailed description of the design guidelines, refer to A Comprehensive Bicycle Plan for Jackson County. Copies of the applicable section are available at the Jackson County Parks and Recreation Department.

② May be exceeded due to special circumstances.
3) A minimum two foot wide graded area shall be provided adjacent to the pavement.

4) The vertical clearance to obstructions across the width of the path shall be a minimum of eight feet.

5) Bicycle paths closer than five feet to the edge of a road or street shall include a physical divider.

6) Installation of "speed bumps" or other similar surface obstructions intended to cause bicyclists to slow down in advance of intersections shall be prohibited.

7) The sub-grade shall be compacted to 90+ percent of maximum compaction.
CHAPTER 30
PANHANDLE OR FLAG LOTS

30.010 WHEN PERMITTED:

The use of panhandle or flag lots as a means of access for a partition or subdivision shall be permitted only where:

1) The length of the "flagpole" shall not exceed 2.5 times the average lot width, excluding the flagpole, or twice the depth of the lot, whichever dimension is the lesser. A "flagpole" for a 2.5 acre parcel may be a maximum of 625 feet in length.

2) The "flagpole" shall maintain a constant minimum width of 25 feet.

3) The natural grade of the "flagpole" shall be a maximum of 18 percent.

4) The "flagpole" shall be parallel to the closest existing lot line.

5) The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure or fill and culvert to carry residential traffic, according to standards established by the county.

6) In the Department's review it is found that there is no existing private road or dedicated way which could be utilized for the proposed parcels without adversely affecting properties served by the road.

30.020 REQUIREMENTS:

The use of panhandle or flag lots as a means of access for a partition or subdivision shall be subject to the following conditions:

1) No more than one parcel or lot shall be permitted to the rear of another parcel or lot which fronts on a county approved road. Both parcels or lots shall meet all applicable requirements of zoning.

2) In a Class "A" division, where the affected parcel or lot is zoned for the creation of parcels less than one acre, a driveway strip eight feet in width shall be paved for the full depth of the front lot or parcel and be landscaped.

3) The flagpole strip shall be conveyed with the ownership of the rear lot or parcel and shall be considered a permanent part of that lot or parcel. No redivision or property line adjustment shall be allowed to alter the status of the driveway unless other access, meeting all the requirements of county ordinances, is first provided.
4) Two adjoining flag lot divisions shall not be allowed. Where one flag lot is preexisting, the adjoining lot or parcel shall not be divided into a flag lot shape.

5) A flag lot division shall not be approved which would create a flagpole that would be generally parallel to a public or private road, unless the flagpole is separated from the road by not less than 275 feet. This standard may be modified where unique topographic conditions would effectively prevent access from the proposed lot(s) or parcel(s) to the existing private or public road.

6) Access to the rear lot or parcel shall be by way of the panhandle portion of that lot or parcel, as recorded.
CHAPTER 35
SPECIAL DESIGN CONSIDERATIONS

35.010 PLANNED UNIT DEVELOPMENT:

Exceptions to the standards and requirements of this ordinance may be approved by the Hearings Council to allow for unique design considerations when a conditional use permit has been granted for a planned unit development. Specific map and plat requirements, as well as the requirements of all applicable state laws, shall be met. Maps or plats submitted with applications for planned unit development conditional use permits shall be filed with and considered as an integral part of the conditional use permit process.

35.020 SPECIAL SETBACKS:

The Planning Director may increase or reduce setbacks as much as fifty (50) percent of the normally required amount to improve solar orientation, protect natural resources, allow for future street widening or improvements, or for any other design improvement which the county finds to be necessary and appropriate.

35.030 MAJOR LAND USE CONFLICTS:

When in the opinion of the Board of Commissioners, major and far reaching land use conflicts would or are likely to be created by the approval of a division, or would otherwise not conform to the design and development standards set forth in Section 05.080 (5) of this ordinance, the applicant shall submit findings concerning the following factors:

1) Economic Consequences:

   A) Itemize costs which would be borne by the applicant if the resource (site) was not disturbed.

   B) Itemize expected benefits which will accrue to the community if the resource (site) is destroyed or disturbed.

2) Social Consequences:

   A) Evaluate the uniqueness of the resource (site) from a county, regional, and state perspective.

3) Energy Consequences:

   A) Itemize existing and expected energy costs resulting from failure to preserve the resource (site).
4) Environmental Consequences:
   
   A) Describe the expected environmental impacts which will occur due to disturbance or destruction of the resource (site).
   
   B) Evaluate the sensitivity or fragility of the resource or site, including types of activity, development, or alteration likely (unlikely) to disturb or destroy the resource (site).

Based upon the submitted findings and additional information acquired by the Department, the County shall develop a list of alternative development techniques which would eliminate the conflict. Where it is possible to effectively eliminate the conflict, the list of techniques shall be attached to the approval of the application. Such techniques may be in the form of, but not limited to, deed declarations, declarations on the face of the final map or plat, property owner agreements, and declarations of requirements.

Where it is not possible to eliminate the conflict, the Department shall develop a list of development techniques which would minimize the conflict. The Department shall forward the list and evaluation specified within this section to the Board of Commissioners.

Where the Department is authorized to process the application, the Board review shall be limited to the following issues which must be answered affirmatively and supported with findings in order for the application to be approved. Where the Board is authorized to review the application, the issues listed below shall be considered in addition to the other standards and requirements of the ordinance.

1) Economic Consequences:
   
   A) The resource or site must be disturbed to provide for reasonable use of the site and, if not disturbed, the applicant would be substantially damaged.
   
   B) The use proposed will directly benefit the community and satisfies a substantial public need or provides for a public good which clearly outweighs retention of the resource (site).

2) Social Consequences:
   
   A) The proposed development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.
B) The public benefit due to the development of the particular site would be maximized when compared to development of similar properties in the area not possessing a unique site or resource.

3) Energy Consequences (only evaluate where energy sources or resources are affected):
   
   A) The identified site or resource cannot be physically developed and/or has a low potential for development based upon an evaluation of environmental, social, and economic factors.

4) Environmental Consequences:
   
   A) The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the area on or adjacent to the site.
CHAPTER 40
LOT OR PARCEL LINE ADJUSTMENTS

40.010 GENERALLY:

Adjustments of the boundaries of existing parcels or lots may take place based upon the requirements of this Chapter.

40.020 APPLICATION REQUIRED:

An individual who intends to adjust the boundaries of any lot or parcel within County jurisdiction shall make application to the Department of Planning and Development on forms prescribed by the Department.

1) Applicants shall submit a scale drawing on 8½" X 14" material, unless otherwise specified by the Department, showing the following:

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

   B) Scale shall be 1":400' unless otherwise specified by the Department.

   C) Name and address of the record owner or contract purchaser, surveyor, engineer, or agent, if any.

   D) The location of the existing property lines, lines to be adjusted, and distances to any existing structures.

   E) Acreage of all parcels or lots involved in the adjustment, including their resultant sizes following the adjustment.

2) The applicant shall submit a signed statement explaining the reason for the request.

40.030 REVIEW OF APPLICATION:

The Planning Director shall review each application submitted subject to this Chapter and shall approve the application if the following findings are made:

1) The proposed adjustment will not result in the creation of any more parcels or lots than previously existed.
2) The proposal will not render any lot or parcels unusable, nor shall the usefulness, utility, or viability of the lots or parcels be decreased as a result of the proposal.

3) Lots or parcels which are presently conforming with the zoning district in which they are located will not become nonconforming as a result. Minor lot line adjustments to nonconforming lots will comply with this section.

4) New property lines may cross zoning district boundaries unless the adjustment will increase the number of parcels or lots which could potentially be created from the adjusted properties based upon the density requirement of the applicable zoning districts. However, this finding shall not be required where the zoning districts require the same density.

5) The proposal will not impair the usefulness of any public or private easement.

6) The overall proposal is found to be an appropriate design, in terms of the overall development of the area.

7) The proposal will not result in violation of setbacks and building standards required for fire protection under the Uniform Building Code.

40.040 FINAL APPROVAL OF APPLICATION — RECORDEATION:

After an application for adjustment has received county approval, a copy of the approved map shall be returned to the applicant. The applicant shall record with the County Recorder the legal instrument(s) which implement(s) the approved adjustment shown on the map.
CHAPTER 50

REQUIREMENTS FOR DEDICATION

50.010 REQUIREMENTS:

The County, in acting on any application for a division, may require the dedication of improvements, lands, or rights-of-way for public purposes, subject to the requirements and conditions of this Chapter and other applicable sections of this ordinance.

All lands or rights-of-way proposed for dedication by the applicant or required by the County shall be clearly shown on the plat or map, and include the following statement:

"DEDICATION:

Know all men by these present that, (name(s) of owner(s)) is (are) the owner(s) of a parcel of real property situated in the Jackson County, Oregon, and have (have) caused the same to be surveyed, mapped, and platted as (name of subdivision, if a subdivision). Any public utility easement(s) as shown is (are) dedicated for public use without reservation. The road right(s)-of-way that is (are) shown on the map is (are) dedicated to the public without reservation."

A title report shall accompany the final map or plat describing ownership of the lands affected by the dedication. Lands or rights-of-way dedicated to the public may only be accepted by the Board of County Commissioners.

50.020 TYPES OF DEDICATION:

1) Any County department or agency charged with acting on applications for partition or subdivision may require the dedication of irrevocable offer of dedication of land for right-of-way purposes.

2) In Class "A" divisions, the County may require dedication of easements for public utilities, drainage, and other purposes which may be directly associated with public health, safety, and general welfare.

3) No document or instrument dedicating land to public use shall be accepted for recordation unless such document or instrument bears the approval of the Board of County Commissioners.
CHAPTER 55
BONDING REQUIREMENTS

55.010 COMPLETION OF IMPROVEMENTS:

1) Major and Minor Partitions:

   A) Final Map Approval Without Bonding:

      i) Improvements which are required as a condition of the final map approval, or are otherwise proposed for improvement by the applicant, shall be completed prior to approval of a final map or plat or placement of any dwellings on the parcels, or prior to further division off of the proposed road, or affecting the parcels or lots created by the division.

      ii) The Department shall not issue building or mobile home set-up permits for any lot or parcel within a division until all improvements have been completed and accepted by the County. Where the County is not empowered to inspect and approve other public improvements, written certification of the acceptance by the appropriate agency shall be submitted to the County.

   B) Final Map Approval With Bonding:

      i) The Department may issue building permits where an agreement, developed in accordance with Section 55.020 of this ordinance, has been executed, except that no building permits shall be issued until all required fire safety improvements are completed. The agreement shall specify the period in which the improvements will be made and a description of the items to be completed. The Department shall not issue mobile home set-up permits, or complete the final inspection for a building permit, until all improvements have been completed and accepted by the County. Where the County is not empowered to inspect and approve improvements, written certification of the acceptance by the appropriate agency shall be submitted to the County.

2) Subdivisions:

   A) Approval of a final plat shall be contingent upon either:

      i) Submission of an agreement consistent with the requirements of Section 55.020, which specifies the period in which the improvements will be made and a description of the items to be completed.
ii) Completion of the improvements.

B) The Department shall not issue mobile home set-up permits or building permits for any lot or parcel within a subdivision where an agreement has been executed until all improvements have been completed and accepted by the County. Where the County is not empowered to inspect and approve improvements, written certification of the acceptance by the appropriate agency shall be submitted to the County. Where the improvements are private, the County shall require certification of compliance with the applicable standards of this ordinance by an appropriate entity.

55.020 BOND-TERMS/FORFEITURE:

1) No agreement shall be effective as an alternative to compliance unless and until the applicant/developer provides an assurance for a sufficient sum to cover all costs of included improvements, installation of required interior monuments, repair of monuments, and related County expenses. Bonding may occur in one of two forms:

A) A corporate surety bond, in a form approved by the county legal counsel and executed by a surety company authorized to transact business in the State of Oregon.

B) Cash.

The agreement shall provide for the indemnification of the County from claims of any nature arising or resulting from the performance of any acts required by the County to be done in accordance therewith, in a form acceptable to County legal counsel.

2) The assurance shall remain in force and effect at all times, until completion of all improvements and acceptance by the director of public works or other administrative official of the applicable agency. Upon completion of independent segments of the construction, portions of the assurance shall be released by the Public Works Director, provided that the resultant assurance is adequate to complete the remaining improvements and such is so certified by the Public Works Director. Whenever a failure to perform under said agreement has not been satisfactorily rectified by the applicant/developer or his/her surety, within 30 days after notice to the surety at the offices of its authorized representative, the County at its option, may thereafter, without further notice, declare said bond or cash forfeited and cause all required construction or repair to be done.
3) If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the remainder shall be released; and, if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the subdivider shall be liable to the county for the difference.

4) Any bond or cash deposited for the purpose of assuring installation of survey monuments shall be subject to the provisions of ORS 92.065. No bond shall be released or cash deposit returned unless and until the required survey monuments have been installed in accordance with this ordinance and this fact has been referenced on the recorded final plat.
CHAPTER 60
DIVISIONS INVOLVING JURISDICTIONAL OVERLAP

60.010 JURISDICTION:

Jackson County will not allow the creation of any new lot or parcel which lies only partially within the County's jurisdiction. Whenever any lot or parcel, which contains any area in another county or within the incorporated limits of any city, is proposed to be divided, the following regulations shall apply:

1) If that portion within a city meets the city's standards to exist as one or more separate lots or parcels, the city limits shall be used as a property line. If additional area is needed to meet the minimum requirements of the city, the city shall be encouraged to annex as much of the subject property as is necessary to assure appropriate development of the site, in keeping with the intent of this ordinance. If more than one lot or parcel will result within the city limits, the County shall not grant tentative approval of the application prior to receiving authorization from someone empowered by the city council to grant such authorization.

2) Any portion of a lot or parcel which exists in another county shall be considered to be a separate lot or parcel. No new lot or parcel shall be allowed to overlap a county line.

3) Where the proposed parcels exist wholly within a single county, but access to such parcels necessitates the crossing of a county line, the minimum requirements for access, as established within this ordinance, shall be met over the entire length of the access. Where an adjoining county would apply more stringent requirements than those set forth in this ordinance, those more stringent requirements shall apply over the entire length of the access.

4) No person shall create a street or road for the purpose of subdivision or partition without approval as required by this ordinance. "Creation" of a street or road includes either the physical construction of the roadway, or the recordation of an instrument which would show the existence of a right-of-way or easement for road purposes.
CHAPTER 200

ESTABLISHMENT OF ZONING REGULATIONS

200.010 PURPOSE:

These zoning regulations are established pursuant to Oregon Revised Statutes, Chapter 215, for the purpose of promoting the health, safety, and general welfare of the people of Jackson County, and to achieve the following objectives:

1) To implement the Statewide Planning Goals.
2) To implement the County Comprehensive Plan of land use.
3) To provide a guide for the growth and development of unincorporated areas of the County.
4) To establish zoning districts within which the needs of agriculture, forestry, commerce, industry, residences, and other land uses can be appropriately met.
5) 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.
6) To facilitate adequate provisions for services and facilities, such as water, sewerage, schools, parks, transportation, utilities, and other public requirements.

200.020 COMPLIANCE WITH ORDINANCE PROVISIONS:

All buildings, structures, or lots shall hereafter be used in conformity with the provisions of this ordinance.

200.030 CLASSIFICATION OF ZONING DISTRICTS:

For the purpose of this ordinance the following zoning districts are established:

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<thead>
<tr>
<th>Chapter</th>
<th>Zoning Districts</th>
<th>Map Symbol</th>
<th>Abbreviated Designation</th>
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<td>Chapter</td>
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<td>Future Annexation</td>
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APPLICATION OF ZONING DISTRICTS:

1) This ordinance establishes zoning districts for application on the Official Comprehensive Plan and Zoning Map(s) for Jackson County. This set of official maps is intended to be a site-specific embodiment of goals, findings, and policies found in the Jackson County Comprehensive Plan. As its name implies, the official map displays both zoning and Comprehensive Plan designations. Where only one designation is given, both the existing zoning and future land use or Comprehensive Plan designation is deemed to be the same.

2) Special map designations are also displayed on the official map. These take three basic forms:

   A) In nonresource land areas where there exists a lack of necessary public facilities and services, or where the current need for a certain type of zoning has not been established, but a future need at the particular location is projected, a distinction between the Comprehensive Plan and zoning designations shall be made and shown on the official maps to effect a staging strategy for future land use actions. Until an amendment to the official map is carried out, pursuant to Chapter 277, the less intensive land uses allowed under the zoning designation shall prevail over the plan designation. Such areas are identified on the map(s) by the plan designation, followed by the zoning district, such as GI/OSR and UR/SR.

   B) Areas which are designated as Areas of Special Concern, pursuant to Section 280.110, shall, at a minimum, be identified on the Official Comprehensive Plan and Zoning Map(s) by the letters "ASC." Use of this land shall be governed by the provisions of this ordinance as well as the conditions of the Area of Special Concern.

   C) Areas within mutually or County adopted urban growth boundaries or urban containment boundaries are identified on the Official Comprehensive Plan and Zoning Map(s) to indicate areas which are needed for, or committed to, urban use through the year 2000.

OFFICIAL COMPREHENSIVE PLAN AND ZONING MAP(S):

The designations, locations, and boundaries of the zoning and overlay districts established by this ordinance shall be shown on Official Comprehensive Plan and Zoning Map(s) of Jackson County. The Official Comprehensive Plan and Zoning Map(s) will be numbered, dated, and signed by the Board of Commissioners and the County Clerk. The adopted Official Comprehensive Plan and Zoning Map(s) shall be filed with the County Clerk.
Said maps and all notations, references, and data shown thereon are hereby incorporated by reference into this ordinance, and shall be as much a part of the ordinance as if all were fully described herein.

200.060 DISTRICT BOUNDARIES:

Unless otherwise specified, zoning district boundaries are section lines or subportions thereof, subdivision lines, and lot lines or center lines of streets, railroad rights-of-way, and streams or such lines extended, or physiographic, or natural features such as soil mapping units or topographic relief.

200.070 MEASUREMENTS ON ZONING MAPS:

County staff members may utilize standard engineering scales, rulers, or other measuring devices as necessary to determine distances on the Official Comprehensive Plan and Zoning Map(s). Where these measurements are disputed, aggrieved persons may appeal the staff determination to the Hearings Council, through the procedure provided in Chapter 285, providing supportive information.

200.090 PLACING CONDITIONS ON A PERMIT:

In permitting any land use action subject to review required by this ordinance, the County may impose, in addition to those standards expressly specified by this ordinance, conditions determined to be reasonably necessary to ensure compliance with the standards of the ordinance, the Comprehensive Plan, and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

1) Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.

2) Establishing a special yard or other open space or lot area or dimension.

3) Limiting the height, size, or location of a building or other structure.

4) Designating the size, number, location, and nature of vehicle access points.

5) Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way.
6) Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area/lot or truck loading area.

7) Limiting or otherwise designating the number, size, location, height, and lighting of signs.

8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

9) Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

10) Designating the size, height, location, and materials for a fence.

11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat such as winter deer and elk ranges, or other significant natural resources or natural hazards.

12) Making any other condition to permit the development of the County in conformity with the intent and purpose of these regulations and the Comprehensive Plan.

13) Requiring that public facilities are adequate to serve the proposed use.

14) Requiring the official recording of deed declarations and declarations of restrictions.
CHAPTER 210
FOREST RESOURCE (FR-160) DISTRICT

210.010 PURPOSE:

To preserve, enhance, and stabilize the primary forest land base within Jackson County, which is being used for, or offers the greatest potential for, continued production of forest products and harvesting; to provide for other uses compatible with forestry activities; to protect forest lands for forest uses; and to implement forest resource provisions of the Jackson County Comprehensive Plan.

210.020 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Managing, growing, and harvesting of timber and other forest products.

2) Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.

3) Agriculture, including accessory uses.

4) Parks and scenic, historic, or botanical areas.

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. Such materials must be used on the subject property or contiguous properties under the same ownership.

6) Fish hatchery, fish culture, game management or refuge area.

7) Mining exploration and mining claims.

8) Log scaling and weighing stations.

9) Water impoundments and irrigation facilities necessary for, or incidental to, another permitted use.

10) Fire prevention, detection, and suppression facilities.
11) Landing strip or heliport when used in conjunction with a permitted use.

12) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.

13) Home occupation carried on by the resident as an accessory use, provided that such use does not adversely affect forest resource management activities or constitute a fire hazard. Home occupations are subject to the standards and criteria set forth in section 280.120.

14) Maintenance and storage yards when used in conjunction with a permitted use, provided that locational, fire safety, or other standards which apply to that primary use are also met by the accessory use.

15) Buildings and uses of a public works, public use, or public service nature, provided that the development will be located on the least productive buildable portions of the parcel whenever possible, in order to minimize the conversion of the forest resource to nonforest use.

16) A single family dwelling on parcels at least ten acres in size, when in conjunction with a forest use, and located on the property under a permit subject to the following forest site plan review requirements. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed. An approved site plan is not transferable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.

A) Dwelling Siting Requirements:

1) The dwelling and accessory structures shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location, and size of the parcel. To verify the above, the following shall be submitted with the building or mobile home setup permit application:

a) Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.

b) A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:
i) Accurately drawn property lines clearly indicating the size and location of the parcel.

ii) Location of existing and proposed structures, roads, and other improvements.

iii) Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).

2) The following declaration shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which ordinarily and necessarily produce log truck and heavy machinery traffic and noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a Forest Resource area. Jackson County shall be a party to this declaration which cannot be removed or modified without written consent of the County."

B) Statement of Management Objectives:

1) The applicant shall submit a statement of objectives for managing the land for forest use. Forest uses include: a) The production of trees and light processing of forest products; and b) grazing land for livestock. This statement shall, at a minimum, include the following:

i) An accurate site plan map drawn to scale with approximate boundaries outlining forest use areas and vegetative types.

ii) A description of the existing condition of timber stands, access, density, and management needs.
iii) A plan for managing the property for forest uses which correlates to the forest use areas identified above. This plan shall show how the applicant intends to achieve the identified management objectives according to a time schedule.

iv) A statement of the adverse effects of the proposed management objectives or any special problems, adverse effects, or concerns on nontimber resources (water quality, soil conservation, stream bank erosion, wildlife and fisheries habitat).

2) The elements of this statement may be amended from time to time to accommodate changes in ownership, management objectives and strategies, or land uses. The statement shall be kept on permanent file in the Department.

17) A single family dwelling not in conjunction with forest uses may be approved subject to approval of the Planning Director, provided the requirements of Section 210.065 are met. A single family dwelling is not in conjunction with a forest use when on a preexisting parcel under ten acres in size.

18) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

19) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

210.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, section 210.035, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least a 100 foot setback on all yards is maintained.

2) The following recreational uses:

A) Playground, hunting and fishing preserves, and camps.

B) Guest ranch where the number of dwellings, guest houses, or other living units do not exceed the density of the zone.

C) Commercial stable.
3) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials when not accessory to a permitted use, provided that the standards of Chapter 272 are satisfied.

4) Water impoundments for other than permitted uses.

5) Personal use landing strip or heliport for other than permitted uses.

6) Church.

7) Public or private school.

8) Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:
   A) Municipal water treatment storage facility.
   B) Power and communication substations.
   C) Sewage treatment plant.
   D) Small scale solid waste disposal facility.

9) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

10) Historic Landmarks subject to the provisions of Chapter 266.

11) Additional dwellings, provided that the proposal satisfies the requirements of Section 210.040 and 210.065.

12) Bed and breakfast service as an accessory use, subject to the provisions of Section 280.240.

210.035 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN THE FOREST RESOURCE DISTRICT.

A conditional use may be approved only when findings can be made to satisfy the requirements of Section 260.040 and all of the following:

1) That the use is compatible with forest uses in the nearby area.

2) That the use will not interfere with forest management or harvesting practices.

3) That the use does not adversely alter the stability of the overall land use pattern of the area.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land by locating on land which is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and location and size of the tract.

5) That the use in question shall meet the fire protection standards of section 280.100.

6) The proposed use will not adversely affect sensitive fish and wildlife habitat pursuant to section 280.110 (3) (E).

210.040 PARCEL AREA AND DENSITY REQUIREMENTS FOR DWELLINGS:

1) All dwellings and guest houses in the Forest Resource district shall be limited to a density of one dwelling per 160 acres.

2) The minimum parcel size shall be 160 acres or one-quarter section 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.

210.050 PARCEL AREA REDUCTIONS:

The county may permit the development of community buildings including churches, and buildings and uses of public works, public service, or public utility nature on reduced parcel areas when all of the following requirements are met:

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

2) The request is consistent with the Jackson County Comprehensive Plan.

3) That the property is suitable for reduction of area considering terrain, soil conditions, drainage, vegetation, fire hazard, and other similar factors.

4) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat as determined in writing by the Oregon Department of Fish and Wildlife.
210.065 STANDARDS FOR APPROVAL OF A NONFOREST DWELLING IN A FOREST RESOURCE DISTRICT:

Single family dwellings on preexisting parcels less than ten acres in size may be established provided that the application proposing a nonforest dwelling conforms to all of the following standards and procedures:

1) Findings must be made to satisfy all of the following:

   A) That the use is compatible with nearby forest uses.

   B) That the use will not interfere with, or hamper, adjacent forest or farming practices.

   C) That the use does not adversely alter the stability of the overall land use patterns of the area.

   D) That the proposed use considers forest site productivity whenever possible, and minimizes the loss of forest land by locating on land least suitable for timber production, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, and location and size of tract.

   E) That the use meets the fire prevention standards as outlined in Section 280.100.

2) In addition to the above, the applicant shall submit, with a building or mobile home setup permit application, the following:

   A) Township, range, section, tax lot number(s), size in acres, assessor’s code, and other contiguous properties under the same or family ownership.

   B) A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

      i) Accurately drawn property lines clearly indicating the size and location of the parcel.

      ii) Location of existing and proposed structures, roads, and other improvements.

      iii) Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).
3) The dwelling and accessory structures will not interfere with, or hamper, adjacent forest practices. The following declaration shall be recorded with the county to recognize the existing and potential forest resource as the priority use:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which ordinarily and necessarily produce log truck and heavy machinery traffic, and noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a Forest Resource area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

4) Applications received under this section shall be processed in the following manner:

A) Upon receipt of a nonforest dwelling application, the Planning Director shall determine if the request satisfies the criteria in Section 210.065 (1). The Planning Director shall make findings either supporting or denying the application. A denial is final unless appealed to the Hearings Council. However, at the Director's discretion any application may be forwarded to the Hearings Council for their review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision and approve the application for a nonforest dwelling.

B) Nonforest dwellings may be approved subject to those conditions which the Planning Director or Hearings Council determine are reasonably necessary in order to ensure compliance with this section.

C) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant.
CHAPTER 212
WOODLAND RESOURCE DISTRICT

212.010 PURPOSE:
To protect, stabilize, and enhance land areas within Jackson County which have the potential of producing timber and wood fiber on smaller parcels where intensive forest management practices may be required; to encourage desirable and appropriate land uses which are consistent with Statewide Planning Goal 4, the Jackson County Comprehensive Plan, and multiple-use objectives in areas which, by reason of location, soil, topography, public ownership, and value to the community for forest, agriculture, scenic, recreation, wildlife, open space, watershed protection, or recreation, are not suited to intensive land development patterns; to provide tax incentives through special forest valuation as specified in ORS 321, or open space in ORS 308, although the application of this district does not automatically confer forest or open space land valuation; and, to acknowledge forest management practices which occur even though they may be objectionable to adjoining property owners outside and within the district.

212.020 PERMITTED USES:
The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing regulations, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Managing, growing, and harvesting of timber and other forest products.

2) Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.

3) Agriculture, including accessory use.

4) Parks and scenic, historic, or botanical areas.

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. Such materials must be used on the subject property or contiguous properties under the same ownership.

6) Fish hatchery, fish-culture, game management or refuge area.
7) Mining exploration and mining claims.

8) Log scaling and weighing stations.

9) Water impoundments and irrigation facilities necessary for, or incidental to, another permitted use.

10) Fire prevention, detection, and suppression facilities.

11) Landing strip or heliport when used in conjunction with a permitted use.

12) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.

13) Home occupation carried on by the resident as an accessory use, provided that such use does not adversely affect forest resource management activities or constitute a fire hazard. Home occupations are subject to the standards and criteria set forth in section 280.120.

14) Maintenance and storage yards when used in conjunction with a permitted use, provided that locational, fire safety, or other standards which apply to that primary use are also met by the accessory use.

15) Buildings and uses of a public works, public use, or public service nature, provided that the development will be located on the least productive buildable portions of the parcel whenever possible, in order to minimize the conversion of the Woodland Resource to nonforest use.

16) Single family dwellings on parcels at least ten acres in size, when in conjunction with a forest use, and located on the property under a permit subject to the following forest site plan review requirements. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed. An approved site plan is not transferable to a different property owner unless the new owner provides the Department with a statement agreeing to carry out the approved forest site plan.

A) Dwelling Siting Requirements:

1) The dwelling and accessory structures shall be located on the least productive, buildable portion of the parcel whenever possible, taking into consideration terrain, adverse soil and land conditions, access, vegetation, location, and
size of the parcel. To verify the above, the following shall be submitted with the building or mobile home setup permit application:

a) Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.

b) A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

i) Accurately drawn property lines clearly indicating the size and location of the parcel.

ii) Location of existing and proposed structures, roads, and other improvements.

iii) Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).

2) The following declaration shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which ordinarily and necessarily produce log truck and heavy machinery traffic, and noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a Woodland Resource area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

3) In areas of this District which are identified as sensitive fish and wildlife habitat, the County may limit the location of future dwellings to specific areas of the proposed new or existing parcels in order to minimize impacts upon the carrying capacity of the habitat pursuant to section 280.110 (3) (E).
B) Statement of Management Objectives:

1) The applicant shall submit a statement of objectives for managing the land for forest use. Forest uses include: a) The production of trees and light processing of forest products; and b) grazing land for livestock. This statement shall, at a minimum, include the following:

a) An accurate site plan map drawn to scale with approximate boundaries outlining forest use areas and vegetative types.

b) A description of the existing condition of timber stands, access, density, and management needs.

c) A plan for managing the property for forest uses which correlates to the forest use areas identified above. This plan shall show how the applicant intends to achieve the identified management objectives according to a time schedule.

d) A statement of the adverse effects of the proposed management objectives or any special problems or adverse effects on nontimber resources (water quality, soil conservation, stream bank erosion, wildlife and fisheries habitat).

2) The elements of this statement may be amended from time to time to accommodate changes in ownership, management objectives and strategies, or land uses. The statement shall be kept on permanent file in the Department.

17) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

18) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

19) A single family dwelling not in conjunction with forest use may be approved subject to approval of the Planning Director, provided the requirements of Section 212.055. A single family dwelling is not in conjunction with forest uses when located on a preexisting parcel under ten acres in size.
212.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below, in Section 212.035, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least 100 foot setback on all yards is maintained.

2) The following recreational uses:
   A) Playgrounds, hunting and fishing preserves, and camps.
   B) Guest ranch where the number of dwellings, guest houses, or other living units do not exceed the density of the zone.
   C) Commercial stable.

3) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials when not accessory to a permitted use, provided that the standards of Chapter 272 are met.

4) Water impoundments for other than permitted uses.

5) Personal use landing strip or heliport for other than permitted uses.

6) Church.

7) Public or private school.

8) Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:
   A) Municipal water treatment storage facility.
   B) Power and communication substations.
   C) Sewage treatment plant.
   D) Small scale solid waste disposal facility.

9) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

10) Historic Landmarks subject to the provisions of Chapter 266.

12) Bed and breakfast service as an accessory use, subject to the provisions of Section 280.240.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
13) Additional dwellings, provided that the proposal satisfies the requirements of Section 212.055 and 212.040.

212.035 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN WOODLAND RESOURCE DISTRICTS:

A conditional use may be approved only when findings can be made to satisfy all of the following:

1) That the use is compatible with forest uses in the nearby area.

2) That the use will not interfere with forest management or harvesting practices.

3) That the use does not adversely alter the stability of the overall land use pattern of the area.

4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land by locating on land which is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and location and size of the tract.

5) That the use in question will meet fire protection standards of Section 280.100.

6) That the proposed use will not adversely effect sensitive fish and wildlife habitat pursuant to section 280.110 (3) (E).

212.040 PARCEL AREA AND DENSITY REQUIREMENTS FOR DWELLINGS:

1) The minimum parcel size in this district shall be 20 acres unless otherwise altered according to parcel area reduction provisions below.

2) All dwellings, including guest houses, shall not exceed a gross density of one dwelling per each 20 acres except where altered according to the provisions of section 280.110 (3) (E), concerning sensitive fish and wildlife habitat.
212.050 PARCEL AREA REDUCTIONS:

The County may permit the development of community buildings, including churches, and building and uses of public works, public services, or public utility nature on reduced parcel areas when all of the following requirements are met:

1) The proposed use of a smaller parcel would not interfere with accepted forestry or farming practices on the subject parcel or adjacent lands.

2) The request would not adversely alter the stability of the overall land use pattern for the area.

3) The use would be situated upon land generally unsuitable for the production of forest or farm products, considering forest site productivity, terrain, adverse soil or land conditions, fire hazard, vegetation, location and size of the parcel, drainage, and other similar factors.

4) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat as determined in writing by the Oregon Department of Fish and Wildlife.

212.055 STANDARDS FOR APPROVAL OF A NONFOREST DWELLING IN THE WOODLAND RESOURCE DISTRICT:

Single family dwellings on preexisting lots or parcel less than ten acres in size may be established provided that the application proposing the nonforest dwelling conforms to the following standards and procedures:

1) Findings must be made to satisfy all of the following:

   A) That the use is compatible with nearby forest uses.
   B) That the use will not interfere with, or hamper, adjacent forest or farming practices.
   C) That the use does not adversely alter the stability of the overall land use pattern of the area.
D) That the proposed use considers forest site productivity whenever possible, and minimizes the loss of forest land by locating on land least suitable for timber production, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, and location and size of tract.

E) That the use meets the fire protection standards as outlined in Section 280.100.

2) In addition to the above, the applicant shall submit with the building or mobile home setup permit application, the following:

A) Township, range, section, tax lot number(s), size in acres, assessor's code, and other contiguous properties under the same or family ownership.

B) A site plan map of the property drawn to a usable scale, or an aerial photo when available, which shows the following:

   i) Accurately drawn property lines clearly indicating the size and location of the parcel.

   ii) Location of existing and proposed structures, roads, and other improvements.

   iii) Drainage, topography, physical constraints, such as steep grades or streams, and soils (if available).

3) The dwelling and accessory structures will not interfere with, or hamper, adjacent forest practices on land devoted to forest or agricultural use. The following declaration shall be recorded with the county to recognize the existing and potential forest resource as a preexisting and therefore a priority use:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge, accepts, and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which originally and necessarily produce noise, dust, smoke, log truck and heavy machinery traffic, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a structure in a Woodland Resource area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."
4) Applications received under this section shall be processed in the following manner:

A) Upon receipt of a nonforest dwelling application, the Planning Director shall determine if the request satisfies the criteria in Section 212.055 (1). The Planning Director shall make findings either supporting or denying the application. A denial is final unless appealed to the Hearings Council. However, at the Planning Director's discretion, any application may be forwarded to the Hearings Council for their review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision and approve the application for a nonforest dwelling.

B) Nonforest dwellings may be approved subject to those conditions which the Planning Director or Hearings Council determine are reasonably necessary in order to ensure compliance with this Section.

C) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant.
CHAPTER 214

OPEN SPACE RESERVE (OSR) DISTRICT

214.010 PURPOSE:
To encourage desirable and appropriate land uses in areas of the County which by reason of location, soil, topographic, or flooding characteristics, wildfire or other natural hazards, existing usage, public ownership, or values to the community for scenic, recreation, farming, forest, wildlife, or open space are not suited to intensive land development patterns as determined by the Jackson County Comprehensive Plan and may require specific management or development techniques. Use of these districts may also allow for special assessment as open space under the provisions of Oregon Revised Statute 308. This district shall not, however, be construed as guaranteeing open space land valuation. To secure such assessment, application must be made to the County Assessor as set forth in Oregon law.

214.020 PERMITTED USES:
The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan and implementing ordinances, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Managing, growing, and harvesting of timber and other forest products.

2) Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.

3) Agriculture, including accessory use.

4) Parks, scenic, historic, or botanical areas.

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. Such materials must be used on the subject property or contiguous properties under the same ownership.

6) Fish hatchery, fish culture, game management or refuge area.

7) Mining exploration and mining claims.

8) Log scaling and weighing stations.
9) Water impoundments and irrigation facilities necessary for, or incidental to, another permitted use.

10) Fire prevention, detection, and suppression facilities.

11) Landing strip or heliport when used in conjunction with a permitted use.

12) Facilities for the transmission or reception of communication frequencies, but excluding broadcasting and recording studios and/or offices.

13) Home occupation carried on by the resident as an accessory use provided that such use does not adversely affect resource management activities or constitute a fire hazard, and is subject to the provisions of section 280.120.

14) Maintenance and storage yards when used in conjunction with a permitted use, provided that locational, fire safety, or other standards which apply to that primary use are also met by the accessory use.

15) Buildings and uses of a public works or public service nature.

16) The first single family dwelling on a parcel at least ten acres in size on existing or new parcels under a permit subject to the following resource site plan review requirements. Dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

A) Dwelling Siting Requirements:

1) The dwelling and accessory structures shall be located on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location, and size of the parcel. To verify the above, the following shall be submitted with the building or mobile home setup permit application:

   a) Township, range, section, tax lot number(s), size in acres, assessor’s code, and other contiguous properties under the same or family ownership.
b) A site plan map of the property drawn to a usable scale, or an aerial photograph when available, which shows the following:

   i) Accurately drawn property lines clearly indicating the size and location of the parcel.

   ii) Location of existing and proposed structures, roads, and other improvements.

   iii) Drainage, topography, physical constraints such as steep grades or streams, and soils (if available).

2) The following declaration shall be recorded in the manner and format provided by the County:

   "Declarant and declarant’s heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near resource land, and as such may be subject to common, customary, and accepted management practices which ordinarily and necessarily produce log truck and heavy machinery traffic, noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary resource management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a resource area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

3) In areas of this district which are identified as sensitive fish and wildlife habitat, the County may limit the location of future dwellings to specific areas of the proposed new or existing parcels in order to minimize impacts upon the carrying capacity of the habitat pursuant to section 280.110 (3) (E).

17) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric, or other commercial power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.
18) The first single family dwelling on a lot or parcel less than ten acres in size subject to Sections 214.020 (16) (M) (1) and 214.055.

19) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

214.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below, in Section 214.035, and the provisions of Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and at least a 100 foot setback on all yards is maintained.

2) Recreation type use, limited to:
   A) Campground, playground, hunting and fishing preserves.
   B) Guest ranch where the number of dwellings, guest houses, or other living units do not exceed the density of the zone.
   C) Commercial riding stable.

3) Excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials when not accessory to a permitted use, subject to the provisions of Chapter 272.

4) Water impoundments for other than permitted uses.

5) Personal use landing strip or heliport for other than permitted uses.

6) Church.

7) Public or private school.

8) Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:
   A) Municipal water treatment storage facility.
   B) Power and communication substations.
   C) Sewage treatment plant.
   D) Small scale solid waste disposal facility.

9) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
10) Boarding of horses for profit.

11) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

12) Golf course or country club.

13) Existing drag strip, go-kart track, or other type of commercial motor racing facility.

14) Other single family dwellings, provided that the density standard of this district is maintained and subject to Section 214.020 (16). Dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

15) Bed and breakfast service as an accessory use subject to the provisions of Section 280.240.

16) Residential development under the provisions of section 214.060.

214.035 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN THE OPEN SPACE RESERVE DISTRICT:

A conditional use may be approved only when findings can be made to satisfy the requirements of Section 260.040 and all of the following:

1) That the use is compatible with resource uses.

2) That the use will not interfere with nearby resource management or harvesting practices.

3) That the use will not adversely alter the stability of the overall land use pattern of the area.

4) That the proposal considers site productivity and minimizes the loss of resource land by locating on land that is generally unsuitable for the production of forest or farm products, taking into consideration such factors as terrain, adverse soil or land conditions, access, vegetation, and the like.

5) That the use in question will meet fire protection standards of Section 280.100.

6) The use will not adversely affect sensitive fish and wildlife habitat pursuant to section 280.110 (3) (E).

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
214.040 PARCEL AREA AND DENSITY REQUIREMENTS FOR DWELLINGS:

1) The minimum parcel size in this district shall be 20 acres unless otherwise altered according to parcel area reduction provisions below.

2) All dwellings, including guest houses, shall not exceed a gross density of one dwelling per each 20 acres except where subject to the provisions of section 280.110 (3) (E), concerning sensitive fish and wildlife habitat.

3) Where the Hearings Council has approved a conditional use under section 214.060, density may be increased.

214.050 PARCEL AREA REDUCTIONS:

The county may permit the development of community buildings including churches, and buildings and uses of public works, public service, or public utility nature or reduced parcel areas when findings can be made to show that the proposed use:

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

2) Does not adversely affect the stability of the overall land use pattern of the area.

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

4) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat as determined in writing by the Oregon Department of Fish and Wildlife.

214.055 STANDARDS FOR APPROVAL OF A DWELLING ON PREEXISTING LOTS OR PARCELS LESS THAN TEN ACRES IN SIZE:

A dwelling may be established on preexisting lots or parcels less than ten acres in size when the proposal meets the following standards:

1) Findings must be made to satisfy all of the following:
   A) That the use is compatible with nearby resource uses.
   B) That the use will not interfere with, or hamper, adjacent resource practices.
C) That the use does not adversely alter the stability of the overall land use pattern of the area.

D) That the proposed use considers site productivity and minimizes the loss of resource land whenever possible by locating on land least suitable for production, taking into consideration such factors as terrain, adverse soil and land conditions, access, vegetation, location, and size of tract.

E) That the use meets the fire protection standards of Section 280.100.

2) The following declaration shall be recorded in the manner and format provided by the County:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near resource lands, and as such may be subject to common, customary, and accepted management practices which ordinarily and necessarily produce log truck and heavy machinery traffic, noise, dust, smoke, and other types of visual, odor, and noise pollution which declarant accepts as normal and necessary resource management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in a resource area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

3) Applications received under this section shall be processed in the following manner:

A) Upon receipt of an application, the Planning Director shall determine if the request satisfies the criteria of this section. The Planning Director shall make findings either supporting or denying the application. A denial is final unless appealed to the Hearings Council. However, at the Planning Director's discretion, any application may be forwarded to the Hearings Council for their review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision.

B) Dwellings may be approved subject to those conditions which the Planning Director or Hearings Council determine are reasonably necessary in order to ensure compliance with this section.
C) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant.

214.060 VARIABLE DENSITY:

1) Only single family dwellings and mobile homes are permitted under this section. Mixing of mobile homes with standard single family dwellings may be permitted provided the mobile homes are either skirted with tongue and axles removed, or are placed with the chassis at grade level. Density standards may be increased by the Hearings Council up to two dwellings per gross 20 acres.

2) Parcel area requirements within developments shall be not less than ten acres in size with approved individual on-site septic soil analysis and evidence of potable water supply pursuant to section 05.100 prior to final plat approval.

3) The application shall contain, at a minimum, the following:
   A) All information required under the land division regulations.
   B) A preliminary development plan outlining the existing topography and physical features, land use, proposed ownership/management, and location of open space, if any.
   C) A tentative plat of the division.
   D) Proposed agreements, provisions or covenants which govern the use, maintenance, and continued protection of the development and its open space, if any.
   E) All other information required by the zoning and land division regulations.

4) The design of a proposed division shall be consistent with the standards for a conditional use permit in this district. The Hearings Council shall also determine the appropriateness of the development in terms of location of proposed lot sizes, density, dwelling sites, roads, and driveways by making findings that at a minimum address the following:
A) The proposal will not result in dwellings, roads, or driveways being constructed on lands with slopes in excess of 35 percent.

B) The proposal will not result in the disturbance of lands with slopes exceeding 20 percent when the erosion hazard is classified as "high" or "very high" by the Soil Conservation Service or is identified as prone to slumping.

C) The development will provide fire protection facilities and services as described in Section 280.100, or be within two road miles of a responding fire station.

D) Roads shall be designed and constructed to meet, at a minimum, the minimum construction standards specified in the ordinance.

E) All driveways shall be constructed to the minimum standards specified in Sections 25.060 (10), 25.070 (1), (2), (3), and (10) of this ordinance.

F) Bridges shall utilize nonflammable materials.

G) Common use areas, if any, shall be designed to prevent spreading of wildfire to adjacent or nearby lands or developments.

H) In areas identified within the 100-year floodplain or with soils subject to high groundwater and ponding problems, a drainage plan for the property shall be submitted.

I) Evidence of adequate engineering will be required for structures placed on soils subject to natural hazards.
218.010 PURPOSE:

This district is intended to preserve, enhance, and stabilize agricultural areas within Jackson County which are being used for, or offer the greatest potential for, food and fiber production. In establishing this district it is the expressed intent of the Board of County Commissioners to prevent obstructive, damaging, or nuisance uses or activities which are not compatible with agriculture; to meet the intent of Statewide Planning Goal 3, Agricultural Lands (and where applicable, Statewide Planning Goal 4, Forest Lands) and the regulations of ORS 215; and to acknowledge the existence of accepted farming practices that occur within such a district, noting that such practices are acceptable, even though they may be objectionable to adjoining residents either within or outside the district.

218.020 APPLICATION:

In order for applications for nonfarm dwellings, farm or nonfarm partitions, and conditional use permits to be approved, the application must be consistent with the other requirements of the chapter and the Oregon Agricultural Land Use Policy, ORS 215.243, which finds and declares that:

1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic, and economic asset to all of the people of this State, whether living in rural, urban, or metropolitan areas of the State.

2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the State's economic resources, and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the State and for the assurance of adequate, healthful, and nutritious food for the people of this State and nation.

3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
4) Exclusive Farm Use zoning, as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.

218.030 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Farm uses.

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

3) Home occupations within farm dwellings or accessory farm structures subject to the operational standards and criteria set forth in Section 280.120, and the nonfarm criteria in Section 218.045 (1,a,b).

4) The propagation or harvesting of forest products.

5) The first nonfarm dwelling subject to Section 218.045 and 218.060 (2).

6) Farm dwellings for relatives subject to the following conditions:

A) The proposed dwelling is located on the farm's least productive soils for the production of farm crops and livestock, but which are not subject to natural hazards or would create significant environmental damage.

B) The applicant shall record in the records of Jackson County a declaration or restriction as set forth below and shall provide a copy of the recorded document to the Department prior to the issuance of building permits.

"The farm dwelling for a relative which was placed or constructed on or about (date of construction or approximate date of placement of a mobile home) shall forever be a part of tax lot (specify tax lot and legal description) and as such shall not be separated from the parcel upon which the farm dwelling is situated. This restriction shall be considered permanent and shall not be revised or removed without permission of the Jackson County Board of Commissioners."
C) The applicant shall submit a statement notarized by a Notary Public which includes the names of the occupants of the dwelling and their relationship to the applicant.

218.040 CONDITIONAL USES:

The following uses are permitted if in conformance with section 218.060, and other pertinent sections of this ordinance:

1) Commercial activities that are in conjunction with farm use.

2) Operations conducted for the exploration, mining, and processing of geothermal resources or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.

3) Private hunting and fishing preserves.

4) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

5) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill, or other similar method of initial treatment of a forest product in order to enable its shipment to market. Timber and related products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

6) The boarding of horses for profit.
7) An additional nonfarm dwelling not provided in conjunction with farm use, provided that each such proposed dwelling satisfies conditions a) through d), as identified in Section 218.045(1). It is not necessary, however, for such nonfarm dwellings to address the standards of Section 218.060 or Section 260.040, except for a deed declaration as required in Section 218.060 (2).

8) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240 and Chapter 260.

9) Utility facilities necessary for public service including transmission and reception of communication frequencies, but not including broadcasting or recording studios.

10) Public or private schools.

11) Churches.

12) Small scale energy producing facilities in conjunction with permitted or approved conditional uses.

218.045 STANDARDS FOR APPROVAL OF A NONFARM DWELLING IN AN EXCLUSIVE FARM USE DISTRICT

The first nonfarm dwelling may be established after making application to the Planning Director, provided that such application proposing a nonfarm dwelling conforms to all of the following standards and procedures.

1) To approve the application for a nonfarm dwelling or nonfarm parcel the Planning Director must find that the nonfarm dwelling or nonfarm parcel(s):

a) Is compatible with farm uses described in subsection (2) of ORS 215.203, and is consistent with the intent and purposes set forth in ORS 215.243 as specified in Section 218.020.

b) Does not interfere with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use.

c) Does not adversely alter the stability of the overall land use pattern of the area.

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

e) Does not adversely affect sensitive fish and wildlife habitat pursuant to section 280.110 (3) (E).
2) Applications for nonfarm dwellings received under this section shall be processed in the following manner:

a) Upon receipt of a nonfarm dwelling application, the Planning Director shall determine if the request satisfies the criteria in Section 218.045 (1). The Planning Director shall make findings either supporting or denying the application. A denial is final unless appealed. However, at the Planning Director's discretion, any application may be forwarded to the Hearings Council for their review and action either supporting the Planning Director's decision or, if findings can be made, to overrule the Planning Director's decision and approve the application for a nonfarm dwelling.

b) Nonfarm dwellings may be approved subject to those conditions which the Planning Director determines are reasonably necessary in order to ensure compliance with Section 218.045 (1).

c) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the applicant and, at a minimum, to all adjacent property owners. Within 20 calendar days of the decision, if no appeal has been filed, the Planning Director's decision is final.

d) If an appeal is filed, the Hearings Council shall hold a full evidentiary hearing.

e) Building permits shall not be issued for proposed dwellings which are reviewed under this section on property which is valued at true cash value for farm use under ORS 308.370 until the applicant has furnished the Planning Director with evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370. Such evidence shall be provided to the Planning Director within 60 days of approval or the decision is void.

3) Standards governing creation of parcels for nonfarm dwellings:

a) Proposed parcel sizes for nonfarm dwellings shall normally be one to three acres in size, unless topography or some natural barrier or physical feature justifies an adjustment to this standard.

b) The proposed nonfarm parcel(s) will not reduce the parent farm parcel to less than ten acres in size.

c) Creation of parcels shall meet all other standards of the Land Division Regulations.
218.050 CONDITIONAL USES WITH ADDED STANDARDS:

The following are permitted if in conformance with section 218.060 if findings can be made supporting a public need for the proposed use, and if findings can be made documenting that the public need is reasonably well met at the proposed location.

For purposes of this section, "reasonably well met" shall mean that a review of other appropriate properties in the County does not reveal one or more properties which are better suited to the proposed use, based upon criteria generally provided by this ordinance, plus any other relevant factors. The relative value of the alternative sites for agricultural uses should be given particular weight.

1) Commercial utility facilities for the purpose of generating power for public use by sale.

2) Golf courses.

3) Parks, playgrounds, or community centers.

218.060 STANDARDS REQUIRED OF ALL CONDITIONAL USES:

1) A conditional use may be approved by the Hearings Council only when findings can be made that the proposed use meets the standards of Section 260.040 and the proposed use and/or new parcel:

   A) Is compatible with farm uses described in subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243, as specified in Section 218.020; and,

   B) Does not interfere with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use; and

   C) Does not adversely alter the stability of the overall land use pattern of the area; and

   D) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of tract, unless findings conclusively demonstrate that:

      i) The proposed use will result in a more efficient and effective use of the parcel in view of its value as a natural resource.

      ii) No feasible alternative sites in the area exist which shall have less impact on agricultural land.
E) The proposed use will not adversely affect sensitive fish and wildlife pursuant to section 280.110 (3) (E).

2) The following declaration of restriction, which may be modified by the Hearings Council shall be recorded on the deed for all parcels used for a conditional use:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the placement of this covenant or the acceptance and recording of this instrument that the property herein described is situated near or upon land zoned Exclusive Farm Use, and as such may be subjected to common, customary, and accepted farming practices such as the operation of an orchard, feedlot, or dairy farm, any of which may engage in pesticide and herbicide spraying, weed cutting, irrigation, application of manure, fertilizer, orchard heating, and any other accepted and customary farm practices. Said practices listed above ordinarily and necessarily produce noise, dust, spray residue, smudge smoke, vapor, and other types of visual, odor, or noise pollution which declarant accepts as a normal and necessary farming practice and as part of the risk of purchasing a structure and living in a farm area. Jackson County shall be a party to this declaration, which cannot be removed or modified without written consent of the County."

3) Standards governing creation of parcels for conditional uses:

A) All proposed parcels for conditional uses shall include no more land than reasonably needed to satisfy the proposed use.

B) The creation of such parcel(s) is consistent with the requirements of the Land Division Regulations.

218.070 NEW FARM PARCELS:

The Jackson County Board of Commissioners may approve a new farm parcel upon which a farm dwelling may be placed when findings can be made to document that the resultant parcels will maintain the existing commercial agricultural enterprise which exists in the area, and the division complies with ORS 215.243 as stated in Section 218.020, and the division conforms with section 218.060 (1) (E) and 280.110 (3) (E). The following criteria shall be addressed to assist in determining if these two requirements have been met:

1) The division of agricultural lands generally will be allowed if all new or resultant parcels contain at least 80 acres of irrigated lands, or at least 160 acres of nonirrigated lands; and when the record contains findings which show compliance with the criteria set forth in subparagraph 2 of this section.
2) The following lists the applicable factors of ORS 215.243 and the State Agricultural Goal to be considered to determine the division’s conformance with said provisions:

A) The following questions must be addressed in determining compliance with ORS 215.243:

ORS 215.243 (1) Factors:

i) Will the division allow for placement of farm dwellings and farm buildings on marginal or nonproductive soils?

ii) Will the division alter the visual, open space and scenic qualities of the area?

iii) Will the division negatively alter current farm practices on the land to be divided, taking into consideration such factors as irrigation systems, balance between irrigated pasture and winter feed lot area, and natural boundaries?

B) ORS 215.243 (2) Factor:

1) Will the proposed division create intrusion of non-agricultural uses within an agricultural area?

C) ORS 215.243 (3) Factors:

i) Will the proposed division have a negative impact on nearby farm uses or accepted farming practices in the area?

ii) Will the proposed division create a need for any noticeable expansion of community services within the area?

D) Such minimum lot sizes as are utilized for any farm uses shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area.

All of the following factors shall be considered by the Board of Commissioners in arriving at a conclusion that the division conforms to this provision of the agricultural goal:

Factors:

1) Average ownership size of farm units zoned Exclusive Farm Use (EFU) in a large geographic area surrounding the property proposed for partitioning containing three to nine square
miles. The size and shape of the areas selected for analysis shall be based on similarity of farm activities, topography, and irrigation availability. Ownerships of land less than ten acres in size if not part of a larger farm unit shall not be included in the average.

ii) Examination of the types of commercial farm activities in the area (including types of animals raised and crops harvested, and the size of parcels utilized in the area to produce such animals and crops).

218.130 PLACEMENT OF DWELLINGS ON PREEXISTING PARCELS OR LOTS SMALLER THAN TEN ACRES IN SIZE:

1) Any dwelling on a parcel which is smaller than ten acres shall be permitted only if:

   a) The dwelling meets the standards and procedures for approval of a nonfarm dwelling in conformance with the requirements of section 218.045 of this ordinance.

   b) The parcel was created in a major partition or subdivision that was approved by the Hearings Council or Board of Commissioners between August 1, 1978, and October 27, 1980, or was otherwise reviewed against the State Agricultural Goal prior to said August 1, 1978 date and found to conform to the State Agricultural Goal.

   c) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 21, 1979, and the date of this 1982 ordinance.

   d) The parcel was created in a major partition that was approved by the Jackson County Planning Department (Ordinance #80-6) between June 3, 1980, and October 27, 1980.

   e) The parcel was reviewed by the County and found to be consistent with Statewide Planning Goal 3.

2) One single family dwelling is allowed on each parcel approved pursuant to subsections b), c), and d) above, provided all other provisions of this ordinance are met, including any conditions attached when the partition or subdivision was approved.
CHAPTER 220
FARM RESIDENTIAL (F-5) DISTRICT

220.010 PURPOSE:
The farm residential district is established in conformance with the Jackson County Comprehensive Plan in order to provide a buffer to Exclusive Farm Use zones, and to provide areas where second income type agricultural uses can continue to operate as free as possible from conflicting urban uses and influences on smaller parcels. This district is not intended as a farm use zone under the provisions of ORS 215. As such, the application of farm residential zoning shall not be construed as providing automatic farm assessment under ORS 308.375.

220.020 PERMITTED USES:
The following uses shall be permitted, subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Agriculture, including accessory use.
2) Single family dwelling.
3) Agricultural produce stands, limited to produce grown on the subject parcel or contiguous parcels.
4) Grange hall or community center.
5) Home occupations subject to the operational standards and criteria set forth in section 280.120.
6) One additional single family dwelling provided the density standard of this Chapter is satisfied. An additional dwelling which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of a separate additional dwelling which conforms to the standards of the Zoning and Land Division Regulations shall be allowed.
7) Managing, growing, and harvesting of timber and forest products.
8) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
9) Recycling dropbox, subject to the provisions of section 268.060.

10) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

220.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Farm labor camp.

2) Fairground, rodeo ground, or riding stable.

3) Picnic area or guest ranch.

4) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials subject to the standards of Chapter 272.

5) Animal clinics, animal hospitals, and kennels, provided that indoor sleeping quarters are provided for all animals. Outdoor runs shall be required to maintain a minimum of at least a 100 foot setback for all yards.

6) Solid waste disposal subject to the provisions of Chapter 260.

7) Buildings of a public works, public service, or public utility nature including public school bus storage yards and structures, but not including other equipment storage, maintenance or repair yards, warehouses, or other related activities, unless subject to site plan review procedures set forth in Chapter 282.

8) Public or private kindergarten or day nursery.

9) Facilities for the transmission or reception of communication frequencies not including broadcast and recording studios.

10) Public or private school.

11) Church.

12) Religious retreat facility which may be comprised of a monastery, seminary, a guest room building, a chapel, and related structures subject to site plan review.

13) Cemetery.
14) Park, playground, or community center owned and operated by a private entity, governmental agency, or a nonprofit community organization.

15) Commercial winery.

16) Cottage industry, subject to the provisions of section 280.130.

17) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

18) Licensed shelter care facility, half-way house, group home, or other related residential or day treatment facilities.

19) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

20) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240.

220.040 PARCEL AREA REQUIREMENTS:

The minimum parcel area in the farm residential district shall be five acres. The minimum parcel size may be increased by special setback requirements specified in section 280.060.

220.050 PARCEL AREA REDUCTIONS:

1) The County may permit the development of conditional uses listed in section 220.030, or agricultural produce stands, grange halls, or community buildings on smaller parcels. Smaller parcels may be allowed when the County finds that the proposed use on a smaller parcel:

   A) Does not interfere with accepted farming practices on adjacent lands devoted to farm use.

   B) Does not adversely alter the stability of the overall land use pattern of the area.

2) The Planning Director may approve a parcel area reduction for legally preexisting dwellings which are located on one parcel, pursuant to Section 258.020(3), and the Land Development Ordinance.

220.060 DENSITY:

All dwellings, including guest houses, shall not exceed a gross density of one dwelling unit per each five acres.
CHAPTER 222
RURAL RESIDENTIAL (RR-5) DISTRICT

222.010 PURPOSE:
To provide for large lot residential areas at housing densities consistent with the predominant rural character of the area, the physical capability of the land, and to accommodate hobby farm activities common to such rural areas.

222.020 PERMITTED USES:
The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Single family dwelling.

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

3) Home occupations subject to the operational standards and criteria set forth in section 280.120.

4) One additional single family dwelling or guest house provided that the density standard of this Chapter is maintained. An additional dwelling which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of a separate additional dwelling which conforms to the standards of the Zoning and Land Division Regulations shall be allowed.

5) Small scale energy producing facility in conjunction with permitted and approved conditional uses.

6) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
222.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, and the provisions of Chapter 260:

1) Public or private school.

2) Public or private kindergarten or day nursery.

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

4) Fraternal, or lodge building.

5) Cemetery.

6) Buildings and uses of a public works, public service, or public utility nature, including public school bus storage yards and structures, but not including other equipment storage, maintenance, or repair yards, warehouses or other related activities, unless subject to site plan review procedures set forth in Chapter 282.

7) Church.

8) Religious retreat facility which may be comprised of a monastery, a seminary, a guest room building, a chapel, and related structures subject to site plan review.

9) Medical clinic, sanitarium, rest home, home for the aged, nursing home, convalescent home, retirement home, or institution for the care of alcoholic, narcotic, or psychiatric patients.

10) Temporary sales or development office for subdivisions.

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

12) Licensed shelter care facility, half-way home, group home, or other related residential or day treatment facilities.

13) Agricultural produce stands, limited to produce grown on the subject parcel or contiguous parcels.

14) Recycling dropbox subject to the provisions of 268.060.
15) Cottage industry subject to the provisions of section 280.130.

16) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

17) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

18) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240 and Chapter 260.

19) Intensive livestock, poultry, or fur bearing animal production.

20) Historical, botanical, or geologic areas; parks or recreation sites or museums.

21) Facilities for the transmission or reception of communication frequencies not including broadcast and recording studios.

24) Fish hatchery, fish culture, game management or refuge area.

25) Expansion of existing recreation resorts or campgrounds.

222.040 PARCEL AREA REQUIREMENTS:

The minimum lot size in the rural residential zoning district shall be five acres except where otherwise required to accommodate setback standards as specified in section 280.060.

222.050 PARCEL AREA REDUCTION:

The County may permit the development of community buildings including churches and buildings and uses of public works, public service, or public utility nature on reduced parcel areas. The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one parcel pursuant to Section 258.020(3), and the Land Division Regulations.

222.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five acres.
CHAPTER 224

SUBURBAN RESIDENTIAL (SR-2.5 and SR-1) DISTRICTS

224.010 PURPOSE:

To provide for small acreage semi-rural homesites in areas of the County where existing land use patterns, predominant parcel sizes, and housing density and distribution reflect conformity with the existing character of the area; to provide for some variety and choice in parcel size by providing homesites of two and one-half or one acres, consistent with the availability of facilities and services and in conformance with the Jackson County Comprehensive Plan; and, to recognize unincorporated urbanizable areas inside urban growth boundaries at densities which will not preclude future in-filling after annexation to an incorporated city.

224.020 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Single family dwelling.

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

3) Home occupations subject to the standards and provisions of section 280.120.

4) Recycling dropbox, subject to the provisions of section 268.060.

5) Agricultural produce stand, limited to produce grown on the subject property and contiguous properties.

6) One additional single family dwelling provided the density standard of the district is maintained. An additional dwelling which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of a separate additional dwelling which conforms to the standards of the Zoning and Land Division Regulations shall be allowed.
7) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

224.030 CONDITIONAL USES:

The following uses may be permitted subject to the provisions of Chapter 260 and if the standards listed below are satisfied:

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

2) Public or private school.

3) Public or private 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, unless fully conducted within an enclosed building.

8) Church.

9) Medical clinic, sanitarium, rest home, home for the aged, nursing home, convalescent home, or retirement home.

10) Solid waste collection site subject to the provisions of section 268.050 (2).

11) Temporary sales or development office for subdivisions, planned unit developments, or mobile home parks.

12) Planned unit development provided that the density requirements of this Chapter and the provisions of Chapter 262 are satisfied.

13) Mobile home park, subject to the standards of Chapter 270 and section 224.040.
14) Licensed shelter care facility, half-way home, group home, or other related residential or day-treatment facilities.

15) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

16) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

17) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240.

224.040 PARCEL AREA AND DENSITY REQUIREMENTS:

All dwellings including mobile homes in mobile home parks, dwellings in planned unit developments, and additional dwellings shall not exceed the density requirements as noted below in the zone in which the dwellings are proposed to be located. Lot area requirements listed below shall be observed, unless special setbacks are required as specified in Chapter 280, or otherwise allowed by the Hearings Council, as provided in section 224.050, or for planned unit developments as provided in Chapter 262.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>DENSITY/LOT AREA</th>
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</thead>
<tbody>
<tr>
<td>SR-2.5</td>
<td>One dwelling per each 2.5 acres.</td>
</tr>
<tr>
<td>SR-1</td>
<td>One dwelling per 1 acre.</td>
</tr>
</tbody>
</table>

224.050 PARCEL AREA REDUCTION:

The Hearings Council may permit the development of churches, community buildings, and buildings and uses of public works, public service, or public utility nature on reduced parcel areas. The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one parcel, pursuant to Section 258.020(3), and the Land Development Ordinance.
14) Licensed shelter care facility, half-way home, group home, or other related residential or day-treatment facilities.

15) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

16) Other additional single family dwellings provided that the density standard of this district is maintained. Additional dwellings which cannot conform to the setback or parcel area requirements of this district shall not be sold separately. Partitioning and/or sale of separate additional dwellings which conform to the standards of the Zoning and Land Division Regulations shall be allowed.

17) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240.

224.040 PARCEL AREA AND DENSITY REQUIREMENTS:

All dwellings including mobile homes in mobile home parks, dwellings in planned unit developments, and additional dwellings shall not exceed the density requirements as noted below in the zone in which the dwellings are proposed to be located. Lot area requirements listed below shall be observed, unless special setbacks are required as specified in Chapter 280, or otherwise allowed by the Hearings Council, as provided in section 224.050, or for planned unit developments as provided in Chapter 252.

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<thead>
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224.050 PARCEL AREA REDUCTION:

The Hearings Council may permit the development of churches, community buildings, and buildings and uses of public works, public service, or public utility nature on reduced parcel areas. The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one parcel, pursuant to Section 258.020(3), and the Land Development Ordinance.
CHAPTER 226

URBAN RESIDENTIAL (UR-10, UR-8, UR-6, and UR-4.5) DISTRICTS

226.010 PURPOSE:

To encourage, provide, and protect suitable environments for single family residences within urban growth boundaries when specifically designated by the Jackson County Comprehensive Plan or urban containment boundaries, and existing urbanized areas of the County where public services and facilities will be available; and to provide planned single family residential areas at densities up to nine (9) dwellings per acre to encourage townhouse type development and to recognize existing mobile home parks.

226.020 PERMITTED USES:

The following uses shall be permitted subject to all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Single family dwelling in UR-10, UR-8, and UR-6 districts.

2) Home occupations shall be permitted subject to the operational standards and criteria set forth in section 280.120.

3) Recycling dropbox subject to the provisions of section 268.060.

4) Single family dwelling in UR-4.5 district, subject to site plan review provisions in Chapter 282.

5) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plans, hydro-electric or other power generating facilities, not including overhead power or transmission lines, but including distribution lines. Maximum utilization of existing easements and rights-of-way shall be made.

226.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Church.

2) Cemetery.

3) Public or private elementary, junior high, or high school.
4) 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, unless fully conducted within an enclosed building.

5) Planned unit development provided that the density requirements of this Chapter and the provisions of Chapter 262 are satisfied.

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

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

8) Mobile home park, subject to the standards of Chapter 270.

9) Solid waste collection site subject to the provisions of section 268.060 (2).

10) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

11) Day nursery or day care center.

226.040 PARCEL AREA AND DENSITY REQUIREMENTS:

The following lot area requirements shall be observed unless special setbacks are required as specified in Chapter 280.

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>LOT AREA</th>
<th>DENSITY (UNITS PER ACRE)</th>
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<tbody>
<tr>
<td>UR-10</td>
<td>10,000 square feet</td>
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<tr>
<td>UR-8</td>
<td>8,000 square feet</td>
<td>5</td>
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<tr>
<td>UR-6</td>
<td>6,000 square feet</td>
<td>7</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>4,500 square feet</td>
<td>9</td>
</tr>
</tbody>
</table>
CHAPTER 228
URBAN HIGH DENSITY RESIDENTIAL (UR-H) DISTRICT

228.010 PURPOSE:

This district establishes high density residential development areas in urban locations where public services and facilities are available as determined by the Jackson County Comprehensive Plan.

228.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Duplex.

2) Multiple-family dwelling or dwelling group.

3) Home occupations shall be permitted subject to the operational standards and criteria set forth in section 268.060.

4) Condominium.

5) Recycling dropbox subject to the provisions of section 280.160.

6) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities, and not including overhead power or transmission lines, but including distribution lines. Maximum utilization of existing easements and rights-of-way shall be made.

228.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Single family dwelling.

2) Boarding or rooming house.
3) Mobile home parks, subject to the standards of Chapter 270 and the density requirements of this Chapter.

4) Planned unit development, provided that the density requirements of this Chapter and the provisions of Chapter 262 are satisfied.

5) Hospital, medical clinic, sanitarium, rest home, and home for the aged.

6) Public or private kindergarten or day nursery.

7) Public or private 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 private entity, governmental agency, or a nonprofit community organization.

12) Golf course, swimming club, tennis club, and similar use.

13) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

228.040 LOT AREA:

The minimum lot area in the urban high density residential district shall be 6,000 square feet. For each additional dwelling unit on the same lot, the area shall be increased by a minimum of 1,450 square feet.

228.050 DENSITY:

All dwellings shall not exceed a density of thirty dwelling units per acre in this district, except that mobile homes in mobile home parks may not exceed a density of nine dwelling units per acre.

228.060 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS.

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.
2) Buffering techniques required by the County to separate permitted and conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to the following:

A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

B) Berms may be required when the Hearings Council determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped.

D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 230
INTERCHANGE COMMERCIAL (IC) DISTRICT

230.010 PURPOSE:
This district provides for the location of tourist commercial uses which serve the traveling public. Interchange developments, as designated in the Jackson County Comprehensive Plan, are generally located at freeway interchanges and at major arterial intersections.

230.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Service station.
2) Gift or antique shop only in conjunction with a permitted hotel, motel, and eating or drinking establishment.
3) Barber or beauty shop only in conjunction with a permitted hotel, motel, and eating or drinking establishment.
4) Hotel or motel.
5) Drinking establishment only in conjunction with a permitted hotel, motel, and eating establishment.
6) Convenience foods and sundries in conjunction with another permitted use.
7) Eating establishments.
8) Agriculture.
9) Recycling dropbox, subject to the provisions of section 268.060.
10) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.
11) Parks and bike paths.
230.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Building or structure over 45 feet in height.

2) Truck stop or freight forwarding 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.

4) Planned unit development, subject to the provisions of Chapter 262.

5) Solid waste collection site, subject to the provisions of section 268.060 (2).

6) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

7) Antique or gift shop not in conjunction with a permitted use.

230.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 232
RURAL SERVICE COMMERCIAL (RS) DISTRICT

232.010 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, as determined by the Jackson County Comprehensive Plan, without causing land use or traffic conflicts.

232.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, implementing ordinances, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Service station.
2) Church.
3) Feed and seed store.
4) Agricultural produce stands.
5) Auto, bicycle, equipment, or farm machinery repair conducted within an enclosed building or within a yard screened from public view.
6) General store, not to exceed 2,500 square feet in size.
7) Laundromat.
8) Community center, fraternal, or lodge building.
9) Grocery store, not to exceed 2,500 square feet in size.
10) Single family dwelling when accessory to a permitted use.
11) Recycling dropbox, subject to the provisions of section 268.060.
12) Emergency medical facility.
13) Studio for art, music, photography, ceramics, drama, speech, dance, or similar skills.

14) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

15) Eating and drinking establishments.

16) Agriculture.

17) Parks and bike paths.

232.030 CONDITIONAL USES:
The following uses may be permitted subject to the standards listed below and if the provisions of Chapter 260 are satisfied:

1) Motels and hotels.

2) Business or professional office.

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

4) Building or structure over 25 feet in height.

5) Solid waste collection site subject to the provisions of section 268.060 (2).

6) Grocery store, general merchandise store, or other commercial building in excess of 2,500 square feet in size.

7) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals.

8) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.

9) Public park, playground, campground, or community center owned and operated by a private entity, governmental agency, or nonprofit corporation.

10) Blacksmith or welding shop fully confined within an enclosed building limited to service and equipment repair.
11) Well drilling establishments.

12) Commercial broadcasting facility and recording studio.

232.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses including, but not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

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

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 234
NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

234.010 PURPOSE:
To designate locations for small commercial establishments, consistent with the Jackson County Comprehensive Plan, which provide basic commodities to conveniently serve the adjoining urban and suburban residential neighborhood populations' basic household needs.

234.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Barber or beauty shop.
2) Gift or antique shop.
3) Florist shop, garden shop, bake shop, and fruit store.
4) Convenience grocery store or vegetable market.
5) Clothing or general merchandise store.
6) Hardware store.
7) Fix-it shop.
8) Bicycle sales and repair.
9) Drugstore.
10) Business or professional office.
11) Branch bank.
12) Laundromat or dry cleaning facility, including pickup and delivery or self-service coin operated establishments, but not including a dry cleaning or laundry plant.
13) Recycling dropbox subject to the provisions of section 268.060.

14) Nursery or day care center.

15) Studio for photography, art, music, ceramics, drama, speech, dance or similar skills.

16) Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities. Maximum utilization of existing easements and rights-of-way shall be made.

17) Parks and bike paths.

18) Restaurants

234.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260:

1) Service station and automobile repair shop conducted within an enclosed building.

2) Drinking establishment.

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.

4) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

5) Planned unit development, subject to the provisions of Chapter 262.

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

7) Single family dwelling in conjunction with and accessory to a permitted or conditional use.

234.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this section shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:
A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped.

D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 236
GENERAL COMMERCIAL (GC) DISTRICT

236.010 PURPOSE:
To provide locations for larger retail service commercial centers for convenience shopping at developments along major state and county highways, consistent with the Jackson County Comprehensive Plan.

236.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Service station.
2) Gift or antique shop.
3) Hotel or motel.
4) Eating or drinking establishment.
5) Cabinet or carpenter shop conducted within an enclosed building.
6) Feed and seed store.
7) Florist, garden shop, or nursery.
8) Other equipment repair conducted within an enclosed building.
9) Gun repair.
10) Community center, fraternal or lodge building, or neighborhood club.
11) Pawn shop or second hand store conducted within an enclosed building.
12) Buildings and uses of public works, public service, or public utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
13) Bank.

14) Building supply and lumberyard or hardware store conducted within an enclosed building or with a yard screened from public view.

15) Agriculture.

16) Personal service shop including barber or beauty shop, shoe repair shop, and the like.

17) Business or professional office.

18) Bake shop, fruit store, vegetable market, convenience foods and sundries, drug store or pharmacy.

19) Laundry and dry cleaning facilities including pickup and delivery or self-service coin operated establishments not including a dry cleaning or laundry plant.

20) Supermarket or grocery store.

21) Retail clothier or general merchandise store.

22) Automobile washing and polishing.

23) Auction house, but not including animal sales.

24) Farm equipment sales, service, and repairs.

25) New and used car, bicycle, boat, motorcycle, snowmobiles, truck and trailer sales, service, rental, or storage, but not including salvage or wrecking yards.

26) Rent-all.

27) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals. Outdoor runs shall be required to maintain a minimum of at least one hundred (100) foot setback on all yards.

28) Wholesale business, but not including animal slaughtering or animal rendering facility.

29) Bus storage and maintenance facility including terminal and freight forwarding facility.

30) Commercial or park and ride parking lots.
31) Mortuary.
33) Upholstery shop.
34) Other retail trade or service commercial establishment.
35) Body and fender shop fully conducted within an enclosed building, but not including salvage, junk, or wrecking yards.
36) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles.
37) Amusement or recreational facilities.
38) Heavy equipment sales and service.
39) Single family dwelling when accessory to a permitted use.
40) Recycling dropbox, subject to the provisions of section 268.060.
41) Broadcasting or recording studio.
42) Parks and bike paths.

236.030 CONDITIONAL USES:

The following uses are permitted subject to the standards listed below and the provisions of Chapter 260.

1) Building or structure over 60 feet in height.
2) Planned unit development provided that the requirements of Chapter 262 are satisfied.
3) Solid waste collection site subject to the provisions of section 268.060 (2).
4) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.
5) Other uses similar to those listed in this Chapter.
6) Churches.
7) Salvage, junk, or wrecking yard fully conducted within an enclosed building.
236.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 238
LIGHT INDUSTRIAL (LI) DISTRICT

238.010 PURPOSE:
To provide 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 consistent with the Jackson County Comprehensive Plan in recognition of their significance to the County's economy.

238.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, implementing ordinances, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Carpet shop.
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, truck terminal, and freight forwarding facility.
9) Electric motor shop.
10) Manufacture and assembly of electric, electronic, or optical instruments or devices.
11) Manufacture and assembly 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.

18) Lumber yard or building material shop.

19) Bus storage and maintenance facility including terminal and freight forwarding facility.

20) Printing, publishing, and book binding.

21) Fuel alcohol, petroleum fuel, or other alternative energy storage facilities not including manufacturing and processing plants.

22) Buildings and uses of a public works, public service, and public utility nature, including equipment storage or repair yards, warehouses, or related activities.

23) Solid waste collection site subject to the provisions of section 268.060 (2).

24) Vocational, trade, or business schools.

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

26) Day nursery in conjunction with a permitted use.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
27) Farm and heavy equipment sales and service.

28) Auto, bicycle, or equipment repair conducted within an enclosed building or yard screened from public view.

29) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings.

30) Landscape or plant nursery.

31) Wholesale business, but not including animal slaughter or processing facility.

32) Single family dwelling when accessory to a permitted use.

33) Recycling dropbox subject to the provisions of section 268.060.

34) Parks and bike paths.

238.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260:

1) Building or structure exceeding 60 feet in height.

2) Solid waste disposal subject to Chapter 268.

3) Planned unit industrial development limited to uses and standards contained within this Chapter and subject to the requirements of Chapter 262.

4) Animal clinics, animal hospitals, or kennels, provided that indoor sleeping quarters are provided for all animals. Outdoor runs shall be required to maintain a minimum of at least 100 foot setback on all yards.

5) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.

6) Other uses similar to those listed in this Chapter.

7) Playground, or community center owned and operated by a private entity, governmental agency, or a nonprofit community organization.

8) Restaurant.

9) Solid waste transfer station when conducted within an enclosed building subject to the provisions of Chapter 268.

10) Flea markets within an enclosed building.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
238.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses including, but not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 240
GENERAL INDUSTRIAL (GI) DISTRICT

240.010 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 as determined by the Jackson County Comprehensive Plan.

240.020 PERMITTED USES:
The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Carpet shop.
2) Body and fender shop.
3) Sheet metal shop.
4) Welding shop.
5) Well driller or sanitary service.
6) Machine or electric motor shop.
7) Bottling or cold storage plant.
8) Storage or sale yard for building material, contractor's equipment, house mover, delivery vehicles, truck terminal, and freight forwarding facility.
9) Manufacture of electric, electronic, or optical instruments or devices.
10) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressing, and other devices employed by the medical and dental professions.
11) Fuel oil distributors.
12) 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.

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

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

15) Manufacture and fabrication of concrete products within enclosed buildings.

16) Lumber yard or building material shop.

17) Bus storage and maintenance facility including terminal freight forwarding facility.

18) Printing, publishing, and book binding.

19) Fuel storage facilities, including manufacturing and processing plants.

20) Buildings and uses of a public works, public service, or public utility nature, including equipment storage or repair yards, warehouses, or related activities.

21) Solid waste transfer station when conducted within an enclosed building, and subject to provisions of Chapter 268.

22) Solid waste collection site subject to the provisions of section 268.060 (2).

23) Vocational trade or business schools.

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

25) Bike path, park, playground, or community center owned and operated by a private entity, governmental agency, or nonprofit community organization.

26) Farm equipment sales and service.

27) Auto or equipment repair conducted within an enclosed building or yard screened from public view.
28) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings.

29) Landscape nursery.

30) Wholesale business, but not including animal slaughter or processing facility.

31) Lumber, plywood, and hardboard manufacturing.

32) Rolling, drawing, or extruding of metals.

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

34) Asphalt paving mix plant.

35) Cement concrete batching plant.

36) Log decking, storage, and ponding, including facilities and operation of equipment necessary to the above when accessory to a permitted use.

37) Junk, salvage, or wrecking yard.

38) Recycling dropbox subject to the provisions of section 268.060.

240.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Solid waste disposal subject to the provisions of Chapter 268.

2) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials not accessory to a permitted use, subject to the provisions of Chapter 272.

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) Alteration and use of historic landmarks and structures subject to the provisions of Chapter 266.

7) Paper and allied products manufacturing.
8) Other industrial uses not listed in section 240.020.

240.040 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses including, but not limited to, the following:

A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

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

C) Parking lots shall be landscaped.

D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 242
AIRPORT DEVELOPMENT-MIXED USE (AD-MU) DISTRICT

242.010 PURPOSE:

To encourage desirable and appropriate land uses for areas located in proximity to major airports in the County consistent with the Jackson County Comprehensive Plan. 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.

242.020 PERMITTED USES:

The following uses shall be permitted subject to site plan review and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Service station.
2) Feed and seed store.
3) Cabinet or carpenter shop.
4) Auto, bicycle, 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 or electric motor shop.

20) Bottling or cold storage plant.

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

22) Tire sales and service.

23) Alterations, replacement, and improvement of existing residential structures and accessory buildings.

24) 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.

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

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

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

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

29) Mini-warehouse.

30) Agriculture, excluding dwellings customarily provided in conjunction with a farm use.
31) Truck terminal and freight forwarding facility.

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

33) Recycling dropbox, subject to the provisions of section 268.060.

34) Taxi strips and runways.

35) Any other use similar to those listed in this section.

242.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260 are satisfied:

1) Stock auction yard.

2) Scrap metal or wrecking yard, provided that such use is visually screened and does not constitute a glare hazard to aviation.

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

4) Planned unit industrial development, subject to the provisions of Chapter 262 and the standards imposed by this Chapter.

5) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

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

7) Solid waste transfer station when conducted within an enclosed building subject to the provisions of Chapter 268.

242.040 STANDARDS:

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, including any metal building, 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.

242.050 SETBACK AND OFF-STREET PARKING REQUIREMENTS:

1) All structures and uses shall observe the setback requirements of the Light Industrial Zoning District in Chapter 280.

2) Off-street parking requirements for commercial and industrial uses found in section 280.070 shall be observed.

242.060 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS:

1) Permitted and conditional uses allowed within this district shall conform to the site plan review requirements of Chapter 282.

2) Buffering techniques required by the County to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:

   A) Open outdoor storage is prohibited unless the use is properly screened or fenced.

   B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required.

   C) Parking lots shall be landscaped.

   D) Special setbacks shall be required between incompatible uses as provided for in section 280.050.
CHAPTER 244
AGGREGATE RESOURCE (AR) DISTRICT

244.010 PURPOSE:

1) To provide for development and utilization of deposits of aggregate and resource materials.

2) To provide for the protection and utilization of these resources in a manner which does not conflict with other land uses.

3) To assure economy in handling and transportation costs by locating removal, processing, and storage activities in as close proximity to the point of end use as feasible.

244.020 PERMITTED USES:

The following uses shall be permitted subject to compliance with Section 244.040 and all other applicable rules, standards, or statutes governing such uses, including the Jackson County Comprehensive Plan, the Land Development Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

1) Removal, excavation, and processing of aggregate materials.

2) Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.

3) Storage of heavy equipment necessary for operation.

4) Agriculture.

5) Aggregate stockpiling.

6) Sedimentation ponds when used in conjunction with aggregate removal operations.

7) The managing, growing, and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products.

8) Parks and bike paths.

9) Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

244.030 CONDITIONAL USES:

The following uses may be permitted if found in conformance with Section 244.040 and Chapter 260 of this Ordinance.
1) All permitted uses within the designated 100-year floodplain identified in section 244.020 (except item 2, if such uses are portable in nature; items 4 agriculture, and 7 forest uses) shall be reviewed by the Hearings Council to ensure floodplain requirements are met.

2) Sanitary landfill, landfill, or solid waste transfer station subject to Chapter 268.

3) Public or private parks and recreation areas may be permitted only in conjunction with reclamation of the site.

4) Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.

5) A residence for the caretaker, operator, or property owner. No more than one residence may be permitted.

6) Manufacture and fabrication of concrete and aggregate products if accessory to removal, processing, or excavation of aggregate materials.

7) Sale of products such as concrete pipe, concrete forms, and the like related to aggregate materials in conjunction with the removal, processing, or excavation of aggregate materials or in conjunction with the manufacture and fabrication of concrete and aggregate products.

8) Concrete or asphalt batch plant.

244.040 BASIC STANDARDS OF OPERATION:

Aggregate operations must conform with the following standards:

1) The landowner and operator shall be jointly responsible for signing the application.

2) The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

3) Visual Impact: Existing trees and other natural vegetation adjacent to any public park, residential development, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening shall be in the form of a fence, wall, landscaped berm, or natural vegetative cover to supplement any natural screening.

4) Water Quality: All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable materials, or adversely affect water temperatures in any stream, drainage, creek, or river. The operator shall not cause a change in the location of any stream channel unless previously approved by all applicable state and federal agencies.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
5) Air Quality: All aggregate sites in the district shall be operated in a manner that minimizes dust, odors, or other air pollutants which would adversely affect land uses on adjoining properties. All roads on private land shall be maintained in a dust free condition when within 300 feet of a residence which existed as of the date of this permit or was lawfully placed or constructed thereafter. Each aggregate site shall obtain a Department of Environmental Quality Air Discharge permit when applicable.

6) Noise Control: Each aggregate site shall operate with the applicable noise standards required by the Department of Environmental Quality or other state or federal agencies.

7) Operating Setbacks: Each aggregate site within the district shall observe the following minimum operation setbacks:

   A) No extraction or removal of aggregate is permitted within 25 feet of the right-of-way of public roads or easements of private roads.

   B) No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use, without written consent of the property owner(s).

   C) Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of another property, or within 200 feet of a residence or residential zoning district, without written consent of the property owner(s). Processing equipment, batch plants, and manufacturing and fabricating plants shall not operate within 50 feet of a public road right-of-way.

8) Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within 1,000 feet radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Hearings Council may, at any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.
9) Slopes and Grading: Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Oregon Safe Employment Act (ORS 654.001 to 654.295 and 654.991), the Oregon Safety and Health Act of 1970 (19 U.S.C. 651 et. seq.), the Department of Geology and Mineral Industries, and the regulations of other affected agencies.

10) Land Reclamation: A land owner or an operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Department of Geology and Mineral Industries. Reclamation must return the land to natural condition or return it to a state compatible with land uses identified by the Comprehensive Plan map.

244.050 MODIFICATION OF STANDARDS:

The above standards may be modified by the Hearings Council after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads.

244.060 EMERGENCY EXCEPTIONS:

The Department may permit the immediate initiation of a temporary aggregate operation which ordinarily would require an approved conditional use permit, if necessary to prevent potentially serious damage to property or threat to human life. The Department may permit the initiation of such an aggregate operation only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. The Department may adjust operation standards as contained in section 244.040 to ensure the protection of human life and property. An aggregate operation approved under this section shall cease once the threat to human life and property is no longer serious or imminent.

244.080 REVIEW REQUIRED:

Each application for an Aggregate Resource zoning designation shall be submitted by the Department to the Aggregate Site Review Committee for review prior to any public hearing on the application. The committee shall issue a recommendation in writing for consideration by the County within ten (10) working days of their receipt of the application. A copy of same shall also be distributed to the applicant, prior to the first public hearing.
CHAPTER 250
AIRPORT APPROACH (AA) OVERLAY

250.010 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.

250.020 APPLICATION OF AIRPORT APPROACH PROVISIONS:

1) In any zoning district where an Airport Approach designation is combined with a primary district, and any conflict in regulation or procedure occurs between such zoning districts, the provisions of the Airport Approach Overlay District shall govern.

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


B) Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978, or as hereafter amended.

C) Approach and Clear Zone Plan, Ashland Municipal Airport, June 1976, or as hereafter amended.

250.030 PERMITTED USES:

The following uses are permitted unless the use would penetrate the elevations of the approach or transitional surface zones, as indicated on an adopted Approach and Clear Zone Plan for the nearby airport. Where such penetration would occur, any use allowed by this Chapter shall be required to obtain an administrative approval from the Planning Director.

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 when located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach.
4) Game preserve or reservation.
5) Pipeline.
6) Underground utility wire.
7) Airports and heliports, subject to the approval of a master plan by the Board of County Commissioners, providing that FAA permits have been obtained or lines, towers, structures or poles do not penetrate the air space of a clear zone approach or transitional surface of an airport.

250.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL BY THE PLANNING DIRECTOR:

1) Structures or buildings accessory to a permitted use.
2) Single family dwellings or commercial or industrial uses if permitted in the primary zoning district and the requirements of this Chapter are met. A deed declaration which recognizes the preexistence of the airport shall be recorded for all single family dwellings in this district.
3) Buildings and uses of a public works, public service, or public utility nature.
4) The uses listed in section 250.030 and 250.040, which are conditionally allowed in a primary district, shall be subject to review by the Hearings Council according to the provisions of Chapter 250.

250.050 PROCEDURE:

An applicant seeking a conditional use permit or an administrative approval from the Planning Director for a proposed use, shall meet the standards set forth in Chapters 260 and 285. Information accompanying the application shall include:

1) Property boundary lines as they relate to the boundaries of the airport approach and the boundaries indicated on the map of the Approach and Clear Zone Plan for the nearby airport.
2) Location, elevation, use, and height of all existing and proposed buildings, structures, utility lines, roads, or trees where trees are taller than 35 feet.
3) A statement from the Ashland Public Works Director, when the application is within the Ashland Airport Approach Overlay District, or from the Airport Director when within the Medford-Jackson County Airport Approach Overlay District.
4) A statement from the Federal Aviation Administration (FAA) that the proposed use complies with their regulations.
5) In consideration of the application, the Planning Director may require the applicant to submit either or both of the following forms of additional information:

A) The maximum elevations of proposed structures based on datum of the Approach and Clear Zone Plan. Elevations shall be based upon the survey of an Oregon registered professional engineer or licensed land surveyor, accurate to plus or minus one foot shown as mean sea level elevation, or other available survey data. The accuracy of all elevations shall be certified by the surveyor or engineer.

B) A map of topographic contours at two foot intervals, showing all property within 100 feet of the proposed structure or structures for which the use permit is being sought. This map shall also bear the verification of an Oregon registered professional engineer or registered land surveyor.

250.060 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 the requirements prescribed below in relation to the Airport Approach and Clear Zone Plan in effect for the airport adjacent to or nearby a proposed use.

A) No buildings or structures may be allowed in the clear zone of any airport approach surface other than those approved by the FAA and the county.

B) The allowable height of any building, structure, or tree within the airport approach district shall conform to the following:

   i) The ground level elevation above mean sea level, plus the height of any structure, building, or tree at its proposed location shall not penetrate any approach or transitional surface indicated on an adopted Airport Approach and Clear Zone Plan, unless specifically approved by the FAA and the county.

   ii) Whenever the height limitations of this section differ from those of any other section of this ordinance, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

   iii) The existence of any building, structure, or tree which is greater than 35 feet in height may cause the county or city (where a city airport is involved) to locate appropriate lights or markers on the building, structure, or tree as a warning to operators of aircraft, or to top the tree to reduce its height.
3) No use or activity shall take place within this district in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility, or otherwise create a hazard which may in any way endanger the landing, take-off, or maneuvering of aircraft using the airport.

4) No glare-producing materials shall be used on the exterior of any building or structure located within the airport approach district. Glare-reducing agents used to prepare structures or buildings in this district must be approved by the FAA and Jackson County.

5) The regulations prescribed by this section shall not be construed to require a property owner to remove, lower, or make other changes or alterations of any structure which legally existed prior to the effective date of this ordinance. However, such structure shall be considered nonconforming if such structure is in conflict with these regulations.

250.070 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 preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by the Oregon Department of Environmental Quality rules and regulations.

250.080 ADMINISTRATIVE APPROVAL:

The Planning Director may administratively approve an application submitted under section 250.040, provided that all requirements of section 250.060 are met. If any requirements are not met, the application must be denied and the application shall be forwarded to the Hearings Council for its action.
CHAPTER 252
AIRPORT CONCERN (AC) OVERLAY

252.010 PURPOSE:
This district is intended to prevent the location of airspace obstructions in areas of close proximity to airports.

252.020 APPOINTMENTS:
1) The Jackson County Planning Commission is hereby appointed to act as the Airport Zoning Commission under ORS 492.580.

2) The Jackson County Hearings Council is hereby appointed to act as the Board of Adjustment under ORS 492.650.

252.030 APPLICATION OF AIRPORT CONCERN PROVISIONS:
1) All zoning districts lying within the airport concern area shall be shown on the Official Comprehensive Plan and Zoning Map(s) for Jackson County with AC in parenthesis, following the primary zoning designation.

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

   B) Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978, or as hereafter amended.

   C) Approach and Clear Zone Plan, Ashland Municipal Airport, June 1976, or as hereafter amended.

3) An Airport Concern Overlay District is not legally described by metes and bounds, but is an area defined by Federal Aviation Regulations (FAR, Part 77).

252.040 PERMITTED USES:
1) The uses listed as permitted within the primary zoning district, subject to the height restrictions listed in section 252.070 and 280.050, or whichever is the more restrictive.
2) Where a permitted use at its proposed location would penetrate the elevations of the approach, transitional, horizontal, or conical surface zones, as indicated on an Approach and Clear Zone Plan adopted by the County governing body for an airport, then such use is subject to a conditional use permit review by the Hearings Council.

252.050 CONDITIONAL USES:

The uses listed as conditional uses within the primary zoning district are subject to the height restrictions listed in sections 252.070 and 280.050, whichever is the more restrictive, and to the provisions of Chapter 260.

252.060 PROCEDURES:

1) An applicant for a use permit in this district shall submit the following information:

A) Property boundary lines as they relate to the boundaries of the airport approach and the boundaries indicated on the map of the Approach and Clear Zone Plan for the nearby airport.

B) Location, elevation, and height of all existing and proposed buildings, structures, utility lines, roads, or trees where the trees are taller than 35 feet in height.

C) A description of the proposed use.

D) A statement from the Ashland Public Works Director, when the application is within the Ashland Airport Approach Overlay District, or with the Airport Director when within the Medford-Jackson County Airport Approach Overlay District.

E) A statement from the Federal Aviation Administration (FAA) that the proposed use complies with their regulations.

2) In consideration of an application for a building, structure, or other use which will exceed 35 feet in height, the Planning Director may require the applicant to submit either of the following:

A) A certificate from an Oregon registered professional engineer or a registered land surveyor, which clearly states that no airspace obstruction will result from the proposed use.

B) Either or both of the following:

   i) The maximum elevations of proposed structures based on datum of the Approach and Clear Zone Plan. Elevations shall be based upon the survey of an Oregon registered professional engineer or a registered land surveyor, accurate to a plus or minus one foot shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer or surveyor.
ii) A map of topographic contours at two foot intervals, showing all property within 100 feet of the proposed structure or structures for which the use permit is being sought. This map shall also bear the verification of an Oregon registered land surveyor or registered professional engineer.

iii) A deed declaration which recognizes the preexistence of the airport shall be recorded for all dwellings which locate within the 55Ldn noise contour of the airport.

252.070 LIMITATIONS:

1) The allowable height of any building, structure, or tree within the airport concern district shall conform to the following: The ground level elevation above mean sea level plus the height of any structure, building, use, or tree at its proposed location shall not penetrate any approach, transitional, horizontal, or conical surface of an airport as indicated on a County adopted Approach and Clear Zone Plan, unless specifically authorized by the FAA and Jackson County as part of a conditional use permit review. However, residential structures less than 20 feet in height may penetrate the transitional and conical surfaces upon approval of a conditional use permit by the Hearings Council.

2) Whenever the height limitations of this section differ from those of any other section of this ordinance, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

3) The existence of any building, structure, or tree which is greater than 35 feet in height may cause the county or city (where a municipal airport is involved) to locate appropriate lights or markers on the building, structure, or tree(s) as a warning to aircraft, or to top the tree to reduce its height.

4) No use or activity shall take place within this district in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; or otherwise create a hazard which may in any way endanger the landing, take-off, or maneuvering of aircraft using the airport.

5) The regulations prescribed by this district shall not be construed to require a property owner to remove, lower, or make changes or alterations of any structure which legally existed prior to the effective date of this ordinance. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.
252.080 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 preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by the Oregon Department of Environmental Quality rules and regulations.
CHAPTER 254
FLOODPLAIN (FP) OVERLAY

254.010 PURPOSE:
In order to implement the goals and policies of the Jackson County Comprehensive Plan, this district is intended to be applied to properties which engineering or historical information indicates are likely to be inundated by flood waters at some time in the future. It is the purpose of this district to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1) To protect human life and health.

2) To minimize expenditure of public money for costly flood control projects.

3) To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public.

4) To minimize prolonged business interruptions.

5) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in the 100-year floodplain; also known as the area of special flood hazard.

6) To attempt to ensure that potential buyers are notified that property is in a designated floodplain.

7) To ensure that those who occupy the 100-year floodplain assume the responsibility for their actions.

8) 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.

254.020 APPLICATION OF PROVISIONS:

1) In any zoning district where a floodplain designation is combined with a primary district, and any conflict in regulation or procedure occurs with such zoning districts, the provisions of the floodplain overlay district shall govern.
2) The 100-year floodplain, otherwise known as the area of special flood hazard, identified by the Federal Emergency Management Agency in a scientific and engineering report entitled *The Flood Insurance Study for Jackson County*, dated June, 1980, or as is hereafter amended, or as is hereafter amended, along with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), is hereby adopted by reference and declared to be a part of this ordinance.

3) Other areas, in addition to those which have been specifically shown on Flood Boundary and Floodway Maps or Flood Hazard Boundary Maps, which in the opinion of the Planning Director are situated in close proximity to creeks and streams, shall also be reviewed according to the provisions set forth in this chapter.

4) The Planning Director shall be responsible for reviewing all applications for building as well as other development proposals for compliance with the requirements of this ordinance and to make interpretations, where needed, as to the exact location of the boundaries of the 100-year floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). In areas where base flood elevation profiles are available ('A1' through 'A30' FIRM zones), the closest elevation profile to the proposed use shall prevail over interpretation made from the Flood Insurance Rate Map. The person(s) contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, but the burden of proof shall be on the person(s) contesting the interpretation of the Planning Director.

**254.030 PERMITTED USES:**

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

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, providing that no fill material is utilized.

6) Fences.

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

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
8) Fishing platform.

9) Incidental storage of material or equipment which 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) Bike path, park, playground, or community center owned and operated by a private entity, governmental agency, or a nonprofit community organization.

15) Electric distribution and transmission lines provided that any fill, rip-rap, or revetments meet the standards of section 254.070.

16) Removal or fill of materials for erosion and flood control purposes under the jurisdiction of the Division of State Lands when that agency determines such action will not increase potential flood and erosion problems, and the Oregon Department of Fish and Wildlife determines that sensitive wildlife or fish habitat will not be adversely affected.

254.040 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:

The following uses, in areas designated as floodplain, if allowed as a permitted use in the primary zoning district, shall be subject to administrative approval by the Planning Director, providing all requirements of this chapter are satisfied. If any requirements of this Chapter are not met, the application shall be denied. Also, the following uses, if allowed as a conditional use in the primary zoning district, shall be subject to review by the Hearings Council:

1) Single family dwelling or mobile home and accessory buildings.

2) Golf course, park, playground, picnic grounds, or other recreational uses with related buildings and structures.

3) Campground.
4) Replacement of dwelling in-kind (with no increase in square footage) within the floodplain including the floodway (but not including replacement of a mobile home in the floodway), providing that the standards of Section 254.070(2) are satisfied.

5) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials providing the additional requirements of Chapters 272 and 260 are satisfied. In no instance shall such operation cause an increase in flooding potential or stream bank erosion adjacent to, upstream, or downstream from the operation, and the Oregon Department of Fish and Wildlife determines in writing that sensitive fish and wildlife habitat will not be adversely affected.

6) Landing field or heliport.

7) Marina.

8) Flood water storage impoundment.

9) Public utility building or structure.

10) Bridge or other stream crossing.

11) Commercial or industrial use.

12) Pipeline necessary for public service.

13) Removal or fill within the 100-year floodplain.

14) Placement of a recreational or camping vehicle in the floodplain subject to the standards of 280.210.

254.050 ADMINISTRATION:

1) Except as provided in Chapter 254.030, no person, firm, or corporation shall construct or emplace any buildings or structures, including mobile homes, or carry out any mining, dredging, filling, grading, paving, excavation, or drilling operations in areas bearing the flood hazard designation 'A' or 'Al' through 'A30' of the Flood Insurance Rate Map (FIRM), without first having obtained a permit for such activity. The Department of Planning and Development shall maintain an official file copy of said FIRM.

2) The Planning Director shall conduct all of the following, prior to issuance of a permit, in completion of his assigned task of administering this section of the ordinance:
A) Determine that the permit requirements of this Chapter have been satisfied.

B) Ensure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required by law, including Section 404, of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, (Dredging and Filling Navigable Waters).

C) Determine if the proposed development is immediately adjacent to or located within the floodway. If located within the floodway, the encroachment provisions of 254.070(2) shall be met.

3) When base flood elevation data has not been provided by the Federal Emergency Management Agency, as provided in subsection 254.020 (2) of this Chapter, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation data available from federal, state, or other qualified, licensed engineering source in order to assure that all proposed developments comply with this Chapter. In the absence of elevation data, the special floodway setbacks, in addition to the normal yard requirements prescribed under Chapter 280, shall be established as specified in section 254.060.

4) The Planning Director shall receive from each applicant, and shall permanently file a certification of the actual, as-built elevation (above mean sea level), or elevation as determined by subsection (3) listed above, of the lowest habitable floor, including basements, for all new or substantially improved structures or flood-proofed structures. Elevations required under this provision shall be determined by an Oregon registered professional engineer, licensed land surveyor, or other qualified professional. Floodproofing certificates shall also be submitted and filed for all flood-proofed structures.

5) The Planning Director shall:

A) Notify adjacent communities and the Department of Water Resources, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

C) Make interpretations, where needed, as to the exact location of the boundaries of the 100-year floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). In areas where base flood elevation
profiles are available ('A1' through 'A30' FIRM Zones), the closest elevation profile to the proposed use shall prevail over interpretations made from the Flood Insurance Rate Map. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, but the burden of proof shall be on the person(s) contesting the interpretation of the Planning Director.

254.060 GENERAL STANDARDS:

In all designated 100-year floodplains or areas of special flood hazards, the following requirements apply:

1) All new construction and substantial improvements including structures and apparatus shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3) All new construction and substantial improvements shall be constructed using methods and practices which minimize flood damage.

4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7) All land division proposals shall be consistent with the need to minimize flood damage, and shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage; and, base flood elevation data shall be provided for subdivision proposals and other proposed major developments.

8) Where specific elevation data are not available and the area is designated floodplain, according to the provisions of section 254.020, special floodway setback requirements shall be imposed according to the following methods:
A) A floodway shall be presumed to exist on land which abuts or is bisected by a stream or segment of a stream for which no floodway has been depicted by the Federal Emergency Management Agency. The floodway width shall be deemed to equal five times the width of the normal rainy season stream bed measured from top of bank to top of bank, or 100 feet, whichever is greater. It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream.

B) If, owing to topography or other factors, the method prescribed above does not yield a reasonable and practical measurement of the floodway, the applicant may offer other information to establish the floodway configuration more precisely in accordance with accepted engineering practices and certified by an Oregon registered engineer or surveyor.

C) To determine the base flood elevation, the applicant's Oregon registered engineer or land surveyor shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report shall be submitted to the Planning Director by the applicant, setting forth said elevation and citing the evidence upon which the estimate is made. Said report may be accepted or rejected by the Planning Director.

254.070 SPECIFIC STANDARDS:

1) In all areas of the 100-year floodplain, where base flood elevation data have been developed in 'A1' through 'A30' zones as depicted on the Flood Insurance Rate Map, the following specific standards apply:

A) New construction and substantial improvement of any dwelling shall have the lowest floor, including the basement, elevated one foot above the base flood elevation.

B) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

i) Be floodproofed, so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water;
ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

iii) Be certified by an Oregon registered professional engineer or architect that the standards of this subsection are satisfied.

2) In areas designated as floodways, either on the Flood Boundary and Floodway Maps or by the approximate method described in section 254.060, the following standards apply due to the velocity of flood waters which carry debris, potential projectiles, and/or have erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development which would result in any increase in flood levels during the occurrence of the base flood discharge.

B) If section 254.070 (2)(A), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 254.060 and 254.070.

254.075 SPECIFIC REQUIREMENTS FOR MOBILE HOMES:

1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

A) Over-the-top ties be provided at each of the four corners of the mobile home for mobile homes over 50 feet in length, with two additional ties per side at intermediate locations; mobile homes less than 50 feet long require one additional tie per side; or,

B) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and,

C) Any additions to the mobile home be similarly anchored.

2) The following are required for new mobile home parks; expansions to existing mobile home parks; existing mobile home parks where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement; and, for new or used mobile homes not placed in a mobile home park:
A) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level.

B) Adequate surface drainage and access for a hauler are provided.

C) In the instance of elevation on pilings that:
   i) Lots are large enough to permit steps.
   ii) Piling foundations are placed in stable soil, not more than ten feet apart.
   iii) Reinforcement is provided for pilings more than six feet above the ground level.

3) No mobile home shall be placed in a floodway, except in an existing space of an existing mobile home park, and then only if standards specified in this Chapter are satisfied.

254.080 SPECIAL REQUIREMENTS FOR ADMINISTRATIVE OR CONDITIONAL USE PERMITS:

1) An applicant seeking an administrative or conditional use permit in a floodplain district shall follow procedures set forth in Chapters 260 and 285. Plans and specifications accompanying the application shall include:

   A) Location of the property with reference to river and stream channels and flood profile elevations.

   B) Existing topography, vegetation, and uses, including location of dikes, revetments, and other flood control works.

   C) Location of proposed uses, structures, roads or other improvements.

   D) A proposed grading plan for the property when determined necessary by the County.

2) Any applicant requesting a conditional use permit in an area designated as floodplain (or otherwise subject to the conditions of this Chapter), shall bear the burden of proving compliance with these requirements.

3) No variance from the requirements of this Chapter shall be granted.
254.090 WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the 100-year floodplain, or uses within such areas, will be free from flooding or flood damages. This ordinance shall not create liability on the part of Jackson County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
CHAPTER 256
FUTURE ANNEXATION (FA) DISTRICT

256.010 PURPOSE:

This district is intended to be applied to properties within an urban growth boundary, which are in the process of development to an appropriate urban use, and which are intended to be annexed by a city upon completion of the development.

256.020 CRITERIA FOR APPLICATION:

The following lands may be subject to application of this chapter:

1) Lands adjacent to city limits which are intended by their owner for an eventual urban use.

2) Specifically made subject to an application for change of zoning district.

3) Accepted by the Board of Commissioners into the Intent to Rezone Process of the Jackson County Land Development Ordinance.

4) For which the conditions for rezing imposed by the Intent to Rezone Process have been fulfilled, including, but not limited to, the execution of a contract for annexation among the developer, the respective city, and the County.

5) Otherwise lawfully subject to annexation by the respective city.

256.030 CONDITIONS REQUIRED IN INTENT TO REZONE PROCEDURE:

The Board may place reasonable conditions upon the application for a zone change through the Intent to Rezone Procedure of Chapter 277 of this ordinance. These conditions shall include a contract for annexation to be executed jointly by the owner and developer, the County, and the respective city. The contract shall stipulate at minimum the following:

1) Design and development standards of any kind to be applied shall be the relevant comprehensive plan and zoning regulations standards to which the property would otherwise be subject following annexation to the respective city.

2) The governmental body which shall be given the responsibility for inspection and other review of the various components of the development, and which governmental body will collect relevant application and inspection fees. If these responsibilities are to be divided among more than one governmental body, which body shall have overall authority during development, and authority to issue final approval on the development as a whole as a condition precedent to annexation.

3) The development shall conform to the policies contained in an adopted urban growth boundary agreement.
CHAPTER 258

PREEXISTING LOTS AND PARCELS, PREVIOUSLY APPROVED LAND DIVISIONS,
AND NONCONFORMING USES AND STRUCTURES

258.010 PREEXISTING STATUS PROVISIONS:

1) Except as hereafter provided, any unit of land created by division in violation of any county ordinance in effect at the time of such division, is not recognized as preexisting and is subject to the requirements of this ordinance. Any partition or subdivision which received tentative plat approval before October 28, 1980, may be completed in conformance with the requirements of the ordinance in effect at the time of such approval, subject, however, to any time limitations set forth in any ordinance under which such approval was given.

2) Units of land created by division which were not approved as required by any ordinance in effect at the time of division shall be considered illegal parcels. The Department shall not issue building, septic, mobile home set-up, or other development permits for such units of land unless all the requirements of this ordinance are met, including the provisions of Section 01.090.

3) Units of land created prior to October 28, 1980, which would be considered nonconforming under this ordinance, shall retain such status unless or until the parcel or lot is made conforming. Any action which results in a unit of land becoming more conforming shall constitute forfeiture of any right to the less-conforming status, but this provision shall not affect vested rights in preexisting, nonconforming uses.

4) A parcel or lot in the unincorporated area of Jackson County, which is outside of areas designated in the Comprehensive Plan as being in a floodplain or geologic hazard area or designated for urban, industrial, or commercial development, and which was lawfully created by, or transferred to, the present owner by a deed or sales contract executed after December 31, 1964, and before January 1, 1975, shall be considered a lot-of-record. Notwithstanding ORS 197.005 to 197.430, 215.213 and any other provision of law, if at the time a person acquired a lot-of-record, establishment of a single family dwelling was a permitted use on that lot-of-record, Jackson County may not deny that person a permit for a single family dwelling as a result of zoning, rezoning, adopting, or amending the Comprehensive Plan, or changing the text of a zoning code. This provision shall expire on July 1, 1985, but any building permit issued thereunder is valid until July 1, 1987.
258.020 NONCONFORMING LOTS AND PARCELS:

The following provision shall apply to nonconforming lots and parcels:

1) A lot or parcel 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 ordinance requirements.

2) Preexisting lots or parcels may be rendered nonconforming as a result of a change in zoning, but nonconforming lots or parcels shall not be created through the grant of a variance or special permit, except as provided in section 258.050.

3) A lot or parcel which contains more than one single family dwelling and now exceeds the density requirements of the zoning district in which it is located may be divided into separate nonconforming lots only if:

   A) The lot or parcel was legally created and contained more than one legally established single family dwelling prior to September 1, 1973; and

   B) The lot or parcel and dwellings have retained their preexisting nonconforming status based upon section 258.040(1). Section 258.020 (3) does not apply to mobile home parks.

   C) The subject property is not zoned Exclusive Farm Use.

4) Setbacks shall be consistent with Section 280.050 (6), even though such nonconforming lots were created after September 1, 1973.

5) Where any division is for the purpose of acquiring lands to be put to public recreational, park, or natural uses, a recorded declaration restricting use of any property less than the applicable minimum lot or parcel size for such public purpose only shall exempt such tract from any minimum lot or parcel size standard of the applicable zone.

258.030 NONCONFORMING STRUCTURES:

The following provisions shall apply to nonconforming structures:

1) A nonconforming structure may be remodeled, repaired, replaced in-kind, or enlarged, where such work will not render the structure to be in conflict with provisions of this ordinance, such as Chapter 254 (Floodplain), or less in compliance with the requirements of the zoning district.
2) Except as noted in (1) above, if a nonconforming structure is damaged by fire, other casualty, or natural disaster, the structure may be repaired or reconstructed to its original square footage 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.

258.040 NONCONFORMING USES:

The following provisions shall apply to all nonconforming uses, except that aggregate and mining nonconforming uses shall only be subject to Section 258.070:

1) 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 of operations.

2) 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.

3) Alteration of a nonconforming use includes a change in the use of no greater adverse impact to the neighborhood and a change in the structure or physical improvements of no greater adverse impact to the neighborhood.

4) Generally, 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. A limited increase may occur if said increase conforms with (3) above, or when necessary to comply with any lawful requirement for alteration in the use.

5) A preexisting use which is a conditional use in the zone shall be subject to the requirements of Chapter 260.

6) Routine maintenance and repairs which do not constitute an increase in nonconformity may be undertaken. Any maintenance or repairs legally required by a government agency shall be permitted within the intent of this ordinance.
258.050 REQUESTS FOR ALTERATION OF NONCONFORMING USES:

1) The Planning Director is hereby empowered to sit as Hearings Officer 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.

2) The Hearings Officer shall review all such requests for compliance with all applicable requirements of these regulations. Upon finding that the request complies with the requirements, the request shall be approved.

3) The County may require a site plan review permit for an alteration of a nonconforming commercial, industrial, or multi-family housing use pursuant to Clauses 282. A site plan review is required when an alteration causes an increase in traffic, results in a 20 percent increase of land committed to the use, increases floor area by greater than 20 percent, increases value of property more than 50 percent, or paving is proposed in a required setback.

258.060 PREVIOUS OFFICIAL ACTIONS:

1) Any conditional use permit, variance, temporary mobile home permit, reduction of parcel size, as well as change or alteration of a nonconforming use granted or approved by the Jackson County Board of Commissioners, Hearings Council, or the Department after January, 1978, shall be considered valid and may be continued; and, if not developed, may be developed in accordance with conditions, if any, that were attached to the approval.

2) Those conditional use permits, variances, temporary mobile home permits, reduction of parcel size, and change or alteration of a nonconforming use approved prior to January of 1978, which were developed or acted upon in good faith prior to the adoption of this ordinance, and in compliance with any conditions attached thereto, shall be considered preexisting. Alterations or expansions of such actions or permits will require the submission of a new application and processing pursuant to the requirements of this ordinance. Such approved permits and uses which were not developed prior to the adoption of this ordinance shall be considered null and void. Uses or actions based upon such void permits shall be considered a violation of this ordinance.

3) Intent to rezone actions previously approved by the Jackson County Board of Commissioners shall continue in effect in accordance with the provisions included within the intent order.
4) Building permits and mobile home set-ups issued by the Department prior to the effective date of this 1982 ordinance shall be exempt from all provisions of this ordinance.

5) Septic installation permits for residential use, originally issued, renewed, or legally installed and approved prior to the adoption date of this 1982 ordinance, shall be considered as a commitment to use the land for a single-family dwelling only when one of the following requirements are met:

A) The property is within a non-resource zoning district.

B) The property is within a resource zone (OSR, WR, EFU, or FR) and the original septic installation permit was reviewed by the county and found to be in conformance with the applicable Statewide Planning Goals.

When such a situation exists, the issuance of a building permit will be made only when the dwelling meets setback, site plan review, fire safety, and all other applicable requirements of this ordinance, except minimum acreage and non-resource dwelling standards. Dwellings which do not meet the area requirements shall be considered nonconforming.

258.070 AGGREGATE AND MINING NONCONFORMING USES:

1) A use of property for aggregate removal, mining, or quarry operations, or the processing of materials therefrom, shall conclusively be presumed abandoned when all operations in connection with such use have terminated with the intent of the owner and operator not to conduct any such use in the future. For purposes of this ordinance, failure to conduct any such operations for a period of 36 consecutive months shall conclusively be presumed as intent to abandon. After abandonment, use of such property for aggregate removal, mining or quarry operations, or the processing of materials therefrom, shall be subject to all of the provisions of this ordinance except for sporadic emergency short-term use authorized by a public road agency to repair a public road, but only when the aggregate site is owned by a public agency.

2) After the effective date of this ordinance, any expanded use of property for aggregate removal, mining or quarry operations, or the processing of materials therefrom shall be subject to all of the provisions of this ordinance. For such purposes, an expanded use means:

A) Addition of new facilities or equipment not previously utilized at the site.
B) The commencement of methods or procedures of processing such as crushing or blasting not previously performed on such premises.

C) An increase in production of more than 50 percent greater than the average rate calculated over the previous five year period.

D) Any extension of operation to land not owned, leased, or under license on effective date of this ordinance.

258.080 TRANSMISSION FACILITY NONCONFORMING USES:

Transmission facilities, which are not operating under an approved Transmission Facility Siting Permit pursuant to Chapter 273 of these regulations, shall not be allowed to undergo a substantial alteration prior to receiving a Transmission Facility Siting Permit for such substantial alteration. For purposes of this section, a "substantial alteration" is defined as being any modification of any structure, use, or premises which is likely, in the opinion of the Planning Director, to have a significant impact upon adjacent properties or their occupants, or which substantially enlarges the capacity of the facility for transmission or transportation.
CHAPTER 260
CONDITIONAL USE PERMIT

260.010 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.

260.020 PREEXISTING USES:

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 of 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.

260.030 PROCEDURE:

1) A property owner or authorized agent may initiate a request for a conditional use permit by filing an application as provided for in this chapter. The application may contain requests for more than one conditional use listed in the applicable zoning district. The hearing shall be held in accordance with the provisions of section 285.040.

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 applicant and the Council.

3) 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 submittal for a period of not less than one year 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) Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Hearings Council may extend authorization for an additional period not to exceed one year on request. In the case of a planned unit development, the one year shall commence with approval of the final development plan instead of with approval of the planned unit development.

7) A conditional use is considered void if the use is discontinued for a period of one year.

260.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

In order to grant a conditional use permit, the Hearings Council must make the following findings:

1) That the permit would be in conformance with the Jackson County Comprehensive Plan for the area, 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.

2) That the location, size, design, and operating characteristics of the proposed use will have no adverse impact on the liveability, value, or appropriate development of abutting properties and the surrounding area.

3) The permit will be in compliance with other required findings, if any, which may be listed in the zone in which the use is proposed to be located.

260.060 COMPLIANCE WITH ZONING DISTRICT PROVISIONS:

1) An approved conditional use shall comply with the standards of the district in which it is located. The Hearings Council may by their own motion modify, alter, or revoke a conditional use permit when it has been determined there has been noncompliance with conditions set forth in the order granting the permit.

2) In addition to the notice requirements of Chapter 285, a notice of this hearing shall be served on the owner of record of the property in the same manner as a summons is served under Rule 70, Oregon Rules of Civil Procedure.

3) The process for modification or revocation of a permit shall consist of either or both of the following:

   A) Enforcement of the provisions of section 290.030.

   B) A hearings process which shall consist of:
i) An investigation by the Department, of alleged violation of, or noncompliance with the conditions of the permit.

ii) A hearing scheduled pursuant to Chapter 285 in which valid proof of a violation, or noncompliance to conditions is found by the County.

iii) Modification or revocation of a permit may occur after proper notice and such public hearing.
CHAPTER 262
PLANNED UNIT DEVELOPMENT PERMIT

262.010 PURPOSE AND GENERAL CONCEPT:

Traditional zoning establishes zone boundaries, and sets forth permitted uses of land within the various zones and general conditions for such uses, which are intended to apply to individual lots and standard minimum size parcels. Acknowledging that land may be more effectively developed in planned building groups for residential, commercial, industrial, and mixed uses by application of imaginative site design techniques and recognizing the applicability of the objectives set forth in this section, the County intends:

1) To provide for a combination of commercial, industrial, and residential uses on a single site when consistent with the Jackson County Comprehensive Plan.

2) To provide flexibility in the application of the Land Development Ordinance.

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

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

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

6) To best utilize the potential of sites characterized by special features of geography, topography, size, or shape.

7) To permit flexibility that will encourage a more creative approach to the development of land and will result in a more efficient, aesthetic, and desirable use of open space, while at the same time, harmonizing with adjoining development and maintaining population and area coverage which are consistent with the transportation facilities and utilities available, and with the public health and safety standards of the County, and which do not adversely impact neighboring development.

262.020 AUTHORIZATION:

1) The Hearings Council may authorize planned unit developments as conditional uses. The development as authorized shall be subject to
all conditions imposed by the County and shall be excepted from other provisions of this ordinance and the Land Division Ordinance only to the extent specified in the authorization.

2) Planned unit residential developments may be allowed by the County in the Rural Residential (RR), Suburban Residential (SR), Urban Residential (UR), Urban High Density Residential (UR-H), and Neighborhood Commercial (NC) zoning districts when within urban growth boundaries or urban containment boundaries.

3) Planned unit commercial and light industrial developments may be allowed in the Interchange Commercial (IC), General Commercial (GC), General Industrial (GI), Neighborhood Commercial (NC), Light Industrial (LI), and Airport Development-Mixed Use (AD-MU) zoning districts.

262.030 APPLICATION CONTENTS AND PROCEDURE:

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

2) Following this consultation the applicant may prepare a preliminary development plan and submit the application to the Hearings Council. In addition to the general requirements of the Land Development Ordinance, the preliminary plan shall contain the following elements:

A) Development proposal outline consisting of:

i) General schematic maps which depict:

a) The existing topography of the site, percent of slope, and contour map drawn at two (2) foot intervals.

b) Existing land used adjacent to the site, including major thoroughfares, their current design capacity, and proposed future capacity.

c) Location of public uses, including schools, parks, playgrounds, and other open spaces on the proposed site or nearby area which are needed to serve the development.

d) Common open spaces designated on the map and a written description of the proposed development and use of these spaces.

ii) A written statement which is part of the development proposal outline shall contain:
a) An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the special provisions contained in this Chapter.

b) A financial capability report indicating prospective sources of funds and persons or groups having a financial interest in the project.

c) Evidence of ownership or control of the parcel(s) proposed for development, including location by legal description of the property, addresses of the applicant, owners, and designers of the development.

d) A general indication of the expected development schedule.

e) Method, operation, and maintenance proposals for water supply, sewage disposal, fire protection, open space and recreation, area maintenance, and drainage.

B) A tentative plat or map as required by the County Land Division Regulation.

C) Where replatting is required, the site plan shall be superimposed upon a drawing which depicts all property lines, lot numbers, utility lines, and easements or streets of the original plan(s) to be resubdivided.

D) A plot plan, if any, showing the approximate location and height of buildings, structures, and other improvements, and indicating the open spaces around buildings and structures, and existing trees to be preserved or destroyed.

E) Location and design of off-street parking or loading facilities, showing points of ingress and egress from the site, numbers of stalls, and arrangement.

F) The location, direction, and bearing of any major physiographic features such as streams, irrigation canals, or shorelines.

G) Elevation and perspective drawings of proposed structures may be submitted at the option of the applicant.

H) A development schedule indicating:

   i) The approximate date when construction of the project will begin.
ii) The phases in which the project will be built and approximate starting dates for each phase, if any.

iii) The area, location, and degree of development of common open space that will be provided at each phase, if the development is completed in phases.

I) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its open space areas.

J) The following plans and diagrams:

i) A circulation plan indicating proposed circulation of vehicles, goods, and pedestrians within the planned unit development and to/from thoroughfares. Any special engineering features and/or traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern will be shown.

ii) A schematic landscape plan.

iii) A preliminary drainage and grading plan shall be prepared by an Oregon licensed civil engineer or landscape architect for the collection and transmission of runoff water.

262.040 PERMITTED USES:

The following are permitted in a planned unit residential or mobile home development:

1) A permitted or conditional use in the primary zoning district in which the development is located.

2) Varied use and mixing of housing types including single family dwellings, duplexes, townhouses, multi-family dwelling groups, and accessory buildings and uses.

3) Temporary offices for real estate sales and development of the project.

4) Commercial service supported mainly by the residents of the development.

5) Mobile home sales provided:

   A) The standards for mobile home parks contained in Chapter 270, including density provisions are satisfied.
B) Mobile homes shall not be occupied until all construction has been completed and certified by the Oregon Department of Commerce.

6) A planned unit residential development which includes commercial uses as well as dwellings shall be permitted only if the design ensures adequate buffering features to protect dwellings within the development and adjacent to it from traffic, noise, and similar adverse influences associated with commercial uses. Dwellings may be situated within commercial uses.

The following uses are allowed in planned unit commercial or industrial developments:

1) A use permitted outright or conditionally in the primary district.

2) Varied arrangement and location of commercial or industrial building types and designs.

3) Single or multiple family dwellings if designed with adequate buffering.

262.050 GENERAL STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

1) The perimeter setback requirements established for the zone shall apply to the planned unit development, except when otherwise increased or decreased by the Hearings Council.

2) Building height shall not exceed the requirements for the zoning district in which the planned unit development is located, unless otherwise allowed by the Hearings Council, where it can be demonstrated that surrounding open space within the planned unit development, building setbacks and other design features are used to avoid any adverse impact due to greater height.

3) If the interior project spacing between main buildings is not equivalent to the spacing required between buildings similarly developed under this ordinance on parcels conforming to the normal requirements of the zoning district, other design features shall provide light and solar access, ventilation, privacy, and other characteristics equivalent to that obtained from the normal spacing requirements of the district.

4) The lot coverage for any planned unit development shall not exceed that which is permitted for other development in the zone.

5) All electrical, telephone, or cable television utilities shall be located underground.
6) Off-street parking and/or loading facilities for a planned unit development shall not be less than the sum of the required parking and/or loading facilities for the various uses computed separately.

7) Fire safety provisions normally required for the district shall be installed. In no instance shall spacing of buildings or permitted setback reductions create access problems for fire fighting equipment.

8) The layout and design of parcels and the siting of structures shall be oriented to take advantage of solar insolation when practical.

252.060 SPECIAL LANDSCAPING 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.

3) The following minimum area of each planned unit development shall be landscaped:

<table>
<thead>
<tr>
<th>Minimum % of Lot Area to be Landscaped</th>
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<tbody>
<tr>
<td>A) Residential planned unit development</td>
</tr>
<tr>
<td>in Rural Residential (RR), Suburban Residential (SR-2.5 or SR-1), Urban Residential (UR-10, UR-8, UR-6, or UR-4.5), Urban High Density Residential (UR-H), or Neighborhood Commercial (NC) districts.</td>
</tr>
<tr>
<td>B) Commercial or industrial planned unit development in Light Industrial (LI), Interchange Commercial (IC), Neighborhood Commercial (NC), General Commercial (GC), Airport Development-Mixed Use (AD-MU), or General Industrial (GI) zones.</td>
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</table>
C) These minimum landscaping standards may be increased by the Hearings Council as required to buffer adjacent uses or interior mixed uses within the planned unit development.

4) There shall be specified minimum areas of open space for usable recreation areas within duplex and/or 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, all irrigation facilities, and a maintenance plan. Such plan must meet the minimum requirements as presented in this Chapter.

6) All required setback areas abutting public streets shall be landscaped (including parking facilities); such areas will be included in area computations. Trees and landscaping shall be placed randomly throughout parking areas/lots.

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. The location of trash receptacles shall take into consideration the noise impacts on adjacent properties.

262.070 SPECIAL STANDARDS FOR MOBILE HOMES IN PLANNED UNIT DEVELOPMENTS:

In addition to general location and landscaping standards, mobile home planned unit developments shall satisfy the following requirements:

1) Mobile homes shall be placed on permanent foundations under either of the following situations:

   A) Foundations shall be excavated to below ground level to allow placement of the mobile home at grade level, and the tongue, axles, and wheels must be removed.

   B) The tongue, axle(s), and wheels shall be removed and the entire exterior of the mobile home shall be skirted from the ground up to the bottom of the unit.

262.080 COMMON OPEN SPACE STANDARDS:

1) In residential planned unit developments there shall be a minimum of 25 percent of the site, excluding roads, parking areas, or commercial and industrial uses, set aside, dedicated, or reserved as common open space. This percentage may be considered part of the landscaped area required by section 262.060.
2) No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

A) The common open space is for amenity or recreational purposes and is appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the number and type of dwellings provided.

B) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space, and will conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.

C) No more than one-half of the common open space requirement may be met with land having slopes exceeding 25 percent or with submerged, marshy, or boggy land.

D) The development schedule which is part of the development plan shall coordinate the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.

E) If buildings, structures, or other improvements are to be made in the common open space, the developer shall post a bond or other adequate assurance that the buildings, structures, and improvements shall be completed. The Planning Department shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.

3) Land shown on the final development plan as common open space shall be conveyed under one of the following options:

A) To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

B) To an association of owners or tenants, created as a nonprofit corporation under the laws of this state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the County legal counsel as providing for the continuing care of the open space. Such an association shall be formed and continued in perpetuity for the purpose of maintaining the common open space.
4) No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved by Jackson County.

5) If the common open space is not conveyed to a public agency, the County shall be authorized to enforce the provisions of covenants governing the use, improvement, and maintenance of the common open space.

6) Jackson County shall only accept the dedication of any common open space when it is provided for general public use and is specifically authorized by the Board of County Commissioners.

7) The following deed restrictions shall be placed on the planned unit development lots and the remaining land:

   A) To commit the open and resource land to continued management and preservation of such use.

   B) To acknowledge that the development rights to the common open space land have been utilized and no further development may occur beyond the allowable density established by this ordinance.

   C) The governing body of Jackson County shall be a party to these restrictions.

   D) Any amendment to these restrictions may only occur with the consent of all parties, including the Jackson County Board of Commissioners.

262.090 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 the property is suitable due to its 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 a planned unit development.

262.100 DWELLING UNIT DENSITY:

Dwelling unit density per gross site acre shall not exceed that allowed within the requirements of the primary zoning district where the planned unit development is located. Where commercial or industrial uses are contained within a planned unit development, in addition to residences, the land area occupied by such uses and streets shall not be included in the land area used to calculate the permitted number of dwelling units.
262.110 FINDINGS FOR PROJECT APPROVAL:

A planned unit development shall be approved only if it satisfies the following standards in addition to those specified in Chapter 260:

1) The proposed planned unit development meets the minimum standards specified in this Chapter for such development.

2) The existing and natural features of the land have been considered in the plan of the development and important features utilized for open space and common areas.

3) The development will not have a substantial adverse affect on the area surrounding the project site in terms of air and water quality, public facilities, natural hazards, or scenic quality.

4) The development will be planned and constructed to ensure a high degree of safety for users of the development and neighboring areas.

5) There can be provided adequate circulation facilities to, in, and around the project such that future development is not impeded nor are areas of undue congestion created.

6) The development will not require roads, streets, or county services beyond that required by a typical lot-by-lot development, or that in cases where increased services are required, compensation will be paid for these services by the developer.

7) There are adequate provisions for the maintenance of open space and common areas, and if developments are to occur in phases, that early phases have the same or higher ratio of amenities as proposed in later phases of the development.

8) In commercial or industrial developments, that such development be efficient and well organized with adequate access, service, and storage.

262.120 APPROVAL PROCEDURES FOR THE PRELIMINARY DEVELOPMENT PLAN BY THE HEARINGS COUNCIL:

1) The procedures for review of a tentative plat as specified in section 20.040 of the Land Division Regulation shall be followed;

2) In addition the following procedures shall be adhered to:

   A) The staff report shall discuss the desirability of the planned unit development in terms of the degree to which the proposal conforms or fails to conform to standards and criteria specified in this Chapter, and it shall recommend conditions to be met.
B) A preliminary development plan may be submitted, reviewed, and approved in stages not to exceed six months for the total review, once the development proposal outline has been approved by the Hearings Council.

C) The Hearings Council may approve, approve with modifications, or disapprove the planned unit development based upon standards and criteria listed in this Chapter. Modifications or conditions which may be imposed include, but are not limited to the following:

i) 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.

ii) 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 areas pursuant to section 262.060.

iii) Require sidewalks, dedicated rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes.

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

v) Restrict heights over 35 feet and/or increase setbacks up to an additional 20 feet.

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

vii) Require a certain type and placement of lights for outdoor circulation and parking facilities. Such lighting shall not directly shine or reflect upon adjoining properties.

viii) Require environmental and/or economic impact studies.

D) The hearing may be continued for more information upon the mutual consent of the Hearings Council and the applicant.

E) The applicant shall notify the County in writing if the proposal is to be abandoned prior to the final approval of the planned unit development.
262.130 APPROVAL OF THE FINAL DEVELOPMENT PLAN:

1) Within 12 months following the approval of the preliminary development plan, the applicant shall file with the Hearings Council a final development plan containing, in final form, the information required by the preliminary plan, along with conditions which may have been imposed by the Hearings Council, and a final plat as required by the Land Division Regulation.

2) If the Hearings Council finds evidence of a material deviation from the preliminary development plan, the applicant shall be advised to submit an application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application.

3) Any and all improvement work, including the construction and inspection of county roads by the Department of Public Works shall be the responsibility of the applicant prior to submittal of a final plat or map to divide the property. Where the applicant intends to post a bond or provide other assurances in lieu of completing the improvements, pursuant to Chapter 55 of the Land Division Regulation, such bond or assurances shall be to the satisfaction of the Planning Director or other administrative official of the applicable agency or utility company, as a condition of final approval by the Hearings Council.

4) In the event that construction has not commenced within one year after final approval is granted, or having commenced construction and discontinued for one year, no development or further development shall take place on the site without the approval of the Hearings Council. However, the Hearings Council may grant an extension of the one year period as it deems appropriate.

262.140 CHANGES TO A PLANNED UNIT DEVELOPMENT SUBSEQUENT TO ITS COMPLETION:

The final development plan shall continue to control the planned unit development after it is completed and the following shall apply:

1) The Planning Director, in issuing a certificate of completion of the planned unit development, shall maintain a record of such certificates.

2) After the certificate of completion has been issued, the use of the land and the construction, modification, or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.
3) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:

A) Minor modifications of existing buildings or structures may be authorized by the Planning Director if they are consistent with the purposes and intent of the final plan and do not significantly increase the square footage of a building or structure.

B) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is in compliance with the final development plan.

4) An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development; if it is appropriate because of changes in conditions that have occurred since the final development plan was approved, or because there have been changes in the development policy of the community as reflected by the Jackson County Comprehensive Plan or related land use regulations.

5) No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures, and improvements within the area of the planned unit development; and, all rights to enforce these covenants against any change permitted by this section are expressly reserved by the county.
CHAPTER 266
HISTORIC LANDMARK ALLOWABLE USE PERMIT

266.010 PURPOSE:

To ensure increased protection and provide for a variety of allowable uses for historic landmarks that will encourage rehabilitation and continued preservation of the unique qualities of these nonrenewable resources. To provide for the use of those landmarks, uses which may not be permitted, or conditional uses within the zoning district.

266.020 AUTHORIZATION:

The County, with a recommendation of the Historic Advisory Commission, shall ensure preservation of the County's historic resources by providing for an historic landmark permit system to allow a change of use to a more intensive yet allowable use of an historic landmark. The holder of said permit shall be required to apply for a demolition or moving permit under the authorization of the county when such action is contemplated. This Chapter applies to all sites indicated in the Jackson County Historical Sites Survey, 1979, as amended, until such time as the Jackson County Register of Historic Landmarks is adopted.

The two categories, allowable use and demolition and moving, are expanded as follows:

1) Allowable Use: The County may authorize an Historic Landmark-Allowable Use Permit where it has been determined a more intensive use, not presently listed in the zoning district under permitted or conditional use, will encourage and facilitate the rehabilitation and preservation of the historic landmark.

2) Demolition, Moving, and Exterior Remodeling: Officially designated historic landmarks listed on the Jackson County Register of Historic Landmarks shall not be demolished, moved, or remodeled prior to the issuance of a permit for said purpose from the County. The decision shall be based on criteria stated under section 266.060 and 266.080.

266.030 JURISDICTION:

The Board of County Commissioners shall appoint an Historic Advisory Commission which shall:

1) Review and act upon nomination applications of historic resources to the Jackson County Register of Historic Landmarks.

2) Institute and administer a program for revising the Jackson County Historical Sites Survey to provide for additions, corrections, or deletions.
3) Remove properties from the Jackson County Register of Historic Landmarks when an historic landmark has deteriorated, has been altered or destroyed, or no longer possesses its historic values.

4) Research the creation and use of an historic revolving fund to help owners improve historic sites.

5) Review and advise the Planning Commission and the Board of County Commissioners on historic aspects of plans, goals, policies, and programs that are being considered for adoption, revision, or the impact of plans, goals, policies, and programs on historic resources.

6) Review and advise the Hearings Council on the application of the Historic Landmark Allowable Use Permit (see definition) as created under the zoning regulations.

7) Advise the Hearings Council on application to move, demolish, or remodel an historic landmark that has received an Historic Landmark Allowable Use Permit.

8) Institute and administer a program to acquire an Historic Revolving Fund gift, and to hold historic easements which should include but not be limited to facades, interiors, and open spaces; and provide grants on low interest loans for repair or restoration efforts.

9) Institute and support such programs and projects as will help make the citizens of the County and its visitors aware of the County's origin, development, and historic significance (public brochures, illustrating the County's historic resources; historic preservation policies and programs; guidelines for repairs and maintenance of historic resources).

10) Enlist citizen participation and support in continuing programs designed to recognize and preserve County heritage.

11) Develop such forms and adopt such rules and regulations as are necessary or appropriate to establish the Commission's powers and duties, and the County's historic preservation policy.

12) Take all steps necessary to preserve historic landmarks which are consistent with the public health, safety, general welfare, and policies of the County.

266.040 REFERENCE:

The following documents and their performance standards are hereby adopted by reference and made a part of this ordinance:
1) Jackson County Register of Historic Landmarks.

2) State of Oregon Uniform Building Code, Chapter 41, Historical Buildings (Section 4101-4105).

3) Historic Advisory Commission.


5) The Jackson County Historical Sites Survey, 1979, as amended.

266.050 APPLICATION:

1) Historic Landmark - Allowable Use Permit: The property owner or authorized agent of an historic resource, listed in the Jackson County Historic Sites Survey, 1979, as amended, until the Jackson County Register of Historic Landmarks is adopted and supersedes the survey, requesting a change of use to a more intensive use for the landmark not presently provided for in the zoning district under the permitted or conditional uses, shall submit an application to the Historic Advisory Commission, which will recommend denial or approval with conditions to the County for an Historic Landmark - Allowable Use Permit. The application with the accompanying materials shall be submitted to the Planning Department staff, prior to review by the Historic Advisory Commission and the public hearing.

The application provided for in this section shall be made on forms prescribed by the County. Applications shall be accompanied by:

A) A statement of the landmark's historic significance.

B) A description of the physical appearance and condition of the landmark.

C) A statement of need.

D) Plans and specifications drawn to scale, showing the actual shape and dimensions of the lot to be used.

E) The sizes, shapes, dimensions and locations on the lot of all existing and any known previous structures.

F) The historic, present, and intended use of each structure.

G) The existing landscape and landscape features.
H) The relationship of the property to the surrounding area.

I) Black and white, 8" X 10" photographs of the exterior of the building, locations of required exterior alterations, and an explanation clearly describing where the work is to be performed.

J) Proposed interior alterations required for the allowable use shall be shown on floor plans and specifications drawn to scale, showing the shape, size, and dimensions of all interior spaces.

K) Black and white, 8" X 10" photographs of the interior architectural features, which shall show the following: Significant architectural features; a general feeling of the spaces; locations of required interior alterations with an explanation clearly describing where the work is to be performed, and such other information as is needed to determine conformance with this ordinance.

266.060 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

1) In order for the Historic Advisory Commission to recommend approval of an Historic Landmark-Allowable Use Permit, they must find all of the following:

A) That the permit would be in conformance with the historic resources section of the Jackson County Comprehensive Plan.

B) That the existing zoning district's permitted uses do not allow for the proposed use.

C) That the proposed use is appropriate and will assist in preserving the significant physical characteristics of the historic landmark.

D) That the physical changes necessary for the proposed use will not require substantial alteration, thus diminishing the historic significance of the historic landmark.

2) Where application has been made for a demolition, moving, or exterior remodeling permit of an historic landmark, a 90 day stay of issuance shall be in order while the Historic Advisory Commission and the historic landmark owner shall prepare an economically feasible plan for preservation of the historic landmark. The possibilities of purchase of this historic landmark by interested persons, organizations, or governmental agencies shall be explored. In order to grant an historic landmark demolition, moving, or exterior remodeling permit, the Historic Advisory Commission must determine that:
A) The historic landmark constitutes a hazard to the safety of the public or its occupants.

B) The improvement project is of substantial benefit to the County, cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic landmark.

C) The retention of the historic landmark would cause financial hardship to the owner which is not offset by public interest in the landmark's preservation.

266.070 CONDITIONS OF APPROVAL:

1) Historic Landmark - Allowable Use Permit: The County, upon the recommendation of the Historic Advisory Commission shall require the historic landmark owner and permit holder to apply The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior, National Park Service, Washington, D.C., January, 1980 (rev.), as adopted by reference (section 266.040). In prescribing conditions, the Historic Advisory Commission shall consider any factors relevant to the proposed use, which may include:

A) Parking.

B) Preservation of existing landscape and landscape features.

C) Access.

D) Signs.

E) Noise.

F) Open space.

G) Scenic resources.

H) Natural resources.

I) Drainage.

J) Overall long-range community effects.

K) Any other factors deemed to be relevant to the application.
266.080 HISTORIC LANDMARK DEMOLITION, MOVING, OR REMODELING PERMIT:

1) A permit is necessary for the demolition or moving of any historic landmark identified in the Jackson County Historical Sites Survey, 1979, as amended, until such time as the Jackson County Register of Historic Landmarks is adopted. An application for a demolition or moving permit shall be made to the County. The applicant shall show reasons for requesting a permit as stated under Section 266.050. The application shall provide information adequate to determine conformance with this ordinance.

2) If a designated historic landmark is to be demolished or moved, the County shall direct the Historic Advisory Commission to work with the landmark owner in recording the historic landmark and its setting by means of photographs, pictures, artifact, architectural detail salvage, written description, measured drawings, oral histories, or other means of documentation, to be kept as public property under the auspices of the Southern Oregon Historical Society.

3) A permit is required for the remodeling of an historic landmark that has received an Historic Landmark-Allowable Use Permit. An application for a remodeling permit shall be made to the County submitting the requested materials as stated in Section 266.050.
CHAPTER 268
SOLID WASTE DISPOSAL PERMIT

268.010 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, Jackson County intends:

1) To provide for the collection, storage, transfer, treatment, recycling, 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.

4) To provide a mechanism to establish a special site for the temporary collection and storage of toxic or hazardous wastes, subject to receipt of all appropriate permits or licenses required under ORS 459, and Oregon Administrative Rules, Division 63.

268.020 REFERENCE:
The following document and amendments thereto, are hereby adopted by reference and made a part of this ordinance:
Solid Waste Franchising and Nuisance Abatement Ordinance, County of Jackson.

268.030 USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS:
The following uses, if allowed as a permitted use in the zoning district, shall be subject to administrative approval by the Planning Director or shall be reviewed as a conditional use by the Hearings Council if listed as such in the zoning district within which the use is proposed to be located:

1) Sanitary landfill.

2) Landfill.

3) Solid waste transfer station.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
4) Special site for the temporary storage of toxic or hazardous waste (subject to the receipt of all appropriate permits or licenses required by the State of Oregon), pursuant to ORS 459.

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.

268.040 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.

268.050 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

The standards and criteria for action on the application shall be those
listed in section 260.040. 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.
1) Recycling Drop Box: Recycling drop box is for the depositing and temporary storage of recyclable materials including paper, glass, metal cans, or other recoverable materials provided they are not injurious to public health and that:

A) The drop box for recyclables shall be containerized, covered, and not located in such a manner as to constitute a fire hazard.

B) The organization responsible for recycling the materials left at such drop boxes shall pick up such materials on a regular basis and shall be responsible for keeping the area immediately around the drop box clean and free of debris or waste.

C) Prior to the placement of any recycling drop box, the organization responsible for recycling the materials must apply for an annual permit from the Department of Planning and Development. The department shall issue the permit if it is determined that:

i) The responsible drop box will be located at least 200 feet from the nearest residence, or that those residing within 200 feet of the drop box have indicated in writing that they have no objection to the placement of the recycling drop box.

ii) The recycling drop box shall not occupy an area greater than 144 square feet.

iii) No structures shall be higher than 56 inches measured from ground level.

iv) In the opinion of the Planning Director, placement of the recycling drop box will not likely have an adverse impact on adjoining property owners. The Planning Director may attach conditions to the placement and operation of a recycling drop box if it is determined that said conditions are necessary to ensure that the use will not be injurious to property and improvement in the area of the request, and to ensure the use will not be detrimental to the health, safety, and welfare of persons residing or working in the area where the recycling drop box will be located. Proposed recycling drop boxes which deviate from the above standards must be found to conform with the provisions of Chapter 260 by the Hearings Council after submitting and processing an application for a conditional use permit as required by Chapter 260.
D) The department may revoke a permit for a recycling drop box if any of the above standards are violated. The recycling organization shall remove their drop boxes within 30 days of being notified in writing by the department that said permit has been revoked. All decisions of the department may be appealed to the Jackson County Hearings Council.

E) The department shall annually review permits which have been issued for recycling drop boxes. If the department determines that the conditions outlined or required by the provisions of Section 3) above are being met, the permit shall be reissued.

2) Solid Waste Collection Site: Solid waste collection sites may be approved by the Planning Director provided:

A) The receptacle(s) for refuse disposal is containerized and covered.

B) That the site is visually screened by fencing and plant material.

C) That contractual arrangements for pickup specify that the franchise holder shall be responsible for keeping the immediate area surrounding the site clean and free of debris and waste.
CHAPTER 270
MOBILE HOME PARK PERMIT

270.010 PURPOSE:

To provide desirable and affordable alternatives to conventional housing at suburban and urban densities within urban growth or urban containment boundaries, where public utilities and facilities are available to service mobile home parks; to provide standards for new mobile home parks to assure protection of health, safety, welfare and general convenience of the people of Jackson County; and, to provide a means for improving and upgrading existing nonconforming mobile home parks, consistent with the provisions of the Jackson County Comprehensive Plan.

270.020 APPLICATION OF PROVISIONS:

1) No person shall establish or enlarge a mobile home park without first obtaining the required approvals and permits as required by this ordinance.

2) New mobile home parks must be within an adopted urban growth boundary or urban containment boundary, unless the proposal is for expansion of an existing park.

3) The following rules, regulations and statutes must be adhered to by any applicant for a mobile home park permit in addition to all requirements included in this ordinance:

   A) Oregon Revised Statutes regarding mobile home parks.

   B) Oregon State Health Division administrative rules regarding mobile home parks.

   C) Oregon State Department of Commerce administrative rules regarding mobile home parks.

270.030 APPLICATION PROCEDURE:

An applicant proposing to construct or enlarge a mobile home park shall meet the following requirements:

1) Submit an application for a conditional use permit and pay the appropriate application fee.
2) Submit an area map at an appropriate scale and showing the general neighborhood, roads, existing structures and facilities, hazard areas, and other significant features in the area.

3) Submit a map of the proposed site showing all existing landscape features, topography with contour intervals at five feet or less, drainage features, existing structures, and existing vegetation.

4) Submit a preliminary drawing indicating the general layout and design of the project, prepared at a suitable scale, and including all roads, boundaries, walkways, proposed permanent structures and recreational areas, parking and storage areas, and other required facilities. Include approximate dimensions, where appropriate.

5) Submit a preliminary utility plan, indicating sewerage, water, solid waste, electric, natural gas (if applicable), telephone, cable television, and storm water runoff facilities.

6) Submit a conceptual landscaping plan indicating all existing vegetation to be retained and all proposed landscaping features including trees, shrubs, grass, fences, berms, open space, and so on.

7) Supplement the above plans, maps, and drawings with written proposals for domestic water supply, sewage disposal, solid waste disposal, fire protection, local school capability, and resolution of adverse impacts to neighboring uses/properties.

270.040 FINDINGS:

A decision of the Hearings Council to approve or deny a mobile home park development shall be based, at a minimum, on the following findings:

1) The proposal is consistent with section 260.030 of this chapter, and other provisions of this ordinance.

2) The proposed development shall be completed prior to siting of individual mobile homes for each approved development stage of the mobile home park.

270.050 APPROVAL OF FINAL PLANS:

Upon approval of the proposed mobile home park by the Hearings Council, the Chairman of the Hearings Council shall sign unmarked copies of all approved plans, which shall be retained as part of the official record of these proceedings. Any deviation by the applicant, contractor, or subcontractor, under authority of the applicant or his agent, from the official signed plans during and after consideration, shall be cause for revocation at a public hearing of any and all permits and approvals, as provided in section 260.050.
MANDATORY DESIGN STANDARDS AND REQUIREMENTS FOR NEW MOBILE HOME PARKS:

1) Mandatory requirements:

A) The proposed mobile home park must be within an adopted urban growth boundary or urban containment boundary, unless the proposal is for expansion of an existing park.

B) State Health Department and Department of Commerce requirements must be met.

C) Layout and design of new mobile home parks and siting of dwelling units or other structures occupied by people shall be oriented to take advantage of solar insolation when practical.

D) A minimum of 4,500 square feet per site for double-wide mobile home units, or 2,800 square feet per site for single-wide mobile home units, providing that the dwelling unit density for a new mobile home park shall not exceed the allowable density of the district in which it is located.

E) Access roads to mobile home parks must be a paved state, county, or city owned and maintained road.

F) Internal roads in mobile home parks must be paved to county standards and shall meet all of the following standards:

   i) Internal roads without parking shall have a paved width of 18 feet.

   ii) Internal roads with parking on one side shall have a paved width of 26 feet.

   iii) The base, top course, and compaction of such paved roads shall meet specifications of a licensed civil engineer.

   iv) The layout and design of the mobile home park shall be approved for fire safety by the Chief of the Rural Fire District in which the park is to be located.

G) Unified underground electrical system.

H) Community or public sewage system (individual septic tanks prohibited).

I) Screened garbage containers, conveniently located.
J) Underground phone service.
K) Provision for natural gas if adjacent to property.
L) Community/public water system (individual wells prohibited).
M) Cable T.V. (underground cable) if adjacent to property.
N) Property must be within a rural fire protection district.
O) Fire hydrants required every 500 feet; water pressure and volume to meet rural fire protection district minimum requirements.
P) Street lights with one foot candle illumination shall be provided. Light from such fixtures shall be directed away from and not shine or reflect upon adjacent properties.
Q) Two off-street parking spaces (9 feet X 18 feet each), on each site.
R) Site coverage: 50 percent maximum for all structures.
S) Patio - per site: Each 120 square foot maximum; asphalt, concrete, or equivalent.
T) Skirting required for all mobile home units; ground up to the unit and around the entire circumference.
U) Walkways and bikeways: Three and one-half feet wide; paved or hard-surfaced.
V) Landscaping/open space/natural area: A standard of 200 square feet per unit each, to be located in the park, and a ten foot buffer zone at the outer edge of the park 20 feet from the road shall be applied to the entire park. Landscaped areas shall be maintained.
W) Perimeter setback requirements are the same as for other uses in the primary zoning district.
X) Storm water drainage facilities.
Z) Visitor parking and storage area for extra vehicles or equipment.

2) Where mobile home parks are proposed within a planned unit development, mandatory design standards listed above may be modified by the Hearings Council.
270.070 EXPANSION OF EXISTING MOBILE HOME PARKS:

1) It is recognized that existing mobile home parks do not meet all the mandatory requirements for new mobile home parks. It is anticipated that some existing mobile home parks will not be able to meet all mandatory requirements proposed for expansion.

2) As a condition of expansion of an existing park, the Hearings Council shall determine the extent and nature of improvements required in the existing park. Expansion of an existing nonconforming mobile home park will only be allowed when such expansion also includes substantial improvements in the existing mobile home park, to such a degree that the existing park including the expanded area is more in conformance with the provisions of this ordinance, and more compatible with the neighborhood in which the park is located.

3) This section expressly prohibits the Hearings Council to allow an increase in density of a mobile home park which already exceeds allowable density unless the Hearings Council finds that such increase is:

   A) Required to allow improvement of the older part of the mobile home park; and,

   B) Such increase is compatible with the neighborhood; and,

   C) The increase in density is the minimum necessary to achieve the purpose of this Chapter; and,

   D) The water and sanitary facilities will be adequate to meet the needs of the park's present and future residents.

4) The Hearings Council may require that some existing mobile homes within the park, be moved to the expansion area to make the mobile home park, as a whole, more conforming with the density standards of the zoning district and the provisions of this Chapter.
CHAPTER 272

CONDITIONAL USE PERMITS FOR AGGREGATE OPERATIONS

272.010 GENERAL CONCEPT:

This section provides for a method to remove and process aggregate materials in Jackson County without the necessity of changing zoning districts. It further establishes the standards and criteria that must be adhered to. The intent of the operation standards in section 272.050 is to ensure that aggregate operations are consistent with the public health, safety, and welfare.

272.020 AUTHORIZATION:

All rules and regulations pertaining to conditional use permits found in Chapter 260 shall be applicable to Aggregate Resource Site Permits in addition to those found in this section.

272.030 APPLICATION PROCEDURE:

An application for an Aggregate Resource Site Permit is processed as a conditional use.

272.040 USES WHICH MAY BE PERMITTED:

The following uses may be permitted subject to the standards listed below and if the provisions of Chapter 260 are satisfied:

1) Removal and excavation of aggregate materials.

2) Processing of aggregate materials.

3) Concrete or asphalt batch plants.

4) Buildings, structures, apparatus, or appurtenances necessary or accessory to the operation of the aggregate area.

5) Residence for the caretaker, owner, or operator. In no case shall the number of residences exceed those permitted by the primary zoning district.

6) Stockpiling of aggregate products.

7) Manufacture and fabrication of concrete and aggregate products if accessory to the removal and excavation of aggregate materials.
8) Sale of products related to aggregate materials if in conjunction with the removal, processing, or excavation of aggregate materials, or the manufacture and fabrication of concrete and aggregate products.

9) Storage of heavy equipment necessary for the aggregate operation.

10) Sedimentation ponds.

272.050  APPLICATION AND OPERATION STANDARDS:

The following minimum application and operating standards shall be observed for each aggregate resource site operation approved by the Hearings Council in Jackson County:

1) The applicant(s) must have, or obtain, necessary permits from the Department of Geology and Mineral Industries, Department of Environmental Quality, and all other affected agencies, prior to beginning the aggregate operation. The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

2) Visual Impacts: Existing trees and other natural vegetation adjacent to any public park, residential development, or residential zoning district shall be preserved for a minimum width of 25 feet. If such trees and other vegetation are insufficient to provide a screen, screening shall be provided at the boundary of the property on which the surface mining operation is located, in the form of a fence, wall, or a landscaped berm or natural vegetative cover to supplement any screening due to a natural slope or vegetation.

3) Water Quality: All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable material, or adversely affect water temperatures in any stream, drainage, creek, or river. The applicant must provide reasonable assurance showing that the aggregate operation shall not result in stream bank erosion and shall not result in a change in the location of the stream channel, unless approved by the Jackson County Hearings Council and all applicable state and federal agencies. Each aggregate site shall obtain a Department of Environmental Quality Waste Water Discharge Permit, when applicable.

4) Surface mines shall be operated in a manner such that dust, odors, or other air pollutants will not adversely affect land uses on adjoining properties. All roads on private land which are in the Air Quality Maintenance Area (AQMA) shall be maintained in a dust free condition. All roads on private land which are outside of the Air Quality Maintenance Area shall be maintained in a dust free condition when within 300 feet of a residence.
5) Include a written description of general types of equipment used in the operation and estimates of noise levels anticipated during operation periods.

6) Observe the following minimum operational setback requirements:

A) No extraction or removal of minerals is permitted within 25 feet from the right-of-way of public roads or easements of private roads.

B) No extraction or removal of minerals is permitted within 50 feet of another property, nor within 200 feet of any zoning district which lists a dwelling or a farm dwelling as a permitted use in the zone without written consent of the adjacent owner.

C) Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of another property or within 200 feet of a zoning district which lists a dwelling or a farm dwelling as a permitted use in the zone without the written consent of the adjacent owner. Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of a public road right-of-way.

7) Unless otherwise established by the Hearings Council, operating hours shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily.

8) Slopes and Grading: Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Oregon Safe Employment Act (ORS 654.001 to 654.295, and 654.991), the Oregon Safety and Health Act of 1970 (19 U.S.C. 651 et. seq.), the Department of Geology and Mineral Industries, and the regulations of other affected agencies.

9) Flood Hazard: No debris shall be allowed to accumulate, no dikes shall be constructed, nor shall other activities take place which may obstruct the flow of water within a floodway, unless specifically authorized or required by affected state agencies, and if allowed, by the regulations of the Federal Emergency Management Agency and Chapter 254.

10) Time or Yardage Limitation: The operator shall establish either a time duration or cubic yard limit. Continuation of aggregate mining activity beyond the time duration, or in excess of the yardage limit which has been found acceptable by the Hearings Council, may require a review and re-issuance of an Aggregate Site Permit by the Hearings Council.
11) Land Reclamation: A land owner or an operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Department of Geology and Mineral Industries. Reclamation must return the land to natural condition or return it to a state compatible with land uses identified by the Comprehensive Plan map.

272.060 MODIFICATION OF STANDARDS:

The above standards may be modified by the Hearings Council.

272.070 REVIEW REQUIRED:

Each application for an Aggregate Resource Site Permit shall be co-signed by the landowner, if different from the applicant, and be submitted by the Department to the Aggregate Site Committee for review prior to the public hearing before the Hearings Council. The committee shall issue a recommendation and findings, in writing, for consideration by the Hearings Council within ten calendar days of their receipt of the information, and same shall also be distributed to the applicant.

272.080 EMERGENCY EXCEPTION:

The Department may permit the immediate initiation of a temporary aggregate operation which ordinarily would require an approved conditional use permit if necessary to prevent potentially serious damage to property or threat to human life. The Department may permit the initiation of such an aggregate operation only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. The Department may adjust operation standards as contained in section 272.050, if necessary, to better ensure the protection of human life and property. An aggregate operation approved under this section shall cease once the threat to human life and property is no longer serious or imminent.
CHAPTER 273
TRANSMISSION FACILITY SITING PERMIT

273.010 AUTHORIZATION

The purpose of the Transmission Facility Siting Permit is to allow the siting of transmission facilities which by necessity are to be located in more than one zoning district. Such facilities may be permitted or altered by the Board subject to the procedures, standards, and criteria of this chapter, notwithstanding any conflicting provision of this ordinance. Any facility covered by the terms of this chapter may not be constructed or altered unless the owner has first obtained a permit pursuant to this chapter; and any such facility must be sited within the corridor as described in an approved permit pursuant to this chapter.

273.020 APPLICATION PROCEDURE AND REQUIREMENTS:

1) An applicant shall initiate an application for a Transmission Facility Siting permit by filing an application with the Department. Applications may be obtained by contacting the Department. Processing of applications and conduct of hearings shall be in accordance with the provisions of Chapter 285.

2) In cases where alternative corridors for the facility are proposed, the application requirements herein set forth must be followed for each of the proposed alternatives.

3) In cases where the proposed facility is subject to approval by any other governmental body, a notice and copy of such other applications shall be submitted no later than 30 days following submission to such other governmental body. Applications required by this Chapter shall be completed within such additional time period as may be required by the Planning Director.

4) The application shall include, but not be limited to, the following:

A) A description of all lands upon which the proposed facility will be located. The description shall include the location of all dwellings, public buildings, watercourses, vegetative cover, and existing land uses. The applicant may submit a copy of the appropriate County Assessor's maps showing the corridor(s) for the proposed facility and other information required by this section.

B) If the applicant is not the owner of the lands described in subsection (A) above, the names and mailing addresses of the owners of such lands as shown by records of the County Assessor.
C) If the applicant is not the owner of the lands described in subsection (A) above, a statement setting forth the manner in which the use or ownership of such land is to be acquired, whether by negotiation for purchase of easement, by condemnation, or by an other method.

D) A listing, with Assessor's tax lot numbers and mailing addresses of all landowners owning land within 1,000 feet of the proposed corridor(s).

E) The applicant shall submit: 1) Sketches to scale of the general configuration of the right-of-way to be acquired and the general location of the proposed facility within the right-of-way; 2) sketches of typical structures to be used in connection with the proposed facility and a statement as to the conditions under which each such structure may be used; 3) plans and specifications for the proposed facility to the extent available; and 4) a statement of any unusual circumstances substantially affecting all land uses irrespective of distance from the proposed facility.

F) An analysis of the impact of the proposed facility upon existing land uses. The analysis shall also include an evaluation of the proposal as it relates to each of the elements set forth in Jackson County's Comprehensive Plan, and the Statewide Planning Goals and Guidelines.

G) A bibliography of all materials submitted to any other regulatory body having jurisdiction over the proposed facility. Upon request from the Department, applicant shall submit any such materials which may be reasonably necessary to review the application.

5) Issuance of a transmission siting permit shall be void after two years following applicant's scheduled date for start of construction, or a shorter period if specified within the order of approval, unless substantial construction has taken place. However, the Board may extend authorization for an additional period upon a showing of good cause by the holder of the permit.

273.030 APPLICATION PROCESSING FEE:

The Planning Director shall impose and collect a reasonable fee at the time of the initial application, in an amount not to exceed the anticipated actual cost to Jackson County in processing the application. If the amount collected is found to be insufficient or excessive by the Board at the time of the Board's final action, the Board shall impose such additional fee amount or refund such excess as the Board deems appropriate. The Planning Director shall render a detailed accounting of all expenses incurred at the time of the Board's hearing pursuant to Section 273.050 of this Chapter.
273.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

The Board must make all the following findings:

1) That, although the proposed facility may not be a permitted or conditional use within the zoning district(s) it is to traverse, the proposed facility is consistent with Statewide Land Use Planning Goals and Guidelines, the provisions of this Chapter, and the Comprehensive Plan for the County as a whole.

2) That the location, size, design, and operating characteristics of the proposed use will have the least practicable, adverse impact on the liveability, aesthetic qualities, natural resources including forest and agricultural lands, value, and appropriate development of abutting properties and the surrounding area.

3) The proposed facility is necessary and sufficient to serve the public need.

273.050 BOARD HEARINGS:

Upon receipt of the staff report, the Board shall hold at least one public hearing, at which time it shall review the staff report and take testimony or evidence from any interested citizens and the applicant.

Notice of the public hearing shall be given as required by Section 285.040, except posting of notices on the property in accordance with subsection (5) of that section shall be required only where the proposed route(s) intersects with public roads.

273.060 PLACING CONDITIONS ON A PERMIT:

The Board may impose additional conditions upon a new transmission facility or the alteration of an existing transmission facility to avoid a detrimental environmental impact, or otherwise to protect the best interests of the surrounding area or the community as a whole. However, such conditions shall not be inconsistent with any conditions placed upon construction or operation of the proposed facility by the Oregon Energy Facility Siting Council or any other state or federal agency having overriding jurisdiction over the proposed facility. These conditions may include, but are not limited to, the following:

1) Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.

2) Establishing a special yard or other open space, lot area, or lot dimension.
3) Limiting the height, size, or location of any structure, transmission tower, underground pipeline, transportation right-of-way, or other permanent fixture of any kind affixed to the land.

4) Designating the size, number, location, and nature of vehicle access points.

5) Increasing the amount of street dedication, roadway width, or improvements within the road right-of-way.

6) Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area/lot or truck loading area.

7) Limiting or otherwise designating the number, size, location, height, and lighting of signs.

8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

9) Requiring diking, screening, landscaping, or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

10) Designating the size, height, location, and materials for fencing.

11) Protecting and preserving existing vegetation, soil resources, water resources, wildlife habitat, such as winter deer and elk ranges, or other significant natural resources, and avoiding natural hazards.

12) Any other condition(s) necessary to permit development in conformance with the intent and purpose of the Jackson County Comprehensive Plan and the Statewide Goals and Guidelines.

273.070 BOARD ACTION AND RECOMMENDATIONS TO APPROPRIATE REGULATORY BODIES:

1) Following the hearing(s) pursuant to Section 273.050, the Board shall deliberate and take such action as it deems appropriate, including issuance of a Transmission Facility Siting Permit for one or more of the proposed routings. The permit shall include such conditions as required by Section 273.060, which the Board deems advisable to mitigate or eliminate land use impacts of the proposed facility.

2) The Board may take appropriate action at the hearing, including approval or denial of permits and attachment of conditions. Statements of consistency or inconsistency with prevailing Jackson County ordinances and Statewide Planning Goals, as may be required by state or federal rule or statute or as requested by appropriate regulatory bodies, shall be transmitted on the appropriate form to such regulatory body. All such transmittals shall be approved as to form by the County Counsel.
3) In the event that the Oregon Energy Facility Siting Council or other agency with overriding jurisdiction issues a siting permit or other authorization for a proposed transmission facility, Jackson County may be required to issue any permits, licenses, or authorizations necessary for construction of the proposed facility. In such cases, the Board shall issue a Transmission Facility Siting Permit pursuant to the provisions of this Chapter, with or without notice of hearing, upon submission of an application with the information required by subsection 273.020 (4) (A) and (E) hereof and upon payment of a fee of $50, or the fee set forth in Section 273.030, whichever is higher.

Issuance of a permit pursuant to this section shall not inhibit nor prevent the attachment of conditions necessary to ensure consistency with the Jackson County Comprehensive Plan or the Statewide Planning Goals. Such conditions, however, shall not have the effect of preventing construction of the facility.

273.080 MODIFICATION OR REVOCATION:

The process for modification or revocation of a permit shall consist of any of the following:

1) An application by the applicant or successor in conformance with the provisions of this Chapter.

2) A hearings process which shall consist of:

   A) An investigation by the Department of alleged violations of, or noncompliance with, the conditions of the permit.

   B) A hearing scheduled pursuant to Section 273.050, in which valid proof of a violation of, or noncompliance with, conditions is found by the hearings body.

3) The Board may modify or revoke a permit after proper notice and public hearing.

273.090 SURVEY REQUIRED:

Upon completion of construction, or the initiation of service, whichever is earliest, the applicant shall file with the Jackson County Surveyor a registered survey of the facility as constructed. Such survey shall comply with the requirements of the Jackson County Surveyor.
CHAPTER 275

VARIANCES

275.010 AUTHORIZATION:

The County may vary or modify requirements of the Land Development 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. A variance shall not be granted to density or lot area requirements except as may be provided for in Chapter 280.090 (4). No variance shall be granted to the provisions of Chapter 254. Variances will, under most circumstances, be limited to requirements governing lot dimensions and coverage, heights, parking areas, roads, site plans and yard setbacks.

275.020 FINDINGS:

A variance shall be granted only if the County finds all of the following:

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, 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.

Partial satisfaction of any of the variance criteria shall be considered insufficient and the application shall be denied.
275.030 PROCEDURE:

1) When an applicant seeks relief from discretionary requirements imposed by the County, the applicant shall file an appeal pursuant to Chapter 285 rather than a variance.

2) An applicant seeking a variance shall follow procedures set forth in this chapter.

3) The County shall render a decision within 30 working 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.

4) In a case where an application for a variance has been denied, no application shall be eligible for submittal for a period of not less than 12 months from the date of denial.

5) In approving an application for a variance, the County may establish time limits within which the proposal must be completed or started and may set conditions of approval which are deemed appropriate. The County shall utilize section 200.090 and 260.040 to determine and establish the appropriate conditions of approval for the application.
CHAPTER 277
AMENDMENTS

277.010 ZONE CHANGE OR ORDINANCE AMENDMENT:
A legislative amendment to the text of this ordinance or the Official Comprehensive Plan and Zoning Map(s) may be initiated by the Board of County Commissioners or the Planning Commission. Quasi-judicial amendments to the Official Comprehensive Plan and Zoning Map(s) may be initiated by the Board of Commissioners, Planning Commission, or by application of a property owner or authorized agent. Applications for such amendments shall be filed as provided in Chapter 285.

277.020 ACTION BY PLANNING COMMISSION:
Within 60 days after receiving the application at a public hearing, the Planning Commission shall recommend to the Board of County Commissioners approval or modification of a proposed text amendment to the official Comprehensive Plan or Zoning Regulations, or recommend approval or modification of a proposal changing the official Comprehensive Plan and Zoning Regulations maps. A Planning Commission order denying a proposed map or text amendment shall be final unless appealed to the Board of County Commissioners as set forth in Section 285.020. The time limit may be extended upon mutual agreement of the parties having an interest in the proceedings. The Planning Commission may recommend that the area under consideration for a map amendment be enlarged or diminished.

277.030 CONSIDERATION BY BOARD OF COMMISSIONERS:
The Board of Commissioners shall hold a public hearing on a proposed text or map amendment initiated on its own motion, or upon request, and a public hearing on the proposed text or map amendment within 60 days after receipt of the recommendation of the 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 ordinance or map amendment, no application may be submitted for a period of not less than 12 months from the date of denial.

277.035 JOINT CONSIDERATION:
Where the public interest would best be served by such action, the Planning Commission and Board of Commissioners may hold a joint hearing on a proposed amendment. Joint hearings shall be governed by the same general rules as would otherwise apply to hearings by the bodies separately.
Prior to accepting testimony on the proposed amendment, the Planning Commission and Board shall determine if the bodies will jointly or separately deliberate on the matter.

When the amendment is jointly heard and separate deliberations made, the Planning Commission shall recommend approval, disapproval, or modification of the proposal within 15 days of the public hearing on the matter. The Board shall accept or modify the recommendation of the Planning Commission within 15 days of receipt of the same. Joint deliberations shall be completed within 20 days of the public hearing on the proposed amendment. These time limits may be extended upon mutual agreement of the parties having an interest in the proceedings.

277.040 INTENT TO REZONE PROCEDURE:

If the Board of Commissioners determines that the public interest would be served by the map amendment recommended by the Planning Commission, it may adopt a "Resolution of Intent to Rezone" for the properties involved. This resolution shall include conditions 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 map amendment change in accordance with this resolution. Failure of the applicant to meet any or all of the stipulations contained in the resolution shall render the resolution null and void.

277.050 MAJOR AMENDMENTS:

1) A major or legislative revision of the Official Comprehensive Plan and Zoning Map(s) shall be considered as that which may have widespread and significant impact beyond the immediate area or parcel where a land use action is proposed; or it may involve a qualitative change of use; or a spatial change affecting a large area or many ownerships.

2) Such map revisions may only be made if public needs or desires change substantially, and development occurs at rates other than that contemplated by the plan, which makes a major map amendment necessary; or where such an amendment will correct an error or bring the Official Comprehensive Plan and Zoning Map(s) into compliance, or more into compliance, with Statewide Planning Goals.

3) Major or legislative amendments to the text and/or Official Comprehensive Plan and Zoning Map(s) may be heard as often as deemed necessary by the Planning Commission or the Board of County Commissioners. Such amendments are intended to be the result of special studies or other information which can serve as the factual basis to support the change.
277.060 MINOR MAP AMENDMENTS:

1) Minor or quasi-judicial amendments to the Official Comprehensive Plan and Zoning Map(s) are those which do not have significant impact beyond the immediate area of the proposed change.

2) Such changes shall be based upon special studies or other information which will serve as the factual basis to support the change and demonstrate compliance with the Statewide Planning Goals.

3) Public need and justification for a particular change shall be established according to the provisions of Section 277.080.

4) Minor map amendments shall be scheduled for public hearing four times per calendar year, at approximately three-month intervals. The Planning Commission may go through the process of screening applications at any time, but the actual public hearing process shall be held in groups according to a prearranged schedule. The Planning Commission may, at its own choosing, deviate from the prearranged schedule when it deems that the public would be best served by such deviation.

277.070 STANDARDS FOR A MAJOR OR LEGISLATIVE MAP AMENDMENT:

Legislative map amendments shall:

1) Comply with all applicable Statewide Planning Goals.

2) Be consistent with the Jackson County Comprehensive Plan and ordinances.

3) In designated Areas of Special Concern, shall also comply with the provisions of Section 280.110 and 277.080 (4).

277.080 STANDARDS AND CRITERIA FOR MINOR MAP AMENDMENTS:

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

1) The rezoning conforms to the Jackson County Comprehensive Plan and complies with all applicable Statewide Planning Goals:

   A) For the area in which the proposed rezoning could occur.

   B) For the county as a whole.
2) A public need exists for the proposed rezoning. Findings that address public need shall, at a minimum, document:

   A) Whether or not additional land for a particular use is required in consideration of that amount already provided by the current zoning district within the area to be served.

   B) Whether or not the timing is appropriate to provide additional land for a particular use.

3) In consideration of minor or quasi-judicial map amendments for lands with official Comprehensive Plan and Zoning Map designations as described in Section 200.040(2)(B), findings may be limited to those listed in Section 277.080(2), provided the amendment eliminates a split designation by changing a zoning district to a plan classification, such as from GI/OSR-20 to General Industrial (GI).

4) Minor map amendments in areas which involve an Area of Special Concern created under the provisions of 280.110 are also governed by any conditions specified by that section or the ordinance adopted by the Board of Commissioners which created the Area of Special Concern, or both, as well as the provisions of this Chapter.

5) In determining the appropriateness of the proposed rezoning, the Planning Commission 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.

277.090 STANDARDS FOR AMENDING AN ADOPTED URBAN GROWTH BOUNDARY:

In addition to the requirements contained in joint Urban Growth Boundary Management Agreements, all proposed boundary amendments must comply with applicable Statewide Planning Goals and the Jackson County Comprehensive Plan.

277.100 MAP DESIGNATION REVIEW APPLICATION:

1) Owners of land who believe the mapping criteria were inappropriately applied to their property may apply for a map designation review if:

   A) The property was not previously reviewed through the Board of County Commissioners' deliberations prior to the November, 1982, adoption of the official maps; or,
B) The property was not previously reviewed as a Mapping Error Review through the Board of County Commissioners' deliberations prior to the adoption of the maps in November, 1982.

2) The Department shall review all such applications and submit them with recommendations to the Board. The Board may hold a public hearing and give notice as is otherwise required by law. The substantive map designation criteria of the Jackson County Comprehensive Plan shall apply. The Board may thereafter by ordinance correct inappropriate designations on the Official Comprehensive Plan and Zoning Maps. The fee for such application shall be set by Board order, but may be waived by the Board in cases of inadvertence, neglect, or mistake by the Department or any County decision-making body.

3) This process shall expire and no further applications shall be accepted six months after the adoption of the 1982 plan and zoning maps.
CHAPTER 280
SUPPLEMENTAL PROVISIONS

280.010 SIMILAR USES:
In any zoning district other than Exclusive Farm Use, Forest Resource, Woodland Resource, and Open Space Reserve zones, the County may permit uses not specified in the district only when the use is consistent with the purposes and intent of the Jackson County Comprehensive Plan and zoning district in which it is proposed to be located. The administrative procedures for similar uses shall be the same as for conditional uses as specified in Chapter 260.

280.020 TEMPORARY MOBILE HOME APPROVALS:
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 for occupancy by an infirm person incapable of maintaining a residence on separate property, or by one or more individuals engaged in caring for the infirm person.

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

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

A) The nature of the infirmity has been certified by a written statement from the patient's primary care medical doctor who shall be licensed by the State of Oregon. The statement must indicate that the infirm person is not physically or mentally capable of maintaining a residence on separate property, and is dependent upon someone being close by to assist them. The application shall be denied unless the statement indicates that 24 hour care is required.

B) 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.
C) A sewage disposal system for the mobile home has been approved by the appropriate public agency by one of the following:

  i) Connection to the existing subsurface sewage disposal system or sanitary sewer outlet already located on the property.

  ii) 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. The disposal unit would not have to be abandoned if put to another use lawfully allowed under provisions of this ordinance.

D) The location of the mobile home must conform to setback requirements of this ordinance.

E) Provide a map of the property and surrounding area which shows, at a minimum:

  i) The entire ownership of the property under consideration.

  ii) The approximate location of access road to the proposed mobile home site.

F) Provide a list of users of the access road when the access is not a county or state owned road.

G) Provide signed acceptance sheet from all users of the access.

H) No permit may be issued for a mobile home to be located within an identified 100-year floodplain.

I) The applicant shall certify that the placement of a mobile home does not violate the provisions of any deed restriction or subdivision covenant for the property.

J) The applicant has agreed to remove the mobile home within 45 calendar days after the unit has ceased to be used for the person 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 subsection (5) of this section, or the unit has been put to some other lawfully permitted use.

K) No request for hearing has been received from persons of notice.
I. There is someone residing on the premises who can provide the needed assistance.

3) Notice, Request for Hearing:

A) Upon verification of the completeness of the application, the Department shall send written notice to all property owners of record within 1,000 feet of the applicant's property. Within urban growth or urban containment boundaries said distance may be limited to 500 feet.

The notice shall state the applicant's name, the location by address and/or legal description of the property on which the mobile home is to be located, and the general nature of the application. If no request for a hearing is made to the Department within ten working days of mailing of notice, the permit shall be issued upon determination by the Department that the application complies with the requirements of this chapter.

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

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

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

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

C) The Planning Director is authorized to determine whether a request for a public hearing is valid based upon and limited to a reasonable contention by those requesting the hearing, that the applicant cannot or does not meet the conditions for issuance of a permit contained in 280.020(2) (A through G). Notice of the decision of the Director shall be furnished in writing to the individual(s) requesting the hearing. A decision of the Planning Director that the request for hearing is invalid may be appealed to the Hearings Council pursuant to the provisions of Chapter 285. No permits may be issued until the 20 day appeal period has expired.
4) **Hearing Procedure:**

A) The Hearings Officer may impose whatever conditions of approval he deems necessary to ensure the protection of the public health, safety, or general welfare.

B) The Hearings Officer shall render a decision on the application within 15 working days of receipt of the application. However, this time limit may be extended on the mutual agreement of the applicant and the Department.

C) The Hearings Officer shall provide the parties to the application with written notice of the decisions.

D) In a case where a temporary mobile home permit has been denied, no similar application shall be eligible for submittal for a period of not less than one year from the date of denial.

E) A denial of an application may be appealed to the Board of Commissioners, according to the provisions set forth in Chapter 285.

F) In a Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use zoning district, the application must meet all applicable requirements for an additional single family dwelling except management plans. Fire protection requirements of Section 280.100 are also required where applicable.

5) **Expiration of Permit; Renewal:**

A) A temporary mobile home permit is valid for one year from the date of issuance, and must be renewed on an annual basis. All renewal requests must comply with the conditions for issuance specified in Section 280.020(2) at the time of renewal.

B) The Department of Planning and Development shall give permittees not less than 30 calendar days written notice of the pending expiration of their permits, advising that a renewal will be required.

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

D) The permit shall not be issued until a review has been conducted by the Department to determine the continued validity of the hardship.

E) A certification of hardship must also be received from an Oregon licensed medical doctor or responsible medical agency.
6) **Revocation:** A temporary mobile home permit may be revoked by the Jackson County Hearings Council, pursuant to section 285.025, for violating the conditions of this permit.

### 280.040 VISION CLEARANCE:

No structure, fence, wall, hedge, sign, or other obstruction to vision shall be created or allowed to grow, be placed, or maintained between the heights of three and ten feet above the street level within 20 feet of the intersection of the rights-of-way lines of two streets, of a street, and a railroad property line. The Planning Director may order the removal or modification of such sight obstructions which conflict with this section. The Director’s decision shall be appealed pursuant to Chapter 285.

### 280.050 HEIGHT, SETBACK, AND LOT COVERAGE REQUIREMENTS:

1) **Purpose:** To provide minimum standards within zoning districts for the location and height of buildings and accessory structures, and to provide for additional setback requirements to buffer and protect residential and/or other land uses from noncompatible uses which may occur on adjacent lands.

2) **Height Requirements:**

   A) Building height limits specified in subsection (4) of this section, shall be observed unless specified otherwise in section 280.060 of this Chapter, or in the Airport Approach (AA), Airport Concern (AC), and Airport Development-Mixed Use (AD-MU) zoning districts.

   B) Except in airport zoning districts (AA, AC, or AD-MU), 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, aerals, flagpoles, and other similar objects not used for human occupancy are likewise not subject to height limitation of this ordinance, except within the AA, AC, or AD-MU zoning districts.

3) **Setback Requirements:**

   A) Setback requirements specified in subsection (4) of this section shall be observed unless otherwise specified in this Chapter.

   B) Architectural features such as cornices, sills, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 18 inches into a required yard.
TABLE 1
MINIMUM AREA & WIDTH STANDARDS FOR PARCELS AND LOTS

<table>
<thead>
<tr>
<th>Classification</th>
<th>Established Minimum Area</th>
<th>Minimum Average Width</th>
<th>Planned Unit Development (PUD)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>The standards of design of the Jackson County Zoning Regulations shall apply to lots or parcels created as part of a Planned Unit Development application; however the design requirements for lots or parcels of the Land Division Regulations shall serve as a general guideline.</td>
</tr>
<tr>
<td>A</td>
<td>4,500 sq. ft. -- with both community water system and community sewage facility.</td>
<td>50'</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>6,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>60'</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>8,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>70'</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>10,000 sq. ft. -- with both community water system and community sewage facility.</td>
<td>80'</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>1 acre --</td>
<td>100'</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>2.5 acres --</td>
<td>175'</td>
<td>The County shall determine the minimum dimensional standards for commercial division on the basis of the location and type of commercial activity proposed or anticipated. In determining minimum area requirements special emphasis shall be placed on access, circulation, and parking.</td>
</tr>
<tr>
<td></td>
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</tbody>
</table>

The County shall determine the minimum dimensional standards for industrial divisions on the basis of the type of industrial activity proposed or anticipated. Safe, efficient access and off-street loading, parking, and storage shall be required. Large basic lots may be created by the original plat to be partitioned into smaller parcels as specified needs arise.
C) Signs as defined in this ordinance shall comply with the requirements of subsections (4) and (5) listed below.

D) For duplexes, townhouses, apartments, or condominiums, the required yard setbacks shall be maintained in a landscaped condition and shall not be used to provide required parking.

4) Minimum Requirements for Height, Setback, and Lot Coverage:

The following minimum requirements shall be applied to all permitted, conditional, and accessory structures unless specified otherwise in this ordinance. (All requirements are measured in feet.)

<table>
<thead>
<tr>
<th>MAP DESIGNATION</th>
<th>BUILDING HEIGHT</th>
<th>SETBACK REQUIREMENTS*</th>
<th>MAXIMUM LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR-160</td>
<td>None Spec.</td>
<td>30 30 30</td>
<td></td>
</tr>
<tr>
<td>WR</td>
<td>None Spec.</td>
<td>30 30 30</td>
<td></td>
</tr>
<tr>
<td>OSR</td>
<td>None Spec.</td>
<td>30 30 30</td>
<td></td>
</tr>
<tr>
<td>EPF</td>
<td>None Spec.</td>
<td>30 30 20</td>
<td></td>
</tr>
<tr>
<td>F-5</td>
<td>35</td>
<td>30 20 20</td>
<td></td>
</tr>
<tr>
<td>RR-5</td>
<td>35</td>
<td>30 20 20</td>
<td></td>
</tr>
<tr>
<td>SR-2.5</td>
<td>35</td>
<td>30 20 20</td>
<td></td>
</tr>
<tr>
<td>SR-1</td>
<td>35</td>
<td>25 10 10</td>
<td></td>
</tr>
<tr>
<td>UR-10</td>
<td>35</td>
<td>25 10 10</td>
<td>40%</td>
</tr>
<tr>
<td>UR-8</td>
<td>35</td>
<td>25 6 10</td>
<td>40%</td>
</tr>
<tr>
<td>UR-6</td>
<td>35</td>
<td>25 6 10</td>
<td>40%</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>35</td>
<td>25 6 10</td>
<td>50%</td>
</tr>
<tr>
<td>UR-H</td>
<td>45</td>
<td>20 10 10</td>
<td>50%</td>
</tr>
<tr>
<td>IC</td>
<td>45</td>
<td>20 None</td>
<td>None</td>
</tr>
<tr>
<td>RS</td>
<td>35</td>
<td>20 None</td>
<td>See Section 5</td>
</tr>
<tr>
<td>NC</td>
<td>35</td>
<td>20 None</td>
<td>See Section 5</td>
</tr>
</tbody>
</table>
### Building Setback Requirements

<table>
<thead>
<tr>
<th>Map Designation</th>
<th>Building Height</th>
<th>Setback Requirements*</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>GC</td>
<td>60</td>
<td>Front: 20 Side: None</td>
<td>Rear: None</td>
</tr>
<tr>
<td>LI</td>
<td>60</td>
<td>Front: 30 Side: None</td>
<td>Rear: None</td>
</tr>
<tr>
<td>AD-MU</td>
<td>35</td>
<td>Front: 30 Side: None</td>
<td>Rear: None</td>
</tr>
<tr>
<td>GI</td>
<td>60</td>
<td>Front: 30 Side: None</td>
<td>Rear: None</td>
</tr>
</tbody>
</table>

*NOTE: Yard setback requirements may be modified by fuelbreak requirements, special setbacks, and subsections 5, 6, and 7 of this section or other conditions for approval of a use.

5) **Exceptions to the Minimum Setback Requirements**:

A) In urban residential zoning districts (UR-10, UR-8, UR-6, UR-4.5 and UR-H), the side and rear yard setback requirements shall be increased by one-half foot for each foot by which the building exceeds 25 feet.

B) The side and rear setback requirements may be adjusted to provide for solar orientation on urban residential and urban high density residential districts. An adjustment of up to 33 percent may be administratively approved by the Planning Director for this purpose. Reductions of side setbacks in excess of 33 percent, or reductions in front yard requirements, shall be subject to Hearings Council review through the variance procedure contained in Chapter 275.

C) Where the side and/or rear yard of the following districts abut a commercial district, the yard requirements in those districts, adjacent to such commercial lot line, shall have the following minimum setback width:

   i) In Light Industrial (LI) districts, the minimum side or rear yard setback shall be ten feet plus one foot for every foot by which the height of the building exceeds 15 feet.

   ii) In General Industrial (GI) districts, the minimum side or rear yard setback requirements shall be 40 feet plus one foot for every foot by which the height of the building exceeds 15 feet.
D) Where the side and/or rear yard of the following districts abut a residential district, then the yard setback requirements in those districts adjacent to such residential lot lines shall have the following minimum setback width:

i) In Rural Service Commercial (RS) and Neighborhood Commercial (NC) districts, the minimum side or rear yard shall be 25 feet, plus one additional foot for every foot by which the height of the building exceeds 15 feet.

ii) In General Commercial (GC), Interchange Commercial (IC), Light Industrial (LI), Airport Development-Mixed Use (AD-MU) districts, the minimum side or rear yard shall be 50 feet plus one additional foot for every foot by which the height of the building exceeds 15 feet.

iii) In General Industrial (GI) districts, the minimum side or rear yard shall be 100 feet plus two feet for every foot by which the height of the building exceeds 15 feet.

E) Nonresidential accessory farm use structures on lands zoned EFU may be placed within five feet of a side or rear yard when the Planning Director determines that the standard yard width requirement will adversely affect agricultural uses on the subject property.

6) Nonconforming Lots or Parcels:

A) Lots or parcels created prior to September 1, 1973, which do not meet the minimum area or width requirements of the zoning district in which the lot or parcel is located, shall meet the yard setback requirements of the zoning district which has the minimum lot area or width requirements with which the lot does comply. If the lot is nonconforming in both area and dimension, it shall meet whichever requirement is more restrictive.

B) Nonconforming lots shall also be required to meet the standards of section 280.060, which provides special setback requirements for buffering resource lands.

280.060 SPECIAL SETBACK REQUIREMENTS:

1) Purpose: To provide a buffer between resource lands and adjacent districts as a means to prevent conflicts between resource and nonresource uses, the following special setbacks are promulgated:
A) Forest and Agricultural Lands Special Setback Requirements: In any nonresource zoning district, no primary, accessory, or temporary residential building or structure, shall be located within 200 feet of a Forest Resource (FR-160), Woodland Resource (WR), or Exclusive Farm Use district (EFU) district boundary.

B) Aggregate Resource Special Setback Requirements: No primary accessory or temporary residential building or structure, shall be located within 500 feet of an Aggregate Resource (AR) zoning district boundary.

2) Floodplain Setback Requirement: Where property is designated Floodplain, according to the provisions of Chapter 254, and specific elevation data necessary for the establishment of a floodway and flood fringe are not available, the procedures set forth in Section 254.060 shall apply.

3) Stream and Lake Setbacks for Fishery and Riparian Habitat: No structure other than boat landings, docks, marinas, bridges, or pumping or water treatment facilities shall be located closer than 50 feet to the banks of any Class 1 stream, or 25 feet to the banks of Class 2 water courses, lakes, reservoirs, or basins which contain water at least six months of the year.

4) Exceptions to Minimum Lot or Parcel Sizes or Special Setback Requirements:

A) Lot or parcel sizes in excess of the minimum prescribed for a district may be required through the division process to satisfy special setback requirements on proposed lots or parcels.

B) Where lots or parcels, which were legally created prior to August 29, 1980, cannot accommodate required special setbacks, then the maximum amount of setback that can be achieved shall be provided between the proposed use and resource land by locating structures at the building line of the required front, rear, or side yard. Where the applicant cannot build at this location, an exception may be approved only according to the provisions of (4)(C) below.

C) The Department may approve exceptions to the special setback requirements and require any necessary conditions if substantial findings document any of the following situations are determined to exist:
i) The contiguous resource zoned parcel contains dwellings near to the lot line of the nonresource parcel, and a reduction of the setback would not affect the resource.

ii) The prescribed setback would prohibit the placement of the dwelling on the parcel due to topography, flood hazard, or impact other physical or natural areas.

280.070 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 County. Parking facilities provided in conjunction with an existing use, prior to the adoption date of this ordinance, shall not be reduced below the requirements of this section.

1) Single Family Residential Use
   Two spaces per dwelling unit.

2) Duplex, Multi-Family, Condominium, or Residential Use.
   One and one-half spaces per dwelling unit.

3) Hotel, Motel, or other Commercial Accommodation
   One space per guest room.

4) Institutional Use
   One space per bed.

5) Place of Assembly
   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 gross floor area used for meeting rooms.

6) Commercial Amusement Area:
   A) Bowling Alley
      Ten spaces per alley.
   B) Dance hall or skating rink
      One space per 100 square feet of gross floor area.

7) Commercial Use:
   A) Retail Store
      One space per 200 square feet of gross floor area.
<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces per Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>B) Bank, Business, or Professional office, unless otherwise specified</td>
<td>One space per 400 square feet of gross floor area.</td>
</tr>
<tr>
<td>C) Repair shop or shop exclusively handling bulky merchandise</td>
<td>One space per 600 square feet of gross floor area.</td>
</tr>
<tr>
<td>D) Restaurant</td>
<td>One space per 100 square feet of gross floor area.</td>
</tr>
<tr>
<td>E) Mortuary or Funeral Home</td>
<td>Five spaces for each room used as a parlor or chapel.</td>
</tr>
<tr>
<td>F) Medical or Dental Clinic or Office</td>
<td>Six spaces per doctor or dentist.</td>
</tr>
</tbody>
</table>

8) Industrial Use:

| A) Manufacturing Establishment                                   | One space per 500 square feet of gross floor area. |
| B) Wholesale Establishment                                      | One space per 1,000 square feet of gross floor area. |

9) Mixed Occupancy Uses: Mixed use parking requirements shall be calculated on the basis of the gross floor area devoted to each use. For example, the floor area for the office of an industrial use shall be used to calculate that portion of the parking requirements. The remaining floor area of the structure shall be used to determine the parking requirements for that portion of the use.

280.080 SIGN REQUIREMENTS:

The purpose of this section is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and welfare; and to permit and regulate signs in such a way as to support and compliment land use objectives set forth in the Jackson County Comprehensive Plan and implementing ordinances.

All signs shall be subject to a permit from Jackson County, except those specifically listed under 280.080 (5).

1) General Requirements for Signs in All Zoning Districts:

A) Light from signs shall be directed away from and not shine or reflect upon adjacent premises.
B) 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.

C) Signs shall be maintained in a safe condition and good repair.

D) 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.

E) Along the following designated highways or premises, signs shall be subject to existing laws, rules, and regulations of the State of Oregon, regarding scenic highway signs and this Chapter:

- Interstate 5
- Oregon Highway 140
- Rogue Valley Highway (Also known as Pacific Highway North and South)
- Oregon Highway 227
- Oregon Highway 66
- Oregon Highway 62, including Crater Lake Avenue north of the Medford City limits.
- Oregon Highway 238
- Oregon Highway 234

F) Signs mounted on trailers, trucks, and other portable signs with an area on one side in excess of ten square feet are strictly prohibited, and no variance shall be granted authorizing such a sign.

G) Signs shall not be erected or maintained upon trees, or painted or drawn upon rocks or other natural features.

H) No sign shall have or consist of any moving, or rotating, or animated part or any flashing, fluctuating, or animated light. No sign shall incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source.
I) Not more than two directional off-premise signs may be permitted by the Hearings Council as a conditional use. In approving a permit for such a sign the Hearings Council shall find:

i) That the proposed sign will conform with the provisions of this ordinance, and any applicable federal or state laws, rules, or regulations.

ii) That the proposed sign is necessary due to the location of the enterprise or activity, and is not duplicated by other directional signs already in existence.

iii) That the size of the proposed off-premise sign does not exceed that allowed for conditional uses in the district within which it would be located.

J) Roof signs shall not be allowed.

K) No variance to the requirements of this chapter shall be granted for the purposes of establishing on-premise and off-premise signs.

2) Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use Zoning Districts:

A) General Conditions:

i) The maximum height of the sign and any appurtenances shall not exceed ten feet from the ground.

ii) Signs for conditional uses shall not exceed 32 square feet in area.

B) Signs Permitted:

i) Only one double-faced sign or two separate signs identifying the use or occupancy of the property on which the sign is located shall be permitted. Maximum sign area shall not exceed 32 square feet in area, and shall not be utilized for advertisement of a home occupation or cottage industry.

Only one double-faced sign or two separate signs advertising the sale of forest or farm products shall be permitted; maximum sign area shall not exceed 32 square feet in area. It is not the intent of this ordinance to prohibit temporary signs advertising agricultural and forestry products in season which comply with the height, size, and illumination requirements of this Chapter.
ii) For home occupations, one sign shall be limited to one square foot in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.

iii) For a cottage industry, one sign limited to three square feet in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.

iv) Only one nonilluminated, 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 shall be permitted.

3) Specific Requirements for Signs in all Farm and Rural Residential, Suburban Residential, and Urban Residential Zoning Districts:

A) General Conditions:

i) No sign or appurtenance shall exceed ten feet in height from the ground.

ii) Signs for conditional uses shall not exceed 20 square feet in area.

B) Signs Permitted:

i) 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 20 square feet in area. The design and location of these signs shall be approved by the Hearings Council.

ii) One name plate or sign limited as follows:

a) For a home occupation, one sign limited to one square foot in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.

b) For a cottage industry, one sign, limited to three square feet in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.
c) For two-family and multi-family dwellings, and mobile home parks, not to exceed three square feet per dwelling unit, but not exceeding 18 square feet of total sign area.

iii) Only one temporary nonilluminated sign shall be permitted to advertise the sale, lease, or rental of the property on which the sign is located, but not exceeding 16 square feet of total sign area.

4) Specific Requirements for Signs in Commercial, Industrial, or Airport Development-Mixed Use Districts:

A) Four types of on-premise signs may be permitted in commercial and industrial districts:

i) One on-premise sign affixed parallel to the front of the building, and limited to one square foot of sign for each lineal foot of building frontage for each separate use, no sign to exceed 300 square feet. On other sides of a building which also face a street or common parking area, one additional on-premise sign per side may be permitted for each use, not to exceed one-quarter square foot of sign face for each lineal foot of building length along said side. No sign shall extend more than 12 inches from the surface of the building which supports it, and shall not project above the exterior wall of the building containing the use which the sign identifies.

ii) One on-premise free-standing sign may be permitted for each frontage on a county or state road or street to advertise lawful uses on the property. The maximum height of said sign and any appurtenances shall not exceed 25 feet from the ground or the height of the structure it advertises, whichever is the lesser.

a) Lots which contain one lawful use, or which are located in the Rural Service Commercial (RS) district, may have one free-standing sign not to exceed 75 square feet per face for a double-faced sign, or 150 square feet for a single-faced sign.

b) Where a lot contains more than one use, such free-standing sign may identify the name of the complex or center, and the uses within it. The size of such signs shall not exceed the area noted in the following table where the area varies depending on the frontage of the lot.
<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>Single Face Maximum</th>
<th>Double Face Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1' - 150'</td>
<td>150'/face</td>
<td>75'/face</td>
</tr>
<tr>
<td>151' - 200'</td>
<td>200'/face</td>
<td>100'/face</td>
</tr>
<tr>
<td>201' - 250'</td>
<td>250'/face</td>
<td>125'/face</td>
</tr>
<tr>
<td>251' and greater</td>
<td>300'/face</td>
<td>150'/face</td>
</tr>
</tbody>
</table>

iii) Additionally, when a use is part of a planned development, complex, or center, one additional on-premise sign may be placed perpendicular to the face of the building when attached under a marquee. Such a sign shall not exceed eight square feet in size for each main entrance to the use, project past the outer edge of the marquee, or be less than seven and one-half feet from the ground surface to the lower horizontal edge of such sign.

iv) One nonilluminated, temporary, on-premise 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.

3) Modification of these requirements may be approved by the Planning Director only when substantial evidence is submitted by an applicant to document that such modification is necessary to pursue the proposed use, that the signing, as modified, will not create a traffic hazard, and will have no adverse impact upon the area in which the sign is to be located. In no instance shall a modification exceed ten percent of the size and height requirements of this section. No variance to these requirements may be granted for purposes of establishing a sign.

5) Sign Allowed in All Zoning Districts:

A) Signs exempt from ordinance requirements:

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

ii) House and building numbers.

iii) Signs within sports parks, stadiums, arenas, or open theaters designed for view by patrons within such facilities.
iv) Signs or notices erected by public officers pursuant to law, administrative order, or court order.

v) Signs located within a building.

vi) Building plaques, corner stones, name plates, and similar building identification.

vii) Signs indicating membership in farm or forestry organizations.

viii) Notices posted on private property by the owner for purpose of either warning the public, or to prohibit public use of the land so posted shall be exempt from this ordinance provided each such notice does not exceed two square feet in area, and each such notice shall be separated by at least 100 feet unless otherwise prescribed by state statute.

B) Signs subject to ordinance requirements:

i) Temporary sign in conjunction with political and civic campaigns are subject to height and illumination requirements for off-premise signs, limited to not more than 32 square feet in size, and provided that such signs are removed within 15 calendar days following the conclusion of the campaign. Signs not removed may be removed by the County at the property owner's expense.

ii) Temporary signs identifying proposed or existing construction.

iii) Informational signs erected by the forest industry to indicate forestry activities such as Christmas trees cutting, wood cutting, tree farm, road closures, road identification, fire directionals, junction markers, recreation areas, and logging operations.

iv) On-premise directional signs shall generally be limited to six square feet in area.

v) Informational signs limited to time and temperature display, drive-up window menus, or similar such purposes as approved by the Planning Director. Such signing shall be included in the total sign area calculation for the use.

vi) Municipal or community identification or information signs leading into the municipality or community, provided such sign: a) does not create a visual obstruction for auto traffic; b) does not exceed 32 square feet; c) is not illuminated; and d) does not exceed a height of 12 feet.
Additionally, the applicant shall provide in writing a statement approving the sign from all property owners within 100 feet and, the area around the base of the sign shall be landscaped. Any sign larger than 32 square feet in area must be approved by the Hearings Council after notice to property owners within 500 feet of the proposed sign.

6) Nonconforming Signs:

Any sign existing prior to the effective date of this ordinance, which does not conform to the provisions of this ordinance with respect to number, sign surface area, location, illumination, or otherwise deviates from sign requirements, shall not be altered or replaced unless such action will result in such sign being made to conform with this ordinance.

280.090 DETERMINING PARCEL AREA AND OTHER REQUIREMENTS WHEN STREETS, ROADS, AND EASEMENTS ARE INVOLVED; WHEN A PARCEL IS SPLIT BY A ZONING DISTRICT; OR WHEN THE PARENT PARCEL IS MARGINALLY UNDERIZED FOR PARTITIONING PURPOSES:

1) Private Road or Easement: The area of a private road or road 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 only for lots or parcels 2.5 acres or larger in size.

2) County Roads or Streets, Public Roads, and Dedicated Ways:

A) 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 way, the area and width of said parcel or lot must equal or exceed the requirements of the zoning district in which it is located, and Chapter 05.070 of the Land Division Ordinance. County roads, streets, or dedicated ways shall not be included as a portion of the lot or parcel for the purposes of determining minimum lot or parcel area. The right-of-way line shall be used for the purpose of determining lot or parcel coverage and setback requirements.

B) Existing Lots or Parcels: If a lot or parcel which was created prior to September 1, 1977, is crossed by a county road or state highway, 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 and width requirements of the zoning district.
C) Lot or parcel descriptions: When the legal description of a lot or parcel includes the area within the right-of-way of a public road, 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.

3) Parcels Split by a Zoning District Boundary: The separate portions of a parcel must each contain enough acreage to meet the parcel area and density requirements of the districts in which it is located at the time of division.

4) Divisions of Undersized Parcels: The Planning Director is authorized to approve creation of a parcel which deviates up to six percent from the parcel area requirements of the Farm Residential (F-5), Rural Residential (RR-5), or Suburban Residential (SR-2.5 and SR-1) zoning districts on lots which were created prior to October 28, 1980. The applicant must be able to demonstrate in writing that all reasonable efforts to obtain the requisite amount of land needed to make the proposed new lot conform to the parcel area requirements of the applicable zoning district through purchase, partitioning, or lot line adjustment, have failed, are unfeasible, or would result in making a conforming lot nonconforming, and the standards of Section 275.020 are met.

280.100 FIRE SAFETY REQUIREMENTS AND GUIDELINES:

1) Mandatory Fire Safety Requirements: The following minimum standards are mandatory in rural areas outside of rural fire protection districts or within a fire protection district, but outside of five road miles of a developed, operational, and responding fire station, or within five road miles of the responding fire station and designated as a hazardous wildfire area; and in all Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR), and Exclusive Farm Use (EFU) zoning districts. These standards are required of all permitted buildings and permanent accessory buildings. Conditional uses shall meet all these requirements unless the Hearings Council determines that a better fire prevention and suppression strategy is proposed.

A) A fuelbreak shall have a minimum width of 100 feet in Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR), and Exclusive Farm Use districts. The minimum width of fuelbreaks in all other districts shall be 50 feet. Such fuelbreaks shall be maintained in a cleared condition as defined in Section 00.040.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
B) Roof coverings shall be fire retardant, as defined in the current edition of the State of Oregon Structural Specialty Code and Fire and Life Safety Code. In the Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR), and Exclusive Farm Use (EFU) districts, no wood roofing shakes or shingles shall be permitted.

In all other zoning districts, wood roofing shakes and shingles shall be pressure treated with fire retardant.

C) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons (or a year-round alternative source of water) with its own 20 gallon per minute pump, adequate length of hose to reach all sides of the structure(s), and one-quarter inch nozzle.

The pump must utilize a generator or manual system which can remain operational in case of fire or power failure. A pump may not be required for the purpose of creating pressure if water is derived from a gravity-flow system and sufficient pressure is available. Said pump or gravity flow system must be capable of delivering 20 gallons per minute at fifty (50) pounds per square inch pressure.

Emergency water storage facilities and emergency pumps are not required in the Forest Resource (FR-160), Woodland Resource (WR), Open Space Reserve (OSR), and Exclusive Farm Use (EFU) zoning districts when located less than five road miles from a responding fire station, within a rural fire district, and not located in a hazardous wildfire area.

D) Hazardous Wildfire Area: Any publicly or privately owned land which is covered with grass, brush, or forest land and is situated or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great damage through fire or resulting erosion.

2) Fire Safety Guidelines for Rural Development:

A) Areas within resource zoning districts which are located within rural fire protection districts, are within five road miles of a responding fire station and are not in a hazardous wildfire area, need only consider the items listed in section 1, above, as guidelines.

B) The following fire safety guidelines should be considered in all rural areas, and may be required by the Hearings Council when necessary to protect public safety:

   i) Automated sprinkler systems for the roof and/or interior of the structure.

Amended by Emergency Ordinance #82-32, effective 11-10-82, and Permanent Ordinance #82-33, effective 1-10-83.
ii) Roads and/or bridge access should be constructed to support a gross vehicle weight of 50,000 pounds to accommodate heavy fire fighting equipment.

iii) Bridge access should be constructed of nonflammable materials.

iv) Lakes, ponds, streams, and swimming pools should be installed with a six inch line equipped with a valve or pump to enable fire equipment to draught off water for fire fighting, if the equipment cannot easily move within ten feet of the water source.

v) Public use areas such as parks, recreation sites, and picnic grounds should be designed to prevent fires which may start in them from spreading to adjacent or nearby wildlands or developments.

3) Existing Dwellings Exempt from Fire Safety Provisions:

A) Dwellings in existence as of the effective date of this ordinance are exempt from compliance with the fire safety and prevention requirements.

B) Replacement or substantial improvements of pre-existing buildings requires compliance with Section 280.100 (1).

280.110 AREAS OF SPECIAL CONCERN:

Areas of special concern may be recommended by the Planning Commission as deemed necessary to provide consistent and specific policy direction for land use actions in specified areas of Jackson County. Upon approval by the Board of County Commissioners, the maps and conditions specified in an ordinance creating areas of special concern shall guide and direct staff and/or Hearings Council or Hearings Officer review of land development actions within such areas. Areas of special concern shall be identified as such on the Jackson County Comprehensive Plan and Zoning Map(s) by the letters (ASC), and an identification number referring to the ordinance adopted by the Board of Commissioners which created the ASC may also be indicated on the map.

1) Areas of special concern generally consist of the following:

A) Areas where specific policy concern(s) must be successfully addressed by all applicants for a land division or development permit action, prior to approval by the County. Such policies may be linked in addition to the imposition of site plan review requirements specified in Chapter 282.

B) Areas in which planned unit development permits are required in order to meet a specific concern identified by the Planning Commission.
C) Areas in which a specific natural resource or environmental concern must be addressed.

2) Areas of special concern shall be established only following public hearings held pursuant to section 285.040.

3) Areas of special concern designated at the time of adoption of this ordinance, and the additional development criteria within each area are listed as follows:

A) ASC-80-1: This area is located directly on Crater Lake Highway 62, between Medford and the White City area, and for the most part is committed to general commercial and light industrial uses. Traffic volumes in this area are high and access is generally uncontrolled in many areas. In addition to all other development standards, development in this area shall also be contingent upon the following:

i) The issuance of site plan reviews within this designated area shall be contingent upon the satisfactory arrangement and development of safe, adequate, and efficient access to Crater Lake Highway.

ii) When practical, Jackson County will provide technical assistance in the development of an access management plan, which may include creation of common access points, cul-de-sacs, service roads, or other measures to improve traffic safety.

B) ASC-80-2: This area of special concern consists of the Ashland Watershed. The portion of the watershed designated ASC lies within the boundaries of the Rogue River National Forest. The historic use of this land as a municipal watershed is well established and recognized.

The Ashland Watershed has been the subject of extensive study by the Rogue Valley Council of Governments 208 Water Quality Study and the USDA Forest Service. Water quality problems have occurred over the past twenty-five years at Reeder Reservoir, primarily from sedimentation. Since certain activities which take place in a municipal watershed can have an adverse impact on that resource, the County:

i) Recognizes domestic water supply production to be the primary use of this land, and that other activities or uses within the watershed are secondary.
ii) The County shall, to the extent of its legal authority, provide for the protection of the Ashland Municipal Watershed from uses which could impact the quality of the water and increase erosion.

C) ASC-82-1: This area of special concern establishes the following policies for the development of the Whetstone Industrial Park near White City, which is owned by the City of Medford.

i) Lot Size - Development of the Whetstone Industrial Park shall proceed according to the following lot size distribution:

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>No. of Lots</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 acres</td>
<td>5</td>
<td>100</td>
</tr>
<tr>
<td>50 acres</td>
<td>5</td>
<td>250</td>
</tr>
<tr>
<td>75 acres</td>
<td>2</td>
<td>150</td>
</tr>
</tbody>
</table>

If, after October 1, 1987, it can be demonstrated that, based on County-wide industrial development patterns, there is a need for fully serviced industrial sites manifesting a size distribution different from the above, the County Board of Commissioners shall review this policy and make appropriate changes, if necessary. Such a policy revision may be initiated by the City of Medford acting as property owner.

ii) Access and Circulation

a) Interior roads designated as primary roads represent the minimum access needs of the subject site and are generally applicable to initial site development.

b) Interior roads designated as secondary roads represent the planned extension of the interior circulation system as may be required by future development.

c) Access to all parcels within the subject site shall be from the interior street system. Direct access from Kirtland Road and Table Rock Road shall not be permitted.
iii) Development Standards

a) Before final approval of any industrial development on the subject site a Master Landscape Plan for the entire Whetstone Industrial Park shall be submitted and approved by Jackson County. This Plan shall include: 1) a minimum 20 foot frontage landscape strip adjacent to all public streets; and 2) perimeter landscape buffering adjacent to the Whetstone Creek riparian area.

b) Building setback from public street rights-of-way shall be a minimum of one and one-half times building height (D=1.5H).

c) Any outdoor storage of equipment or materials shall be screened from view from along all public streets and the Whetstone Creek riparian area.

d) A master drainage plan for the Whetstone Industrial Park shall be prepared as part of the Master Landscape Plan noted in "a" above.

e) A scenic easement shall be recorded on that portion of the Whetstone riparian district which will leave the corridor in open space use. Said easement shall provide that it may not be removed or altered without the consent of the County.

iv) This area of special concern shall provide for the interim protection of the Limnanthes and Lomatium plant species on the portion of the park identified as primary wildflower habitat site, until such time as it is determined that said species are not endangered or unique to this site, or three years, whichever comes first. If prior to this determination being made, the City is approached by a client wishing to purchase the primary site for industrial use, then the City, County and the developer will utilize the land use conflicts provisions of section 35.030 of this ordinance. Resolution of a conflict may include, but is not limited to, setting aside a portion of the site as part of landscaping requirements, a conclusion that the economic benefits of development outweighs preservation of the species, or other solution.

D) ASC-82-2: This area of special concern consists of the lands proposed for inclusion within the Bear Creek Greenway. The lands designated for inclusion within the Greenway are identified on the official Bear Creek Greenway Maps. The Greenway concept was originally proposed for the City of Medford in 1930.
The State Legislature passed the Bear Creek Greenway Bill (HB 3201) authorizing the Oregon Department of Transportation to fund local government expenditures for the development of the parkway following a study of recreational use of the Bear Creek area in 1965, a park plan for the Bear Creek Urban Region in 1966, and completion in 1973 of a feasibility study for Bear Creek. Since that time, more than $2 million has been allocated by various governmental units for acquisition and development of lands along Bear Creek. This figure is in addition to lands donated to Jackson County for Greenway development by supporting citizens and lands in public ownership which have been dedicated to use for Greenway purposes. The Jackson County Parks Department anticipates receiving $937,832 from sources outside of Jackson County for the purposes of acquiring Bear Creek Greenway land over the next five years. At this time, approximately two-thirds of the lands designated for inclusion within the Bear Creek Greenway are in public ownership.

The level of community support and commitment to complete the project is very high. Since certain land use actions can adversely affect the ability of the community to establish the Greenway it is necessary to establish additional land use development standards for the area proposed for inclusion within the parkway.

i) The following uses are permitted within the ASC-82-2 provided the use is a permitted use within the primary zoning district:

   a) Open space and parks.
   b) Agriculture.
   c) Fishing and hunting reserves where compatible with other uses.
   d) Utility facilities necessary for public service provided such facilities are underground.
   e) Aggregate removal and processing or excavation of aggregate materials.
   f) Storage of heavy equipment related to an aggregate operation occurring on the same property.
   g) Aggregate stockpiling.
h) Sedimentation ponds when used in conjunction with aggregate removal operations.

i) Extraction of geothermal resources.

ii) All other uses within the primary zoning district shall be subject to a Conditional Use Permit. Conditional Use Permits requested within the ASC-82-2 zone shall be consistent with the Bear Creek Greenway Plan, in addition to the standards specified within Chapter 260.

E) 82-ASC-3: This area of special concern includes all lands on which development will affect survival of wildlife.

i) Such lands are identified as:

a) Lands identified as sensitive fish and wildlife habitat on a map prepared by Oregon Department of Fish and Wildlife and approved by the Board.

b) In the absence of an approved map, all lands in the Forest Resource, Woodland Resource, Open Space Reserve, and Exclusive Farm Use zones on which certain land development actions specified in those chapters are proposed.

ii) Any action subject to review under this section shall include findings that the proposed action will have minimum impact on sensitive wildlife habitat and shall include:

a) Consistency with maintenance of long term habitat values.

b) Consideration of the cumulative effects of the proposed action and other development in the area on sensitive habitat.

c) Maintenance of an overall residential density of one dwelling per 40 acres, or grouping of dwellings to achieve the same effect in areas of sensitive big game habitat, and maintain densities which are appropriate to the protection of other sensitive fish and wildlife habitat areas.

d) Consideration of comments in writing solicited from the Oregon Department of Fish and Wildlife. Such department shall be given a maximum of ten days to make such comments.
Until a map is approved under subparagraph (i) (a) above, individual parcels 20 acres or less in size, lands in rural, farm, suburban, and urban residential, or commercial and industrial zones shall be considered impacted by existing partitioning and development to the extent the habitat is no longer available.

280.120 STANDARDS FOR HOME OCCUPATIONS:

1) Purpose: To provide standards for rural or urban home occupations which would permit the conduct of a part-time business for supplemental income purposes. Home occupations are limited to those uses which may be conducted within a residential dwelling (or garage in rural areas), without changing the appearance or condition of the residence.

When a use is a home occupation, it means that the owner, lessee, or other persons residing within the dwelling may conduct the home occupation without securing special permission to do so. However, such use shall be subject to all conditions contained in this section.

It is the intent of this section to eliminate as home occupations, all uses except those that conform to the standards set forth in this section. Custom and tradition are intentionally excluded as criteria.

The following criteria shall be used to determine if a proposed accessory use qualifies as a home occupation.

A) In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted by section 280.080 (3), (B), (ii).

B) The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the property.

2) General Standards:

A) No persons other than members of the family residing on the premises shall be engaged in the occupation.

B) There shall be no signs other than a one foot square sign as permitted by section 280.080 (3), (B), (ii).

C) The use may not increase vehicular traffic flow or parking by more than one additional vehicle at a time. Any need for parking created by the conduct of such home occupation shall be met off-street in a location other than in a required front yard setback.
D) In no way shall the appearance of the structure be altered or the home occupation conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs, or the generation/emission of sounds, noises, fumes, glare, or vibrations as determined by the Planning Director, using normal senses and taking measurements from any lot line of the parcel.

E) Electrical or mechanical equipment which creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation shall be prohibited.

F) The home occupation shall clearly be incidental and secondary to the principal use of the dwelling and property as a place of residence.

G) No home occupation shall cause an increase in the use of public water, sewer, solid waste, or energy services so that the combined total use for the dwelling and home occupation exceeds the average for other residences in the area.

H) Home occupations shall not utilize in their processes, store, or warehouse materials which are by their nature highly flammable, combustible, explosive, or radioactive.

I) No home occupation shall require alteration of the structure, or involve construction features, or the use of electrical or mechanical equipment that would change the fire rating for the structure of the fire district in which the structure is located.

J) The home occupation shall be completely conducted within an enclosed building. There shall be no outside storage, display of goods, materials, supplies, or equipment of any kind related to the home occupation except as otherwise allowed in subsection (4) of this section.

3) Additional Standards for Rural Home Occupations:

A) Rural home occupations may only occur outside of urban growth boundaries or urban containment boundaries.

B) A garage may be used for a rural home occupation provided that the total square footage of the garage, housing the home occupation, shall not exceed 25 percent of the total living area of the residence. Minimum building setbacks and other provisions of the respective zoning district shall be met by such garage.
4) **Additional Standards for Urban Home Occupations:**

A) Urban home occupations may only occur within urban containment boundaries or urban growth boundaries.

B) An urban home occupation shall be conducted only within the enclosed dwelling unit or an attached garage.

C) Truck storage shall be limited to the vehicle and trailer used solely by the owner residing on the premises in his/her primary occupation. Storage of other such accessory equipment or fleets of trucks is prohibited.

5) **Administration:**

A) Determination relative to compliance with standards of this section shall be made by the Department before notice of a violation is issued.

B) If the Department finds, after making determinations, that there is a violation of the purpose and standards of this section, the Director shall take, or cause to be taken, lawful action to cause correction to within the limits set by such standards. Failure to obey lawful orders concerning such correction shall be punishable subject to the provisions of Chapter 290.030.

6) **Appeal:**

A) Appeal from any determination of the Department regarding a requirement of section 280.120 may be made to the Hearings Council pursuant to Chapter 285.

B) An action of the Hearings Council pursuant to this ordinance may be appealed to the Board of County Commissioners within 30 days after the Hearings Council has rendered its order. If the appeal is not filed within the 30 day period, the decision of the Hearings Council is final.

280.130 **COTTAGE INDUSTRY:**

1) **Intent:** To provide standards for cottage industries to be met in addition to the requirements of Chapter 260.

Cottage industries are limited to small-scale light manufacturing or limited service enterprises such as blacksmith, custom cabinet manufacturing, furniture upholstery, and tent and awning fabrication which can be conducted within rural residential environments without adversely impacting the residential character of the neighborhood, as
280.130 (continued) 277

determined by the Jackson County Hearings Council at a public hearing. All cottage industries must be approved in conformance with the provisions of Chapter 260.

2) **Standards for Cottage Industries:**

The following are minimum standards that must be adhered to, however, they may be modified or additional standards may be added by the Jackson County Hearings Council:

A) Cottage industries shall be limited to locations on parcels of five acres or larger in size in zones which allow them as a conditional use.

B) Cottage industries may employ a total of five persons, of which not more than three employees do not reside on the property. The operation shall not be allowed to operate longer than ten hours in any 24 hour period.

C) One on premise sign advertising the cottage industry shall be permitted subject to the provisions of section 280.080.

D) Off-street parking shall be provided at one space per employee and shall be located adjacent to the building in which the activity occurs.

E) The hours of operation for a cottage industry shall be between 7:00 a.m. to 6:00 p.m., and shall not exceed a ten hour shift.

F) A cottage industry shall be wholly contained within an enclosed attached or detached garage or accessory structure, not exceeding 1,000 square feet in gross floor area.

G) The structure in which the operation is contained shall be compatible with and generally indistinguishable from primary residential structures, other permitted structures on the property, and those in the general vicinity in terms of colors, materials, construction, or lighting.

H) Cottage industries shall not utilize in their processes, store, or warehouse materials which are by their nature radioactive, highly flammable, or explosive.

I) Electrical or mechanical equipment which creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the cottage industry shall be prohibited.
J) Cottage industries shall not be conducted in a manner as to give the outward appearance of a business in the ordinary sense of the word as observed from or beyond any lot line of the property.

K) Cottage industries shall not discharge or emit noise, vibrations, smoke, dust, particulate matter, odors, toxic or noxious matter, which are offensive to neighboring residents as determined by the department, using normal senses and taking measurements from any lot line of the lot. Noise standards for quiet areas promulgated by the Oregon Department of Environmental Quality (OAR 340-35-035, Tables 9 and 10) for daytime operations using the $L_{50}$ standards for decibels (dB) may be established as a condition of the conditional use permit to be used by the Department in determining acceptable noise levels.

L) Structures housing cottage industries shall maintain minimum building setbacks and other provisions of the respective zoning district.

M) Outside storage of equipment and materials may be permitted by the Hearings Council only in conjunction with a landscape contractor's operation. Equipment and materials shall be screened from view by means of a solid wall, fence, site obscuring hedge, chain link fence with slats, berm, or any other means of providing visual screening as viewed from any lot line of the lot.

N) There shall be no retail sales or warehousing, displaying of goods, materials or supplies in conjunction with the operation of cottage industries, but temporary storage of products produced by the use is permitted.

O) No commercial type vehicle in excess of 9,500 gross pounds vehicle weight shall be used in connection with cottage industries.

P) Any other condition deemed necessary by the Hearings Council to provide safeguards for adjacent and neighboring landowners to assure that cottage industries do not create conflicts with the residential uses within the zone may be imposed.

3) Administration:

A) Determination relative to compliance with standards of this section shall be made by the Department using normal senses or equipment normally available to the County, or obtainable without extraordinary expense. Such determinations shall be made before notice of violation is issued. The Oregon Department of Environmental Quality shall assist in the enforcement of noise standards.
B) If the Department finds, after making determinations in the manner set forth in this section, that there is a violation of the purpose and standards of this section, the Department shall take or cause to be taken lawful action to cause correction to within the limits set by such standards. Failure to obey lawful orders concerning such correction shall be punishable, subject to the provisions of section 290.030, or 260.060.

4) **Application:**

A) Applications provided for in this ordinance shall be made on forms prescribed by the County.

B) The Planning Department shall provide an applicant, upon request, with information regarding procedures and other information pertinent to the requested cottage industry.

C) Initial determinations as to conformity with the terms of this section rests with the Planning Director, subject to appeal.

5) **Appeals:**

A) Appeal from any determination of the Department official regarding a requirement of section 280.130 may be made to the Hearings Council.

B) An action of the Hearings Council, pursuant to this section, may be appealed to the Board of County Commissioners within 30 days after the Hearings Council has rendered its order. If the appeal is not filed within the 30 day period, the decision of the Hearings Council shall be final.

**280.140 YARD SALES:**

1) A yard sale for the purpose of selling household goods and equipment, plants, clothing, furniture and the like, in a noncommercial zoning district shall be limited to not more than three such sales per year.

2) The duration of each sale shall not exceed two days in length.

3) The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.

**280.150 DECLARATIONS OF RESTRICTION:**

The Planning Director may require recording of a deed declaration or declaration of restriction whenever he determines that such an instrument is necessary to disclose conditions placed upon the use of a structure or
land, or to protect adjacent resource land. Such declarations shall provide that they cannot be modified or removed without the written consent of the County. Such written consent may be given by the Planning Director when the circumstances which necessitated the restrictions are removed.

280.170 BUILDING AND SEPTIC PERMITS:

No building or septic permit shall be issued until the permit application is found by the Department to comply with all appropriate policies, ordinances, and codes of Jackson County.

280.180 ILLEGAL USES:

Uses that are in violation of County ordinances in effect prior to the effective date of this ordinance are also violations of this ordinance.

280.190 STATE AND COUNTY PARK MAINTENANCE EXEMPT FROM COUNTY REVIEW:

Maintenance, rehabilitation, and minor betterment of established state or county parks and roadside rest areas which do not have land use impacts are exempt from review provisions of this ordinance.

280.210 USE OF RECREATIONAL OR CAMPING VEHICLES AND PARKS:

A camping or recreational vehicle shall not be used for other than temporary residential purposes of more than 30 days in any 12 month period. Under the following conditions a recreational vehicle or a camping vehicle may be temporarily utilized for longer periods of time:

1) When located in a recreational vehicle park or campground licensed under the provisions of ORS Chapter 446; or

2) When not more than one camping vehicle is used for recreational purposes for not more than three months in any 12 month period on property owned by the owner of said vehicle, subject to the provisions of this ordinance and health and sanitation regulations.

3) When not more than one camping vehicle is used for a temporary housing for not more than six months on property owned by the owner of said vehicle only during construction of the first dwelling, subject to the provisions of this ordinance and health and sanitation regulations.

280.220 GUEST HOUSE STANDARDS:

A guest house shall meet all zoning requirements including density standards, special setback, and yard setback requirements.
280.230 PRIVATE SWIMMING POOL:

A private swimming pool, whether above or below ground, shall:

1) Comply with all required zoning setbacks for the district in which it is located; and,

2) Not be operated as a business nor maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

280.240 BED AND BREAKFAST SERVICE:

1) Intent: To provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis.

2) Standards:

A) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

B) Off-street parking shall be provided. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

C) The number of guests shall generally be limited to six persons at any one time, except where sanitation facilities and neighborhood standards would otherwise allow more. Tourist accommodation and eating facilities shall be inspected annually by Jackson County.

D) One on-premise sign may be approved by the Hearings Council provided that such sign is compatible with residential uses and is not more than five square feet in size.

E) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.

F) Room rentals to families or individuals shall not exceed 14 consecutive days.
CHAPTER 282
SITE PLAN REVIEW PROVISIONS

282.010 PURPOSE:

It is the purpose of the site plan review process to assure quality land use development actions: by the buffering of incompatible uses; by making adequate provisions for landscaping as a means to improve the aesthetic appearance of a project; by thorough consideration of the natural site constraints or opportunities within the initial design stages of the project; and by consideration of special public safety requirements. The site plan review process should be applied to all commercial and industrial properties, and other unique situations where special review of development proposals is warranted because of the nature of the surrounding area, nature of the proposed use, public safety concerns, and other unique conditions of the site.

282.020 SITE PLAN APPROVAL REQUIRED:

No building permit shall be issued for new construction, substantial improvement or major remodeling of any public, semi-public commercial or industrial use, duplexes, dwelling groups, or multiple family dwelling prior to the issuance of a site plan review permit in conformance with these regulations except as noted in 282.025 below. Specifically, a site plan review permit is required prior to:

1) New construction in districts where site plan review is required.

2) Change in use or alteration of a nonconforming use unless the Planning Director determines that provisions of this chapter have already been satisfied and an increase in required parking is not needed to serve the new use.

3) An expansion of a use which will result in a 20 percent increase of land committed to the use.

4) Remodeling which will result in an increase of floor area greater than 20 percent of the existing structure on the site.

5) Remodeling which will result in a 50 percent increase in the true cash value of the structure.

6) Paving within a required front, side, or rear yard setback.
282.025 SITE PLAN REVIEW GENERALLY NOT REQUIRED

1) A site plan review permit is not needed when a conditional use permit or mobile home park permit is required for new construction, substantial improvement, change in use, or remodeling. Such permits shall satisfy the requirements for a site plan review permit. In reviewing such conditional use or mobile home park permits, the Hearings Council shall, at a minimum, utilize landscaping and other requirements of this chapter in setting forth appropriate conditions for approval.

2) A site plan review permit is not generally required for remodeling except as noted in 282.020 above.

282.030 PLANS REQUIRED, INFORMATION TO BE SUBMITTED WITH APPLICATION:

1) At the option of the applicant, a pre-application may be submitted on a form provided by the Department to determine whether an application for a site plan review is required for the proposed project; or when a site plan review is required, what information will be required in the application.

2) An application for site plan review shall be submitted to the Department of Planning and Development on forms prescribed by the Department.

3) Each such application will normally include:

A) A scale drawing showing existing structures, general topography, percent of slope, natural features, all easements, 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 two foot intervals.

B) A site plan drawn to scale, showing the proposed number and location of all structures, including their elevations, square footage, and intended use, as well as all other improvements, including driveways, pedestrian walks, off-street parking, loading areas, utilities 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 irrigation for landscaping and drainage are to be provided.
C) A landscape plan drawn to scale shall indicate the size, location, and types of trees, shrubs, plants, or groundcovers proposed.

282.040 GENERAL STANDARDS:

1) When parking areas/lots are proposed within required yards, adequate landscaping of such parking areas/lots shall be provided, and 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, and shall be randomly placed throughout the parking area/lot.

2) Landscaping may not be required, or the required percentage reduced when in the opinion of the Planning Director any of the following conditions exist:

   A) Existing vegetation adequately satisfies the needs for landscaping.
   B) The buildings proposed are only a replacement for buildings destroyed by fire or other natural causes.
   C) The buildings proposed are not visible from through streets
   D) The area is developed with heavy industrial uses which generally lack landscaping.
   E) A change or expansion of use, alteration of a nonconforming use, remodeling or paving as listed under 282.020 (2-5) is involved.

Even if any of the above situations occur, landscaping shall still be required as needed to solve buffering problems with noncommercial or nonindustrial uses.

3) The following minimum area of each project site or phase subject to site plan review shall be landscaped except as otherwise provided in subsection (2) above:
A) Dwelling groups, duplexes, multi-family dwellings within the Urban Residential-4.5 district, or mobile home parks of 6 or more units.

B) Dwelling groups, duplexes, multi-family dwellings, single family dwellings within the Urban Residential 4.5 zoning district, or mobile home parks of 2 through 5 units.

C) Uses allowed in LI, GI, GC, IC, RS, NC, and AD-MU zones.

*NOTE: The requirements of 282.040 may in fact require a greater percentage of landscaping than these minimums indicate.

4) The minimum percent of lot area to be landscaped shall not be concentrated in one location.

5) Additional landscaped area may be required, if necessary, to solve a screening, buffering, erosion, or fire suppression problem.

6) There shall be a minimum of 10 percent of lot area which shall be developed for usable recreation areas within multiple-family residential developments, and shall not be considered a part of the required landscaping.

7) All required setback areas abutting public streets shall be landscaped, except as otherwise noted in (1) above. Such areas may be included in area computations.

8) All open areas between the property line and the public street shall be landscaped and shall be included in the maintenance requirements, but not considered part of the required percent noted in (3) above.

9) All trash receptacles shall be fully screened from public view. The location of trash receptacles shall take into consideration the noise impacts on adjacent properties.
In addition to the above, the Planning Director may review for adequacy of utilities, ingress and egress to adjacent roads, and the adequacy of adjacent roads.

282.050 REVIEW BY STAFF OR THE DEPARTMENT OF PLANNING AND DEVELOPMENT:

The Board of Commissioners hereby empowers the Planning Director to issue permits which comply with this ordinance and, when necessary, to stipulate that any or all of the following be submitted as a part of an application or be completed as a condition of approval of a site plan review permit:

1) Require the retention of specified trees, rocks, water ponds or courses, and other natural features. Such retained features are to be considered as required landscaped areas pursuant to Section 282.040.

2) Require a grading plan and/or drainage plan for the collection and transmission of drainage waters when the size of the project or the nature of the area requires special consideration.

3) Require specified sizes, placements, and grades for vehicle access.

4) Require sidewalks, dedication of rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes. (This will normally only be a concern within urban containment boundaries or urban growth boundaries.)

5) Require the applicant to make an irrevocable offer of dedication of any right-of-way area needed for public use. (This will normally only be a concern within urban containment boundaries or urban growth boundaries.)

6) Restrict heights over 35 feet and/or increase setbacks up to an additional 20 feet.

7) Require on-site fire hydrants with protective barricades.

8) Require specified type and placement of lights for outdoor circulation and parking facilities. Generally such lighting shall not directly shine or reflect upon adjoining properties, especially if they are not commercially or industrially zoned.

9) Require that the size, location, design, and lighting of all exterior signage is consistent with the purpose of this Chapter, the nature of the proposed project, and Chapter 280.
282.060 COMPLIANCE:

Any development subject to this Chapter shall be carried out in accordance with approved plans and conditions of the Planning Director, and shall be maintained as a continuous condition of use and occupancy. The Planning Department shall not grant a certificate of occupancy, unless and until satisfied of compliance. However, the Planning Director may order or release a temporary certificate of occupancy if:

1) There is proof that the owner has entered into a contract with a 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.

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

A violation of the conditions of approval for a site plan review shall be deemed an infraction of this ordinance, which may result in assessment of penalties according to the provisions of Section 290.030, and a revocation of the temporary certificate of occupancy.

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 Department 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 noncompliance 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.
CHAPTER 285
ADMINISTRATIVE PROVISIONS

285.010 ADMINISTRATION:
The Planning Director shall administer the provisions of the Land Development Ordinance.

285.020 APPEALS:

1) The Board of Commissioners on their own motion may review any decision of the Department, Hearings Officer or Hearings Council. Any such decision may be reversed or remanded for further action only when it appears:

   A) The decision is based upon a violation of or an improper interpretation of a stated policy or order of the Board, the applicable ordinances, or other law.

   B) Improper procedures were followed.

   C) There is no authority or jurisdiction to render the decision.

2) Appeal from a ruling of the Planning Director regarding a requirement of the Land Division or Zoning Regulations may be made to the Hearings Council unless otherwise specified in this ordinance; such appeals are to be filed within 20 calendar days of the action by the Director.

3) An action or ruling of the Planning Commission, Hearings Council, or Hearings Officer, pursuant to the Land Division or Zoning Regulations of this ordinance may be appealed to the Board of Commissioners within 30 calendar days after the Planning Commission, Hearings Council, or Hearings Officer has rendered a decision.

4) Appeals shall be filed with the Department of Planning and Development and shall be submitted in writing. An aggrieved person may file an appeal subject to the requirements of this ordinance.

5) The filing of an appeal on an action of the Planning Commission, Hearings Council, or Hearings Officer shall stay the effective date of the decision of the hearings body until the Board renders a final decision. If the appeal is not filed within the 30 calendar day period, the decision of the Planning Commission, Hearings Council, or Hearings Officer shall be final.
6) If an appeal is properly filed, the Board of Commissioners shall receive a report and recommendation from the designated hearings body and shall hold a public hearing on the appeal. The Board of Commissioners may overrule and modify conditions of, or affirm action of, the Planning Commission, Hearings Council, or Hearings Officer. The Planning Commission, Hearings Council, Hearings Officer, or Board shall not hear an appeal when the appellant seeks a variance from the requirements of this ordinance, unless the variance application has been properly filed and heard as required by Chapter 275.

7) In considering an appeal, the designated hearings body shall utilize the record of the proceedings or the files of the Department. If the designated hearings body elects to overturn or modify the decision of the Planning Commission, Hearings Council, Hearings Officer, or the Department, the designated hearings body shall make a finding declaring one or more of the following:

A) That the Planning Commission, Hearings Council, Hearings Officer, or Department did not correctly interpret the requirements of this ordinance, the Comprehensive Plan, or other requirements of law.

B) That the Planning Commission, Hearings Council, Hearings Officer, or Department did not consider all of the information which was pertinent to the case.

8) The hearing body's action on an appeal shall be governed by the same general regulations of this ordinance, which apply to the Hearings Council, Planning Commission, Hearings Officer, or Department in the original consideration of the application.

9) Notification of adjoining landowners (if such occurred), agencies, and special districts shall be identical to those instituted during the original action as specified in 285.040 below.

285.025 COMPLIANCE WITH ZONING DISTRICT PROVISIONS AND PERMIT CONDITIONS:

1) An administratively approved use shall comply with the standards of the district in which it is located, and any conditions of any permit issued under this ordinance. Hearings Officer or Planning Director may (by their initiation) modify, alter, or revoke an administratively approved use permit for noncompliance with conditions set forth in the permit or the order granting the permit.

2) In addition to the notice requirements of this Chapter, a notice of this hearing shall be mailed to the owner of record of the property.

3) The process for modification or revocation of a permit shall consist of either or both of the following:
A) Enforcement of the penalty provisions of Chapter 290.

B) A hearings process which shall consist of:

i) An investigation by the Department of alleged violations of, or noncompliance with the conditions of the permit.

ii) A hearing scheduled pursuant to section 285.040, in which valid proof of a violation of, or noncompliance with, conditions is found by the hearings body.

iii) Modification or revocation of a permit may occur after proper notice and such public hearing.

285.030 APPLICATIONS:

1) Applications provided for in the Zoning Regulations shall be made on forms prescribed by the Department. 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. Applications shall be filed by the property owner or an agent authorized in writing to act in his behalf.

2) Before a plat of any subdivision, or the map of any major or minor partition, or any adjustment to the boundaries of existing parcels or lots may be made and/or recorded, the person proposing such or the authorized agent shall make application on forms prescribed by the Department for approval of the proposed action in accordance with applicable section of the Land Division Regulations.

3) The Department has the authority to refuse to process any application which is incomplete or found to be inaccurate in any way. The applicant shall be notified by the Department of the deficiencies and the applicant shall then have 20 working days from the postmark date of the notice to eliminate such. If the applicant fails to correct or complete the application within the time period involved, it shall be denied without refund of fees.

4) An application may be rejected or denied where a violation of this or other county ordinances or state law is deemed to exist by the Planning Director, until such time as the violation is remedied. Such violations may be considered sufficient grounds for denial of an application by the Director, Hearings Council, Board, or other designated hearings body.
285.040 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 ten calendar days prior to the date of the 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, or may reduce the distance to 500 feet within urban growth or urban containment boundaries. The notice of hearing shall be mailed at least ten calendar days prior to the date of the hearing. For this purpose, the last known names and addresses 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, Hearings Council or Hearings Officer, or Board of County Commissioners 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 calendar days after final action on the request the applicant shall have the notice removed from the posted site.

6) Written notice of the approval or denial of an application shall be given to all parties of the proceeding who submitted either oral or written testimony at the hearing.

285.050 HEARINGS REVIEW ON REQUEST:

The Planning Director may, upon his own volition, schedule matters before the appropriate hearings body which he feels warrant special review. Any matter for which the Department would ordinarily be delegated authority for decision making may be handled in this manner. In considering such matters, the hearings body shall conduct a public hearing and shall treat such matters in the same procedural manner as appeals.
290.010 INTERPRETATION:

Where the conditions imposed by a provision of the Land Development Ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance, or any other ordinance, the provisions which are more restrictive shall govern. The Planning Director is hereby authorized to interpret provisions of this ordinance.

290.020 SEVERABILITY:

The provisions of the Land Development 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.

290.030 ENFORCEMENT:

1) It shall be a violation of County law for any person or other legal entity to violate this ordinance.

2) It shall be a violation of this ordinance to:

   A) Make false statements on any application.

   B) Use land, construct or occupy improvements, sell or transfer land by any instrument of conveyance, or conduct any activity on land, in any manner not in accordance with the standards set forth in this ordinance, or with any special permit or order of the Department, Hearings Council, or Board of Commissioners issued hereunder.

   C) Conduct without a permit any activity for which a permit is required by this ordinance.

3) In addition to the penalties described in this section, actions that can be taken by the County include, but are not limited to, the following:

   A) Withhold any and all permits for development of the property.

   B) Notify, by certified mail, all record owners of the property involved.
4) Where a violation of any other local ordinance, state, or federal law exists on a property the County shall not consider any development action under this ordinance.

5) A violation of any provision of this ordinance shall be deemed a nuisance. 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 unlawful location, construction, maintenance, repair, alteration, use, or land division.

6) Violation of any provision of this ordinance shall be subject to civil action or suit pursuant to the provisions of the Jackson County Enforcement Ordinance §81-81.

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